REPORT ON DELIBERATIVE DEMOCRACY

European Committee on Democracy and Governance (CDDG)

31 January 2023

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Design and layout: Olena Staranchuk
Cover photo: Depositphotos

Council of Europe Publishing F-67075
Strasbourg Cedex

© Council of Europe, March 2023
Printed at the Council of Europe

EXECUTIVE SUMMARY

This report fulfils the request from the Committee of Ministers for a report "on new forms of deliberative and participatory democracy with a view to complementing Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, and taking into account 2017 Guidelines on civil participation in decision-making." This report is for politicians, policy makers, civil servants in public institutions, other practitioners, and citizens.

Work in the field of participatory democracy has been conducted for decades under the aegis of the Council of Europe. This work recognises the importance of civil participation in the democratic process, notably in the Preamble of the European Charter of Local Self-Government (ETS No. 122) and its Additional Protocol on the right to participate in the affairs of a local authority (CETS No 207).

Democracy itself is one of the cornerstones of peace in Europe and its reinforcement is a factor of stability, together with the rule of law and human rights. Within the democratic framework, representative democracy is part of the common heritage and is well established as the basis for the participation of citizens in public life at national, regional, and local level.

Deliberation, a form of participation, is one of a range of interventions available to policy makers and legislators who want to hear the voices of citizens and is a way of giving agency to otherwise unheard voices. It is in-depth and deeply immersive, allowing citizens to develop tangible recommendations as to what the authorities at all levels should do. This means, to be effective, whenever it is used, deliberative democracy must align and closely integrate with the policy cycle and public bodies must accommodate it in a genuine way. This report starts from the premise that deliberative methods do not replace existing democratic norms and practises, however, that they can enhance and inform them, if used properly.

Proponents of deliberative democracy argue that it can offer an opportunity to open up the democratic process to greater citizen involvement as a way to improve policy and legislative outcomes and to increase trust in the democratic process. To ensure that deliberative democracy can deliver such benefits, it is important that a number of essential principles and standards are followed. This report seeks to identify and describe these principles and standards.

Deliberative initiatives are not perfect solutions on their own. Guidelines are needed to support policy and decision makers and practitioners in using these new practices. For citizens, the deliberative initiatives are a learning experience, and their design must reflect not only appropriate onboarding but space and sufficient time for learning, built upon strong civic education. Recruitment must ensure that minority voices are present, listened to and respected.

In short, where deliberative methods are used it is essential that they are properly resourced and planned. They must be transparent, auditable and accountable to ensure that participant selection is appropriate, evidence is not biased and outcomes are not dictated or pre-determined. It is vital, too, that feedback on what actions have resulted from the recommendations is provided.

This report proposes that, if done right, deliberative democracy initiatives can be compatible with good democratic governance and can offer a tool to render policy outcomes more responsive to the needs and concerns of the people and communities and can encourage trust in public action. It further proposes that guidance is needed for this field to develop and mature and that standards must be defined.

THIS REPORT MAKES THE FOLLOWING RECOMMENDATIONS:

1. The role and purpose of deliberative democracy, and how it can function within a representative democracy, needs to be better articulated and understood. The Council of Europe and member States can take a leading role in this.

2. There is a need for standards to support those wishing to use deliberative democracy. Deliberative initiatives, where used, must follow key attributes to be considered credible, and thus to avoid producing potentially harmful or counterproductive impacts on democracy.

3. It is important to further develop good practices, recognising the diversity of democratic cultures and processes across member States. There is no one-sized-fits-all script for running a deliberative process and opportunities to innovate and learn should be created to strengthen the democratic sector.

ACKNOWLEDGEMENTS

This report was developed in cooperation with Andy Williamson, international expert in civic participation, digital innovation and parliaments, and Council of Europe expert. Parts of this report are based on the 'Mapping Deliberative Democracy in Council of Europe Member States' – an expert study written by Andy Williamson and Jordi Barrat (April 2022) and other studies.

Furthermore, we are thankful for the exchange of views with Mr André Bächtiger, Professor, Institute for Social Sciences, University of Stuttgart Germany; Mr Yves Dejaeghere, Executive Director, Federation for Innovation in Democracy – Europe (FIDE), and expert of the Congress of Local and Regional Authorities; Mr George Papandreou, Parliamentary Assembly, Chair of the Sub-Committee on Democracy; and Ms Hanna-Kaisa Pernaa, Assistant Professor, University of Vaasa, School of Management, Social and Health Management, Finland.

ABOUT THE CDDG

The European Committee on Democracy and Governance (CDDG) is the Council of Europe intergovernmental forum where representatives of the member States meet to develop European standards (recommendations, guidelines, reports), to exchange and follow up on the state of democratic governance in Europe, and to work together to strengthen democratic institutions at all levels of government.

Table of contents

EXECUTIVE SUMMARY		**3**
ACKNOWLEDGEMENTS		**4**
1	**Introduction**	**6**
2	**Democracy**	**7**
2.1	Legitimacy and trust	8
2.2	Civil society and participation	9
3	**Participatory democracy**	**10**
4	**Deliberative democracy**	**12**
4.1	Codifying deliberation within a regulatory framework	14
4.2	Choosing the topic for deliberation	15
4.3	Designing the deliberative process	16
4.4	Embedding deliberation within the policy cycle	17
4.5	Defining the scope and remit of the initiative	18
4.6	Governance and oversight of deliberative initiatives	19
4.7	Managing the recruitment of participants	20
4.8	Participant learning	22
4.9	Facilitation of the process and managing deliberation	23
4.10	Impact of the initiative and promoting public engagement	24
4.11	Evaluation and reflection on the initiative	25
5	**Conclusion**	**26**
5.1	Recommendations for policy makers and practitioners	27
APPENDICES		**28**
Appendix A – Checklist for good practice deliberative initiatives		29
Appendix B – Bibliography		32

1. INTRODUCTION

This report fulfils the request from the Committee of Ministers for a report "on new forms of deliberative and participatory democracy with a view to complementing Recommendation CM/Rec (2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, and taking into account 2017 Guidelines on civil participation in decision-making." This report is for politicians, policy makers, civil servants in public institutions, other practitioners, and citizens.

Work in the field of participatory democracy has been conducted for decades under the aegis of the Council of Europe. This work recognises the importance of civil participation in the democratic process, notably in the Preamble of the European Charter of Local Self-Government (ETS No. 122) and its Additional Protocol on the right to participate in the affairs of a local authority (CETS No 207). It also draws on Congress Resolution 480 and Recommendation 472 "Beyond elections: The use of deliberative methods in European municipalities and regions", and the related explanatory memorandum.

As opportunities for direct participation are increasing, the Council of Europe asserts that deliberative and participatory methods should be used to enhance and complement existing democratic norms and practises, not seek to replace them.

Democracy, as a form of government cannot and does not exist in isolation. The founding Charter of the Council of Europe sets out the intention to promote "individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy". These three pillars are central and vital to all modern expressions of democracy, not on their own merit, though this is reason enough, but because experience teaches us that they are the surest way of delivering economic, social and environmental security for citizens. In this way, to sustain and protect the shared values held by member States, democracy relies on human rights and the rule of law to act as its check and balance. This guards against the undeniable weakness of democracy in the face of demagogic manipulation.

In carrying forward the re-application of the Council of Europe's founding mission to today's world the Committee of Ministers adopted the Valencia Declaration (CM2008(14)), which contained the 12 principles of good democratic governance at local level. These principles include democratic participation, respect for human rights and the rule of law, and are the vital characteristics of a modern democratic governance; therefore, they must also apply to the new methods expanded upon in this report. In addition, the CDDG is currently working on a new Recommendation on the principles of good democratic governance applicable to all levels of governance.

Currently, deliberative methods and processes are still experimental and evolving. Member States are therefore not, in most if not all cases, in a position to say that proper and vital safeguards are in place. Given the novelty of such methods this is not surprising or unreasonable. This report, therefore, in response to the request of the Committee of Ministers, provides the basis for a recommendation to member States who wish to further experiment with such methods and indeed properly embed and codify them into their own democratic systems of government.

The report is also aiming to help understand what a good deliberative initiative looks like, how such initiatives can be designed and implemented and what challenges public bodies face in moving towards embracing public deliberation. It describes a background in terms of democracy, participatory democracy and deliberative democracy in order to provide context. It then situates deliberative democracy in a continuum of participation and goes on to examine the essential elements for deliberation and to identify good practice criteria for successful deliberative initiatives.

2. DEMOCRACY

The inseparable connection between democracy, human rights and the rule of law has been a building bloc since the founding of the Council of Europe. In the preamble to the European Convention on Human rights, signatory parties reaffirm

> *"their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the Human Rights upon which they depend."*

A functioning democratic system therefore contains several mutually reinforcing structures in which those exercising power are subject to checks both within and outside the state, for example, from independent courts, independent media, and an unrestricted civil society. In a functioning democracy, elections must be held regularly and frequently, and ballots must be secret. There must be a broad freedom of individuals to form and support political parties, with each party free to present its views. Democracy is a system of representation, where individuals are elected to take decisions on behalf of the wider population, whether as members of parliament or as local councillors. A democratic system requires an openness to alternations in power, with rival candidates or parties competing fairly to govern.

Thus, the representative democracy is part of the common heritage of member States. Within this representative model, civil participation is at the very heart of the idea of democracy and the Council of Europe has repeatedly affirmed in its Recommendations and Guidelines that citizens who are committed to democratic values, mindful of their civic duties and active in public life, are the lifeblood of any democratic system.

There has been an increase in the use of participatory methods and deliberative initiatives, where citizens themselves are able to actively debate issues and provide recommendations to governments. This is not new, the Council of Europe noted in 2001 that public expectations are changing and there is a need for more "direct, flexible and ad-hoc methods of participation" that promote dialogue between citizens and their representatives. This demand arises from a sense of opportunity but also from frustration in and disengagement from traditional democratic processes.

In recent years, democracy has been challenged by a number of detrimental developments. The Secretary General highlighted the worrying trend of democratic backsliding and falling trust in democratic institutions and processes in her annual report 2021, evidenced by among others voter apathy, the rise of nationalism, the disruption of society through disinformation as well as political cronyism and corruption. Moreover, the Parliamentary Assembly has noted in the Recommendation 2232(2022) "Safeguarding and promoting genuine democracy in Europe" that

> *"In view of this alarming situation, there is an urgent need for Council of Europe member States to renew their commitment to safeguarding and promoting genuine democracy, based on the principles of individual freedom, political liberty, other human rights and the rule of law, as enshrined in the Statute of the Council of Europe (ETS No. 001), while addressing the root causes of democratic backsliding."*

Some would argue that participatory and deliberative methods offer a structural improvement in how policy is made and a potential response to the aforementioned democratic backsliding. A more widespread and deepened **participation**, so the argument goes, **may lead to increased interest in democratic governance and contribute to improve policy outcomes, thereby reducing the democratic deficit and increasing trust**.

2.1. Legitimacy and trust

In a very basic sense, the legitimacy of representative democracy comes from the legislature being elected by citizens in regular, free and fair elections, giving it the constitutionally defined right to make laws.

Equally a democratic government is legitimate because it too is elected and accountable to the electorate. A system of government can also be said to be legitimate as far as those subject to its rule recognize its rights to make decisions. Seen from a citizen's perspective the political legitimacy of democratic regimes is sometimes divided into different dimensions such as:

1. support for the core regime principles, norms, and procedures;
2. assessment of the regime performance, and
3. the support for the regime institutions and authorities.

Although the elections have a fundamental importance in a democracy when it comes to capturing the will of the citizens, it is also of crucial importance that all citizens have good conditions to participate in various types of decision-making processes between elections. In a well-functioning democracy, there should be numerous ways for citizens to engage with politics and government between elections, either individually or together with others in groups and organisations. The effective functioning of democracy, in fact, depends on ordinary people being able and free to use such other means. A well-functioning democracy creates a level playing field so that all people, no matter the circumstances of their birth or background, can enjoy the universal human rights to which they are entitled. Citizens and other as recognised by the constitution should have good conditions to participate in politics and governance. **It is important for civil participation to be afforded legitimacy within the democratic framework if it is to be effective**.

Political trust, generally defined as citizens' confidence in political institutions, is an important indicator of political legitimacy. Political trust is often considered as an essential component of the civic culture that is necessary for stability of democratic systems and is also believed to affect the willingness among citizens to engage in institutionalized forms of political participation. Even if there is considerable variation in the levels of trust in government and institutions among member states, the general tendency is that trust is falling or remains low in many countries. The concept of trust is, however, complex and affected by multiple factors, such as, among others, personal experience and circumstances; the perceived behaviour of politicians; what is said in the media, social media, through marketing and advertising, and disinformation; as well as macro-level socioeconomic patterns, and national or local culture and historical context.

Furthermore, the argument is often heard that people do not trust government or parliament, but it is important to recognise that the reverse may also be true: governments sometimes distrust the public and prefer the expertise of select groups, such as those of consultants and experts. This has

come at the expense of participation and trust. Even when the public are consulted this can be narrowly scoped, restricted in terms of time and space and the primacy of expert opinion can lead to a de-valuing of citizens' views. All of this re-enforces feelings of dislocation and dis-engagement – of dis-trust.

When it comes to deliberative democracy, advocates of deliberative democracy point to its potential to increase trust, a claim also made by other forms of participatory democracy. As far back as 2004 it was suggested that deliberative democratic processes could facilitate political learning, promote interpretable individual and collective opinion change on the policy issues, and increase political efficacy which has the potential to indirectly strengthen other aspects of citizenship, such as political interest and participation. Organisers of deliberative processes suggest that the trust levels of some of the participating citizens increase but there is no strong evidence of whether this newfound trust lasts or spreads; is there a ripple effect from the centre out and, if so, how strong and how sustained? And whilst anecdotal evidence suggests participants in deliberative processes can be motivated to become more politically active, this is true of non-deliberative methods also, such as e-Petitions and Participatory Budgeting.

2.2. Civil society and citizen engagement in democracy

An ideal civil society, one which is resilient and strong, reflects an inter-connection of individuals and groups, with varying degrees of formality and structure. A strong civil society is a sign of a healthy democracy. The Council of Europe's guidelines on civil participation make it clear that civil society organisations are key actors in democratic systems, however, civil society is often challenged, and its legitimacy sometimes contested.

It is sometimes argued that the formal systems of governance today are at best overly indulgent of powerful voices, such as business, at the expense of citizens and, at worst, that they are corrupt and cannot be trusted. Caution is needed here in the sense that this has often been the case throughout history. Nonetheless, it is fair to say that **many politicians and policy makers today feel that they must increasingly respond to an engaged public who demand not only change but a say in how that change happens**. Part of this engagement among citizens are related to a rise in populism and the emergence of new social movements. The latter in particularly has achieved cross-over into policy areas and this has led to climate-related issues being a prime choice for deliberative initiatives, for instance in France and the UK.

For quite some time there has also been a shift towards the professionalisation of civil society. Deliberative democracy could be an opportunity to bring individual citizens more directly into the policy or legislative process in a way that more directly bring forward their opinions and experiences.

Done properly, more participatory and deliberative democracy is not a way of quieting the public mood, nor a method of bypassing other 'expert' voices but something that could lead to more responsive services, stronger social capital and less disengagement from the democratic process.

3. PARTICIPATORY DEMOCRACY

Participatory democracy complements and supports representative democracy. Citizens who feel that they have a say in the decisions that affect them, are more likely to accept them and more likely to trust their government and elected representatives. **The Council of Europe notes that civil participation in decision-making at all levels of government is one of the prerequisites for a functioning democratic society. It is a way of fostering democratic security, supporting better decision making and contributing to stronger governance.**

The focus of political decision-making should have regard to citizens' concerns and opinions and to deliver for the public good. Participatory democracy offers techniques whereby people can have an input to the political process. Citizens' concerns are the basis for change and participatory democracy does exactly that – it gives citizens an opportunity to take part in decision-making processes between elections and to possibly create change. The Council of Europe Guidelines for civil participation in political decision-making state that civil participation requires mutual respect between all actors, must respect the independence of NGOs and the position of public authorities. It must be open, transparent, accountable, and responsive, including the provision of appropriate and timely feedback. Participatory democracy must be inclusive and based on principles of non-discrimination, equality, and accessibility.

Civil participation should seek to provide, collect and channel the views of individuals, either directly or via NGOs and/or representatives of civil society, and should provide a substantive exchange of information and opinions to inform the decision-making process so that public needs are met. There are different levels of participatory democracy, from information provision, consultation, and dialogue to co-creation and partnerships, and there are numerous methods and models for delivering participation. To engage authentically and maximise the potential to achieve a useful outcome, one must understand the appropriateness of the models of participation available. One size does not fit all and what works at any given place or point in time is determined by multiple factors. Different methods have different strengths and weaknesses. The Council of Europe online platform BePART provides a space for practitioners from public institutions and civil society to share different examples of participatory initiatives and their lessons learned.

The spectrum of democratic activities spans from the passive (communicating outwards) to the participatory (involving people) to the deliberative (having people make/propose decisions). There are also levels before 'informing' which are best described as 'non-participation'. There is nothing inherently wrong with what might be seen as the lower levels of participation; they are valuable parts of the landscape of democratic practices. In reality, methods might be used together, often sequentially. To put this in context the table below, derived from the IAP2 Spectrum of Public Participation, describes a ladder of participation and aligns this with a sample of participatory and deliberative methods:

Level	Method	Description	Benefits	Risks
Informing	**Media campaign**	Ensure widespread public awareness of an issue.	Brings issues to peoples' attention.	There is no scope for participation or engagement, only reaction.
Consulting	**Written consultation**	Traditional method, can easily be extended online and to new media.	A wide range of opinions over a longer time period.	Lacks a deliberative element; can be seen as too formal; favours the well-resourced.
	Advisory groups	Small ongoing reference groups of experts and stakeholders.	Focussed discussion on topic.	Can be biased and seen as elitist.
Involving	**Town hall meetings**	Face to face (or digital online equivalent) public meetings.	Getting people together to hear a range of views.	Time and space constrained; attract usual suspects and can be dominated.
	Focus groups	Small group, focussed qualitative discussions.	Analysing specific issues.	Tend not to be representative.
	Crowd-sourcing	Collectively gather and evaluate (or rank) ideas online.	Draws out creative and original ideas and allows public to evaluate and prioritise.	Ideas can be dominated and voting biased by interest group campaigning.
Collabo-rating	**Citizen juries**	Juries or panels can be convened to hear evidence, deliberate and make recommendations. Typically a smaller cohort and shorter process than a citizens' assembly.	Representative, deliberative and able to hear a wide range of voices.	Need strong processes and methods or risks failure.
	Citizen assemblies	A representative group brought together to discuss an issue and reach a conclusion.	Good for in-depth discussions about complex topics where there is a need to achieve a reasoned and objective conclusion.	Timely and expensive. Must be connected into the formal policy process to have value.
	Neighbour-hood forums	Face to face small group meetings, usually involving citizens, officials and representatives.	Local issues and small group discussion. At best is can empower local communities to act for themselves.	Time and space constrained; attract usual suspects and can be dominated.
Empow-ering	**Participatory budgeting**	Though it can vary in focus and scale (from involving to empowering), PB involves communities coming together to allocate budgets for initiatives or services that directly affect them.	Informed decision making, community cohesion, collaborative democracy. Can include deliberation.	Can be time consuming and resource heavy; often what is done is too light to be really participatory and it often lacks deliberative aspects.
	Hackdays and hackathons	Co-creative gatherings where people from a range of backgrounds actively prototype solutions. These first emerged amongst open-source software developers in the late 1990s and have since been used to solve social and democratic challenges.	Creative and energising spaces where innovative ideas will emerge.	Prototypes are just that, without investment in follow up hackdays rarely deliver real benefits.
	Deep democracy	Immerse deliberative gatherings where actors with substantially opposing (even hostile) views come together to listen, discuss and resolve differences. This model has been used in conflicts and for overcoming complex and contested issues.	Deeply immersive and strongly facilitated, they are safe spaces to explore difference	Very challenging and intensive processes that need a lot of pre-planning and follow-up; all participants must be willing to modify their beliefs to participate effectively.

4. DELIBERATIVE DEMOCRACY

Deliberative democracy is not a new concept. As democracy itself, it dates back to Ancient Greece, and both have evolved considerably since. Examples of deliberative democracy in the 20th century are 'Citizen juries' in the United States and Germany conducted in the 1970s, or 'consensus conversations' in Denmark in the 1980s. The first citizens' assemblies took place in Canada in 2004, based on a model known as 'mini-publics'. In the last decade, deliberative democracy has grown in prominence and several member States have been experimenting with deliberative processes.

Deliberative democracy is a form of participatory democracy, where direct civic deliberation is at the centre of the process. It does not negate or undermine democratic norms, rather it offers the potential to build and strengthen representative democracy and provides an opportunity to improve policy outcomes.

Deliberative methods sit very much at the active end of a continuum, where civic participation is at the heart of the policy process and citizens' voices contribute directly and are heard. Choosing a participatory or a deliberative method is not an 'either/or': these methods are often complementary and used together, either in a serial fashion – for example, a petition leads to the creation of a citizens' assembly – or vice versa, or in parallel. The Study 'Mapping deliberative democracy in Council of Europe Members States' (2022) notes that public bodies wanting to engage more deeply with citizens through deliberative initiatives should:

Explore where deliberative initiatives can be most impactful.

Explore which deliberative method offers the greatest potential to inform the policy process.

Recognise that valid ideas can emerge from government, NGOs, and informal citizen groups, therefore having processes in place to hear the voices of all these groups is important.

Proponents often argue that deliberative democracy offers a way to improve policy outcomes and to build public trust in democratic processes. While it is hard to measure an increase in trust, it is easier to measure the effect of participatory and deliberative democracy in terms of its impact on policy. The 2008 Hansard Society/UK Ministry of Justice 'Digital Dialogues' project demonstrated that participation can be beneficial to both sides and shows why there is a need for more sustained public deliberation with government. It is clear that the impact and effectiveness of participatory and deliberative initiatives is directly related to their timing within the policy cycle, how effectively they are coupled with the policy process, the methods used and the attitudes of those in control of the process.

Standing in the way of an 'effective engagement' are also significant barriers on both sides. On the government side, these include a lack of 'buy in' to the principles of true engagement and a culture that is inherently averse to risk or which perceives engaging with a non-expert public as high risk. For the public, it is primarily issues of accessibility, knowledge, and trust. In effective deliberative initiatives, **multi-level government actors support groups of citizens to make proposals about complex policy areas and these outcomes feed into the policy process.**

FOUR OVER-ARCHING RATIONALE FOR DELIBERATIVE ENGAGEMENT ARE POSSIBLE:

1. Occasional initiatives, not formally embedded in the policy process nonetheless aim to improve, inform and compliment the process by which the citizens voice is brought into decision making.

2. Making the process more formalised, participatory and deliberative processes are instantiated within existing democratic frameworks in order to improve policy outcomes and to widen participation.

CASTING THE NET WIDE, AS DELIBERATION BECOMES MORE NORMATIVE, IT IS POSSIBLE TO CONSIDER:

3. Deliberative initiatives are implicit within a re-imagined democratic framework. This might, for example, include the constitutionally mandated use of citizen assemblies within pre-legislative scrutiny or as an adjunct to parliamentary inquiries.

4. Deliberative initiatives are established by third-party actors as a 'false-flag' attempt to manipulate public opinion or policy outcomes. There is no evidence of this happening, but only because such processes at present have limited influence. If they become more established, and potentially more potent within the policy process, then eventually deliberative processes and their outcomes might become corrupted or manipulated.

A key factor in choosing deliberative methods is that they offer the greatest opportunity to hear from, and learn from, a wider broadly representative group who are able to go deeply into a topic and provide the best method to inform policy. However, it appears easier to integrate deliberative initiatives into a democratic framework where civil participation and the role of civil society is well defined. In situations where democracy is more tenuous or fragile, where there is less of a culture of participation, extra resources, support and checks may be needed to successfully embed deliberation. As the use of deliberative processes increases – and with it the potential impact on policy – transparency and accountability become critical factors in ensuring that processes are not being manipulated, subverted or corrupted.

Deliberative democracy requires new skills, not often familiar in the public sector, for instance for participant recruitment and for facilitation, and a cultural shift to value the process and what it produces. If all of these can be achieved then, as the OECD argues, deliberative initiatives can "become a regular part of democratic governance" because they:

1. Allow public decision makers to take more hard decisions better, as well as more decisions with long-term impacts.
2. Enhance public trust, regular public deliberation gives people and decision makers the opportunity to build mutual trust.
3. Offer economies of scale, in terms of both cost and process.
4. Strengthen society's democratic fitness.

These are laudable aims, though more evidence to support them is required. Whilst the number of deliberative initiatives rises and they become more popular, they serve little purpose if they are not directly connected to the policy or legislative process that they are promised to inform. More attention needs to be placed on how to couple deliberative initiatives with the policy making process. This matters because deliberative initiatives with no clear follow-up mechanism will not engage citizens and, in the long term, are likely to damage already fragile trust in democracy.

To resolve this challenge, **deliberative and participatory processes, where they are used, should be formally embedded within policy systems** so that results resonate with policy makers and there is a commitment to respond. It is also important to ensure **oversight and scrutiny** once the participants of deliberative processes have presented their findings, thus overseeing the response of government and others. To be able to offer policy solutions, the **level of intervention needs to be appropriate**. The challenge is that deliberative initiatives often address broad societal issues, such as climate change. In these instances, they must be able to consider systemic change at the macro level as well as more micro policy details.

Good planning, strong design and well developed and agreed principles can overcome challenges and barriers to deliberation. Whilst such principles will vary with culture and circumstances, the findings of the abovementioned study suggest that a **core set of design characteristics exist that can be expected to be found in a well-designed deliberative initiative** covering mandate, procedures and governance, recruitment, facilitation and deliberation, communication and engagement and, finally, ownership together with a continuous improvement. In the following, these key elements of deliberative democracy are explained in more details.

4.1. Codifying deliberation within a regulatory framework

There is a need for clarity in defining what deliberation is, how it is to occur and where it fits within the democratic framework – in other words, when it could be used and how the outcomes feed into the wider process including who must consider this evidence and how it should be responded to.

Deliberative initiatives have largely been one-offs, though many were run over extended periods. In Ireland, citizens' assemblies have become well-established mechanisms within the state system to inform change, however, they are run individually without any over-arching co-ordination and topics are decided by government. Despite this they have shown considerable success in pushing several challenging issues forward to the public referendum stage, thereby creating tangible change in Ireland.

All of the above require codification within the democratic framework so that their purpose, use and power is clear and unambiguous. The Netherlands is currently debating a legislative proposal to strengthen participation at sub-national level consisting of two provisions: 1) Prescriptive/ mandatory: Broadening the participation framework from participation in preparation to policy making to participation of citizens during implementation and after implementation of policy in the phase of evaluation; and 2) Descriptive: Embedding the right to challenge, as a specific form of participation within the participation framework of the sub-national authority. In France, too, legal provisions have been proposed to codify participatory and deliberative practices, including right to challenge and citizens assemblies. The existing framework already allows for numerous experimentations.

In fact, deliberative initiatives often have no formal power to influence policy or law directly. They are, in effect, advisory bodies. Having some form of codified criteria for deliberative initiatives should not be a 'tick box' process or a bureaucratic exercise, the value lies in clearly situating the role of deliberation within the democratic framework so that there is an awareness of when it can be used and an understanding that it is one of the many legal provisions available to the public sector. Some member States have introduced permanent citizens' assemblies, where the structure is permanent,

but the members rotate, for instance in the German-speaking community in Belgium, the Borough of Newham in London and in Paris.

Initiative owners and sponsors must be clear about how and where a deliberative process is situated and be able to clearly articulate the following:

- What is the purpose of the deliberative exercise?
- What is the optimum point in the policy cycle to use deliberative methods?
- Who owns the process and who is responsible for overseeing a successful outcome?
- Is the process transparent, accountable, and auditable from start to finish?
- How are the recommendations of the initiative going to be used?

4.1.2 Suggested good practice

- Clear guidelines need to be set out which show how, where and when deliberative initiatives are used.
- Deliberation, where used, must be embedded within the overall democratic framework.
- Regulations and guides must be created to ensure that initiatives are effective, legitimate, transparent, and auditable.

4.2. Choosing the topic for deliberation

Deliberative initiatives can be an effective way of addressing policy issues. However, the agenda for deliberation must be clearly defined and manageable. It must also be appropriate, and governments should be careful in the selection of topics, to ensure that they are suited to deliberation. To be effective, the initiative must be sensible and address an issue of sufficient weight to merit the investment of resources and time. Deliberative initiatives are seen as a way of exploring big public policy issues, such as climate change, but also as a way of addressing challenging topics that have divided politicians and communities, such as abortion. It is also possible for participants to have a say in the agenda, as is the case in Belgium. In Mostar, Bosnia and Herzegovina, the selection of the deliberation topic was inclusive, involving citizens of Mostar, representatives of civil society and academia as well as elected representatives and civil servants from the City of Mostar. The process for deciding on the topic for deliberation included online surveys, tailored workshops and final random voting by citizens through the invitation letters.

4.2.1 Suggested good practice

- The topic must be clear, unambiguous, and manageable.
- The topic should be of sufficient merit to justify the use of a resource-intensive process.

4.3. Designing the deliberative process

There are many ways to involve the public more, and more effectively, in democratic processes, whether these are in determining policy or as part of a legislative inquiry. There is a current trend towards deliberative democracy, however, public bodies should not choose to use deliberative initiatives simply because they are fashionable. Instead, public bodies should understand the problem that they are addressing, the range of options available and the challenges that they will face. Only once the individual circumstances have been assessed and understood can one comfortably and confidently decide that deliberation is the most effective way forward. The decision will be based on:

- The problem that should be resolved.
- Type of questions the initiative wants to answer.
- At what point in the policy cycle this is occurring and the most appropriate time in that cycle to use deliberative tools.
- The time, budget, and resources available.
- The skill set available to run a deliberative process.
- The opportunity and means available for the outcome of the process to be impactful.

Deliberative methods offer specific advantages in certain situations, however, they **do not themselves solve the problems that democracy is facing, nor do they on their own radically shift the policy focus to be more citizen-centric and open**.

Deliberative tools sit within a continuum of activities that, when used at the right time in the right way, can all contribute to better policy and legislative outcomes. A deliberative process is complex and inter-connected, and it is vital that it is fully understood and well planned before it starts. Those organising successful deliberations have considered and clearly articulated the following criteria before starting the initiative:

- **Purpose** – why is this happening and what will the deliberation set out to achieve?
- **Aim** – why is deliberation being used at this time and not some other method?
- **Integration** – how does the deliberative process integrate with earlier consultations, policy papers and participatory methods and how will it inform future processes?
- **Fit** – is the method chosen the best available to achieve the desired outcomes at this point in the policy cycle and does it offer the maximum potential to usefully inform?
- **Resources** – what resources are needed to make this process work and to support the deliberations?
- **Working modality** – how will the deliberation happen, when and where? Who will be involved, how will evidence be determined for it and what are the processes for participants to request further evidence or to hear from different witnesses?
- **Recruitment** – how will recruitment happen?

- **Communication** – how will the deliberative process communicate with participants, key stakeholders, the media and the wider public? How to ensure that information provided to the wider public is accurate and reliable?

4.3.1 Suggested good practice

- Fully understand the individual circumstances of the initiative in order to choose the right method.
- Understand where deliberation supports the wider policy process and how it can integrate with other methods.
- Ensure that the initiative is well thought out and that solid planning has been undertaken.
- Ensure that information about the process is accurate, reliable and credible.
- Provide sufficient resources for the chosen method.

4.4. Embedding deliberation within the policy cycle

The OECD suggests that institutionalising deliberative initiatives enables governments to take "more hard decisions and at lower cost". It improves policy outcomes by ensuring collective learning and experimentation, and can potentially increase trust in government, strengthen democracy, and enrich society's democratic fitness by creating more opportunities for more people to significantly shape public decisions. It can only achieve this if the deliberative process is formally and firmly connected to the wider policy process. Deliberative initiatives in Gdansk, Poland, have developed mechanisms for recommendations to be drafted into proposals to be taken forward by the city council. In Bosnia and Herzegovina, the City Council in Mostar unanimously adopted an Action Plan for the implementation of recommendations stemming from the Citizens' Assembly and engaged in a monitoring process.

There is also the possibility to use deliberative methods in conjunction with parliamentary inquiries, as has happened in the UK. Going even further, some proponents of deliberative democracy suggest that a citizens' assembly could become an additional chamber of national parliaments or local councils, thereby giving citizens a direct role in the legislative process.

Participatory planning initiatives in Prague, Czech Republic, have been used as a way to bring together different stakeholders and have evolved into a Participation Manual that can support wider engagement and participation by citizens in the democratic processes. Similarly, Council of Europe projects in Ukraine have led to training partnerships, bringing together civil society and local government to learn how to collaborate on solving problems. Citizens' assemblies that suffer from a lack of commitment and participation of political representatives, cannot be effective or produce tangible results, as assemblies' questions would remain unanswered and there would be no pathway for a follow up of the recommendations proposed.

There is no 'one-size-fits-all' approach to deliberation. As the OECD observes, it depends on the context, purpose, and process. Three existing routes to institutionalising deliberation that they propose are:

1. Permanent or ongoing structure for citizen deliberation;
2. Requirements for public authorities to organise deliberative initiatives under certain conditions, and
3. Rules allowing citizens to demand a deliberative process on a specific issue.

4.4.1 Suggested good practice

- Enabling legislation or formal guidelines may be needed to define the scope and requirements for deliberative initiatives, how they work, their role and powers.
- Enabling legislation may be required to permit access to potential participants.
- Understand the resources required from the public sector side and plan for the acquisition of new skills, such as facilitation.

4.5. Defining the scope and remit of the initiative

It was noted above that the topic must be appropriate for the method, but deliberative initiatives can be designed to be narrow, looking at a single issue over a relatively short period of time, or broad, seeking to define a new direction of travel for a place or nation. Citizens' Assemblies around Climate Change in England, France and Scotland are examples of a broad scope, as was the Citizens' Assembly of Scotland, which attempted to build a future vision for the country. An evaluation of the latter identified that "a key challenge faced by the Assembly was the breadth of the remit. The research found that this challenge permeated through all aspects of the Assembly". In Ireland, some of the Irish Citizens' Assemblies have been given narrow topics that might not be best suited to such a process, such as a question on the term of the President. Despite this, a number of Irish citizens' assemblies have successfully addressed important, challenging and sometimes controversial topics, reaching a set of recommendations that the government has been able to accept and put forward to a referendum (a constitutional requirement in Ireland).

In Armenia, town hall meetings were used as a way to support wider participation in establishing the Open Government Partnerships National Action Plan. This method was intentionally designed to be 'bottom-up' and bypass what were seen as traditional gatekeepers through a crowd-sourcing process. In Poland, local citizens' assemblies have been held in several cities to explore subjects such as civil participation, flood management, air quality, forestry, phasing out fossil fuels and climate change, and transport.

There are a number of challenges that must be overcome, which include information overload, evidence selection and decision forming. Over time, these factors could undermine the value of deliberative democracy. Within the deliberative components of the EU's Conference on the Future of Europe Observatory the High-Level Advisory Group noted that "the broadness of the themes, lack of time, weak links between transnational and (sub)national debates, and ambiguity of purpose emerge as lessons to be learned for similar future exercises".

4.5.1 Suggested good practice

- When designing deliberative initiatives, it is imperative that the scope is manageable and achievable, with organising bodies being aware of information overload, the learning curve for participants and how initiatives are resourced.
- Whilst it is tempting to be ambitious, it might be more effective for deliberative initiatives to be more narrowly focused, so long as this does not create exclusions in terms of the debate or evidence available. In this regard, it might be useful to promote local opportunities for deliberative initiatives as they are being developed, rather than overly ambitious national-level conversations.

4.6. Governance and oversight of deliberative initiatives

The deliberative process must be managed and must integrate with other aspects of the policy cycle, with policy makers and elected representatives. From this perspective, having a clear remit and governance structure can allow the process to be more dynamic and respond to challenges that arise. It can also give the process greater credibility. Some have been critical of narrow remits and overt control of the process yet leaving the initiative too open can also be counter-productive. Balance is needed but so too is responsiveness to emerging issues and challenges.

One way of overseeing the process is the use of 'guardians', an approach adopted by the French Climate Change Citizens' Assembly or the role of 'Conference Observatory' and, within this a 'High Level Advisory Committee', to provide oversight and recommendations for improvements in the European Union's Conference on the Future of Europe.

Part of this governance process is ensuring that there is buy in to the process from the participants and the working modalities of the deliberative process should be finalised with them. Another part is ensuring that the process is designed to be as open and transparent as possible and that it is accountable and auditable to ensure fairness and to explicitly demonstrate that it was not biased or attempting to skew outcomes. In addition, experience with participatory budgeting in Helsinki, Finland, suggests that resolute motivation and willingness for optimisation are essential throughout the process. The methods used were further developed to become faster and more cost-efficient by applying lean principles, in accordance with critique from both citizens and city departments taking part in the process.

4.6.1 Suggested good practice

- Create a light-touch advisory group who can support the organising body in the design and the delivery. Ensure that the advisory group is composed of a mixture of public agency staff and external experts.
- Consider whether there is a need for independent oversight, such as a role of 'guardian' to ensure that the process is legitimate.

- Consider who will chair the process; will this person be appointed or will the group select their own leadership.
- Involve participants in designing how the day-to-day process will work.
- Build in openness and transparency to all parts of the process as a way to demonstrate credibility and build trust.
- Ensure that there is a properly resourced and functioning secretariat to support day-to-day operations.

4.7. Managing the recruitment of participants (representation)

Proponents of deliberative democracy often talk about 'representatives' and a 'representative sample'. They emphasise how important it is that those engaged in the deliberation are a representative sample of the population at large, in terms of geography, age, gender, sexual orientation, (dis)ability and ethnicity, among others. It is important to underline that 'representatives' of the people – those who are duly elected – are distinct from a 'representative sample'.

Following good recruitment practices gives the initiative credibility. There are some characteristics that would be expected to be present when recruiting participants for a deliberative initiative:

- There is a formal mechanism in place that openly describes how a forum is established, how it will operate, who will run it, how participants are recruited and how the outcomes will inform formal policy or legislative processes. Without this, the process cannot be seen as reliable.
- Representatives participating in initiatives are selected through a transparent and open process and such a process ensures that those selected are legitimately taking part.
- The process ensures broad representation so that initiatives resemble a microcosm of the society they have been established to represent. This includes creating space for minority and hard to reach voices, not just echoing mainstream opinion. Recruitment should create a panel of citizens who are representative of the community at large, or at least the demographic group affected by the topic of deliberation.
- Whilst in any debate one can expect to hear outlying opinions, it would be expected that the views of the initiatives broadly chime with those of ordinary citizens (there is a historical context in English law that uses the fictional 'man on the Clapham omnibus' for such purposes[1]).

Recruitment can be challenging, and experience shows that public motivation to participate is generally low. The reasons for this are not well explored. Motivation is caused or inhibited by multiple factors, such as interest, trust, and ability to participate due to other commitments. Some proponents argue that "more is smarter" and that selection should be open and random, others support the use of a random sample promoting multi-stage recruitment methods that ensure representative balance across smaller groups, the argument being that this gives the process a stronger sense of legitimacy.

The municipality of Korsholm, Finland, created a 'citizen-initiated review' process ahead of a referendum. The intention behind this process was that a group of citizens were able to analyse

1 / The expression **man on the Clapham omnibus** refers to "an imaginary person whose opinions or ideas are considered to be typical of those of ordinary British people" (Definition of the man/woman on the Clapham omnibus from the Cambridge Advanced Learner's Dictionary & Thesaurus); it is also a phrase coined by English courts in negligence cases, to refer to the reasonable person, see Duhaime's Law Dictionary.

and deliberate the topic of the referendum, looking at the available evidence and then provide feedback to the wider population on the subject. The municipality approached a random sample of 1,400 eligible citizens but this resulted in only 73 positive responses (5%) offering to participate (from which a panel of 24 was selected). Similarly, the Brussels Citizens' Assembly sent out 5,000 invitations to eligible citizens, resulting in 400 offers to participate (8%), of which 89 were selected. In the London Borough of Newham, which has established a permanent citizens assembly process, the use of representative selection is enhanced by a rolling membership, where 50% of the subsequent assembly is new and 50% rolls over from the previous one.

Although a key attribute of most civic participation is that it occurs on a voluntary basis, the 45 randomly selected citizens in the assemblies organised by the Brussels Parliament are remunerated. Covering the costs to participate, such as travel, accommodation, childcare, per diem expenses and, perhaps, loss of earnings, similar to the experience with juries does not seem unreasonable; it is unlikely to influence someone's willingness to become involved, but it might allow those who would otherwise find participation challenging and therefore widen the demographic reach.

One methodology for managing the recruitment process was described in the UK Government's Innovation in Democracy Programme (IIDP), which involved Citizens' assemblies in three municipalities. This initiative recruited participants through a two-stage 'civic lottery' process where invitation letters were sent to randomly selected households and, from those who responded, a random-stratified sample was built to match pre-determined demographic criteria. This initiative also notes that, once the public agency has determined the recruitment criteria, it is standard practice to delegate the recruitment itself to an independent agency. In the UK case, a market research company has been used because they have significant experience in selecting representative samples and large databases of potential participants. A similar process was used in the EU's Conference on the Future of Europe, where the process was outsourced to a market research agency, who were charged with ensuring that there was a strong representation of young people on deliberative panels.

An alternative recruitment method is to 'broadcast' the invitation to participate and then facilitate the response through multiple, short online or face-to-face sessions. One example of this was the 'Finding places' initiative undertaken in Hamburg. This populated a hybrid mix of sessions by distributing around 40,000 flyers across a population of 5 million people and allowing people to self-select to participate. Small group sessions were then held with up to 20 people each (the average was 11). The downside of this approach is obvious; it is self-selecting and likely to draw those with strongly held views. In this it fails to overcome the challenge that always faces deliberative democracy, that of hearing the 'average' voice and involving people who will genuinely engage and adapt their own views.

Engaging with polarities of opinion rarely produces an acceptable outcome unless the process is far more involved than methods identified here. Consider the South African Truth and Reconciliation Commission, the deliberative initiatives that took place prior to this and, more locally, the application of a similar methodology in order to reach the Good Friday Agreement in Northern Ireland. These processes, often described as 'deep democracy', are far more intense, challenging, and long-term than any ordinary deliberative process described here but do represent an extreme of the arc of possibilities.

Creating a representative panel of 50 citizens requires the net to be cast wide. An invitation to participation ratio of 50:1 would not be considered abnormal: 5,000 invitations are likely to create offers from 250-500 eligible citizens, from which you can select a sample of +/-50 people that as closely as possible represents the public demographic and positions.

4.7.1 Suggested good practice

- Recognise that effective recruitment starts with a large base and anticipate a limited response.
- Legislation may be required to enable access to a central database of potential participants (e.g. the Electoral Register) and use of this is likely to be strictly governed by privacy law.
- Consider reimbursing costs of participation to ensure that this is not a barrier.
- Consider who will be responsible for recruitment and whether this can be better undertaken by an external organisation with experience in selecting representative samples (e.g. a polling or market research company).
- Recognise that, regardless of who is responsible for recruitment, the process must be transparent, accountable, and independently auditable.
- If the panel includes elected representatives as well as the public, be clear about the ratio and how the process can ensure that their views do not over-power the public debate.

4.8. Participant learning

The deliberative process requires a group to come together to hear a wide range of evidence on a topic and then to make recommendations based on what they hear. It is imperative that the process of selecting evidence is transparent and that a broad range can be presented; the process will fail the test of credibility if it does not address all sides of an argument. However, this means that citizens who most likely have little if any experience of hearing, weighing, and debating often complex evidence must suddenly do so.

Albeit limited, the evaluations there are of deliberative initiatives highlight that this can be a particular challenge for participants and that it can affect the outcome if not addressed. Those organising the process must consider what 'onboarding' is required to prepare participants for the event, so that they understand what is being presented to them and the process for deliberation. This onboarding would include education in both deliberative process and a neutral introduction to the topic(s) under consideration. In the Austrian region of Voralberg[2], 'citizen cafés' created by participants were allowed to define how the mechanism would work. It became clear early on that the chosen process was weak and was quickly disrupted by a single-interest group. Revising the format, the initiative used a 'world café' model, splitting into smaller groups to debate and produce recommendations, leading to a more constructive deliberation.

The process itself is a learning experience for participants and supporting this 'just in time' learning within the framework of the process is important too. The review of the Scottish Citizens' Assembly on the future of Scotland noted that "by the end of the Assembly, [participants'] knowledge was greater compared with the general population". Poorly designed deliberative processes would be those where, among others, time is insufficient to present different perspectives and to generate a proper debate.

2 / https://www.buergerrat.net/english-version/

4.8.1 Suggested good practice

- Ensure that the source of evidence and information provided to the participants is transparent and verifiable.
- Recognise both depth and complexity of evidence and build in review spaces to ensure that participants are able to sufficiently reflect on what they have heard and check-in with the group process to see if any of it needs to be repeated or explained more.
- Consider the volume of information and the human ability to absorb and process it; information overload is a real issue but can be countered in the design.
- Design good facilitation into the heart of the initiative to ensure the process runs smoothly, participants are heard and supported, and not overwhelmed by evidence.
- Evidence needs to be diverse and reflect a range of perspectives.
- Consider how to supply additional evidence if it is requested by the participants or when the participants do not feel what they have heard is sufficient to form a decision.
- Recognise and accommodate opportunities for just-in-time learning.

4.9. Facilitation of the process and managing deliberation

As mentioned above, good facilitation is key to a strong and effective process. There is limited focus on the quality of facilitation in the cases examined but it should be emphasised that facilitation is a professional skill. The selection of suitably qualified and experienced facilitators is a key part of the design process. The Conference on the Future of Europe Observatory noted that allocation of time was a challenge for the deliberative components and that careful planning is required and that debate takes longer than the organisers expect.

The facilitators are there to manage the overall flow of the deliberative process, to support the participants, ensure that roadblocks are resolved, learning occurs, and all voices are heard. Good facilitators also recognise that disagreement and conflict occur in deliberative spaces and that their role is to mirror, build and promote respectful dialogue. The design of the sessions within the deliberative process can themselves encourage or impede debate; it is a hallmark of good deliberation that opposing views can be presented and strongly argued for and against in a respectful way. Organisers need to be aware that too little time can cut short constructive and necessary debates and poor facilitation can lead to dominant voices taking over at the expense of other views.

Furthermore, how participants behave and interact is important. Standards of behaviour which everyone involved should seek to live up to, could include kindness, compassion, respect, inclusion, and openness.

Within any group, there will always be a strong focus on cohesion, and this often defaults to looking for consensus positions that the majority can support. This is not always a good thing and consensus can equal the 'least worst' option. Good facilitation and process design should be able to support disagreement and multiple positions rather than trying to drive the debate towards a consensus that leaves others unhappy, isolated or disengaged.

4.9.1 Suggested good practice

- Invest in good process design to ensure that the process is robust and respectful.
- Recognise that facilitation is a critical skill and ensure that facilitators are suitably experienced and trained.
- Ensure that facilitation holds and steers the debate but does not drive conclusions.
- Allow space for rigorous debate and disagreement, facilitators are not there to reach consensus at all costs and the findings must honestly reflect all the views heard.

4.10. Impact of the initiative and promoting public engagement

If the deliberative process is to have any direct impact, then it must have formal mechanisms in place to feed into the process that commissioned it. How this will work at what stages of the process and with whom are all questions that must be answered clearly in the design of the deliberative process and addressed in the governance mechanisms.

Impact must also be considered in terms of a secondary focus; that of the deliberative process on the public. Is there public interest in the topic that can be shared and, if so, how can media organisations and others be engaged with to share what is happening?

Public engagement is important for two reasons:

1. It raises the profile of the issue being discussed, including sharing the evidence that is being heard. This assumes that a deliberative process only exists because there is a wider public interest in the subject and therefore this process itself can be used to increase interest and knowledge.

2. It raises the profile of the deliberative process as a core part of the democratic framework, builds awareness that such a process exists and that 'ordinary citizens' can take part. In this regard it is vitally important to promote not just the process but the outcomes of it too, to demonstrate that it was an effective mechanism for influencing policy.

4.10.1 Suggested good practice

- Clearly define how the deliberative process will work with the key decision-makers (e.g. ministers, civil servants) and whether the processes meant to be informative or have a binding nature.
- Define and agree with both sides how the process will deliver recommendations, how these will be responded to.
- Show and measure what impact (direct and indirect) the deliberative process has had.
- Create a public engagement plan that promotes both the process and the results widely to the public and the media.

4.11. Evaluation and reflection on the initiative

It has long been held that that final phase of any participatory exercise is learning and reflection: a cycle of ideation, implementation and learning. Deliberative initiatives, as a subset of these, are no different and, given the aim of using them as agents of democratic change, they must be fully accountable. Unfortunately, so far reviews and evaluations of deliberative initiatives have been light and often uncritical. Studies have tended to cite the same small pool of initiatives and repeat the same views expressed. This is, perhaps, typical of any emergent area but it is not sufficient if we are to build a critically valid body of knowledge that will lead to better targeted and more effective deliberative initiatives.

As well as the work of a small number of academics, the independent review of the Scottish Climate Assembly and the High-Level Advisory Group of the Conference on the Future of Europe provide a rare critical and in-depth analysis and evaluation of a deliberative initiative. Such reports are vitally important as they are able to identify what did worked and what did not work, and contextualise these evaluations for future learning. Part of the challenge here is that critical, in-depth research takes time.

4.11.1 Suggested good practice

- Build evaluation and reflection into the design process from the beginning, creating space and opportunity to hear directly from participants, organisers and those giving evidence.
- Ensure that the review is open and critical, there is no value in ignoring the challenges since this is where improvement and learning comes from.
- Make everything public and ensure that evaluations form part of a wider reflexive cycle within the public sector body.
- Encourage independent academics to research and evaluate what you are doing and to share what they find.
- See every deliberative initiative as an opportunity for reflection and learning.

5. CONCLUSION

The Council of Europe recognises the importance of civil participation in the democratic process and has noted that opportunities for direct participation are increasing. Deliberative and other participatory methods can be used to enhance and complement existing democratic norms and practises, not to replace them.

This report examines deliberative democracy methods as a subset of participatory democracy within the overall framework of representative democracy. As such deliberation is one of a range of interventions open to policy makers and legislators who want to hear from and take into account the voices of citizens, including otherwise unheard voices. It is in-depth and deeply immersive, allowing citizens to develop tangible recommendations as to what authorities and elected representatives should do. This means, to be effective, where it is used, deliberative democracy must align and closely integrate with the policy cycle and public bodies must accommodate it in a genuine way.

This report, in response to the request of the Committee of Ministers, provides the basis for a recommendation to member States who wish to further experiment with such methods and indeed properly embed and codify them into their own democratic systems of government. It also provides suggested good practices, that are aligned with vital characteristics of good democratic governance.

The practical application of deliberative democracy is relatively new and growing in popularity, however, it must be used wisely and appropriately; it is neither a 'silver bullet' nor will it of itself avert democratic backsliding nor solve all policy questions. In fact, if deliberative democracy is to contribute positively, where it is used, it must follow the suggested good practices explained, otherwise it can be counterproductive or damaging to the concept of democracy which is about people being able to have appropriate say on issues which affect them and their daily lives.

To be effective, the mandate for deliberative initiatives must be clear and transparent. It must be clear how the findings or recommendations they produce are considered and followed up by elected representatives. Deliberative initiatives must be established in such ways that they are transparent and accountable, placing professional facilitation at the heart of the process. They must ensure open and free debate amongst participants who look like a microcosm of the population, yet at the same time not forcing opinions or outcomes and not closing down minority voices. At a more strategic level, there is a need to build in critical evaluation, as a tool to enhance learning and innovation and as a tool to verify legitimacy.

5.1. Recommendations for policy makers and practitioners

There is merit in pursing deliberative democracy initiatives as a way to improve policy outcomes. Further support is needed for this field to develop and mature, and standards must be defined if there is to be sustained trust in such processes. As extension of participatory democracy, this is an opportune time for member States to promote and adopt good and effective practices of citizen participation and where it is decided to use deliberative democracy techniques to have regard to the following:

1.

The role and purpose of deliberative democracy, and how it can function within a representative democracy, needs to be better articulated and understood. The Council of Europe and member States can take a leading role in this.

2.

There is a need for standards to support those wishing to use deliberative democracy. Deliberative initiatives, where used, must follow key attributes to be considered credible, and to avoid producing potentially harmful or counterproductive impacts on democracy.

3.

It is important to further develop good practices, recognising the diversity of democratic cultures and processes across member States. There is no single script for running a deliberative process and opportunities to innovate and learn should be created to strengthen the democratic sector.

APPENDICES

APPENDIX A

Checklist for good practice for deliberative initiatives

This report identifies several standards and suggests good practices. These can be helpful for policy and decision makers, practitioners, and civil society and act as a guide or 'checklist' to help plan, implement and evaluate deliberative initiatives. This checklist identifies 11 thematic areas that deliberative democracy projects need to consider in order to be considered legitimate, effective and transparent. As with any checklist, this set of criteria is not exhaustive. Organisers and evaluators of deliberative initiatives are encouraged to see this checklist as a 'baseline' set of questions that can be refined and developed to suit their circumstances.

1. CODIFYING DELIBERATION WITHIN A REGULATORY FRAMEWORK

1.1. Are there clear guidelines to show how, where and when deliberative initiatives can be used?
1.2. Is deliberation embedded within the overall democratic framework?
1.3. Do regulations and guidelines ensure that initiatives are effective, legitimate, transparent, and auditable?

2. CHOOSING THE TOPIC FOR DELIBERATION

2.1. Is the topic clear, unambiguous, and manageable?
2.2. Is the topic of sufficient merit to justify the use of a resource-intensive process?

3. SELECTING THE APPROPRIATE METHOD(S) TO MAXIMISE EFFECTIVENESS

3.1. Are the methods chosen for the initiative appropriate for the aim, scope and mandate?
3.2. Is it clear where deliberation supports the wider policy process and how it can integrate with other methods?
3.3. Is the initiative well thought out and has solid planning been undertaken?
Are sufficient resources available for the chosen method and scale of the initiative?

4. EMBEDDING DELIBERATION WITHIN THE POLICY CYCLE

4.1. Does legislation (or formal guidelines) enable the process and support the scope and requirements
4.2. for deliberative initiatives, how they work, their role and powers?
4.3. If participation is by random selection, is there access to an official register of eligible citizens and is it accessible in a managed way?
4.4. Are the resources required from the public sector side understood?
4.5. Is there a plan for the acquisition of new skills, such as facilitation?

5. DEFINING THE SCOPE AND REMIT OF THE INITIATIVE

5.1. Is the scope manageable and achievable, with organising body aware of information overload, the learning curve for participants and how the initiative is resourced?

6. GOVERNANCE AND OVERSIGHT OF DELIBERATIVE INITIATIVES

6.1. Is there an advisory group who can support the organising body team in the design and the delivery and is this group made up of a mixture of public agency staff and external expertise?
6.2. Is there a mechanism for independent oversight, such as a role of 'guardian', to ensure that the process is legitimate?
6.3. Is there a considered and defined process for appointing a Chair?
6.4. Are participants involved in designing how the day-to-day process will work?
6.5. Are openness and transparency built-in to all parts of the process to demonstrate credibility and build trust?
6.6. Is there a properly resourced and functioning secretariat to support day-to-day operations?

7. MANAGING THE RECRUITMENT OF PARTICIPANTS

7.1. Is there a plan in place for recruitment and does it identify who is best to undertake this?
7.2. Is the recruitment process transparent, accountable, and independently auditable?
7.3. Does recruitment start with a large base and anticipate a limited response?
7.4. Does legislation enable access, if needed, to a central database of potential participants (e.g. the
7.5. Electoral Register) and use of this is likely to be strictly governed by privacy law?
7.6. Has consideration been given to reimbursing costs of participation to ensure that this is not a barrier?
7.7. If the panel includes elected representatives as well as the public, is there clarity about the ratios and how the process can ensure that their views do not over-power the public debate?

8. PARTICIPANT LEARNING AND THE PROVISION OF EVIDENCE

8.1. Does the design recognise both depth and complexity of evidence and build in review spaces to ensure that participants are able to stop, reflect on what they've heard and check-in with the group process to see if any of it needs to be repeated or explained more?
8.2. Has the volume of information and the human ability to absorb and process it been considered?
8.3. Have professional facilitation practices been designed into the heart of the initiative to ensure the process runs smoothly, participants are heard and supported and not overwhelmed by evidence?
8.4. Is the evidence diverse, reflecting a range of perspectives?
8.5. Is there a mechanism to supply additional evidence if it is requested by the participants or when the participants do not feel what they have heard is sufficient to form a decision?
8.6. Does the design recognise and accommodate opportunities for just-in-time learning?

9. FACILITATION OF THE PROCESS AND MANAGING DELIBERATION

9.1. Is the initiative robust, respectful and inclusive?
9.2. Does the design recognise that facilitation is a critical skill and ensure that facilitators are suitably experienced and trained?
9.3. Is it clear that facilitation holds and steers the debate but does not reach or influence the conclusions?
9.4. Is it clear that facilitators are not there to drive consensus at all costs and the findings must honestly reflect all the views heard?
9.5. Are there spaces for rigorous debate and disagreement?

10. IMPACT OF THE INITIATIVE AND PROMOTING PUBLIC ENGAGEMENT

10.1. Is it clearly defined how the deliberative process will work with the key decision-makers– are these processes informative or binding?

10.2. Is it formally defined and agreed with both sides how the process will deliver recommendations and how these will be responded to?
10.3. Is it possible to show and measure what impact (direct and indirect) the deliberative initiative has had?
10.4. Is there a public engagement plan that promotes both the process and the results widely to the public?

11. EVALUATION AND REFLECTION ON THE INITIATIVE

11.1. Are evaluation and reflection embedded into the design process from the beginning, creating space and opportunity to hear directly from participants, organisers and those giving evidence?
11.2. Is the review open and critical and does it identify issues and challenges since this is where improvement and learning come from?
11.3. Is everything made public to ensure that evaluations form part of a wider reflexive cycle within the public sector body?
11.4. Does it encourage independent academics to research and evaluate what you are doing and to share their what they find?
11.5. Is there a culture within the initiative that sees every deliberative initiative as an opportunity for reflection and learning?

APPENDIX B

Council of Europe documents pertinent to this report

CDDG

Civil participation in political decision making. An overview of Standards and Practices in Council of Europe Member States (2016) prepared by the European Center for Not-for-profit Law (Ivana Rosenzweigova and Vanja Skoric, with the support of Hanna Asipovich) under the authority of Katerina Hadzi-Miceva, Executive Director for the European Committee on Democracy and Governance (CDDG) with a view to preparing guidelines on civil participation in Political decision-making processes. https://rm.coe.int/civil-participation-in-decision-making-processes-an-overview-of-standa/1680701801

TERMS OF REFERENCE

of the Working group on deliberative and participatory democracy of the European Committee on Democracy and Governance (CDDG) of the Council of Europe. https://rm.coe.int/gt-dd-terms-of-reference-2749-5699-2005-v-1/1680a56b55

COMMITTEE OF MINISTERS

Recommendation CM(2008)14 15th session of the Conference of European Ministers responsible for local and regional government

Recommendation CM(2017) 83 Guidelines for civil participation in political decision making. (Adopted by the Committee of Ministers on 27 September 2017 at the 1295th meeting of the Ministers' Deputies). https://rm.coe.int/guidelines-for-civil-participation-in-political-decision-making-en/16807626cf

Recommendation CM/Rec (2001)19 of the Committee of Ministers to member States on the participation of citizens in local public life.

Recommendation CM/Rec (2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life (Adopted by the Committee of Ministers on 21 March 2018 at the 1311th meeting of the Ministers' Deputies). https://rm.coe.int/16807954c3

Explanatory Memorandum to the Recommendation CM/Rec(2018)4 on the participation of citizens in local public life. https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168077df31

CONFERENCE OF INGOS

Code of Good Practice for Civil Participation in the decision making process (2009) and (2019) https://bit.ly/3n754XG

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 472 and Resolution 480 on Beyond elections: the use of deliberative methods in European municipalities and regions adopted at the 42nd Congress Session, March 2022

Deliberative methods, combating hate speech, smart cities and regions and regional identities on the agenda of the Governance Committee (2021). Rapporteur:1 Karl-Heinz LAMBERTZ, Belgium (R, SOC/G/PD). https://www.coe.int/en/web/congress/-/deliberative-methods-combating-hate-speech-smart-cities-and-regions-and-regional-identities-on-the-agenda-of-the-governance-committee

PACE
Recommendation 2212(2021) and Resolution 2397(2021) on More participatory democracy to tackle climate change - (see Doc. 15351, report of the Committee on Political Affairs and Democracy, rapporteur: Mr George Papandreou). Text adopted by the Assembly on 29 September 2021 (27thsitting). https://pace.coe.int/en/files/29517#trace-3

Recommendation 2232(2022) Safeguarding and promoting genuine democracy in Europe

REPORT OF THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE
State of democracy, human rights and the rule of law: A democratic renewal for Europe (2021). https://bit.ly/42uhk4P

OTHER LITERATURE

Arapovic, A. (2021). Civil Participation in Decision - Making Process in Bosnia and Herzegovina: General Overview. Council of Europe

Arnstein, S. (1969) 'A ladder of citizen participation', Journal of the American Institute of Planners 35.4: 216–224

Bächtiger, A. and **Parkinson, J.** (2019) Mapping and Measuring Deliberation: Towards a New Deliberative Quality. Oxford: Oxford University Press.

Blockmans, S. and **Russack, S.** (eds) (2020). Deliberative Democracy in the EU: Countering Populism with Participation and Debate. CEPS. https://bit.ly/3Ts2MOV

Boswell, J. (2021) Seeing Like a Citizen: How Being a Participant in a Citizens' Assembly Changed Everything I Thought I Knew about Deliberative Minipublics, Journal of Deliberative Democracy, 17(2). https://doi.org/10.16997/jdd.975

Breckon, J., Hopkins, A. and Rickey, B. (2019) Evidence vs Democracy: How 'mini-publics' can traverse the gap between citizens, experts, and evidence. Nesta. https://media.nesta.org.uk/documents/Evidence_vs_Democracy_Report_Final.pdf

Conference on the Future of Europe Observatory (2022). High-level advisory group report. HLAG Secretariat.

Courant, D. (2021a) Citizens' Assemblies for Referendums and Constitutional Reforms: Is There an "Irish Model" for Deliberative Democracy? Front. Polit. Sci. 2:591983. https://www.frontiersin.org/articles/10.3389/fpos.2020.591983/full

Courant, D. (2021b) Institutionalizing deliberative mini-publics? Issues of legitimacy and power for randomly selected assemblies in political systems, Critical Policy Studies. https://www.tandfonline.com/doi/full/10.1080/19460171.2021.2000453

Delli Carpini M.X., Cook, F.L. and **Jacobs, L.** (2004) Public Deliberation, Discursive Participation and Citizen Engagement: A Review of the Empirical Literature. Annual Review of Political Science, 7: 315-344.

Dryzek, J.S. (2000) Deliberative Democracy and beyond: Liberals, Critics, Contestations. Oxford: Oxford University Press.

Elstub, S., Escobar, O., Henderson, A., Thorne, T., Bland, N. & Bowes, E. (2022). Research Report on the Citizens' Assembly of Scotland. Edinburgh: Scottish Government Social Research. Available: https://www.gov.scot/isbn/9781802018943

Farrell, D. (2022, Feb 16). Many recommendations from previous assemblies have been ignored or rejected. Irish Times. https://bit.ly/3zbgtbT

Fiket, I., Ilić, V. and Pudar-Draško, G. (2022) Failed expectations: can deliberative innovations produce democratic effects in hybrid regimes? https://bit.ly/3FyNS3O

Foa, R.S., Klassen, A., Slade, M., Rand, A. and **R. Collin**s (2020). The Global Satisfaction with Democracy Report 2020. Cambridge: Centre for the Future of Democracy.

Foulques, R. (2019) Innovation démocratique dans le monde: voici les chiffres. Citoyens de demain. https://citoyensdedemain.org/innovation-democratique-dans-le-monde-voici-les-chiffres

Garry, J., Pow, J., Coakley, J., Farrell, D., O'Leary, B., & Tilley, J. (2021) The Perception of the Legitimacy of Citizens' Assemblies in Deeply Divided Places? Evidence of Public and Elite Opinion from Consociational Northern Ireland. Government and Opposition, 1-20. https://doi.org/10.1017/gov.2021.4

Germann, M., Marien, S. and **Muradova, L.** (2021) Scaling Up? Unpacking the Effect of Deliberative Mini-Publics on Legitimacy Perceptions. SSRN. https://ssrn.com/abstract=3954035

Gherghina, S., Ekman, J. and Podolian, O. (2020). Democratic Innovations in Central and Eastern Europe. Routledge

Gutmann, A. and **Thompson, D.** (2004) Why Deliberative Democracy? Why Deliberative Democracy? Princeton, NJ: Princeton University Press.

Landemore, H. (2013) Deliberation, cognitive diversity, and democratic inclusiveness: an epistemic argument for the random selection of representatives. Synthese 190, 1209–1231. https://doi.org/10.1007/s11229-012-0062-6

Landemore, H. (2017). Deliberative Democracy as Open, Not (Just) Representative Democracy. Daedalus. 146(3). https://bit.ly/3Ts3Geh

Melios, G. (2020) Europe in crisis: political trust, corruption and austerity. Institute for Global Prosperity, University College London. https://www.ucl.ac.uk/bartlett/igp/sites/bartlett/files/europe_in_crisis.pdf

Miller, L., & Williamson, A. (2008). Digital Dialogues Third Phase Report. London: Hansard Society & UK Ministry of Justice

Motos, R., Font, J., Bherer, L. and **Smith, G.** (2021) Expertise and Participatory Governance: The Incorporation of Expert Knowledge in Local Participatory Processes. Journal of Deliberative Democracy. 17 (2). https://doi.org/10.16997/jdd.971

OECD (2017) Government at a glance. OECD Publishing, Paris.

OECD (2020) Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave. OECD Publishing, Paris. https://doi.org/10.1787/339306da-en

OECD (2021). Eight ways to institutionalise deliberative democracy. OECD Public Governance Policy Papers, No. 12. https://www.oecd.org/gov/open-government/eight-ways-to-institutionalise-deliberative-democracy.htm

Pitkin, H.F. (1967) The Concept of Representation. Berkeley: University of California.

Pow, J. & van Dijk, L. & Marien, S. (2020) It's Not Just the Taking Part that Counts: 'Like Me' Perceptions Connect the Wider Public to Minipublics, Journal of Deliberative Democracy 16(2), p.43–55. doi: https://doi.org/10.16997/jdd.368

Public Participation and Democratic Innovations: Assessing Democratic Institutions and Processes for Deepening and Increased Public. https://bit.ly/3n98rgy

Scottish Government (2022). Institutionalising Participatory and Deliberative Democracy Working Group report: supporting document. Edinburgh: https://bit.ly/3lpZVtj

Skidmore, P., Bound, K., & **Lownsbrough, H.** (2006) Community participation: Who benefits? Joseph Rowntree Foundation: York, UK

Smith, G. (2022) Designing for impact: the next stage for climate assemblies. Foundation for Democracy and Sustainable Development https://www.fdsd.org/blog-gs-climate-assemblies-impact/

Suteu, S. (2019) The Populist Turn in Central and Eastern Europe: Is Deliberative Democracy Part of the Solution? European Constitutional Law Review, 15(3). pp. 488 - 518

Theuwis, M-I., van Ham, C. & **Jacobs, K.** (202) A Meta-Analysis of the Effects of Democratic Innovations on Citizens in Advanced Industrial Democracies", December, ConstDelib Working Paper Series, no. 15, pp. 1-39.

Touraine, A. (2000) Can we live together? Equality and difference. Oxford: Polity.

Walsh, C.D. & **Elkink, J.A.** (2021) The dissatisfied and the engaged: citizen support for citizens' assemblies and their willingness to participate, Irish Political Studies, 36:4, 647-666, DOI: 10.1080/07907184.2021.1974717

Wike, R., Fetterolf, J., Schumacher, S. and Moncus, J.J. (2021) Deliberative Democracy, More than Deliberation. Political Studies. August 2021. https://bit.ly/3JRh08K

Williamson, A, and Barrat, J. (2022) Mapping deliberative democracy in Council of Europe Member States. https://rm.coe.int/-mapping-deliberate-democracy/1680a87f84 Council of Europe.

The European Committee on Democracy and Governance (CDDG) is the Council of Europe intergovernmental forum where representatives of member States meet to develop European standards (recommendations, guidelines, reports), to exchange and follow up on the state of democratic governance in Europe, and to work together to strengthen democratic institutions at all levels of government.

ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member States, including all members of the European Union. All Council of Europe member States have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member States.

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE