

Democratic elections

Beyond elections: The use of deliberative methods in European municipalities and regions

Congress of Local and Regional Authorities
of the Council of Europe

The Congress



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in European municipalities
and regions**

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of the Council of Europe

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| *Au-delà des élections : l'utilisation de méthodes*
| *délibératives dans les municipalités et régions européennes*

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Foreword

Citizen participation is increasingly used by governments as a complement to representative democracy. It is commonly employed with the aim of strengthening public trust in the political process, not only because it puts citizens in a strong position to prepare the decision-making process, but also because it increases the transparency of political decisions. Thus, citizen participation is now considered a reliable indicator of the health of a democracy. The 2009 Additional Protocol to the European Charter of Local Self-Government formalised citizen participation as a right “to participate in the affairs of local authorities” to be guaranteed to citizens, consequently cementing it as an essential part of a healthy democracy.

Deliberative methods have become the most prominent element of this citizen participation and are particularly suited to the local and regional level. Although they are time and resource-intensive and require a strong commitment from all actors in a political community, they have become one of the most innovative ways of deepening citizens’ participation in political decision-making. Moreover, they have proven to be very effective in dealing with specific problems that are difficult to resolve in a partisan electoral environment, such as polarised and long-standing political issues. Indeed, the introduction of deliberation creates a space where mutual understanding and respectful discussion among equals can take place, and polarised issues become less contentious.

The report “Beyond elections: The use of deliberative methods in European municipalities and regions”, adopted by the Congress of Local and Regional Authorities of the Council of Europe, offers guidelines for municipalities and regions, illustrated by case studies at the local and regional levels: Mostar (Bosnia-Herzegovina), Oud-Heverlee (Belgium), Scottish Climate Assembly (UK) and Ostbelgien (Belgium).

Additionally, the report calls for the further implementation of deliberative methods at all levels of governance, identifying specific issues where these mechanisms could contribute to the decision-making process. It stresses the need to plan the whole process, from the definition of fair criteria for the selection of participants and the allocation of necessary time for citizen deliberation to the need for a proper implementation mechanism of the resulting decisions and proposals. Lastly, it suggests the deliberative process could be institutionalised by ensuring that local governments are provided with the necessary financial means.

The Congress of Local and Regional Authorities has conducted regular activities to observe local and regional elections in the Council of Europe member states, and sometimes beyond, since 2001. This activity complements the political monitoring of the European Charter of Local Self-Government, a unique international treaty which is the cornerstone of local democracy in Europe.

The “Democratic Elections” series presents reports adopted by the Congress on recurring and transversal issues relating to local and regional elections.

- ▶ The situation of independent candidates and opposition in local and regional elections (2022).
- ▶ Beyond elections: The use of deliberative methods in European municipalities and regions (2022).
- ▶ Holding referendums at local level (2021).
- ▶ Local and regional elections in major crisis situations (2020).
- ▶ Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe’s municipalities and regions (2018).
- ▶ Checklist for compliance with international standards and good practices preventing misuse of administrative resources during electoral processes at local and regional level (2017).
- ▶ Criteria for standing in local and regional elections (2015).
- ▶ Electoral lists and voters residing de facto abroad (2015).
- ▶ Voting at 16 – Consequences on youth participation at local and regional level (2015).

Beyond elections: The use of deliberative methods in European municipalities and regions

Explanatory memorandum

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Governance Committee

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(R, SOC/G/PD)**

Summary

In recent years, governments have increasingly used numerous forms of non-electoral participation by their citizens in order to strengthen public trust in the political process and to complement representative democracy. Citizen participation other than in elections is now viewed as a reliable indicator of a healthy democracy. The 2009 Additional Protocol to the European Charter of Local Self-Government has in fact formalised this as a right “to participate in the affairs of a local authority” which should be secured for citizens.

In a deliberative democracy process, a group of citizens, randomly selected through “civic lotteries”, will familiarise themselves extensively with a policy issue, exchange about it together and, as a result, formulate proposals to the authorities. Although deliberative methods are time and resource-intensive and require a strong commitment from all players in a political community, they have become one of the most innovative ways of deepening citizens’ involvement in political decision-making.

Deliberative methods have proved to work very well for specific types of problems that are difficult to resolve in a partisan electoral environment, such as polarised and long-term policy issues. Because the setting of deliberation creates a space where mutual understanding and respectful equal discussion can take place, polarised issues become less contentious. By enabling citizens to be in a strong position to prepare the decision-making process, deliberative methods show that public participation is taken seriously. In addition, because the information

received by citizens in such a process is made public, these processes increase transparency in policy decisions. For all these reasons, deliberative processes can also increase trust in democracy at the local and regional level.

INTRODUCTION¹

The participation of citizens in free competitive elections to appoint representatives for government is an essential component of any definition of a modern democracy. However, the representative democracy faces challenges, including declining confidence in the political system, electoral fatigue and increasing disenchantment with politics. In this context, the last few decades have also seen a very strong increase in other non-electoral forms of citizen participation. While some authors in the past warned of the dangers that these may become a challenge to representative institutions, such forms of citizen participation other than in elections are now considered a reliable indicator of a healthy democracy. A democracy where a citizen's only way of participation is to vote is regarded as too minimalist and fragile. Contemporary democratic authorities tend therefore to promote and subsidise many forms of non-electoral participation by their citizens. The 2009 Additional Protocol to the European Charter of Local Self-Government has even formalised this by stating that "to participate in the affairs of local authority" is a right that should be secured for citizens. It is also at local and regional level that many initial experiments with new forms of citizen participation have been set up. It will also be important to strengthen such forms of citizen participation in the future. This report will focus on deliberative democracy, a specific method to involve citizens in a strong and qualitative way in

1. The report was drafted with the contribution of Yves Dejaeghere, Executive Director, Federation for Innovation in Democracy – Europe – (FIDE), Belgium (yves.dejaeghere@fide.eu).

policymaking, which in the last two decades has become the most prominent and innovative.

A deliberative democratic process² is “a process in which a broadly representative body of people weighs evidence, deliberates to find common ground and develops detailed recommendations on policy issues for public authorities” (OECD, 2020). It is grounded on the idea that a democratic political decision should be based on “a fair and reasonable discussion among citizens” and that it has been “deliberated among free and equal citizens”. These definitions presuppose a number of conditions for such a deliberation to take place. A “reasonable discussion” needs participants to be well informed and a variety of options to be weighed up. “Fairness” requires participants to feel that the information and/or procedures were not partisan or biased. The focus on “equality” implies that everyone gets their say and feels respected as an equal member of the group that deliberates. This report will go into more detail on how this can be achieved, but it is important to note that these conditions form an integral part of “democratic deliberation”.

Empirical research has shown that many forms of citizen participation have strong biases in terms of who participates. The idea of “equality in participation” inherent in deliberative democracy has therefore led to a rekindling of the age-old

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2. A very well-known form of this type of process is a Citizens’ Assembly (see below) and so in this document we will sometimes refer to “the assembly” or “a citizens’ assembly” as a synonym for “a deliberative democratic process”, mainly to avoid repetition and increase the readability of the text.

idea of drawing citizens by lot for decision-making processes. This practice that dates back to Athenian democracy sees this as the best procedure to ensure that citizens have an equal chance to be part of a group that can influence policy measures. This also helps to create a group that the wider public can consider representative enough to enable them to accept the result of their deliberations. Further in this report it is explained in detail how such a “civic lottery”³ can be organised in order to achieve a representative socio-demographic group. Henceforth, in all references to “deliberative democracy” in this text, it should be understood as relating to citizens drawn by lot.⁴

The first contemporary experiments with such methods were set up in the 1970s and 1980s, first in the US and Germany, and then later in Denmark. These pioneering processes did not attract a great deal of attention and it is only with the ambitious “Citizens’ Assemblies” on electoral reform in Canadian provinces in 2004 and 2006 and the “Convention

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3. In this report we will also alternate with the technical term “sortition” that is used to describe this process.
 4. “Sensu lato”, deliberative democracy also exists without everyday citizens being involved. Initially parliaments were seen as deliberative forums where “chosen representatives” would come together to deliberate freely on the best information available. Other forums can be seen as deliberative democratic spaces without citizens, such as the Supreme Court in the US where judicial elites deliberate on specific applications of the law. Therefore, it should be specified here that the term “deliberative democracy” is used “sensu strictu”, with the involvement of everyday citizens.

on the Constitution” in Ireland in 2012 that the method gained wider visibility and acceptance.⁵ In 2011, during one of the longest political crises in Belgian history, a substantial one-day deliberative event in Brussels with over 700 randomly selected participants received considerable media attention. These more visible processes inspired a number of authorities to use this method in their own communities and ushered in the wider use of deliberative democratic methods in established democracies.

In the last few years, the method has become accepted as a high-quality way to involve citizens in representative institutions’ policymaking. The OECD (2020) collected data on these types of processes, revealing that in its member states their number increased fivefold in the period 2016-2019 compared with 2006-2010. In the Council of Europe, the Congress of Local and Regional Authorities has also acknowledged and supported this development in its Congress Priorities for 2021-2026. For local government, these priorities state, among other things, that: “it is upon them to implement innovative approaches developing the complementarity between representative and participatory democracy”. The Congress has also been involved in setting up a deliberative process in the city of Mostar (see below) in Bosnia and Herzegovina.

5. It is notable that the Dutch Government in 2006 was one of the first in Europe to hold a citizen’s assembly at national level with participants drawn by lot but this has gone almost completely unnoticed. The citizens in question looked at electoral reform, but by the time they delivered their recommendations a new government had come into power. This new government failed to take any action regarding their report and consequently, it received hardly any attention.

Two regions in Belgium - Ostbelgien and the Brussels Region - have taken a further step and have institutionalised the inclusion of deliberative processes in their work. This has gained international attention and it is increasingly clear that these methods are becoming a fundamental part of the way governments will involve citizens in decision-making. The "citizen-panels" that are part of the EU's current "Conference on the Future of Europe" show that these methods are also permeating the international level of policymaking.

This report should be seen as a part of this movement to innovate democracy and make it more resilient through the use of deliberative processes and sortition, in particular at the local and regional level. The report first outlines a number of reasons why the method is considered an effective means of strengthening democracy and improving policymaking. Next, four recent regional and local examples of deliberative processes are presented. The following section elaborates on the main factors that should be taken into account when planning such a process. Finally, a brief section highlights some additional factors that can be of importance for a given local context when using deliberative democratic methods.

It should be noted at the outset that one of the most important specific aspects for local and regional applications of deliberative methods is that the costs do not all scale down proportionally compared with the cost at national level. This means that smaller regions and municipalities in particular will need to consider in depth how and when to apply deliberative methods. Every municipality and region in Europe should be able to apply the full range of democratic methods in their communities irrespective of their financial resources.

WHAT IS THE SPECIFIC VALUE OF DELIBERATIVE METHODS?

Deliberative methods are time and resource-intensive and require a strong commitment from all stakeholders in a political community: politicians, civil servants, participating citizens and civil society players. Especially in a regional or local context where resources in terms of budget and/or staff are limited it can require a proportionally strong investment from the authorities. This should not prevent them from being used, but it should lead to an in-depth reflection about how and for what specific policy problems deliberative methods should be applied. The main reasons to choose this type of citizen participation are listed below.

Citizens can help politicians take difficult decisions

Deliberative methods have shown to work very well for specific types of problems that are difficult to resolve in a partisan electoral environment, such as polarised and long-term policy issues. Because the setting of deliberation creates a space where mutual understanding and respectful equal discussion can take place, polarised issues can become less contentious. For politicians, such topics are often very hard to compromise on as they could often entail a potential electoral cost, especially when there is a clear partisan line (and consequently an electoral promise that would be “broken”). Citizens drawn by lot have not made public commitments about these topics and are much freer to change their mind or compromise on when they are given new information. They do not have to fear electoral retribution as a politician would. The Irish citizens’ assemblies on the topic of marriage,

equality and abortion have shown that citizens can find common ground on these very value-driven topics. This is a society where politicians had been at an impasse for a long period with regard to these topics because they involved strong moral convictions in Irish society. Similarly, because citizens in a deliberative process are not bound by electoral cycles, they tend to take a more long-term perspective when looking at policy issues. This explains why in recent years, this method has become a popular way to obtain citizen input on policies regarding climate change. Finally, research has shown that a randomly selected and therefore diverse and balanced⁶ group of citizens can be better (even than experts) at solving policy problems through collective intelligence. Deliberative methods work together with elected politicians, with each having their respective roles; in this way, citizens help politicians to do their job. The method is therefore complementary to elected representative democracy.

Citizen's participation to be taken seriously

The authorities at many levels have put processes in place to enable citizens to participate in some way in policymaking.

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6. This diversity of the group is very important for several of the benefits of deliberation listed here. If, through self-selection, a deliberating group is composed of people who share specific attitudes or opinions on a policy topic, they would actually become more extreme rather than finding middle ground. A deliberating group composed of people who have different opinions will, in contrast, reduce the extreme positions on all sides of the issue and have a dynamic where a consensus position can be found.

Nonetheless, when questioned in surveys many citizens state that they do not feel listened to even when they are given opportunities to speak. Most participation processes do not enable citizens to have a significant impact on actual policy measures. They also often only take place after the important choices have already been made and only brief feedback is possible on a specific plan or project. Deliberative processes are intended to result in policy recommendations that can be incorporated in the actual decisions taken by the elected representatives. In a well-designed process, participation happens before crucial decisions have been made and citizens' recommendations help to shape the way in which the policy issue is dealt with. Accepting all citizen recommendations is almost never seen as an obligation but setting up such a process with a clear mandate is a signal that participation is taken seriously. Everyday citizens will feel that they are given a prominent role in finding solutions for issues in their community. Especially at municipal level, the decision will often relate to something that is very close and tangible for citizens and consequently they will really feel that they have provided input in relation to something that directly affects them.

Public judgment rather than public opinion

Between elections, politicians gauge the public mood on policy issues through "public opinion" (mostly by "deducing" this from mass-media). Public opinion is unfortunately not always rooted in thorough knowledge of policy-issues. It is also often an expression of partisanship rather than independent consideration of the issue. In the media, the loudest voices will on many occasions drown out those who are silent, even if the latter are a majority. Research has shown that the

more extreme and polarised members of the population are more likely to participate. The advent of social media has drastically amplified their presence and visibility in the public space. In contrast, a deliberative process is based on rich and balanced expert information and stakeholder input. Citizens in such a process enter into a conversation with each other and exchange their perspectives on the topic. This leads to a “public judgment” taking into account the complexity and different approaches to the issue. They are also faced with the trade-offs that policy decisions entail. Because participation in a deliberative process is based on random selection, there will also be a much more balanced group of citizens than only those “angry” citizens who are active on social media or attend a town-hall meeting. In a local context, a small but vocal group can put considerable direct pressure on politicians, while a slower and more reasoned process with a random sample of citizens can help find a solution.

Reduced bias in participation

Ever since the first large empirical studies on citizen participation in the US in the 1960s (for example, “The Civic Culture” by Almond & Verba in 1963), it has been shown that participation processes are predominantly used by a restricted group of citizens who share a number of characteristics. The most reliable finding is that very often they have higher education levels. Over 50 years later, the book “Diploma Democracy” (2017) by the Dutch political scientists Bovens and Wille came to the conclusion that not very much had changed in this regard. Online participation also changed less in this regard than initially expected by “net-optimists” who had hoped it would be a game changer for more equal participation. In some cases,

online participation actually increased the participation gap as extra cognitive thresholds are added in order to become involved. Other groups have also been structurally under-represented in participation processes, such as young people, ethnic minorities, people with disabilities and women.⁷ In smaller communities, such as municipalities or city-neighbourhoods, it might be imagined that communication lines are shorter between citizens and politicians, with the result that a wider group is reached. But research has shown that here too certain groups are less likely to contact politicians or participate in the community. Deliberative democracy with its focus on the use of civic lotteries to select participants will reduce this bias, even if it cannot be claimed that it will be completely free of any bias. Here, particular techniques are used to ensure participants from specific groups are selected in proportion to their representation in the population.

Reduced corruption – increased transparency

Because the information received by citizens in such a process is made public, deliberative processes increase transparency in policy decisions. Every input given by experts and stakeholders into the process will be made public and this means that the wider public can trace every argument that went into a decision. Most countries now have a transparency register, indicating with whom a responsible politician spoke when working on a policy. In a deliberative process, everyone can

7. It should be noted that for specific forms of participation in some societies, in recent times gender inequality has disappeared, but in most formal political spheres it is still very much present.

also find everything publicly available that is said by politicians to the citizens. The content of talks between stakeholders and officeholders is rarely accessible to citizens. In an age where disinformation is also increasingly part of the public agenda, a process where different information sources are brought forward and compared with each other in a transparent and public way reduces the risk that this type of information can dominate in the decision-making process.

Theoretically, it is probably not impossible to corrupt a group of citizens who are deliberating, but the conditions make it very unlikely. In such a process, all citizens are strictly equal in the decision-making process, and therefore it would take a significant number of corrupted citizens to influence a decision made during deliberation. There is also the risk that some would make a corruption attempt public which few stakeholders would want. In most electoral systems, political parties and candidates also strongly depend on large donations in order to be able to run for office. Citizens do not have that need as the sortition process is transparent and random, so access cannot be 'bought'.

More trust in democratic procedures and politics

Several of the reasons listed above explain why many authors believe that deliberative processes can also increase trust in democracy. When talking about trust, political scientists distinguish between different levels of political trust. One can have trust that a specific decision is legitimate while not trusting "the current government" or even "the way democracy works in my country" and the other way around. While there

is increasing evidence that citizen assemblies engender trust in the specific policy recommendations they produce, stronger systemic effects such as increased trust in democracy will require a more institutionalised approach to work. We cannot expect one single deliberative process to have that kind of effect. A longer time is needed to change citizens' perceptions of how the democratic (and political) system works in their country. This also underlines the importance of institutionalising these methods.

CASE STUDIES AT LOCAL AND REGIONAL LEVEL

The last decade has seen a clear increase in the use of deliberative methods for citizen participation in policy in Europe. A recent OECD report speaks of a "Deliberative Wave" to describe this phenomenon (OECD, 2020). However, in most European countries only a handful of cities or regions have so far organised a deliberative process. In some countries there is hardly a single example to be found. Many citizens, policy makers, civil society players and journalists are still not familiar with deliberative methods. Four recent case studies are presented below, two at local level and two at regional level⁸ to illustrate

8. A number of very visible cases have been held at national level in Europe, such as the Citizens Convention for the Climate in France in 2019-2020 and the Irish Constitutional Convention on marriage equality and Citizens' Assembly on the 8th amendment of the Irish Constitution (which deals with terminating a pregnancy). This report focuses on local and regional authorities and so will not discuss national case studies. Those interested in these specific cases can find more information on the respective websites: <https://www.conventioncitoyennepourleclimat.fr> for

the diverse ways in which deliberative democracy is used in practice. The first local example is of a more rural and rather homogeneous community with only a few thousand inhabitants (Oud-Heverlee in Belgium). The second, a larger ethnically divided city with a history of political deadlock and polarisation (Mostar in Bosnia and Herzegovina). The first regional example is of an extensive process on regional climate policy (Scotland) and finally, a case where deliberative methods have been institutionalised (Ostbelgien Region in Belgium). The last example will also illustrate how one can make deliberative democracy a structural part of policymaking in tandem with institutions based on electoral representation.

Oud-Heverlee (Belgium)

Oud-Heverlee is a rural community of about 11.000 inhabitants with a good proportion of its territory taken up by a large forest. This is a place for tourism and recreation, attracting people from far beyond the village's borders. This is specifically the case for a site in the forest with a number of lakes called "Zoet Water" (Fresh Water) where restaurants, pubs and playgrounds can be found. The local administration wanted to rethink the whole site, and this would have a significant impact on the environmental, economic and mobility policy of the whole village. These decisions would also largely transcend the timeframe of an electoral cycle and probably last for decades.

the French case and <https://www.citizensassembly.ie/en/> for the Irish Assemblies.

Many local stakeholders are active on this site, from environmental NGOs to sports clubs and owners of pubs and restaurants that cater to the day-tourists. Other groups involved are the local youth organisations as the youth club building is located on the site, and also a religious group that organises a yearly procession to a 17th century chapel in the forest. The municipal council wished to use a participation method that could accommodate all these different challenges of a long-term, multi-stakeholder, multi-issue policy problem and involve citizens who were not only members of the stakeholder groups. It therefore opted for a deliberative democratic process with citizens drawn by lot to draft recommendations for a masterplan for the site.⁹ They would also involve in the process all stakeholders and all political parties (across majority - opposition lines) in the township.

To prepare the process, a “Contact Group” was formed with the stakeholders, representatives from the provincial government, the municipal council members and the members of the “Core group”. This smaller core group consisted of one representative from every political party, representation from

9. The council (unanimously) entered the project in 2019 in a call for innovative citizen participation methods from the Flemish Regional Government to get additional funding and support. It was chosen as one of the five pilot projects by the regional government.

the municipal administration and participation-experts.¹⁰ The core group was responsible for the design and execution of the process. It met several times throughout the whole process, while the larger contact group served as a liaison with all parties involved and met only on three occasions.

The municipality opted for a group of 50 citizens to form the assembly which they called “Fresh Water Future Forum”. It was clear that this process came at a very early stage in the policy process and was intended to generate broad priorities for the renewal of the site. The municipality had put forward four criteria for the composition of the citizen group: it had to be proportional to the population by gender, age and education and the five villages that make up the township. Because the latter has fewer than 10,000 adult inhabitants, the number of invitations for the civic lottery had to remain low enough so it still felt special to be chosen, but large enough so that the number of 50 members could be reached with the full diversity of the inhabitants of the township represented. A letter was sent to 1,829 inhabitants, which is one in five citizens over 16 years old. Of this group 126 people responded that they were willing to participate and from this group 50 assembly members were drawn proportionally.

10. The support from the Flemish government for the pilot project meant that expert civil servants from the participation department of the Regional government would help throughout the process. It also paid for the contribution of a private company with a long track record in these types of process. The company provided support in both the design of the process and service-delivery (facilitation etc...).

The group would meet three times for a full day at about a month's interval starting mid-February 2020. Before the start, the citizens received an information pack with factual information about the site and about what was actually within their remit to decide. The pack also contained a page for every stakeholder group to make their position clear on how they saw the future of the site. A website was created (<https://www.zoetwater.be>, in Dutch only) for the broader public. The meetings themselves were prepared by a specialised company that also provided trained facilitators. The presence of skilled facilitators was especially important as municipal councillors would also attend the meetings and mix with the citizens. This form of "mixed assembly", where citizens drawn by lot sit together with elected politicians, is not the most common practice, but it has also been used previously in Ireland and is institutionalised in the Brussels Regional Parliament.¹¹

During the first meeting, the citizens and politicians received information from a range of experts. By the time the second meeting was planned (mid-March 2020), the Covid pandemic had broken out so it took place only in September in a mixed online/offline setting. A number of citizens met in person while the session was also broadcast online for those who preferred to stay home. The meeting discussed mobility, recreation and environmental issues. The financial aspects

11. A policy-paper from July 2021 by Professor Lyn Carson from the new Democracy Foundation looks at all the different pros and cons of this mixed assembly model and can be found at <https://www.newdemocracy.com.au/wp-content/uploads/2021/07/RD-Should-politicians-deliberate-alongside-citizens.pdf>

of a potential masterplan were also presented so that the citizens were aware of the trade-offs that were involved. For the third meeting, the group deliberated solely online. During this last meeting they drafted their recommendations. The recommendations were divided into five categories and the citizens from the assembly were able to vote anonymously on whether they supported each recommendation. On 15 December 2020, the municipal council took note of the recommendations and handed them over to the urban planning company that was tasked with drawing up a master plan. If a recommendation from the Forum was not adopted, the reasons had to be explained in detail. In July 2021 the plan was presented; it was then discussed at the end of August 2021 in the municipal council, and two weeks later – in September – the citizens were invited to attend a feedback session with the municipal councillors. Although most of the recommendations made it into the masterplan, the final vote in the municipal council did not result in a large majority as several parties voted along majority and opposition lines.

Mostar (Bosnia and Herzegovina)

Local democracy in the city of Mostar in Bosnia and Herzegovina has been in a deadlock situation for over a decade as no local elections were held in the city between 2008 and 2020. This was due to a ruling of the Constitutional Court of Bosnia and Herzegovina in 2010 pointing to the non-constitutional nature of the distribution between districts of seats in the city council and the inability of the political parties to find a solution to this problem. Further to the creation of a Congress Reflection Group in 2017 and continued political dialogue with local and international stakeholders in order to

help alleviate the political impasse in this city, the Congress launched a project *“Building democratic participation in the City of Mostar”* to increase citizen involvement in policymaking. Under this project, it was decided to set up a tailor-made deliberative process on a substantive issue in local policy in Mostar.

In July 2020, several bilateral meetings were held to present the concept of deliberative democracy to different stakeholders in the city. These included the then acting mayor, the financial manager of the city and representatives of various political parties. Although there were some doubts because of the historical political impasse, all participants in the meetings viewed positively this idea. At the same time, the Central Electoral Commission announced that local elections would take place in Mostar at the end of December 2020 for the first time in 12 years. During the second half of 2020, the Congress set up a design team in co-operation with international and local experts in deliberative democracy to prepare the ground for a citizens’ assembly in Mostar in 2021. This team designed a governance structure, drafted a rulebook and devised a procedure for the random selection of participants and topics for deliberation. The preparatory work also included a separate meeting with civil society stakeholders in October 2020 to discuss the idea of a citizens’ assembly and to ensure sufficient support for the idea. A meeting was held in March 2021 with the newly elected council members and mayor to secure their support for the process. A dedicated website was also launched (www.mostargradimo.ba in local and English languages) to inform stakeholders and the general public of the process.

For the selection of topics, it was important to make sure that stakeholders and political parties were involved in the selection of potential issues while leaving the final choice to citizens. The involvement of the stakeholders and politicians was deemed essential as they would have to support the process and ensure the implementation of recommendations. In a city with a recent history of complete political deadlock, it was important to involve them as much as possible in the process to create co-ownership. Ideas for the topics to be dealt with by the assembly were gathered through an online survey of Mostar residents. During a workshop with civil society stakeholders six potential topics were selected and then reduced to three after consulting the politicians and the city administration. These three topics would be put to a vote by a random sample of citizens in parallel to the recruitment of assembly members. The topic that was finally selected out of the three proposed concerned the cleanliness of the city and the maintenance of public spaces.

For the selection of members, it was decided that the Assembly would consist of 40 members and eight persons who would stand in reserve in case some members were unable to attend all the meetings. The design team put forward six criteria to ensure that the group was a representative sample of Mostar residents. These were: gender, age-group, educational attainment, employment status, neighbourhood of residence and ethnicity. In June 2021 a specialised company delivered 5,000 invitation letters to the addresses of randomly chosen people throughout Mostar. 250 people responded positively. From this group the final 40+8 were selected at random taking into account the six representation criteria.

The assembly lasted for six days over four consecutive weekends in July 2021. The first three were mainly dedicated to information gathering on the topic and the presentation of experts and stakeholders. After this information phase, the citizens identified what they considered to be the main priorities to be addressed. Following this, recommendations were drafted by means of alternating sessions in plenary and in small working groups. On the last day, the recommendations were presented to the political parties and civil servants to see whether any final refinement was necessary. At the end of the last day the citizens voted on the recommendations and the 32 recommendations passed the acceptance threshold of 80% support set beforehand. 30 recommendations were even supported by over 90%. This is clear evidence that a very mixed group of citizens of Mostar managed to find common ground on proposals for their own city. Of the 47 members that attended on the first day, 43 were present for all six days of the assembly. This shows the strong commitment that was present in the citizen group.¹² One of the recommendations called upon the mayor to investigate with the Congress team how citizens' assemblies could be institutionalised in Mostar. The exercise was clearly perceived by the members as a useful method for policymaking in their city.

Since August 2021 the recommendations have been considered by the city council. An action plan on the implementation

12. In general, deliberative processes have very high "retention rates" of members. However, it should be noted that this process took place in face-to-face meetings (in full compliance with the health-related rules) during the Covid pandemic.

and follow-up of the recommendations is being elaborated and is expected to be adopted by the city council

Scottish Climate Assembly (UK)

An amendment to the Scottish Climate Act passed in 2019 called for the setting up of a Climate Citizens' Assembly to propose citizens' recommendations on policies relating to climate change. The Assembly had to consider how Scotland could help prevent climate change, and also what policies could mitigate the effects of climate change in Scotland. Once Parliament had approved the Act, the Scottish government provided a budget of approximately £1.7 million to organise the Assembly.

The Scottish Climate Citizens' Assembly comprised 100 members and eight criteria were taken into account for the composition of the group: age, gender, disability, household income, geography, ethnicity, rurality and attitudes towards climate change. Because of the Covid pandemic, the whole assembly had to be organised online and this created specific challenges. The organisers offered to provide all the necessary hardware to citizens where required and provided a high-speed internet connection for those members who did not have one. Training was also provided for members in order to become acquainted with participating in online meetings and using the digital tools needed to take part. Expert presentations needed to be recorded, edited and provided with captions. There were a number of benefits of online meetings. Participants who lived in remote locations did not have the problem of the long time spent in travelling to Assembly meetings and this could increase the likelihood that

they would take part. This was specifically relevant to those living on an island. Because all expert contributions for the Assembly members were on the online platform, it enabled members to revisit video-presentations if they felt the need to do this.¹³ Different presentation modes were also used to accommodate the members' different styles of information processing. In the end, the difference in budget by moving online compared to an in-person meeting was not considerable, as it came with specific costs in terms of resources and support. It is essential, especially for vulnerable groups in society, to provide specialised support when moving online with a participation process. If the motivation to move a process online was solely to cut costs, this would lead to a much poorer outcome and a low level of equality in participation.

A number of sessions were held in plenary with all members together, but the topic of climate change is all-encompassing and affects many different policy areas, so for some of its work the assembly was divided into three separate working groups. These were: "Diet, Land Use and Lifestyle", "Homes and Communities" and "Travel and Work". This enabled members to become sufficiently acquainted with a subtopic in order

13. It is beyond the scope of this report to go into the different considerations when comparing offline and online deliberations. Interested readers can find more information in a working paper by Marian Cramers (Democratic Society) and Kyle Redman (newDemocracyFoundation) written at the start of the COVID pandemic on moving an assembly online: <https://www.demsoc.org/blog/creating-online-spaces-for-deliberation-what-we-re-thinking>

to draft relevant recommendations.¹⁴ In the course of the whole duration of the Assembly, members interacted with over 100 different experts (some of these in the separate work streams). Initially six weekends had been planned for the Assembly, but at the end of the 4th weekend, members were asked if they felt that more time was needed. The members were overwhelmingly in favour and so a seventh weekend was added to the schedule. In total the citizens spent over 60 hours learning and deliberating before drafting their recommendations. During the Assembly, facilitation and support in process-design was provided by two organisations specialising in citizens' participation processes.

The Assembly delivered its report in June 2021. It contained 81 recommendations grouped under 16 specific goals that had been identified by the Assembly. An example of one of the goals was the stimulation of a so-called "circular economy" in Scotland and four different recommendations were then given for specific policy-measures that would help to achieve this goal.

Because it was considered that climate change was specifically relevant to younger generations, the existing Children's Parliament was also asked to investigate the topic and provide children's recommendations. These were presented to the Assembly members during one of the sessions and the

14. This is not unlike the French Convention Citoyenne pour le Climat held in 2019 that divided its work into five different streams (see: <https://www.conventioncitoyennepourleclimat.fr>)

report from the Children's Parliament was included as an appendix to the Assembly Report.¹⁵

The Scottish Climate Act requires the government to respond to the recommendations within six months of delivery of the final report. During the summer of 2021, the Assembly members were also given the opportunity to meet stakeholders involved in this policy area in order to discuss their recommendations with them. This extra connection is useful as a number of recommendations concern stakeholders other than the authorities.

Both parties that make up the current Scottish Government are in favour of the use of Citizens' Assemblies and have pledged to hold a Citizens' Assembly every year on a topic of specific relevance to Scotland.¹⁶ The government also set up a

15. The Oud-Heverlee example mentioned above also had a children's group work simultaneously on this issue and room was made for them in the agenda to present their findings to the Assembly members. This could be seen as an application of Article 12 of the UN Convention on the Rights of the Child which states that they "(...) shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body (...)"

16. The two parties are the Scottish National Party and the Scottish Green Party. See the Scottish National Party Manifesto from 2021, p.13 (https://issuu.com/hinksbrandwise/docs/04_15_snp_manifesto_2021__a4_document?mode=window) and the Scottish Green Party Manifesto, p.11 and p.71. (https://greens.scot/sites/default/files/ScottishGreens_2021Manifesto_Full_web_version.pdf)

working group with experts in the summer of 2021 to investigate the possibility of institutionalising deliberative methods in Scotland’s policy-making process.

Ostbelgien (Belgium)

The German-Speaking Community in Belgium is one of the smallest autonomous entities in Europe with its own parliament and government. It has just under 80,000 inhabitants and therefore the social distance between its 25 MPs (23 of whom work only part-time), four ministers and the citizens, is much reduced. In 2017, the region held a first deliberative process with citizens drawn by lot looking at childcare policy. There was general satisfaction with the way this method had involved citizens in the work of the parliament and government, and this led to the idea of integrating the method in a more systematic way in the policy-making process.¹⁷ Both the Minister-President and the Speaker of Parliament (who belonged to different parties) were supportive of the initiative.

Because there was no precedent for the institutionalisation of deliberative processes by a parliament, a participation model had to be designed that was the first in the world. At the beginning of 2018 a Belgian NGO working on deliberative democracy (G1000) was therefore asked to assist the regional

17. Other factors also influenced this move towards institutionalisation, such as the engagement on the topic by a number of individual politicians. But the experience of a previous deliberative process ensured that all parties had witnessed first-hand the benefits of the deliberative method.

authorities by drafting a proposed model. The G1000 in turn invited 15 renowned global experts in this field to come to Eupen in the summer of 2018 for a design workshop. This resulted in the so-called “Ostbelgien Modell”, which is explained below. The proposal was drafted by the Parliamentary administration in a bill that was passed unanimously by the Parliament of the German-speaking region on 25 February 2019.

At the heart of the model are regular deliberative assemblies with citizens drawn by lot on a specific topic (“Bürgerversammlung” in German). These citizens are informed on the policy topic, deliberate about it and then propose a number of policy recommendations to parliament and government. Between one and three of these assemblies take place every year. They last for a number of weekends and each one is composed of a new group of citizens drawn by lot. Overarching these single-topic assemblies is another citizen body that is permanent - the Citizen Council (“Bürgerrat”). This Council has 24 members who sit for 18 months, with one third being replaced every six months. The Council is the core innovative feature of the model as it represents its permanency. It performs two tasks that are often not carried out by citizens in other applications of deliberative methods, namely setting the agenda of assembly topics and following up citizen recommendations with parliament and government.

First of all, the Council is the body that sets the agenda for the ad-hoc assemblies. Proposals for topics can be submitted by the general public to the Council during an open call that is organised every year. Proposals need to give some justification as to why the topic should be considered and the

proposal has to be supported by 100 citizens.¹⁸ Politicians can also submit proposals to the Council, with each political group and the Government having the right to submit three proposals every year. The Council is completely free in its choice and can even come up with its own topic. Proposals should relate to policy domains where the Region has an actual legal competence to act. When the Council chooses a topic, it also decides on a number of practical arrangements for the assembly that will work on the topic together with the parliamentary staff designated to support them. Within certain bounds, they decide on the number of citizens needed for a topic, the number of days they will meet, the locations,¹⁹ a preliminary programme and a budget. Because the Council has a very structural task it is important that the members have some expertise in how a citizens' assembly works (e.g. to

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18. It should be noted that although the count does not stop at 100, it only serves as a threshold to show that a proposal has some broader support than just a few citizens. However, the Council does not need to take into account the total number of signatures when making a choice once the threshold has been reached. The Council is completely free in its choice and not bound by the fact that a proposal might have a large number of signatures.
 19. Whereas a parliament building is mostly a fixed location, citizens' assemblies can be mobile. The German-speaking region is over 100 km from north to south and the capital Eupen is very much in the north. This means that there are considerable differences in travel time for citizens depending on where they come from. To balance this, meetings have already been held in Sankt-Vith, which is the major city in the Southern part, even though the majority of meetings still take place in Eupen.

decide on the budget or agenda for an assembly). Therefore, the citizens that can be drawn by lot to be part of the Council are members of previous Citizens' Assemblies.

The second task of the permanent Citizen Council is monitoring the authorities' follow-up to the recommendations submitted by single-topic assemblies. Citizens' recommendations are first handed over to the Bureau of the Parliament which assigns them to the relevant thematic parliamentary committee. That committee organises a public session where the recommendations are presented by members of the Citizens' Assembly. All members of that Assembly are invited to the meeting. The parliamentary committee then drafts an opinion on whether or not a recommendation will be implemented and how this will happen. It does this in collaboration, where necessary, with the minister responsible for the policy domain. If a recommendation is rejected, a separate written justification must be given. The permanent Citizen Council then follows up the actual implementation of the recommendation as stated in the opinion given by the committee. It does this in monthly meetings where they discuss reports on this subject made by the parliamentary staff. Because the first cycle of the "Ostbelgien Modell" fully ends only in 2021, it will need to be seen how the Citizen Council will interpret the task in the years ahead and whether it will do this in a very minimal formal way or will move to a more extensive evaluation of the policies that are put in place.

The third component in this model has already been mentioned above and is a dedicated staff ("Permanent Secretariat") that works together with the Citizen Council and implements their decisions. Although the Secretariat is the less visible part

in the “Ostbelgien Modell”, it is a very crucial component of this model (being a permanent institution). A full-time staff member holds this office and attends all the Council and Assembly meetings. The model involves extra work for many others in the parliamentary staff and this needs to be taken into account when assessing the total cost of the process.

Parliament organised the first civic lottery at the end of June 2019 by sending out a batch of 1,000 letters to persons drawn at random from the register of inhabitants of the Region. The law stipulates that the participants in the Council²⁰ and Assemblies have to be approximately proportional to the population in terms of age (groups), gender, educational attainment and location (North or South of the region). The bill also stipulates that any person 16 years or older who is legally resident in the region can be a member. Persons who do not have Belgian (or even European) nationality can therefore be part of the process. More than 110 persons responded positively to this first invitation and from this pool the final members were drawn by means of a software application.

20. As mentioned above, the Citizen Council normally comprises members of a Citizen Assembly in previous years. For the first iterations of the Council there were of course no previous members and this meant that a transitional rule was required. This was done by taking six citizens from a 2017 citizens’ assembly on child-care that the region held, six persons delegated by the political parties (but who did not hold a formal political function) and 12 citizens from the first civic lottery to be held in 2019 (who therefore had no experience). The law also stipulated that it would be the political representatives who would leave in the first iteration where one third of the Council was to be renewed.

The Citizen Council launched the first public consultation for potential topics for a Citizens' Assembly to be submitted by October 2019. Out of the entries, the topic that was chosen for the first Citizen Assembly under the "Ostbelgien Modell" was that of health care, a topic that was proposed by citizens. The Assembly comprised 29 citizens taken from the group of respondents to the first civic lottery in the summer of 2019. Prior to their first meeting, they received an information pack on the subject. They held their first meeting on 7 March 2020 but shortly afterwards, on 18 March, the region went into lockdown because of the Covid pandemic. Accordingly, further meetings had to be postponed. The three remaining sessions were held close to each other in September 2020 and 14 recommendations were presented to the Speaker of parliament and the head of the regional government. The Assembly's report was presented at the beginning of October 2020 in parliament. By mid-December the opinion from parliament and government on the recommendations was presented and debated. In autumn 2020 the Citizen Council selected the topic of "inclusion in education" for the 2021 Citizens' Assembly. This Citizens' Assembly met three weekends and presented its recommendations in May 2021, by which time the permanent Citizen Council was preparing a new consultation of the public for suggested topics for the next assemblies that were to be held between autumn 2021 and summer 2022. At the end of the public consultation period, 24 proposals were made to the Council by the public. At the end of August, the Citizen Council chose the topic of "affordable housing" for a new Citizens' Assembly. Simultaneously the Council is also following up with parliament the implementation of previous recommendations.

The “Ostbelgien Modell” demonstrates that it is possible to structurally embed deliberative democracy in the work of a regional parliament. This is done by uncoupling the organisational task (agenda-setting and the follow-up of recommendations) from the in-depth investigation of a specific policy topic depth. Rather than have one body of citizens to perform all tasks for a certain period, this model distributes them over several groups of citizens. This has the advantage that each group of citizens can concentrate on its own specific role and although they all require a strong commitment, they are also limited in range. It would be possible to envisage a single body of citizens doing all the tasks for a certain period (as in the idea of a citizen senate drawn by lot that some authors have suggested), but this would require much more time and cognitive commitment on the part of a small group of citizens. We know from empirical research that the more resources a participation process requires, the more it will lead to certain groups not participating (see above). Moreover, the “Ostbelgien Modell” enables more citizens to be part of the process, making it a tool of political socialisation. Each citizen who has been a member of an assembly will have had a front row seat on how policy is made and what trade-offs are required in doing so. Finally, separating the power to choose a topic and the power to make recommendations on that topic is also a form of separation of powers in the institutionalisation of deliberative democracy with citizens. This in fact goes back to Athenian Democracy where this form of ‘multi-body’ citizen democracy was used.

PRINCIPLES OF A DELIBERATIVE PROCESS

As illustrated by the examples above, there are different ways deliberative democracy is applied in practice and several models have been created in the last two decades. While there is variance in specific applications, a group of experts consulted by the OECD put forward 11 “good practice principles” that should underpin every deliberative process used for public decision making.²¹ Any municipality or region considering or implementing the deliberative methods should consult these good practice principles. The present report highlights four key elements in the design of such a process for a policy-maker.

Terms of reference and follow-up

First of all, thought needs to be given as to how the result of the deliberative process will be used in the policy-process by the elected authorities. This clarifies the terms of reference that citizens will have and this is something that should be decided before the process is announced. This way, the commitment can be clearly communicated to all parties involved and there can be no misunderstanding about the terms of reference. If the commissioning authority has not anticipated how it will communicate, respond to, and use the recommendations in the policy process, it can still end up with a perfectly designed citizens’ assembly being evaluated as a

21. [Good practice principles for deliberative processes for public decision making | Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave | OECD iLibrary \(oecd-ilibrary.org\)](#)

failure and therefore run the risk of giving rise to even greater disillusionment vis-à-vis the authorities.

A decision first needs to be made on where the assembly fits into the policy-process. If the government or city council is still in an open phase of problem definition in a policy area or relating to a certain issue, it can opt to have a broad and generic question (the “remit”). This can help draw up policy priorities or shape a strategic long-term vision. It could be said that this was partly the case for the Oud-Heverlee assembly, setting broad priorities for the design of a masterplan for urban renewal. But most often, deliberative processes are used in the policy formulation phase and the output is intended to be translated into actual policy decisions.

The engagement of the commissioning authorities also directly relates to the decision on how the citizens’ recommendations will be treated by the representative institutions once they are handed over.

A minimal option is that all recommendations will be discussed during a plenary session of the legislative branch, be it city council or regional parliament. The commissioning authority provides a written response within a reasonable amount of time (e.g. after 45 days), either accepting, rejecting, or amending each recommendation, together with reasons for their decision. A more substantive option is for the commissioning authority to state in advance that recommendations that reach a certain threshold of support among the citizens’ assembly members will receive a specific status. For example, if 80% or more of the citizens vote in favour of a recommendation, then an authority could agree to accept

it in advance. Clear justification in writing should be given for each recommendation that the commissioning authority fails to act upon within a certain length of time. If there is a promise to follow up on a recommendation, then a 'road map' for implementation should be part of the response after the assembly has come to an end.

Independently of the engagement level, a number of meetings between the commissioning authority and the assembly members need to be planned for the period following reception of the recommendations. Their timing should be announced in advance to the assembly. During these contacts policymakers communicate and engage with the citizens and other stakeholders about the response and planned follow-up. In some cases, the follow-up takes longer than anticipated, in which case it should be possible to plan additional meetings.

In an institutionalised setting, such as in the "Ostbelgien Modell", the follow-up task can be assigned to a separate body. In such a setting where several assemblies take place, this task becomes quite extensive and having a separate citizen body also creates a permanent citizen liaison point for the authorities to relay information on how recommendations are being followed up.

Over and above the citizens directly involved, it is recommended that different stakeholders in the relevant policy fields be notified and invited to contribute. In this way they become part of the subsequent policy-making step, thereby increasing legitimacy. The report with citizen recommendations should always be publicly available at the end of the final session of deliberations (or very soon thereafter) so that the general public can see the recommendations made.

Specific reports about the subsequent follow-up should also be made public. This enables the wider public and the media to have a continuous source of information about the impact of the assembly on changing or creating actual policies. Having a dedicated website where this information is easily accessible is therefore a must.

Selection of participants

In some cases, processes have been held with up to several hundred people, but the majority have between 25 and 100 participants. The OECD has compiled a database of deliberative processes in its member states and three-quarters had 100 members or fewer.²² When designing a selection process several choices need to be made to create this “smaller group” from among the population. Although a number of standards have grown in this field, several of these choices remain normative. Once the choices have been made, they require a technical solution to actually set up the group. We discuss a number of these solutions in this section.

Most sortition processes (often called by the less technical term “civic lotteries”) now comprise two steps. In the first step, a large randomly drawn group receives an invitation to register as a “potential member” of an assembly. In this stage up to several thousand invitations are sent out. Only a number of these invitations will be responded to positively. As many letters are sent out, the number of replies normally exceeds the number of final members needed. In the second selection

22. This database can be consulted at: <https://airtable.com/shrYYPpTSs9NskHbv/tblfOHuQuKuOpPnHh>

step, the final number of members are randomly drawn from this smaller group. This last phase almost always involves using a number of criteria that the final group must represent (gender, age, etc.).

The first decision is to decide who is eligible to be a member. At what age, for example, can a person be a member of the assembly? In the four case studies in this report, the minimum age was 16 years, which is below the voting age in all those locations. Another decision is whether only citizens can be members of the assembly. In all examples listed above, the criterion was “inhabitant” and not “citizen”. In the case of Scotland, the letter even stipulated explicitly that people who lived in the house but had no legal residence at the address there could also apply. The technical trade-off for the selection process here is the fact that an invitation with a name on it has a higher response potential than a letter to “anyone who lives at this address”. For personal letters, a database with names (and their addresses) is needed but not all local or regional authorities in all countries have such a register. In the two Belgian examples, a register of inhabitants was used which meant that personalised invitations could be sent and this led to a positive response of 7% (Oud-Heverlee) and almost 12% (Ostbelgien). In the other two cases there was no individual register available and so the invitations were sent to addresses (without mentioning the names of addressees). The response to the invitations was 4.4% in Scotland and 5% in Mostar.²³ In addition, other factors play an important role

23. The Sortition Foundation, an organisation that performs civic lotteries, mentions an average positive response of less than 4% in the almost thirty civic lotteries they have performed.

in response rates, such as the specific topic of the assembly (some topics are more salient than others) and the commitment of the authorities.²⁴

The second important question relates to the idea that the group of citizens in a deliberative process should in some ways be representative of the larger population. What criteria of representativeness will then be used? Gender and age are fairly straight forward and almost universally used. A third criterion that is common is a socio-economic indicator. Empirical research has shown educational attainment to be a critical factor in predicting participation patterns (see above), which is almost always included. A final factor that is very common is a geographical distribution of members. This can for example be used to achieve a balance between urban and rural members. In local assemblies, it may be wished to have representatives from different neighbourhoods or villages.

In many cases other criteria have been added because they were deemed important in order to achieve the desired level of representation. The rationale behind adding a particular criterion is to avoid the risk that some groups are disproportionately represented in the assembly, affecting the

24. Comparing response rates for letters sent to individuals with those sent out to addresses is actually not possible as the percentage represents a different concept. For invitations to individuals, the percentage counts the exact proportion of persons who replied to their individual invitation. For invitations to an address, any person in the household can reply. The same number of letters therefore “targets” more people in the second case. In many cases where addresses are used, several people from that address are allowed to respond.

legitimacy of the process in the eyes of the general public. This may concern the representation of religious groups for example as was the case in a citizens' assembly in Northern Ireland in 2018.²⁵ In the case of the Mostar assembly in 2021, it was considered indispensable to have proportional representation of the different ethnic communities in the city (Bosniaks, Croats and Serbs). The city of Mechelen (Belgium) decided that for its assembly in 2020 the national origin of participants should be taken into account. The city has a large and diverse immigrant community and it was felt that this should be part of the representation criteria. In some cases, citizens are selected based on their attitudes towards a number of political or social values. This was the case in the Scottish example where a question was used to gauge attitudes among members towards climate change. The idea was that a group delivering recommendations on climate change needed to reflect the attitudes towards climate change of the population in the area concerned.

Specific challenges can arise and need to be considered when deciding on criteria. A basic challenge is how available the information is to decide on the relative proportion of groups. For gender and age, reliable demographic data are available. The same is true for socio-economic situation (educational data) and residence (number of inhabitants in neighbourhoods or regions). Other criteria might be much harder to

25. The criterion is named "community background" in the report and not "religion" as the options given covered a broader range from "interfaith" to "no religious affiliation" or "other" (see the report at: https://drive.google.com/file/d/1gpR-hvvdxo6SvwheCBs2VGo_ZYB6vRdk/view)

measure. Religious affiliation for example is not measured in a standardised way in most countries and the same goes for ethnic background and many other criteria. In these cases, the question arises as to what data will be used to assign to the various groups the corresponding number of members in the assembly. One way of circumventing this is to state that a minimum number of one or more groups must be represented rather than being exactly proportional.

A second issue is that any criterion that is not available in a governmental dataset needs to be asked directly to the person in the invitation letter. In some cases, this might be contentious. It might for example be considered in a specific case that a number of participants should be from the LGBTIQ+ community. This presupposes asking the person to provide specific information when replying to the invitation letter. This can reduce response rates severely as respondents might not want to reveal this kind of information asked by a government. Similar dynamics might apply to people with low educational attainment or those from a specific ethnic background.²⁶ An alternative recruitment method could be

26. This phenomenon is called “social desirability bias” and has been studied extensively in relation to population surveys. It relates to the tendency of people to answer surveys or questionnaires in a way that they think is socially more approved of than the actual true answer, which also sometimes means not revealing information they feel is “socially undesirable”. In the political sphere, academic surveys have often overestimated electoral participation as respondents answered that they had voted in the last election when they actually had not because it is seen as socially desirable to vote.

contemplated for some very specific groups, for example by working with organisations that represent such groups.

A similar issue arises when adding an attitudinal criterion. It is important that the population benchmark that is used for this is accepted by all stakeholders. When the Scottish secretariat added the “attitude towards climate change” as a selection criterion, it had to decide what the benchmark would be for assigning numbers of ‘seats’ in the assembly to categories of people based on that criterion. To do this it used the same question as in an academic population survey on this topic from the previous year. The proportions from the academic survey were used as the baseline for the whole Scottish population.

Finally, there remains the question of how many members are needed for an assembly. This is a question that involves several considerations. First of all, there is a minimum of about 25 citizens for an assembly to be able to represent the general population of a community. The next factor is the number of demographic and attitudinal criteria deemed necessary for the group to be representative. If there are many criteria, a small number might not be able to capture all those variables. A third factor is the “symbolic nature” of the size of a group. In some cases, even though a small group would be sufficient in technical terms, it may be decided to expand the group in order to stress the importance of the assembly to the general population. Last but not least, budgetary considerations should be made. In many cases citizens receive an allowance for their time as participants in the assembly. They are also reimbursed for their expenses and, if necessary, travel arrangements are made for them. Moreover, during small

group deliberations a facilitator is often present for every group and so a larger assembly needs more paid facilitators. A deliberative process with many citizens that convenes over several weekends might entail a considerable budget. If there are only limited financial resources, this can be an important factor in deciding on the size of the assembly.²⁷

Once the criteria are defined with the specific number of participants needed, a software application designed to select the final group can be used. Although the mathematics behind this can be somewhat complex, the logic behind it is rather intuitive. Several organisations, including a number of NGOs offer these services. These organisations can also often help with valuable information on recruitment strategies for specific groups and the general organisation of the civic lottery process. In some cases there is a government department that can perform a random selection.²⁸

Selection of topics and the remit

One of the most crucial decisions for a deliberative process relates to the topic or policy-question on which to work. Who can decide this and set the agenda for an assembly? In a minimal scenario it is only politicians. This could be a

27. This was the case in Oud-Heverlee where the first proposal from the Council to the Flemish Regional Government spoke of an Assembly of 100 citizens, but after consulting with experts, it was decided to reduce this number by half.

28. The Brussels Region parliament has the assistance of the Belgian Ministry of the Interior which carries out the random draws of participants for the region.

governing majority, or a broad coalition of parties across the majority-opposition divide. If politicians decide on the topic, it is very important that the citizens in the assembly have a good deal of freedom to explore every possible option for the policy problem. Asking citizens to decide only on details of the implementation of a decision made by the authorities would be wrong (e.g. asking citizens on only the location of the mills which a local government decides to build).

A government or city council can convene an assembly to draft recommendations on a broad policy goal it has set. This was the case in the Scottish example above and that of Oud-Heverlee. The Scottish Government had decided it needed to take action in order to reach certain climate goals and asked citizens to draft policy recommendations for this. The Oud-Heverlee city council had decided that a comprehensive urban planning programme would be launched to renovate a specific part of the village, but asked citizens to draft guiding principles for this renovation. For any topic it is important that the question put to citizens does not presuppose a predetermined answer. When the authorities put a question to the public, they are placed under a certain obligation to act on the results of the process.

Sometimes an open call is part of the selection of topics for an assembly. This can be achieved by consulting stakeholders, as was the case in the Mostar assembly with a workshop to propose assembly topics. The general public can also be invited to suggest topics, as in the case of Ostbelgien. Doing this sends a powerful message from government and/or parliament that the latter relinquish some control of the political agenda to citizens and/or stakeholders. In those situations, it is important to

have a selection procedure for the final topic that is transparent and perceived as legitimate. It is therefore advisable to have citizens make that final decision. In Ostbelgien this is done by the permanent Citizen Council, while in Mostar a random sample of the population was able to vote on three potential topics.

When an open call is used, it is also important to have rules on what type of proposal is considered suitable. Typically, proposals should pertain to the competences of the level of government involved. In federal countries this can be less straightforward as within a single policy domain (e.g. education) competencies might be split between the regional and national levels (or even European level). The local authorities should be sure that they have a strong mandate to act in the chosen thematic field. This creates a very tangible link between the work of the assembly and policy change in the community. Prohibitions on topics can also be set relating to human rights or fundamental freedoms, as is the case in Ostbelgien. It should be clear for the citizens proposing topics what restrictions will apply.

Given the fact that this is a participation method that requires significant investment, it is advisable to choose topics carefully. A most obvious suggestion would be to focus on challenging and/or important policy problems that remain unresolved in a community. What is viewed as 'challenging' or 'important' may of course differ depending on who is asked, and there may be a number of such problems. If deliberative processes are seen as an institutional tool for policy making, these different topics can be treated in subsequent assemblies. As stated earlier in this document, deliberative processes are specifically suited for issues that are highly

polarised politically (and consequently often in a situation of deadlock) or need a very long-term perspective. It is this combination that explains why currently many deliberative processes throughout Europe at all government levels are looking at policies relating to climate change (Smith, 2021). Questions that involve a strong moral or value dimension are also very suitable for deliberative processes, such as marriage equality, abortion (both in Ireland, 2013²⁹ and 2016-2017³⁰ respectively) or the right to assisted-dying (Jersey,³¹ UK in 2021).

When a topic is chosen, there is often still a step to be taken to formulate a specific question, the so-called remit of the assembly. Formulating a good remit is something of an art form, but a number of guidelines have been drawn up based on the experience of deliberative democracy practitioners. As a rule, binary questions (yes/no, do/do not) should be avoided, as should questions that are compound (several questions combined in the remit) or that already suggest a direction and/or solution.

Organisation of the process

A deliberative process is different from most other forms of civic participation in terms of size, objective and level of

29. <https://www.citizensassembly.ie/en/previous-assemblies/convention-on-the-constitution/>

30. <https://2016-2018.citizensassembly.ie/en/The-Eighth-Amendment-of-the-Constitution/The-Eighth-Amendment-of-the-Constitution.html>

31. <https://www.gov.je/Caring/AssistedDying/Pages/index.aspx>

organisation. Because every policy problem requires a unique process-design, there is no single mould that fits every situation. The process design phase is therefore a crucial step in setting up a deliberative assembly. A number of publications can give a good idea of what is involved in the design of such a process.³² If the commissioning authority has no previous experience with this methodology, expert help is strongly advised. There are several different models used in deliberative processes and so it is important to look into these and evaluate what would be the best method for the problem at hand.

As stated above, several different models are used for deliberative processes. The most commonly used model by far is the “Citizens’ Panel” (also called Citizens’ Jury). It is very similar to a “Citizens’ Assembly” but more limited in terms of the number of participants and duration. Both models (Panel/Jury and Assembly) consist of a group of randomly selected citizens meeting together for a given number of days. During this period, they go through four different phases: a learning phase where information is provided to the members to read/view/listen to but always also includes a number of sessions with experts. Secondly, a consultation phase where stakeholders and other members of the public can present their position on the issue. Then a deliberation phase in which the members discuss the evidence and assess a number of

32. Models of representative deliberative processes | Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave | OECD iLibrary (oecd-ilibrary.org); <https://www.newdemocracy.com.au/wp-content/uploads/2018/10/newDemocracy-UNDEF-Handbook.pdf>

options. Finally, during the decision-making phase, they reach an agreement on the recommendations they will present. This last step might involve some form of voting on recommendations to confirm the level of support.

In all these different steps, administrative and logistical resources are needed to deliver a high-quality deliberative process. If resources are scarce, reducing the number of days for the meeting should not be considered an acceptable solution. Sufficient time for citizens to go through all the different phases is one of the most important factors having an impact on the quality of the process. It is better to reframe the question so it can be answered in the number of days available or to consider reducing the number of members.

When the decision is made to hold a deliberative process, a governance structure is often set up to deliver it. Such a governance structure includes³³ the following.

A Secretariat provides logistical and administrative support for the process. In the case of a large assembly the workload for the secretariat can be heavy. It helps to provide all the supporting material for the assembly members and maintains the assembly website. It also assists individual citizens if needed. The secretariat is also involved in drafting reports and this can be a time-consuming task. During the Scottish Climate Assembly, the secretariat at one point comprised 10 persons.

33. Different assemblies use different names for these structures and in some cases, tasks are distributed differently. What is crucial is that the bodies can perform these tasks in a qualitative way.

In Ostbelgien, just one person is responsible for this task (the “permanent secretariat”) but relies on other parliamentary staff for support.

A design team consists of a group of experts to design the process. This includes drafting an agenda for the different days of the meeting. They will also make any necessary changes during the course of the process. Such a group will consist of experts in deliberative democracy and experts specialising in the topic of the assembly. This group can also draw up a list of experts and stakeholders who should be invited for hearings.³⁴ The design-team also oversees the sortition process.³⁵

An operational team consists of the team delivering a number of services to help the citizens during the meetings. Most prominent among these services is the facilitation of deliberations, which is especially important when the citizens work in smaller groups. They are in close contact with the design team during the time the assembly takes place.

An observer group ensures that the process is run in accordance with the agreed procedures and standards. Sometimes there is a detailed rulebook for the assembly that is agreed on before the start (as was the case in Mostar). In other cases there is a legal framework (as in Ostbelgien and Scotland). But even in these cases there can still be discussions on

34. Such a list is provisional, as in a well-designed process citizens can ask for additional speakers or different viewpoints if they feel this is necessary.

35. However, the actual implementation and delivery of the sortition is often outsourced to specialised organisations.

proceedings. They are held in an observer group where members of the assembly (or even the wider public and stakeholders) can address these issues. In most cases these groups do not have a great deal of work, but it is good practice to show that there is a form of control and arbitration if needed.

There are a number of other tasks that will require resources from the administration outside the governance structure above and while it is not the intention to give a complete listing here, a few tasks are worth mentioning.

It is good practice for an information pack to be made available before the launch of the assembly, so that the members can prepare themselves for the various issues addressed. This pack is most often prepared by the administration working in the policy area of the assembly topic. It lists factual information, data and the regulatory framework and gives information on what policies are already in place or are planned. Putting this together can take time and requires a significant investment in terms of human resources. It is especially challenging to write this for a general lay readership as many civil servants are used to drafting more technical texts for an audience fully familiar with their policy field. A reading committee is advisable here and it is worth considering different ways of presenting the information for specific public groups (video, audio, graphics, text, etc.).

Efforts must be made to make the assembly as inclusive as possible. It is necessary to give thought in advance to how many resources will be needed for this. How, for example, can participants with a disability be accommodated so that they can take a full part in the assembly? Should more than one

language be used if a participant is not fluent in the language of the assembly?³⁶ Other standard services include providing childcare for participants who need this, help with transportation and accommodation arrangements, etc.

The administrative support to ensure effective follow-up is also not to be underestimated. Detailed reports need to be made setting out the actions which the authorities have already taken and highlighting the recommendations which still need to be implemented. In Ostbelgien this is the responsibility of the Permanent Secretariat, but the measures also need to be reported by other civil servants who work in the specific policy field.

Finally, an important factor in the organisation of a deliberative process is to incorporate an evaluation. A number of different aspects come into play when designing a deliberative process. An evaluation is crucial to learn from what happened and to show if changes are needed in the design of a subsequent deliberative process. Conducting a complete evaluation also shows all players involved that the recommendations are the outcome of a qualitative process and

36. For the institutionalised “Commissions délibératives” of the Brussels Parliament, the invitations and standard information material (FAQs etc.) can be obtained in seven languages if required and an effort is made to accommodate participants who do not speak one of the two official languages of the Region (French and Dutch) (see point 15 on pp 20-21 in the rulebook <https://www.parlementfrancophone.brussels/documents/vade-mecum-et-glossaire-etablis-par-le-groupe-de-travail-commissions-deliberatives-en-application-de-l2019article-42ter-du-reglement>)

this enhances trust. There are three parts of the deliberative process that need to be evaluated. First, the integrity of the process-design which looks at factors such as inclusion, representativeness, clarity of the task and remit, and also whether the allotted time for the assembly was sufficient. Second, an evaluation of the deliberative experience; this pertains to participants perceiving facilitation as being appropriate and fair, whether all perspectives were presented in a balanced way and whether there was respect and mutual comprehension between participants. The third and final element to evaluate is the response and follow-up and whether the process actually had an impact on policy.³⁷

SPECIFIC POINTS FOR SMALLER COMMUNITIES

It must be clear to the reader of this report that deliberative democratic processes are intensive and require sufficient budgetary resources and considerable time investment from civil servants and citizens. Some of these costs are reduced at a smaller regional and local scale compared with a national-level process, but some are proportionally larger (not in absolute terms). We have emphasised a number of these throughout the report but there are some remaining specific challenges for communities with a lower number of inhabitants.

One cost that is reduced when a deliberative process takes place in a smaller geographical community is the reimbursement of citizens' travel and overnight accommodation

37. For more details about this, see: OECD, *"Evaluation Guidelines for Representative Deliberative Processes"*, forthcoming autumn, 2021

expenses. In a national assembly such as the Convention Citoyenne pour le Climat in France in 2020, the 150 members had to be brought to Paris for meetings and many of them had to stay overnight there during the weekends when the meetings were held. In an assembly like Oud-Heverlee described above, a large number of participants came by bicycle and no accommodation was needed.

Many other costs do not decrease in a proportional way. Making an information pack will be more elaborate for a national assembly, but a national administration is normally well staffed and so the investment can be spread. In a small municipal situation, it is possible that only a handful of civil servants (and sometimes only one or two) work on the policy topic of the assembly and have to make the pack. The information pack will be a little smaller, but it will require a proportionally significant time investment from the administration. The same is true for setting up a website, preparing reports etc.

Some costs stay the same regardless of the scale of the community. Any assembly with 50 participants that deliberates in small groups of 10 citizens will need the same number of facilitators per day. Without listing all the different types of costs, it is clear that especially regions and localities with small resources will need to consider carefully how they organise a deliberative process. An important step will be to investigate if there is any external support for this type of innovative citizen participation process (or for parts of the process). In both local examples in this report (Oud-Heverlee and Mostar) strong support was given by a higher-level authority. Oud-Heverlee had been selected for a pilot-project of the Flemish Government and so received financial and expert support.

The process in the city of Mostar was almost completely organised and financially covered by the project implemented by the Congress of Local and Regional Authorities of the Council of Europe. In some instances, specific aspects can also be outsourced without cost. One example is the evaluation of an assembly where co-operation can be made with academics who in return can use the data from the evaluation for their own work.

For local communities with a smaller number of inhabitants the sortition phase can be challenging. If many criteria are combined with a high number of participants in an assembly, it may well be that the number of invitations needed in the first step of the sortition phase is close to the number of inhabitants. When almost everyone receives an invitation, the recruitment effect diminishes severely. Sortition often has a mobilising effect as people are among a small group of “chosen ones” who are invited to help their community in solving a policy problem. If one hears that everyone else in the village has also been invited, this effect disappears. A solution is to send out letters in smaller batches and stop as soon as the required response is reached.

Finally, the privacy of members is one of the 11 good practice principles of the OECD report (2020) and needs to be especially well complied with in small communities. In most cases members are shown only with their first name and a photo in the information available to the public during the assembly (such as a website). Only after the assembly is more information released. In a small community, it is more likely that people in the assembly will know each other. It is good to mention very explicitly at the start that the confidentiality

of discussions during small group meetings is very important if the assembly is to be successful. This is especially important with processes dealing with a contentious issue in a smaller community.

CONCLUSION

Deliberative methods involving citizens randomly selected through “civic lotteries” are increasingly used at local and regional level in Europe. These methods complement local representative democracy making it more resilient by enhancing citizens’ impact on policy-making. Deliberative methods can help politicians to take difficult decisions, increasing transparency and public trust in democracy.

The present report contains illustrative examples of municipalities and regions that have been using deliberative processes. It provides practical guidance to municipalities and regions interested in deliberative processes as regards to the designing and the implementing such methods. The key aspects are highlighted, including clear terms of reference for citizens’ deliberative process and follow up to citizens’ recommendations. The report provides specific practical advice for smaller communities.

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Resolution 480 (2022)

**Beyond elections: the use
of deliberative methods
in European municipalities
and regions**

Debated and adopted by the Congress
on 23 March 2022

Beyond elections: the use of deliberative methods in European municipalities and regions

Debated and adopted by the Congress on 23 March 2022

1. The Congress of Local and Regional Authorities of the Council of Europe (hereinafter “the Congress”) refers to:

a. Article 3.2 of the European Charter of Local Self-Government (hereinafter “the Charter”);

b. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, in particular Article 2.2.ii.a;

c. the Priorities of the Congress 2021-2026, in particular Priority b: Democratic societies: quality of representative democracy and citizen participation;

d. Congress Resolution 326 (2011) on Citizen participation at local and regional level in Europe;

e. Congress Resolution 452 (2019) on the Revised Code of Good Practice for Civil Participation in the Decision-making Process;

f. the United Nations Agenda 2030 for Sustainable Development, in particular Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

2. The Congress points out that:

a. There has been a movement in recent years to innovate democracy and make it more resilient, especially in the face

of increasing disenchantment with politics, electoral fatigue and declining confidence in the political system. The use of deliberative processes is part of this movement.

b. For good governance at local and regional level and for citizens to have greater trust in the democratic process, it is essential that citizens have access to direct and qualitative consultation methods linked to the policy-making process.

c. Representative democracy is the key mechanism whereby citizens can influence decision-making processes through universal suffrage. The push for deliberative methods is not aimed at replacing representative democracy in any way but is intended to be complementary, serving as a tool to enable local and regional representatives to effectively carry out the role to which they have been elected.

d. Deliberative methods are used as valuable complements in the preparatory phase of the decision-making process, directly involving citizens in setting the agenda regarding thorny issues that are important for citizens' everyday lives. There have been several successful examples where citizens' assemblies have been used, on a temporary or permanent basis, to deal with fundamental and divisive issues ranging from constitutional and electoral reform to social policy questions. Local and regional authorities can have a leading role in strengthening or institutionalising deliberative processes.

3. In the light of the above, the Congress calls on the local and regional authorities of Council of Europe member States to:

- a. consider implementing deliberative methods at local and/or regional levels;
- b. identify specific issues in their municipalities or regions where deliberative mechanisms could help the decision-making process;
- c. carefully plan the whole process, with the involvement of independent experts, and allocate the necessary time for citizens' deliberations;
- d. in particular, ensure equal and fair criteria for the selection of participants;
- e. analyse the possibility of strengthening the deliberative process by making it permanent or institutionalised;
- f. to this end, underpin local and regional capacities to bear the financial cost that may be linked to deliberative democracy processes;
- g. ensure an effective follow-up to such forms of participation, for example, by undertaking to systematically vote on the proposals made by citizens during the deliberative process;
- h. pay attention to the good practice principles of deliberative democracy as described in this report;
- i. promote the sharing of best practices of deliberative democracy;
- j. establish mechanisms to facilitate and evaluate citizen participation at local and regional levels;

k. report regularly to the Congress on citizen participation and deliberative democracy initiatives in their municipalities and regions.

4. The Congress calls on the local and regional authorities and their national associations to take account of this resolution and the accompanying explanatory memorandum, on this specific issue.

5. The Congress asks its Monitoring Committee to take the present resolution into account in the monitoring activities on the application of the Charter.

Resolution 472 (2022)

**Beyond elections: the use
of deliberative methods
in European municipalities
and regions**

Debated and adopted by the Congress
on 23 March 2022

Beyond elections: the use of deliberative methods in European municipalities and regions

Debated and adopted by the Congress on 23 March 2022

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2. The Congress points out that:

a. There has been a movement in recent years to innovate democracy and make it more resilient, especially in the face

of increasing disenchantment with politics, electoral fatigue and declining confidence in the political system. The use of deliberative processes is part of this movement.

b. For good governance at local and regional level and for citizens to have greater trust in the democratic process, it is essential that citizens have access to direct and qualitative consultation methods linked to the policy-making process.

c. Representative democracy is the key mechanism whereby citizens can influence decision-making processes through universal suffrage. The push for deliberative methods is not aimed at replacing representative democracy in any way but is intended to be complementary, serving as a tool to enable local and regional representatives to effectively carry out the role to which they have been elected.

d. Deliberative methods are used as valuable complements in the preparatory phase of the decision-making process, directly involving citizens in setting the agenda regarding thorny issues that are important for citizens' everyday lives. There have been several successful examples where citizens' assemblies have been used, on a temporary or permanent basis, to deal with fundamental and divisive issues ranging from constitutional and electoral reform to social policy questions. Local and regional authorities can have a leading role in strengthening or institutionalising deliberative processes.

3. In the light of the above, the Congress calls on the Committee of Ministers to invite the respective national authorities of the member States of the Council of Europe to:

- a.* protect the right of citizens to participate in the affairs of a local authority and facilitate the exercise of this right;
 - b.* promote policies of deliberative democracy at national, local and regional level;
 - c.* assist in strengthening the deliberative process by making it permanent or institutionalised;
 - d.* to this end, underpin local and regional capacities, including their financial capacities, and provide logistical and administrative assistance to devise and implement deliberative democracy mechanisms;
 - e.* call on member States that have not yet done so, to sign and/or ratify the Additional Protocol on the right to participate in the affairs of a local authority.
4. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation and its explanatory memorandum in their activities relating to Council of Europe member States.

Citizen participation is increasingly used by governments as a complement to representative democracy specifically with the aim of strengthening public trust in the political process. It is now considered a reliable indicator of the health of a democracy as formalised in the Additional Protocol to the European Charter of Local Self-Government. Deliberative methods have become the most prominent and innovative element of this citizen participation and are particularly suited to the local and regional level.

The report “Beyond elections: The use of deliberative methods in European municipalities and regions”, adopted by the Congress of Local and Regional Authorities of the Council of Europe, offers guidelines for municipalities and regions, and illustrates them with case studies at local and regional levels: Mostar (Bosnia-Herzegovina), Oud-Heverlee (Belgium), Scottish Climate Assembly (UK) and Ostbelgien (Belgium).

The “Democratic Elections” series presents reports adopted by the Congress on recurring and transversal issues relating to local and regional elections.

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member States, including all members of the European Union. The Congress of Local and Regional Authorities is an institution of the Council of Europe, responsible for strengthening local and regional democracy in its 46 member states. Composed of two chambers – the Chamber of Local Authorities and the Chamber of Regions – and three committees, it brings together 612 elected officials representing more than 130 000 local and regional authorities.