



Lab 5 - Participatory democracy: an antidote to populism?

Sponsored by the Conference of the INGOs

Moderators:

Ms Anna RURKA, Poland, President of the Conference of the INGOs of the Council of Europe
Mr Marko **GRDOŠIĆ**, Croatia, Chair of the Joint Council on Youth and the Advisory Council on Youth

Initiatives:

Citizen participation in public hearings to strengthen democracy, Defender of the Public of Audiovisual Communication Services (Argentina) by Ms Paula CASTELLO, Training and Participation Department Chief, Defender of the Public of Audiovisual Communication Services

The Citizens' Assembly (Ireland) by Ms Sharon FINEGAN, Secretary to the Citizens' Assembly

The Plan C for a citizen-generated Constitution (France) by Mr Etienne CHOUARD, Professor of Economics and Management

Discussant:

Mr Joseph SPIEGEL, France, Mayor of Kingersheim

Presentation of the conclusions from the simulation exercise implemented by the Bulgarian School of Politics during the Forum:

Mr Nastimir ANANI EV, Bulgaria, Former Member of the Bulgarian Parliament

The lab in brief

To the present day there are no binding international texts obliging public authorities to involve citizens in decision-making processes. Is it possible to legislate a spontaneous and multi-faceted democratic process based on citizen participation, beyond the generic principles? Can a public recognition of existing and already institutionalised practices of participatory democracy facilitate this legislation process? What is the right way to go forward on this issue?

On the other side, are participatory bodies and experiences vehicles for raising citizens' expertise? How do decision-makers use voters' expertise in political decision-making, and vice-versa, what effective influence do participants have on this process?

The lab looked into examples of participatory democracy to identify the best ways to involve citizens in political decision-making processes.

About the initiatives

Citizen participation in public hearings to strengthen democracy (Argentina)

The Argentinean Defender of the Public of Audiovisual Communication Services held 20 regional Public Hearings, three national meetings, and countless training courses to ensure citizen participation. 4,940 people attended the Public Hearings and 10,866 took part in the stages related to its organisation since 2013.

Participation Public Hearings are spaces for citizen participation, where people can express their opinions about media functioning. It is the first time in Argentine history that a public organisation has systematically called upon citizens to voice their opinions about media and has taken their comments into consideration when defining public policies. Beyond a request to take into account the territorial diversity of the different Argentinian regions, it represented a real mobilisation to demand that the Argentinean audiovisual sector reflected the country's population, taking into account programmes concerning young people, women, people with disabilities, the elderly, transgender people, etc. It is a concrete way to strengthen the bond between the state, citizens and media.

The Citizens' Assembly (Ireland)

Established by the Irish Parliament, the Citizens' Assembly is an exercise in deliberative democracy, placing the citizen at the heart of important legal and policy issues facing Irish society today. With the benefit of expert, impartial and factual advice the 99 citizen members consider topics such as abortion rights, demographic changes, climate change etc. Their conclusions form the basis of a number of reports and recommendations that will be submitted to the Houses of the Oireachtas, the legislature of Ireland, for further debate by the elected representatives. Members of the Assembly are chosen at random to represent the views of the people of Ireland, and are meant to be broadly representative of society with regards to age, gender, social class, regional spread etc. So far it revealed that the Irish society is less conservative than its parliamentarians.

The Plan C, for a citizen-generated Constitution (France)

Through the organisation of constituent workshops, the initiative aims to show that ordinary citizens can read and criticise their constitutions, by encouraging them to write amendments they would like to see ratified. Citizens must ensure that a constitution is at their service and not at the discretionary (sometimes demagogical) use of their representatives. Once the population is thus prepared to reflect personally and concretely on its constitution, "Le Plan C" aims to promote a constituent assembly drawn by lot.

According to the presenter, the Icelandic experience based on the popular elaboration of a new constitution did not succeed, only because the Constitutional Court judged such step illegitimate, so allowing the Parliament reducing its scope.

Key points issues by the debate

Pre-requisites for an effective democratic process. Four principles must be guaranteed:

1. No democracy without a public action based on ethics and with a limited access to power for any elected official;
2. The elected representative(s) must dedicate a physical place for the exercise of democracy by citizens, in order to allow them to meet whenever they wish;
3. Democracy is foremost a process, with a time and various steps needed to develop citizen opinions (the elected representative is primarily a facilitator of this process rather than a representative);
4. The elected official must nourish citizens' will to give their opinion, starting with those excluded from the city's life (the elected must apply a maieutic method, to facilitate the delivery of these opinions).

Participatory democracy and the centrality of education. Public affairs are inherently complex and paradoxical, which requires that:

- Citizens need more training opportunities for participatory democracy to succeed. Engaging in participatory democracy initiatives is an education experience in itself.
- The quality of the process, by true democratic engineering, is more important than the result.
- The objective is not to arrive to a soft consensus, but to highlight, where appropriate, contradictory opinions in the same way as the disputations of the Middle Ages.

The sovereignty belongs to the people, with representatives being only servants in the service of the latter, which entails, on behalf of the citizens, to build a framework (constitution) which makes it possible to control the representatives and to contain their power.

Recommendations

- ✓ To boost people to practice active citizenship through popular education, so that they seize the tools of participatory democracy and make them live, in order to get involved in political decision-making processes.
- ✓ To educate citizens on the best use of participatory tools and on strategic and effective ways to lobby for their opinions to be heard.

Participants' Assembly

The debate on possible legal frameworks for participatory democracy continued within the Participants' Assembly. All interested participants had the opportunity to directly experience participatory democracy, by debating and voting for a key recommendation of this year's Forum.

Like in real citizens' assemblies, Forum participants took seats in the hemicycle, the heart of the Council of Europe's decision making process, to deliberate on an issue of global importance.

Moderator:

Ms Sharon FINEGAN, Secretary to the Citizens' Assembly (Ireland)

Experts:

Mr Gregory DICKOV, Lawyer of the Secretariat of the Venice Commission (acting in individual capacity)

Mr Yves MATHIEU, Founder and Director of Missions Publiques (France)

Mr Gráinne McMORROW, Lawyer of the Secretariat of the Venice Commission (acting in individual capacity) (Ireland)

Mr Robert WILSON, Independent Researcher (United Kingdom)

The assembly in brief

The moderator, Ms Sharon Finegan, welcomed the participants and briefly explained the process for the session. With reference to the Irish Citizens' Assembly, Ms Finegan explained that this session was going to replicate a specific stage of a deliberative democracy exercise – voting and formulating recommendations. Due to time constraints and practicalities it was not going to be possible to replicate a full deliberative democracy exercise in the session.

Mr Robert Wilson provided a brief background to the history of deliberative democracy exercises. He described how they are typically introduced at the discretion of governments. He explained the draft proposal for deliberation by the participants. The draft proposal, as introduced, was as follows:

- The Constitution should proclaim the principle of deliberative democracy, but operating principles (e.g. assemblies, juries, etc.) should be regulated by law.
- Citizens' bodies should have a formal power to approve/veto certain laws taken by the legislature, and this power should be guaranteed by law.
- Citizens' bodies formal power should extend to all matters, both at the local and national levels.
- Citizens' bodies should be permanent institutions.
- Members of the citizens' bodies should be elected by lot and they should represent the diversity of the society (age, gender, culture, etc.).

He described the draft proposal as seeking to place deliberative democracy bodies on a permanent basis and providing citizens with a right to such deliberation which would be enshrined in constitutions/legislation.

Mr Dickov and Ms McMorrow, as members of the legal expert team, briefly outlined the pros and cons of the draft proposal to inform the participants' thinking.

The floor was then given to participants for their questions and proposals. A broad range of issues were raised during the discussion: some raised the issue of whether such an activity could exist as part of our existing democratic mechanisms, instead of the creation of additional bodies. Existing mechanisms mentioned included joining political parties and use of the referendum procedure. These would remove the requirement for new institutional frameworks.

There was a tension between such bodies having a meaningful impact and the removal of power from a wider base of citizens.

During a brief recess, the expert team re-formulated the wording of the proposal based on the feedback from the floor. The team agreed that there was consensus on point 1 of the draft proposal. It was also agreed that there was consensus on point 5 with one minor textual addition so that it read "Members of the citizens' bodies should be elected by lot and they should represent the diversity of the society (age, gender, culture, etc.) with consideration to be given to ensuring that marginalised groups are represented." It was agreed that there wasn't sufficient debate or discussion on points 3 and 4 to warrant voting on them or to deem there to be a consensus on them as they stood. As most of the discussion focused around the amount of power such a body should possess it was agreed that point 2 should be amended to provide three options for the participants to formally vote on the level of power afforded to citizens' bodies.

Point 2 was re-drafted as follows:

"Citizens' bodies should have a formal:

- A. Power to approve/veto certain laws taken by the legislature, and this power should be guaranteed by law;
- B. Power to propose the agenda for legislation to Parliament;
- C. Right to be consulted on issues within the remit provided by Parliament."

Voting results

The participants voted on options A-C and the results were as follows:

A. Power to approve/veto certain laws taken by the legislature, and this power should be guaranteed by law	
Number of Voters	21
	RESULT
YES	13
NO	6
ABSTENTION	2

B. Power to propose the agenda for legislation to Parliament	
Number of Voters	21
	RESULT
YES	14
NO	4
ABSTENTION	3

C. Right to be consulted on issues within the remit provided by Parliament	
Number of Voters	25
	RESULT
YES	13
NO	9
ABSTENTION	3

The voted recommendation of the Participants Assembly is that citizens' bodies should have formal power to propose the agenda for legislation to Parliament.