

Innovative Citizen Participation and New Democratic Institutions

CATCHING THE DELIBERATIVE WAVE

HIGHLIGHTS

2020

OECD WORK ON OPEN GOVERNMENT

The OECD has been at the forefront of evidence-based analysis of open government reforms in member and non-member countries. The OECD Open Government Project provides countries with a sequence of analysis and actionable support. This includes:

- Open Government Reviews
- Capacity building seminars for public officials and civil society
- Regional networks to exchange common challenges and good practices

THE OECD RECOMMENDATION ON OPEN GOVERNMENT

The OECD Recommendation of the Council on Open Government was adopted in 2017 and represents the first international legal instrument in this area. In it, open government is defined as “a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth”. Moreover, the Recommendation provides a comprehensive overview of the main tenets of the open government strategies and initiatives by setting 10 provisions to guide Adherents to improve their implementation.

OECD WORK ON INNOVATIVE CITIZEN PARTICIPATION

This area of work supports countries in the implementation of Provision 9 of the [OECD Recommendation of the Council on Open Government \(2017\)](#), which focuses on exploring innovative ways to effectively engage with stakeholders to source ideas, co-create solutions, and seize opportunities provided by digital government tools. It focuses on new research in the area of innovative citizen participation practices to analyse the new forms of deliberative, collaborative, and participatory decision making that are evolving across the globe.

As part of this work, the OECD has been engaging with the Innovative Citizen Participation Network, a network of practitioners, designers, academics, researchers, civil servants, and curators to frame the topic and scope of research, to gather feedback and inputs to the research in an ongoing manner, and to strengthen the ties between these important groups of actors.

Participo is a digital digest co-ordinated by the OECD Innovative Citizen Participation team. It is a space of exchange between public servants, practitioners, researchers, academics, and designers about the future of democracy more broadly.

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Catching the Deliberative Wave

WHAT IS THE PURPOSE OF THIS HIGHLIGHTS?

This highlights document covers the main findings and proposals from the *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave* report.

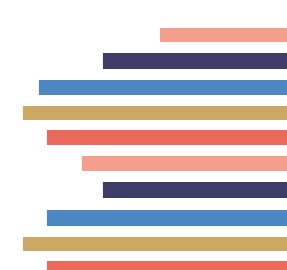
Public authorities from all levels of government increasingly turn to Citizens' Assemblies, Juries, Panels and other representative deliberative processes to tackle complex policy problems ranging from climate change to infrastructure investment decisions. They convene groups of people representing a wide cross-section of society for at least one full day – and often much longer – to learn, deliberate, and develop collective recommendations that consider the complexities and compromises required for solving multifaceted public issues. This “deliberative wave” has been building since the 1980s, gaining momentum since around 2010.

Based on the analysis of close to 300 representative deliberative practices, the report explores trends in such processes, identifies different models, and analyses the trade-offs among different design choices as well as the benefits and limits of public deliberation. It includes Good Practice Principles for Deliberative Processes for Public Decision Making, based on comparative empirical evidence gathered by the OECD and in collaboration with leading practitioners from government, civil society, and academics. Finally, the report explores the reasons and routes for embedding deliberative activities into public institutions to give citizens a more permanent and meaningful role in shaping the policies affecting their lives.

TABLE OF CONTENTS

1. Introduction.....	2
2. Good practice principles for deliberative processes for public decision making.....	8
3. Different models of representative deliberative processes.....	12
4. Overview of key trends.....	18
5. What is a successful representative deliberative process?.....	24
6. Reimagining democratic institutions: why and how to embed public deliberation.....	34
7. Proposals for action.....	40

Consult the complete report:



1 INTRODUCTION

KEY TERMS

THREE CRITERIA FOR INCLUSION IN STUDY

WHY REPRESENTATIVENESS AND DELIBERATION?

WHEN TO USE REPRESENTATIVE DELIBERATIVE PROCESSES

The increasing complexity of policy making and the failure to find solutions to some of the most pressing policy problems have prompted politicians, policy makers, civil society organisations, and citizens to reflect on how collective public decisions should be taken in the twenty-first century. There is a need for new ways to find common ground and take action. This is particularly true for issues that are values-based, require trade-offs, and demand long-term solutions. The OECD has collected evidence and data that support the idea that citizen participation in public decision making can deliver better policies, strengthen democracy and build trust. This report focuses on representative deliberative processes in particular, as part of a wider effort by democratic institutions to become more participatory and open to informed citizen input and collective intelligence.

Assembling ordinary citizens from all parts of society to deliberate on complex political questions and develop collective proposals has become increasingly attractive in this context. Over the past few decades, the 'deliberative wave' has been building. Public authorities at all levels of government have been using Citizens' Assemblies, Juries, Panels, and other representative deliberative processes. In these processes, randomly selected citizens, making up a microcosm of a community, spend significant time learning and collaborating through facilitated deliberation to develop informed collective recommendations for public authorities.

In many ways, combining the principles of deliberation (careful and open discussion to weigh evidence about an issue), representativeness (achieved through random sampling from which a representative selection is made), and impact (with a link to public decision making) is not new. This combination

of principles is rooted in ancient Athenian democracy and were applied throughout history until two to three centuries ago. It is their modern application, to complement representative democratic institutions, that make such processes innovative today.

As the use of representative deliberative processes proliferates, this report provides evidence to guide policy makers on good practices and options for institutionalising citizen deliberation. It is the first empirical comparative study that analyses how deliberative processes are being used for public decision making around the world. Drawing on data collected from 289 case studies (282 from OECD countries) from 1986 to October 2019, and in collaboration with an international advisory group, the OECD has identified twelve distinct models of deliberative processes, evaluated what a 'successful' process entails, developed good practice principles, and explored three routes to institutionalising citizen deliberation. This research and proposals for action fit within the organisation's work on innovative citizen participation, which seeks to guide countries on the implementation of provisions 8 and 9 of the 2017 OECD Recommendation on Open Government.

Growing efforts to embed public deliberation into public decision making could be seen as the start of a period of transformation to adapt the architecture of representative democracy. Democratic institutions across the world are beginning to transform in ways that give citizens a more direct role in setting agendas and shaping the public decisions that affect them. Based on extensive data and analysis, this OECD report contributes to the emerging international evidence base about these trends and helps public authorities implement good practices and consider routes to institutionalising citizen deliberation.

KEY TERMS

In this report, **representative deliberative processes** are often referred to in shorthand as deliberative processes, and the term is used interchangeably with deliberative mini-public. It refers to a randomly selected group of people who are broadly representative of a community spending significant time learning and collaborating through facilitated deliberation to form collective recommendations for policy makers.

Deliberative institutions refer to forms of citizen deliberation that have been embedded in public decision-making procedures through legal mechanisms.

Deliberation refers to public deliberation (as opposed to internal deliberation) and to group deliberation (as opposed to individual deliberation),

which emphasises the need to find common ground.

Random selection is used as a shorthand to refer to recruitment processes that involve random sampling from which a representative selection is made to ensure that the group broadly matches the demographic profile of the community (based on census or other similar data).

Finally, the report makes frequent references to **citizens**. The term is meant in the larger sense of 'an inhabitant of a particular place', which can be in reference to a village, town, city, region, state, or country depending on the context. When the word citizen is employed, it is not meant in the more restrictive sense of 'a legally recognised national of a state', and is thus used interchangeably with 'people'.

DELIBERATIVE AND PARTICIPATORY DEMOCRACY

- **Deliberative democracy** is the wider political theory that claims that political decisions should be a result of fair and reasonable discussion among citizens. Gastil and Levine's *Deliberative Democracy Handbook* (2005) argues that "deliberative democracy strengthens citizen voices in governance by including people of all races, classes, ages and geographies in deliberations that directly affect public decisions". The theory gained traction in academic literature in the 1980s (e.g. Mansbridge, 1980; Habermas, 1981).
- **Participatory democracy** has a slightly longer history, gaining ground with the activist movements of the 1960s that demanded greater participation in government decision making (e.g. civil rights, women's liberation movements, see Pateman, 1970). A central tenet to later work on participatory democracy is that it must increase the capacities of citizens to participate, which necessitates reform of democratic institutions to make participation more meaningful (Pateman, 2012).

TABLE 1. KEY DIFFERENCES BETWEEN DELIBERATIVE AND PARTICIPATORY DEMOCRACY

	Number of participants	Type of participation	Participant selection method
Deliberative democracy	Relatively small (but representative) groups of people, as it is difficult to have deep deliberation among large numbers.	Deliberation , which requires that participants are well-informed about a topic and consider different perspectives in order to arrive at a public judgement (not opinion) about "what can we strongly agree on?"	Typically, a civic lottery, which combines random selection with stratification, to assemble a public body that is representative of the public ; able to consider perspectives, and not vulnerable to being stacked by representatives of powerful interest groups.
Participatory democracy	Large numbers of people, ideally everyone affected by a particular decision. The aim is to achieve breadth .	More participation , in all aspects of politics, from all citizens who choose to be involved; an embrace and encouragement of a diversity of opportunities for political engagement.	Self-selected participation in order to enable as many people as possible to share the experience.

Source: Table is author's own creation, based on descriptions in Carson and Elstub (2019).

THREE CRITERIA FOR INCLUSION IN THE STUDY

In analysing the evidence collected on deliberative processes across countries, three core defining features were revealed as being of key importance, a fact also reflected in the work of a number of scholars in the field. These were thus the three criteria required to be included in this study:

1. **Deliberation**, which involves weighing carefully different options, access to accurate and relevant and diverse information, and participants finding common ground to reach a group decision;
2. **Representativeness**, achieved through random sampling from which a representative selection is made to ensure the group broadly matches the demographic profile of the community against census or other similar data, and
3. **Impact**, meaning decision makers agree to respond to and act on recommendations.



G1000 Amsterdam, 9 April, 2016.

WHY REPRESENTATIVENESS AND DELIBERATION?



WHEN AND WHEN NOT TO USE REPRESENTATIVE DELIBERATIVE PROCESSES

Drawing on the evidence collected and existing scholarship, deliberative processes have been shown to work well for the following types of problems:

Values-driven dilemmas

Many public policy questions are values-driven. Representative deliberative processes are designed in a way that encourages active listening, critical thinking, and respect between participants. They create an environment in which discussing difficult ethical questions that have no evident or 'right' solutions can happen in a civil way, and can enable participants to find common ground.

Complex problems that require trade-offs

Representative deliberative processes are designed to provide participants with time to learn, reflect, and deliberate, as well as access to a wide range of evidence and expertise from officials, academics, think tanks, advocacy groups, businesses and other stakeholders. These design characteristics enable citizens to grapple with the complexity of decision making and to consider problems within their legal, regulatory and/or budgetary constraints.

Long-term issues that go beyond the short-term incentives of electoral cycles

Many public policy issues are difficult decisions to take, as their benefits are often only reaped in the long term, while the costs are incurred in the short term. Deliberative processes help to justify action and spending on such issues, as they are designed in a way that removes the motivated interests of political parties and elections, incentivising participants to act in the interests of the public good.

However, deliberative processes are not a panacea; they do not address all of the democratic and governance problems outlined in this introduction. Democratic societies face a wide set of challenges, which require different methods of resolution or participation. For example, deliberative processes are not sufficient to address the problems of political inclusion and collective decision making. The former is better satisfied through political equality in the form of universal suffrage, and voting is useful for broader participation in decision making (though often suffers from voters having low information). Nor are deliberative processes well-suited for urgent decisions, problems in the late stages of decision making where possible solutions are limited, for issues that involve national security, or for resolving binary questions. Democratic governance requires the use of different mechanisms for different purposes to take advantage of their strengths and weaknesses.

2 GOOD PRACTICE PRINCIPLES FOR DELIBERATIVE PROCESSES FOR PUBLIC DECISION MAKING

The OECD has drawn the common principles and good practices, identified in the evidence gathered for this report, together into a set of Good Practice Principles for Deliberative Processes for Public Decision Making. These principles could provide policy makers with useful guidance as to the establishment of deliberative processes and the implementation of provisions 8 and 9 of the Recommendation on Open Government.

In addition to the comparative empirical evidence gathered by the OECD and from which they were drawn, the principles also benefitted from collaboration with international practitioners from government, civil society, and academics: Yago Bermejo Abati; Damian Carmichael; Nicole Curato; Linn Davis; Yves Dejaeghere; Marcin Gerwin; Angela Jain; Dimitri Lemaire; Miriam Levin; Peter MacLeod; Malcolm Oswald; Anna Renkamp; Min Reuchamps; and Iain Walker.





3 DIFFERENT MODELS OF REPRESENTATIVE DELIBERATIVE PROCESSES

EXAMPLE: CITIZENS' JURY/PANEL

CHOOSING A MODEL OF DELIBERATIVE ENGAGEMENT

Over the years, due to the combined efforts of policy makers, academics and civil society, numerous models of representative deliberative processes have been developed, tested, and implemented across the world. Drawing on the new empirical research collected and broader theoretical research on deliberative models, the OECD has identified 12 models of representative deliberative processes grouped by four types of purpose.

These models refer to categories of different types of representative deliberative processes based on their distinct properties and characteristics. The models are: **Citizens' Assembly; Citizens' Jury/Panel; Consensus Conference; Planning Cell; G1000; Citizens' Council; Citizens' Dialogue; Deliberative Poll/Survey; World Wide Views; Citizens' Initiative Review;** the **Ostbelgien Model;** and the **City Observatory.**

Overall, the choice of deliberative models has so far depended on the familiarity with the model and experience using it, leading to preferences in different countries for specific models. However, their widespread use signals their universality and potential applicability in different national and local contexts.

The deliberative models presented here are not necessarily exhaustive. Each model shares the essential phases of quality representative deliberative processes: learning, deliberation, and the development of collective recommendations. This highlights document provides an overview of the different models; full details are available in the accompanying report.

The models can be characterised by four types of purpose:

1. **Informed citizen recommendations on policy questions:** These processes require more time (on average a minimum of four days, and often longer) to allow citizens adequate time and resources to develop considered and detailed collective recommendations. They are particularly useful for complex policy problems that involve many trade-offs, or where there is entrenched political deadlock on an issue.
2. **Citizen opinion on policy questions:** These processes require less time than those in the first category, though still respect the principles of representativeness and deliberation, to provide decision makers with more considered citizen opinions on a policy issue. Due to the time constraints, their results are less detailed than those of the processes designed for informed citizen recommendations.
3. **Informed citizen evaluation of ballot measures:** This process allows for a representative group of citizens to identify the pro and con arguments for both sides of a ballot issue to be distributed to voters ahead of the vote.
4. **Permanent representative deliberative bodies:** These new institutional arrangements allow for representative citizen deliberation to inform public decision making on an ongoing basis.

G1000 Amersfoort, 9 April, 2016.



FIGURE 1. MODELS OF REPRESENTATIVE DELIBERATIVE PROCESSES

	Average number of participants per panel	Average length of meetings	Average length from first to last meeting	Number of times used to date process (panels)	Use by countries	Result	Policy questions addressed to date
Informed citizen recommendations on policy questions							
Citizens' Assembly	90	18.8 days	47 weeks	6 (6)	CAN, IRL	Detailed, collective recommendations	Electoral reforms, institutional setup, constitutional questions
Citizens' Jury/Panel	34	4.1 days	5 weeks	115 (168)	AUT, AUS, BEL, CAN, FRA, POL, ESP, GBR, USA	Collective recommendations	Broad range of topics. Most common: infrastructure, health, urban planning, environment
a) consecutive day meetings	30	3.4 days	0 weeks	23 (40)			
b) non-consecutive day meetings	35	4.1 days	7 weeks	90 (126)			
c) ongoing	32	11 days	2 years	2 (2)	CAN		Ongoing processes mandated to provide input on various questions when public authority is in need
Consensus Conference	16	4.0 days	2 weeks	19 (19)	AUS, AUT, DNK, FRA, NOR, GBR	Collective recommendations	New technology, environment, health
Planning Cell	24	3.2 days	0 weeks	57 (247)	DEU, JAP	Collective position report/citizens report	Most common use for urban planning, but also other topics
Citizen opinion on policy questions							
G1000	346	1.7 days	4 weeks	12 (12)	NLD, ESP	Votes on proposals	Strategic planning: developing a future vision for the city
Citizens' Council	15	1.7 days	1 week	14 (24)	AUT, DEU	Collective recommendations	Various topics, most common: environment, strategic planning
Citizens' Dialogues	148	2.1 days	4 weeks	38 (112)	Globally	Broad ideas/recommendations	Various topics, often several addressed at once
Deliberative Poll/Survey	226	1.6 days	0 weeks	14 (15)	ARG, ITA, JAP, USA, KOR, MNG, CHN, BRA	Survey opinions and opinion changes	Various topics
World Wide Views	120	1 day	0 weeks	4 (150)	Globally	Votes on proposals	Environment issues on a global scale
Informed citizen evaluation of ballot measures							
Citizens' Initiative Review	22	4.4 days	0 weeks	8 (8)	USA	Collective statement of key facts	Various topics
Permanent deliberative bodies							
The Ostbelgien Model	24	No data yet	1.5 years	1 (1)	BEL	Collective recommendations	Mandate to set the agenda and initiate citizens' panels
City Observatory	49	8 days	1 year	1 (1)	ESP	Decisions on citizen proposals	Mandate to evaluate citizen proposals and suggest them for referenda

Note: All calculations for this table have been made by the authors on the basis of the data from the 289 cases, which together feature 763 separate deliberative panels, collected for this study, from OECD Member and non-Member countries. The average length from first to last meeting of the Planning Cell is an exception due to lack of data. In this instance, Nexus Institute, the principal organisation implementing Planning Cells in Germany, was consulted. The overall average length of meetings of Citizens' Jury/Panel is calculated not including the ongoing processes.

Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

EXAMPLE: CITIZENS' JURY/PANEL

To illustrate the workings of a representative deliberative process, the Citizens' Jury/Panel model is described here, given it is the most popular model. All other models are detailed in the full report.

Used at all levels of government, Citizens' Juries and Panels have been initiated to address a broad range of policy questions, the most common ones being infrastructure, health, urban planning, environment, and public services. Most of them have been ad hoc, but there is also one institutionalised model of an ongoing Panel.

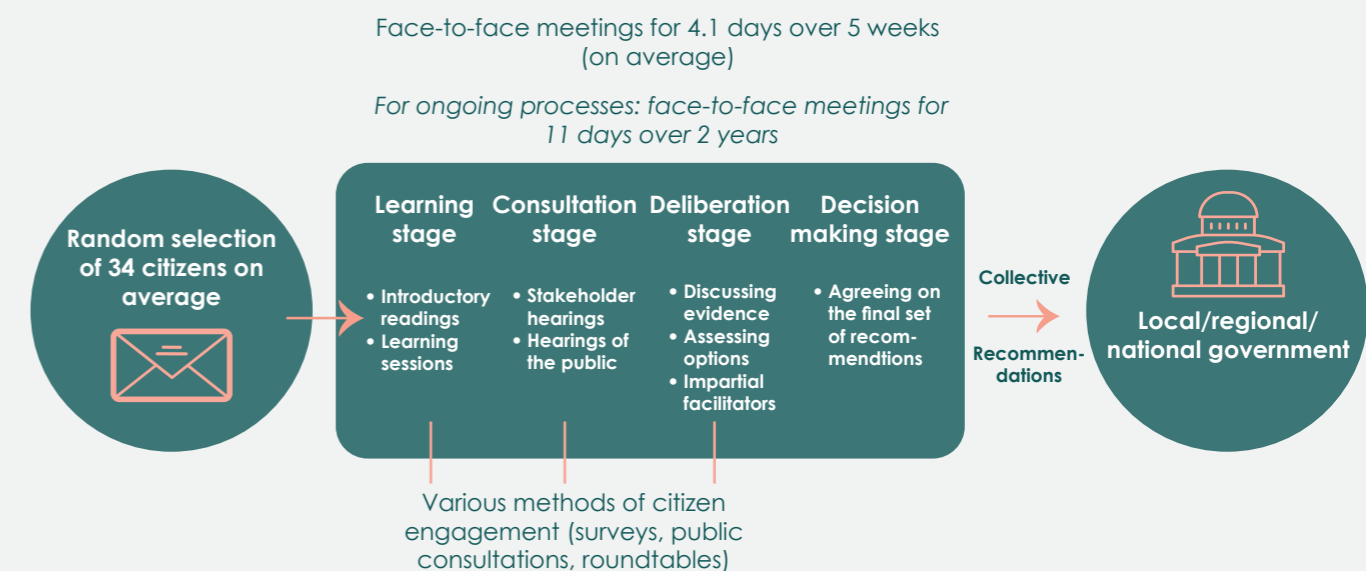
Citizens' Juries and Panels follow the same learning, deliberation, and decision-making phases as Citizens' Assemblies, but more concisely. They are, to date, the most adapted of representative deliberative models, and three main sub-categories have emerged over time:

1. processes that have taken place over consecutive days;
2. processes where meeting days are spread out over numerous weeks, and
3. ongoing panels over much longer periods of time (e.g. two years).

Processes that have taken place over consecutive days

The Citizens' Jury was developed in the United States by Ned Crosby and the Jefferson Center in 1971. The initial design and method follow a rigid model and cause some confusion as many processes labelled as Citizens' Juries in other countries do not follow the same strict design criteria of the initial model. Distinctive characteristics of these Citizens' Juries are that they are usually smaller than the average – between 12 to 24 people – and they typically run three to six days consecutively (Jefferson Center). While this approach was developed in the United States (US), it has been replicated in other places, including examples in Australia, Canada, Denmark, France, Korea, Spain, and the UK.

FIGURE 2. CITIZENS' JURY/PANEL MODEL



Source: Author's own creation based on data in the OECD Database of Representative Deliberative Processes and Institutions (2020).

Processes where meeting days are spread out over numerous weeks

In contrast, similar processes called Reference Panels in Canada, pioneered by MASS LBP, evolved from the experience of the Citizens' Assemblies in British Columbia and Ontario in the late 2000s. During this same period (and without awareness of one another at the time), the newDemocracy Foundation in Australia was separately developing a similar deliberative model to MASS LBP's, calling its processes Citizens' Juries.

The Canadian and Australian Reference Panels and Citizens' Juries tend to involve larger groups of participants (usually around 36 to 45) and the meetings are spread out over numerous weekends, based on the view that this is crucial for the learning process and for quality deliberation. They also began the trend of a new and rigorous two-stage method for random selection, called a "civic lottery", which is now widely used.

In the UK, there was a peak in the use of Citizens' Juries (similar to the Jefferson Center's approach), in the late 1990s/early 2000s. Since the late 2010s, the term Citizens' Assembly has been used to describe many of the most recent processes that are in fact more similar to Citizens' Juries and Reference Panels.

In Poland, Citizens' Panels ("panel obywatelski") are closely aligned to the practices in Canada and Australia, although they tend to be slightly larger (around 60 participants).

CHOOSING A MODEL OF DELIBERATIVE ENGAGEMENT

The most appropriate deliberative model depends primarily on the policy problem. The more complex the question is and the wider its implications, the more detailed recommendations are required and hence the more elaborate deliberative process is applicable. For example, Citizens' Assemblies are well-suited to address constitutional questions and issues of national or greater importance, as this model allows for extensive learning about the policy issue and in-depth careful deliberation.

Ongoing panels over much longer periods of time (e.g. two years)

Finally, the third sub-category of Citizens' Juries/Panels refers to an ongoing representative deliberative body for a longer period and on multiple issues related to one policy area. As of early 2020, it has been used only in Canada and run by MASS LBP, with many of the same characteristics of a Reference Panel in terms of average number of participants (around 30), selection through a civic lottery, an in-depth learning phase, deliberation moderated by skilled facilitators, and ultimately the provision of informed inputs to policy makers.

An example is the Toronto Planning Review Panel (TPRP) 2015-2017 and 2017-2019. The remit of the TPRP is to provide informed inputs on a regular basis on planning issues to the City's Chief Planner and Planning Division. At the time of writing in early 2020, a similar panel is operating on transportation issues in the Greater Toronto and Hamilton Area, commissioned by Metrolinx, the regional public transport authority.

Citizens' Juries/Panels are focused processes to advise on a specific policy issue, typically at sub-national level although they have also been used nationally/federally. As shorter, usually four-to-six day processes gathering 35-50 randomly selected citizens, they are long enough for citizens to develop detailed, informed recommendations to address specific policy issues, but require less time and less resources than Citizens' Assemblies. They can thus be used more often and yield quicker results.

At the local and regional levels, a G1000 or a Citizens' Council can be reasonable options for residents to develop a collective vision for a municipality and to address less complex community problems, as they are more open-ended and flexible formats. On the other hand, if decision makers desire specific, informed recommendations for a pressing policy problem, then they need to clearly define the task for participants.

Other important considerations include available time and resources, level of government, and policy area. For example, the Consensus Conference model is helpful to assess technological advancements, as the format allows citizens to question scientists and policy makers extensively to get to the core of an issue. Figure 3 provides further indications on the properties of each model based on their use to date.

FIGURE 3. PROPERTIES OF REPRESENTATIVE DELIBERATIVE MODELS

	Complexity of the policy question		Depth of recommendations		Flexibility given to participants		Resources necessary		Length of the process		Level of government for which used so far				So far used as permanent or ad hoc	
	Simple	Complex	Broad	Detailed, extensive	Rigid format	Flexible, participant-led	Low-cost	High-cost	Short	Long	Local	Regional/State	National/Federal	International	Ad hoc	Permanent
Informed citizen recommendations on policy questions																
Citizens' Assembly	████████	████████	████████	████████	████████	████████	████████	████████	████████	████████	✓	✓	✓		✓	
Citizens' Jury/Panel	████████	████████	████████	████████	████████	████████	████████	████████	████████	████████	✓	✓	✓	✓	✓	✓
Consensus Conference	████████	████████	████████	████████	████████	████████	████████	████████	████████	████████			✓		✓	
Planning Cell	████████	████████	████████	████████	████████	████████	████████	████████	████████	████████	✓	✓	✓		✓	
Citizen opinion on policy questions																
G1000	████████	████████	████████	████████	████████	████████	████████	████████	████████	████████	✓				✓	
Citizens' Council	████████	████████	████████	████████	████████	████████	████████	████████	████████	████████	✓	✓	✓		✓	✓
Citizens' Dialogues	████████	████████	████████	████████	████████	████████	████████	████████	████████	████████	✓	✓	✓	✓	✓	
Deliberative Poll/Survey	████████	████████	████████	████████	████████	████████	████████	████████	████████	████████	✓	✓	✓		✓	
World Wide Views	████████	████████	████████	████████	████████	████████	████████	████████	████████	████████				✓	✓	
Informed citizen evaluation of ballot measures																
Citizens' Initiative Review	████████	████████	████████	████████	████████	████████	████████	████████	████████	████████			✓		✓	✓
Permanent deliberative bodies																
The Ostbelgien Model	████████	████████	████████	████████	████████	████████	████████	████████	ongoing	ongoing		✓			✓	
City Observatory	████████	████████	████████	████████	████████	████████	████████	████████	ongoing	ongoing	✓				✓	

Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

4 OVERVIEW OF KEY TRENDS

REPRESENTATIVE DELIBERATIVE PROCESSES ARE LARGELY TAKING PLACE IN OECD COUNTRIES

THE DELIBERATIVE WAVE HAS BEEN BUILDING OVER TIME

REPRESENTATIVE DELIBERATIVE PROCESSES HAVE BEEN USED AT ALL LEVELS OF GOVERNMENT

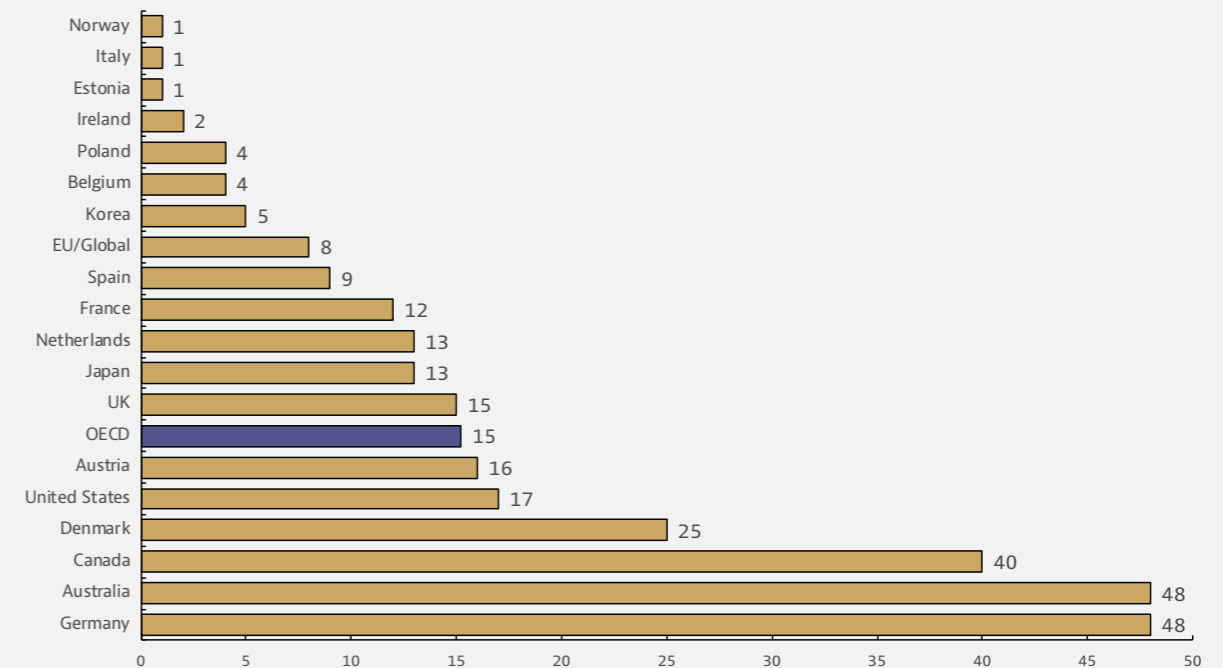
THE CITIZENS' JURY/PANEL IS THE MOST OFTEN USED MODEL

REPRESENTATIVE DELIBERATIVE PROCESSES HAVE BEEN COMMISSIONED FOR A WIDE RANGE OF POLICY ISSUES

REPRESENTATIVE DELIBERATIVE PROCESSES ARE LARGELY TAKING PLACE IN OECD COUNTRIES

The cases that the OECD has collected in this report are from the countries in Figure 4. This figure is not a ranking, nor is it representative of all the cases in a country. It is a graphic representation of the number of cases that the OECD has collected. The countries with the largest number of cases are also those in which a number of the deliberative models were initiated: the Planning Cell originates in Germany, the Citizens' Assembly in Canada, and the Consensus Conference in Denmark.

FIGURE 4. NUMBER OF REPRESENTATIVE DELIBERATIVE PROCESSES PER COUNTRY, 1986-2019



Note: n=282. Data for OECD countries is based on 18 OECD countries that were members in 2019 plus the European Union
 Source: OECD Database of Deliberative Processes and Institutions (2020).

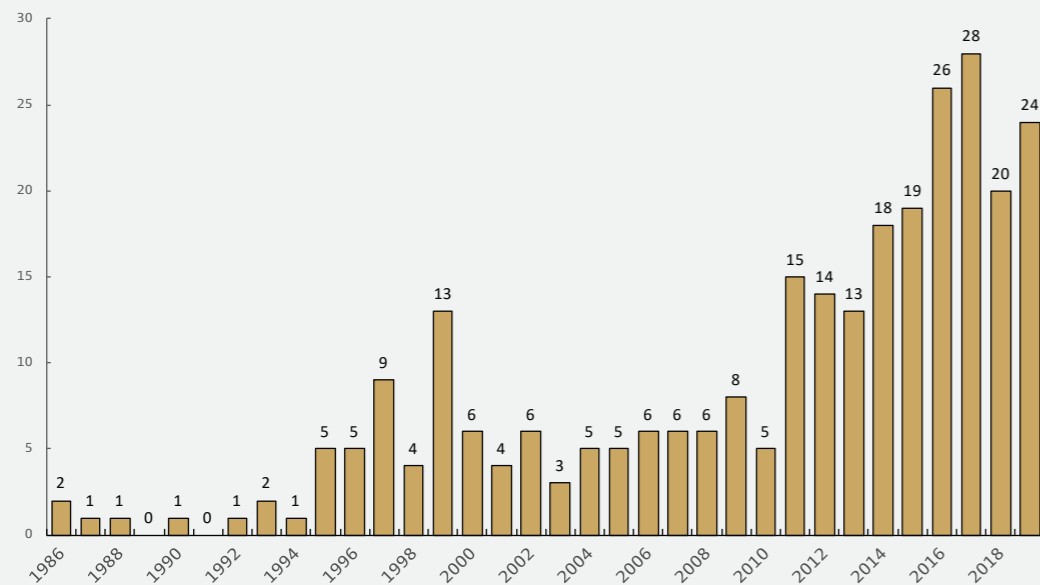
THE DELIBERATIVE WAVE HAS BEEN BUILDING OVER TIME

Since 2010, there has been a notable trend for public authorities to increasingly use representative deliberative processes for public decision making. A first wave of interest took place between 1996 and 2000 and was characterised by high number of Planning Cells in Germany, as well as a peak in Consensus

Conferences in Denmark. Since 2011, the number of deliberative processes has been steadily increasing. Between 2011 and 2019, there have been 177 deliberative processes in total with an average of 25 processes per year in the period of 2016-2019 (Figure 5).

FIGURE 5. THE DELIBERATIVE WAVE HAS BEEN BUILDING OVER TIME

Number of representative deliberative processes per year, 1986 – October 2019



Note: n=282; Data for OECD countries is based on 18 OECD countries that were members in 2019 plus the European Union. Processes that spanned over multiple years are noted by the year of their completion (except for permanent ongoing processes). Source: OECD Database of Deliberative Processes and Institutions (2020).

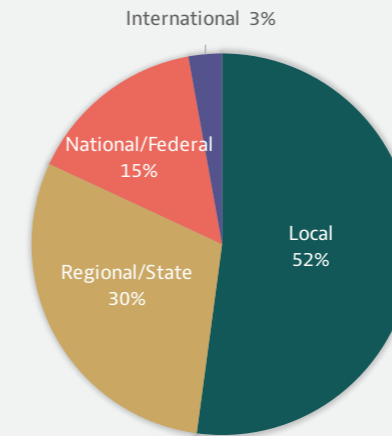
REPRESENTATIVE DELIBERATIVE PROCESSES HAVE BEEN USED AT ALL LEVELS OF GOVERNMENT

Representative deliberative processes have been carried out at all levels of government, and have been most popular on the local level (52% of cases). Thirty per cent have been commissioned by regional or state public authorities and 15% have been carried out on a national or

federal level (Figure 6). Three per cent have been international processes initiated by international organisations or supranational bodies, spanning either across multiple countries globally or across various EU member states.

FIGURE 6. REPRESENTATIVE DELIBERATIVE PROCESSES HAVE BEEN USED MOST OFTEN LOCALLY, THOUGH EXAMPLES EXIST AT ALL LEVELS OF GOVERNMENT

Representative deliberative processes at all levels of government, 1986-2019



Note: n=282; Data for OECD countries is based on 18 OECD countries that were members in 2019 plus the European Union. Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

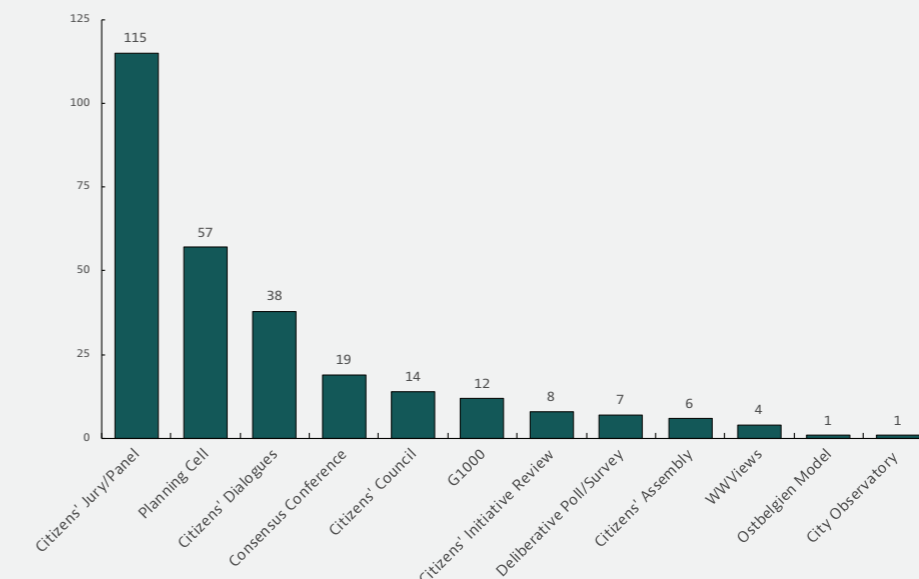
THE CITIZENS' JURY/PANEL IS THE MOST OFTEN USED MODEL OF DELIBERATIVE PROCESS

The Citizens' Jury/Citizens' Panel is the most widely used model of representative deliberative process to date (used 115 times, 42% of all cases). Other shorter processes such as the Planning Cell (57 times), Citizens' Dialogues (38 times), Consensus Conferences (19 times), and Citizens' Councils (14 times) have also been used quite extensively. Longer, more complex models

such as the Citizens' Assembly (six times) and international processes that require extensive co-ordination efforts such as World Wide Views (four times) have been employed less frequently. New, innovative, institutionalised deliberative processes that have only started emerging recently – such as the Ostbelgien model and Madrid City Observatory – took place only once.

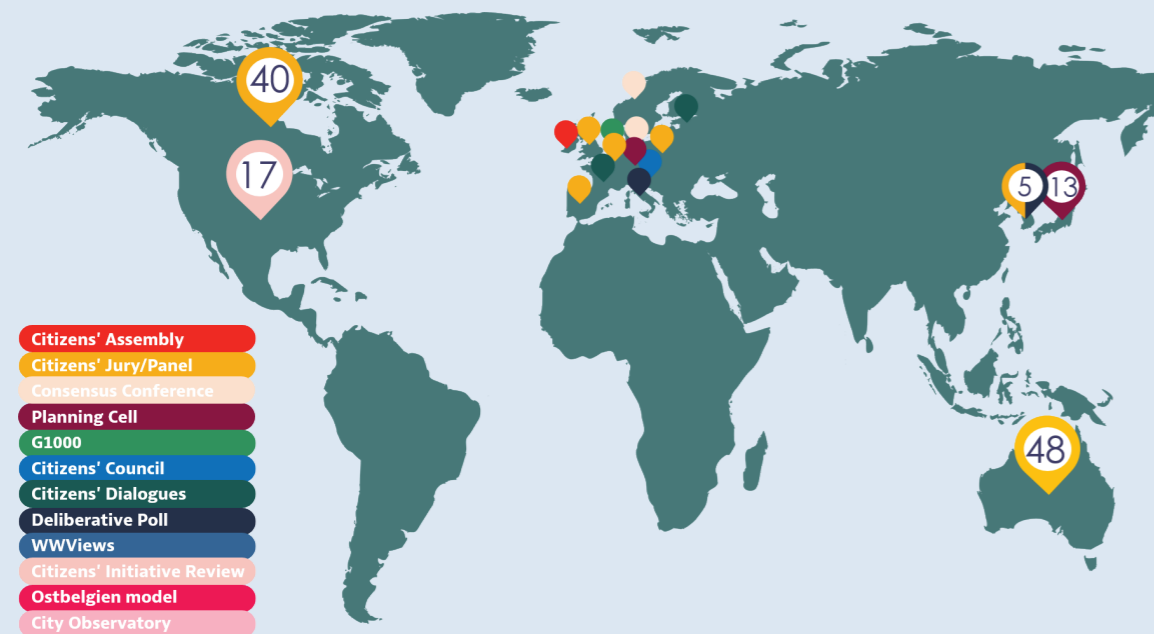
FIGURE 7. THE CITIZENS' JURY/PANEL HAS BEEN USED MOST OFTEN BY PUBLIC AUTHORITIES FOR PUBLIC DECISION MAKING

Total number of times each deliberative model has been used for public decision making, 1986-2019



Note: n=282; Data for OECD countries is based on 18 OECD countries that were members in 2019 plus the European Union. Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

FIGURE 8. REGIONAL TRENDS OF DIFFERENT DELIBERATIVE MODELS



Note: The colour indicates the dominant deliberative model; the number indicates the total of representative deliberative processes in a country. The map excludes international processes that took place in more than one country.*
 Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

FIGURE 9. REGIONAL TRENDS OF DIFFERENT DELIBERATIVE MODELS: EUROPE



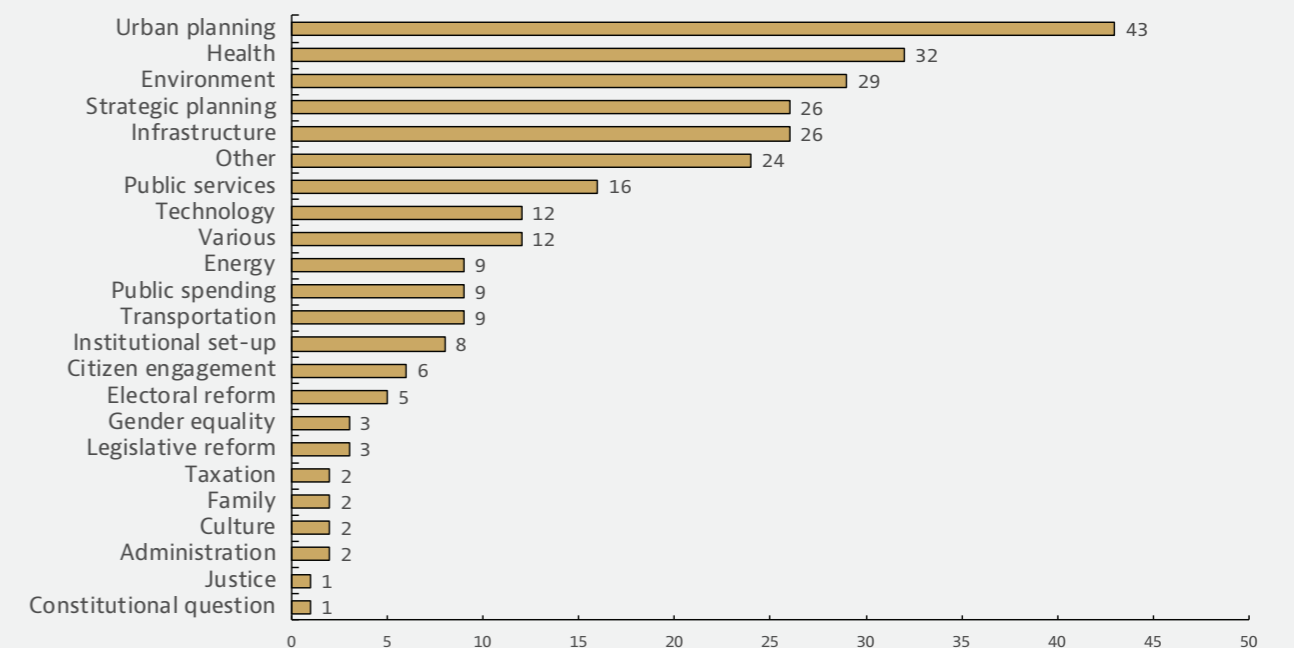
Note: The colour indicates the dominant deliberative model; the number indicates the total of representative deliberative processes in a country. The map excludes international processes that took place in more than one country.*
 Source: OECD Database of Representative Deliberative Processes and Institutions (2020).
 *This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

PUBLIC AUTHORITIES HAVE COMMISSIONED REPRESENTATIVE DELIBERATIVE PROCESSES FOR A WIDE RANGE OF POLICY ISSUES

The range of policy issues addressed using representative deliberative processes has been wide and increasing (Figure 10). The issues that are embarked upon most often are those that have a direct impact on citizens' everyday lives and those to which citizens can easily contribute their personal opinions and experiences: urban planning and health. Local and regional/state level representative deliberative processes are commonly concerned with urban and strategic planning, infrastructure, and health questions. National and international ones are most often about environment and technology policy issues.

FIGURE 10. REPRESENTATIVE DELIBERATIVE PROCESSES HAVE BEEN USED BY PUBLIC AUTHORITIES MOST OFTEN FOR ADDRESSING ISSUES THAT HAVE A DIRECT IMPACT ON A COMMUNITY'S LIFE, SUCH AS PLANNING, HEALTH AND THE ENVIRONMENT

Number of times a policy issue has been addressed through a representative deliberative process



Note: n=282; Other policy issues include: agriculture; constitutional questions; consumer protection; cooperative housing; culture; firework use; gambling regulations; gender equality; justice; legislative reform; migration; noise pollution; safety; science and research; socioeconomic development; sustainable development; taxation; water management; youth.
 Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

5 WHAT IS A 'SUCCESSFUL' REPRESENTATIVE DELIBERATIVE PROCESS?

RANDOM SELECTION

OVERCOMING BARRIERS TO PARTICIPATION

COMMITMENT BY DECISION MAKERS

DURATION

INFORMATION AND LEARNING

FACILITATION

PARTICIPANT RECOMMENDATIONS AND THEIR IMPLEMENTATION

MONITORING AND EVALUATION

PUBLIC COMMUNICATION FOR PUBLIC LEARNING

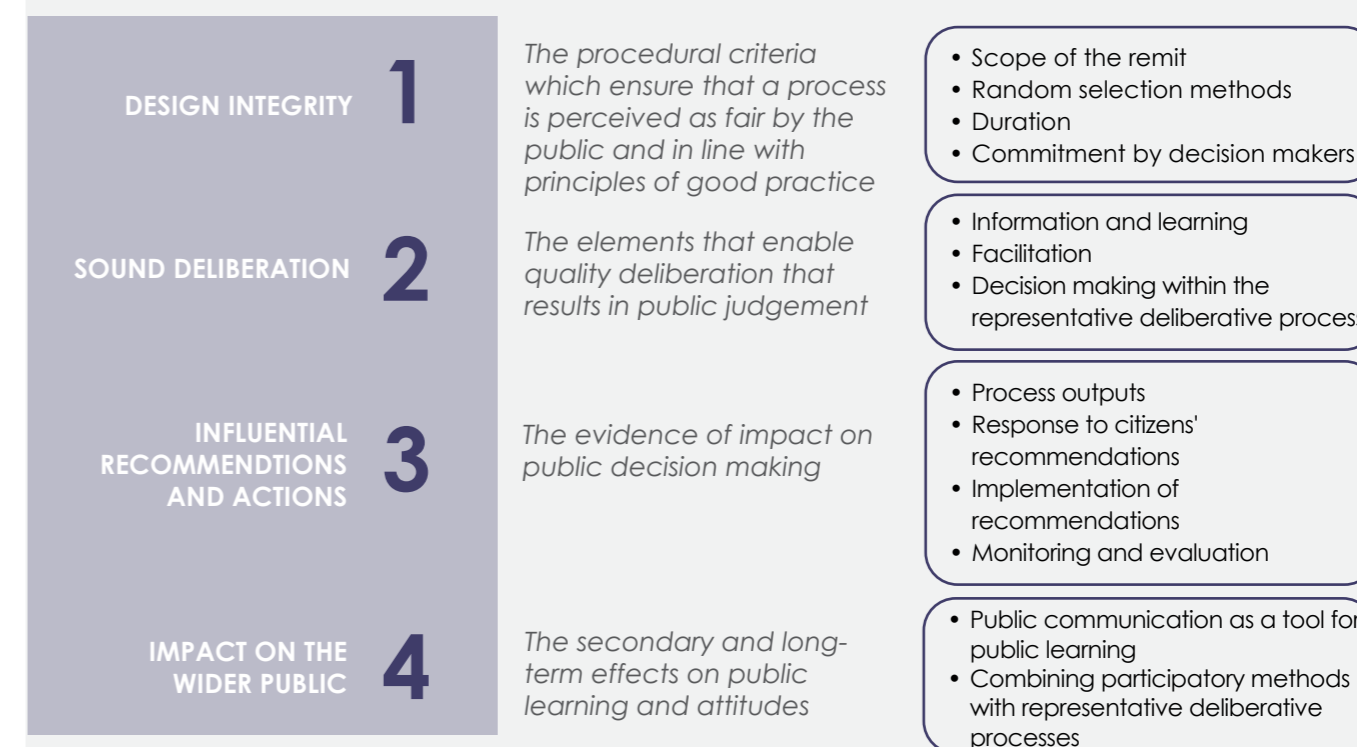
COMBINING PARTICIPATORY METHODS WITH REPRESENTATIVE DELIBERATIVE PROCESSES

How a representative deliberative process is designed and run, and the impact that it has on policy and the wider public are all questions that arise when determining whether it has been a success. Drawing on the new empirical comparative research collected by the OECD and wider theoretical research on deliberation, this chapter seeks to assess the different approaches and designs of deliberative processes.

Nabatachi et al. (2012) have outlined evaluation principles for the practice and impact of deliberative civic engagement, covering four aspects. The OECD draws inspiration from this framework for analysis, adapted to the specific focus on representative deliberative processes and the type of data collection that was feasible for this report (see Figure 11):

- 1. Design integrity:** the procedural criteria which ensure that a process is perceived as fair by the public and in line with principles of good practice;
- 2. Sound deliberation:** the elements that enable quality deliberation that results in participants' arriving at sound public judgement;
- 3. Influential recommendations and actions:** the evidence of impact on public decision making, and
- 4. Impact on the wider public:** the secondary and long-term effects on efficacy and public attitudes.

FIGURE 11. FRAMEWORK OF ANALYSIS FOR REPRESENTATIVE DELIBERATIVE PROCESSES



Source: Adapted by OECD from Nabatachi, Tina, John Gastil, Matt Leighninger, and G. Michael Weiksner (2012). *Democracy in Motion: Evaluating the Practice and Impact of Deliberative Civic Engagement*, Oxford: Oxford University Press, DOI:10.1093/acprof:oso/9780199899265.003.0010.

RANDOM SELECTION

Random selection attempts to overcome the shortcomings and distortions of “open” and “closed” calls for participation. It ensures that nearly every person has an equal chance of being invited to participate and that the final group is a microcosm of society. It can also insulate the process from an overwhelming influence of vested interests. While it is not a statistically perfect method, it delivers a more mixed and diverse sample than any other recruitment process.

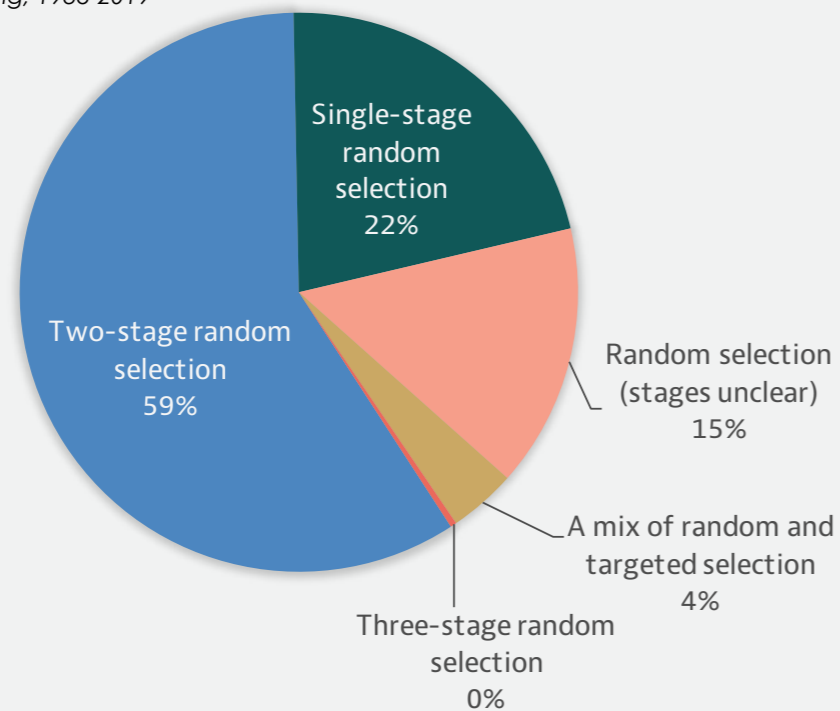
The most popular random participant selection method for representative deliberative processes to date has been two-stage selection (59%), commonly called a “civic lottery” (Figure 12). This method has mostly been used in Germany, Australia, Canada, and the United States (US), although there are also a handful of examples from other countries. Other less

commonly used random selection processes include single-stage random selection (22%) and a mix of random and targeted selection of hard-to-reach groups (4%).

When stratifying the final sample of citizens, all deliberative processes select participants according to demographic selection criteria that matches the general makeup of the wider population (such as that available in a census), and usually includes at least four criteria: gender; age; geography, and socioeconomic factors (a variable that captures disparity in income and education levels). While demographic stratification is enough to ensure diversity and representativeness, in some circumstances it may not be enough to ensure credibility, requiring discursive or attitudinal representation as well.

FIGURE 12. TWO-STAGE RANDOM SELECTION IS THE MOST COMMON RANDOM PARTICIPANT SELECTION METHOD FOR REPRESENTATIVE DELIBERATIVE PROCESSES

Random participant selection methods used for representative deliberative processes for public decision making, 1986-2019



Note: n=282; Data for OECD countries is based on 18 OECD countries that were members in 2019 plus the European Union/Global. Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

OVERCOMING BARRIERS TO PARTICIPATION

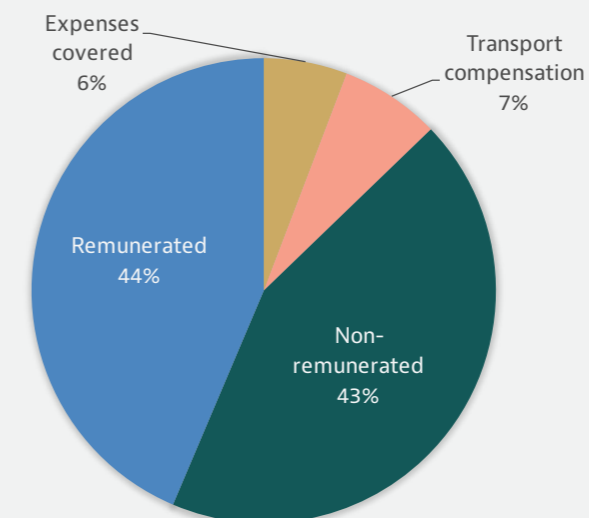
Ensuring that all citizens have equal opportunities to participate is key to achieving inclusiveness and representativeness. The difficulty of this varies depending on the time commitment required and the salience and interest of the policy issue. People have other commitments, different levels of financial stability, and low trust of government institutions. Different barriers to participation include costs of participation (e.g. transportation, accommodation, potential wages lost), and lack of clear communication about the process, its importance, the level of commitment required of participants, and expected outcomes. Nevertheless, there are several ways to lower barriers to participation and achieve higher response rates.

Often participants are remunerated based on the rate of the national wage average or at the rate that people are reimbursed for jury duty. However, the potential impact of receiving remuneration for participation on some participants' social security benefits should be a consideration.

In the 172 cases for which there is data, participants are compensated in one way or another 57% of the time (Figure). In 44% of deliberative processes there is remuneration in the form of payment. In a small number of cases, transport costs are compensated (7%) or expenses are covered (6%). There is no remuneration in 43% of deliberative processes. The majority of these latter instances are at the local level, where arguably costs to participate are lower. The rationale for non-remuneration is that participation in a deliberative process activates a civic responsibility to volunteer in a democracy. In many cases, it is equally driven by budgetary constraints. As the data collected in this study does not contain details regarding the response rates of different demographics, it is not possible to draw concrete conclusions regarding the impact of remuneration on the decision to participate. Other studies suggest that payment does encourage demographics that generally do not participate otherwise, notably young people and those with lower incomes (newDemocracy Foundation and UN Democracy Fund, 2019: 150).

FIGURE 13. PARTICIPANTS IN REPRESENTATIVE DELIBERATIVE PROCESSES RECEIVE SOME FORM OF REMUNERATION OF EXPENSES COVERAGE IN SLIGHTLY MORE THAN HALF OF CASES

Remuneration of participants of representative deliberative processes for public decision making, 1986-2019



Note: n=172; Data for OECD countries is based on 15 OECD countries that were members in 2019 (Australia, Austria, Belgium, Canada, Denmark, Estonia, France, Germany, Ireland, Korea, Netherlands, Poland, Spain, United Kingdom and United StatesSA) plus the European Union/Global, from 1986-2019. Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

COMMITMENT BY DECISION MAKERS

Having strong political and/or institutional commitment is important for giving the process credibility and motivating people to invest their time by participating. Evidence suggests that the commitment of public decision makers is one of the key factors for why response rates are high and dropout rates are low amongst participants in representative deliberative processes for public decision making.

DURATION

Time is one of the factors that distinguishes representative deliberative processes from most other types of stakeholder and citizen participation. Deliberative processes tend to require much longer amounts of time to conduct a proper recruitment and to prepare the educational materials and agendas. Half (48%) of the cases for which there is data required 12 weeks or more of preparation before the first participant meeting took place. Almost all (98%) of these cases involved a minimum of five weeks of preparation.

While the minimum timeframe required to be included in this report was one full day of face-to-face deliberation between participants, the average duration was 3.7 full meeting days, spread out over the course of 6.6 weeks. The average duration varies greatly depending on the model of deliberative process (Table 1). The

most common model of the Citizens' Jury/ Panel lasts for four days over five weeks on average.

Allowing enough time for the in-person deliberation is crucial to achieving the overarching goals of: detailed and considered recommendations; building trust between participants, and instilling public confidence in the process and its outputs. A common finding is that rushing the time leads to a rushed decision, which undermines these goals (newDemocracy Foundation and UN Democracy Fund, 2019: 110).

Taking into account the time required to recruit participants, prepare the process, and run the meetings, most deliberative processes tend to take around six to seven months from beginning to end.

TABLE 2: CITIZENS' ASSEMBLIES, CITIZENS' INITIATIVE REVIEWS, AND CITIZENS' JURIES/PANELS INVOLVE THE MOST FACE-TO-FACE PARTICIPANT MEETING TIME

Average duration of face-to-face meetings depending on the representative deliberative model

Model	Average duration of face-to-face meetings (in days)	Average duration between first and last meeting (in weeks)
Informed citizen recommendations on policy questions		
Citizens' Assembly	18.8	47
Citizens' Jury/Panel	4.1	5
a) consecutive days	3.4	0
b) non-consecutive days	4.1	7
c) ongoing	11.0	104
Consensus Conference	4.0	2
Planning Cell	3.2	2
Citizen opinion on policy questions		
G1000	1.7	4
Citizens' Council	1.7	1
Citizens' Dialogues	2.1	4
Deliberative Poll/Survey	1.6	0
World Wide Views	1.0	0
Informed citizen evaluation of ballot measures		
Citizens' Initiative Review	4.4	0
Permanent deliberative bodies		
The Ostbelgien Model	no data	78
City Observatory	8.0	52

Note: these calculations have been made by the authors on the basis of the data from the 289 cases, which together feature 763 separate deliberative panels, collected for this study, from OECD Member and non-Member countries. The average length from first to last meeting of the Planning Cell is an exception due to lack of data. In this instance, Nexus Institute, the principal organisation implementing Planning Cells in Germany, was consulted. The overall average length of meetings of Citizens' Jury/Panel is calculated not including the ongoing processes. Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

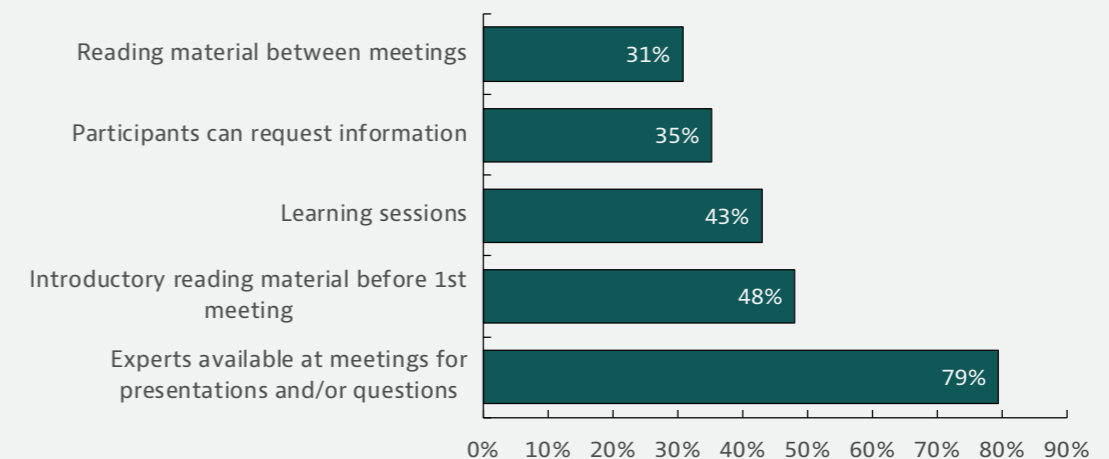
INFORMATION AND LEARNING

Learning is one of the key elements of a deliberative process. Deliberation requires accurate and relevant information, which reflects a diversity of perspectives. For participants to be able to have quality discussions over a specific policy issue and reach informed decisions on recommendations, a learning stage is essential to any deliberative participation model. It is also why time is a crucial component to a successful process, as discussed in the previous section.

The learning stage tends to include: inviting issue experts to present and answer questions to the meetings (79%), providing introductory reading material before the first meeting (48%), learning sessions, such as field trips (43%); the right for participants to request information and invite speakers, stakeholders, and experts (35%), and providing participants with clear and extensive reading material in between meetings (31%).

FIGURE 14. HAVING EXPERTS AVAILABLE AT IN-PERSON MEETINGS AND PROVIDING READING MATERIAL BEFORE THE 1ST MEETING ARE THE MOST COMMON LEARNING ELEMENT

Frequency of different types of learning components during representative deliberative processes for public decision making, 1986-2019



Note: Data is from 157 deliberative processes for which there is data available related to the learning component of the process. Data comes from 14 OECD countries (Australia, Austria, Canada, Denmark, Estonia, France, Germany, Ireland, Japan, Netherlands, Poland, Korea, Spain, UK and USA) and the European Union, between 1986-2019.

Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

There are two key aspects of information sources: 1) diversity of information and 2) importance of giving citizens control. The independent team responsible for designing and organising the deliberative process chooses the experts and informational material. Having a wide breadth ensures that participants encounter and consider different points of view. The type of information provided also matters in terms of public perceptions of fairness (i.e. this cannot be government brochures highlighting their successes or arguing for certain solutions). Allowing citizens to ask for information is therefore a crucial aspect of winning public trust in the process.

Information comes from three types of sources: 1) government; 2) stakeholder or active voices, and 3) sources requested by participants. The information programme usually begins with an introduction to the issue, the context, and the diagnosis of the problem, followed by more details about the issue, and an exploration of possible solutions (Gerwin, 2018: 54). In half (48%) of the deliberative processes for which there is data, participants are provided with an introductory kit ahead of the first meeting. Beyond independent information, it often also includes the government's view and position of the problem so that this is transparent to the participants.

Beyond this information, stakeholders are also encouraged to put forth submissions to provide a complementary set of perspectives to the policy issue. This can take the form of stakeholder information sessions and public submission processes online, where the information is also available to the wider public. The independent coordinators, together with the commissioning public authority and the advisory group if one exists, should identify key industry, social, and community stakeholders and actively seek their contribution. They should represent a wide range of perspectives.

A process is needed to identify the final line-up of experts and stakeholders who will address the participants in person and the information that will be shared as priority reading material. This is arguably the most challenging design element. It has to include a range of different points of view, opinions, and voices of groups

FACILITATION

Data was not collected for this report about the role of facilitators in the various deliberative processes. However, it is important to acknowledge that the role of people conducting the meeting is crucial to its success. They are responsible for creating a warm atmosphere, building trust among members, and ensuring the credibility of the process (Gerwin, 2018). They play a crucial role in supporting the participants of the deliberative process to formulate their own recommendations, while maintaining neutrality and withholding their own judgements about the proposals. For this reason, it is important that facilitators do not have a stake in the outcome of the process – they should be independent and at arm's length from the commissioning public authority.

For a practical guide to facilitating deliberative processes, see Chapter 5 (p. 165-202) in the newDemocracy Foundation and UN Democracy Fund handbook (2019).

that have a stake in or are involved in the policy question at hand. All stakeholders should be on an equal footing and have similar conditions and opportunities to present their point of view to the participants, which limits the influence of strong lobbies and allows groups with fewer resources to have a voice. Some examples of how this stage is designed in detail can be found in Gerwin's guide to Citizens' Assemblies (2018) and the newDemocracy Foundation and UN Democracy Fund's handbook on deliberative democracy (2019).

Finally, at the very beginning of the process and at the end of each learning session before the deliberation phase, participants should be asked: "What do you need to know and who do you trust to inform you?" (newDemocracy Foundation and UN Democracy Fund, 2019: 126; Gerwin, 2018).



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PARTICIPANT RECOMMENDATIONS AND THEIR IMPLEMENTATION

A key difference between representative deliberative processes and other forms of citizen participation is that the outcome is not many individual views, but a collective and considered view. Citizens are tasked with finding common ground on the recommendations they provide to public decision makers.

At the end of a deliberative process, the citizens' recommendations are delivered to the commissioning public authorities. Participants sometimes accept or amend the proposals of experts from whom they hear, particularly when it comes to more technical proposals. The good practice principle is that the participants should have control of the recommendations.

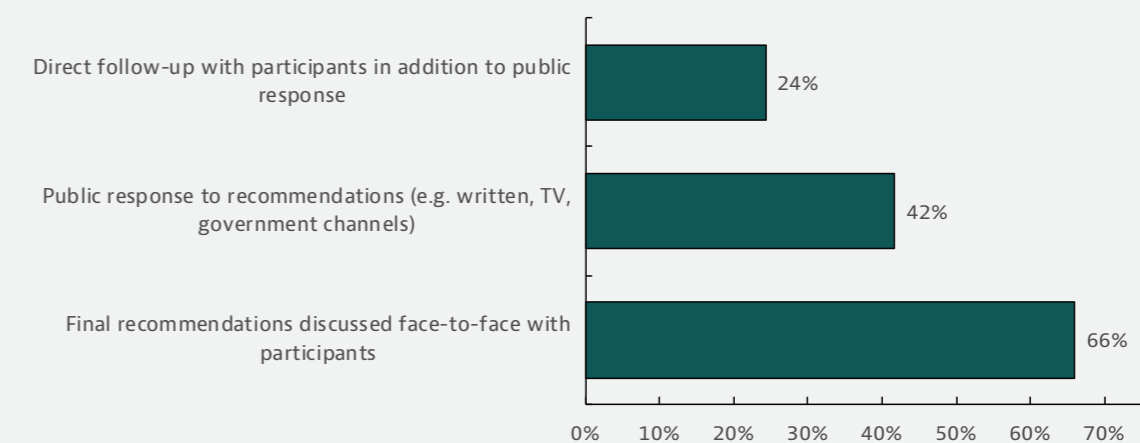
Once the final recommendations are delivered to the public authority, it is their responsibility

to act. In a representative democracy, there is no expectation that the authority is obliged to accept all recommendations. There is a responsibility to respond and to explain a rationale for accepting or rejecting any proposals.

In two thirds (66%) of examples, the public authority discussed the final recommendations face-to-face with participants (Figure 16). In four in ten (42%) cases, the public authority communicated a public response through government channels (such as a website, social media) and traditional media (newspapers, radio), but it did not take place in person with the participants. In one quarter (24%) of the cases, the commissioning authority followed up directly with the participants to let them know about the response to their recommendations, in addition to the public response.

FIGURE 15. IN TWO-THIRDS OF CASES, PUBLIC AUTHORITIES DISCUSS PARTICIPANTS' RECOMMENDATIONS FACE-TO-FACE WITH THEM

Response of public authorities to the recommendations produced during representative deliberative processes for public decision making, 1986-2019



Note: n=103; Data for OECD countries is based on 12 OECD countries that were members in 2019 (Australia, Austria, Belgium, Canada, Denmark, Estonia, France, Germany, Korea, Netherlands, United Kingdom and United States) plus the European Union/Global, from 1992-2019. Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

The OECD tried to collect as much data as possible about the implementation of commitments made based on citizens' recommendations. There was data available for 55 cases. In three quarters (76%) of these cases, the public authorities implemented over half of the recommendations. In four in ten (36%) of these cases, it implemented all of them. Only in six (11%) of these 55 cases were none of the recommendations implemented.

The limited impact data suggest that when presented with informed and considered proposals, public authorities are likely to act on them, as they include sensible recommendations that can lead to more effective public policies. More data is needed for this to be a robust conclusion, but it sheds some preliminary light on an issue that is much discussed and of great importance.



French Citizens' Convention for Climate.



G1000 Amersfoort, 9 April, 2016.

MONITORING AND EVALUATION

The most common method of evaluation of representative deliberative process (67%) has been an anonymous survey of participants. Seventeen per cent have had an academic analysis, and only seven per cent have had an independent evaluation, usually by a private consulting company or a non-governmental organisation with expertise in citizen participation.

PUBLIC COMMUNICATION AS A TOOL FOR PUBLIC LEARNING

Public communication is understood as any communication activity or initiative led by public institutions for the public good. It is different from political communication, which is linked to the political debate, elections, or individual political figures and parties. With effective public communication, a deliberative process can be a mechanism for the broader public to learn about an issue as well as encourage it to participate more in public life in general.

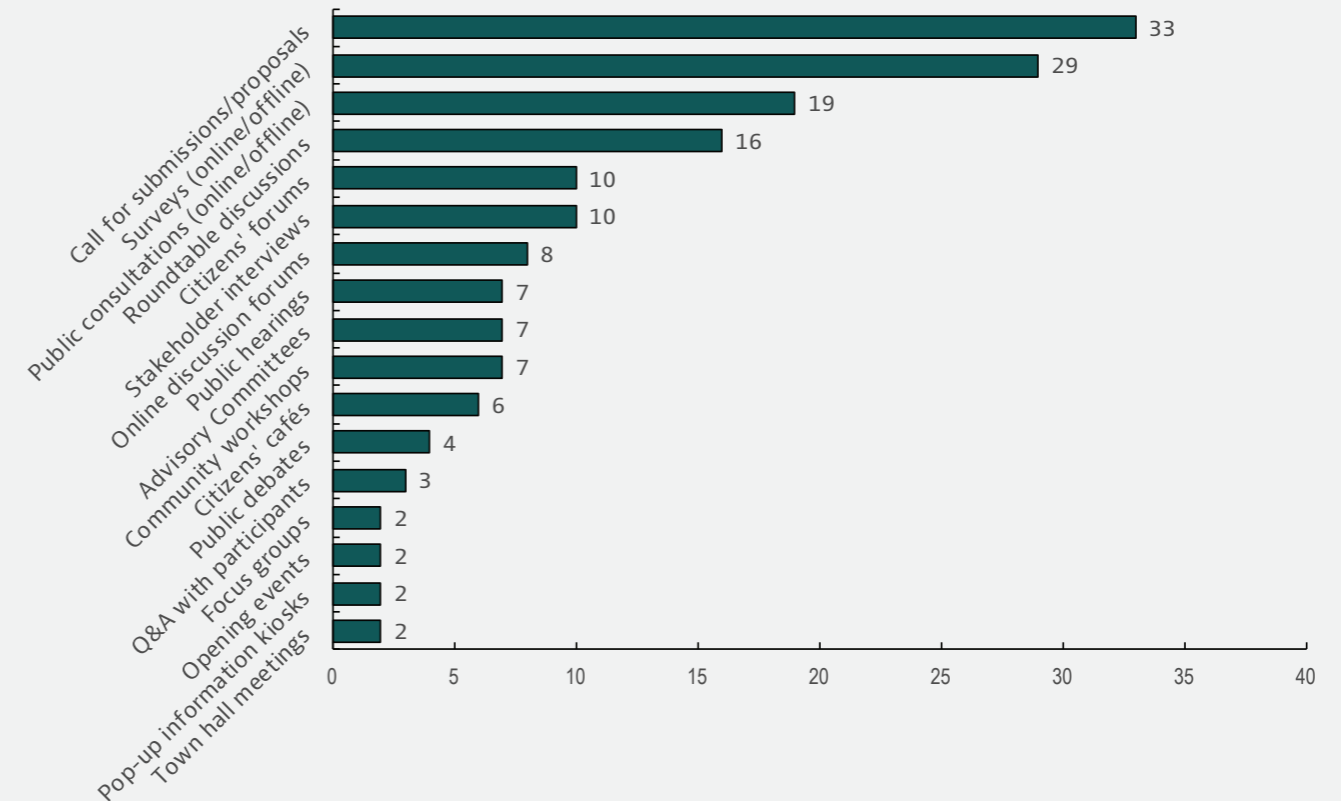
With effective public communication, a deliberative process can be a mechanism for the broader public to learn about an issue as well as encourage it to participate more in public life in general. Empirical research has also shown that strong public communication about representative deliberative processes can be a tool to help counteract disinformation and polarisation related to the issue being addressed in the process.

COMBINING PARTICIPATORY METHODS WITH REPRESENTATIVE DELIBERATIVE PROCESS

Representative deliberative processes are not typically used in isolation, and are rather a central part of a wider strategy of citizen participation around a specific policy issue (Figure 16). The most common types of stakeholder participation that are used in conjunction with deliberative processes are online calls for proposals/submissions (used in 33 cases), surveys (29 cases), public consultations (19 cases) and roundtable discussions (16 cases).

FIGURE 16. REPRESENTATIVE DELIBERATIVE PROCESSES ARE MOST FREQUENTLY COMPLEMENTED BY OPEN SUBMISSIONS, SURVEYS AND PUBLIC CONSULTATIONS

Frequency of different types of stakeholder participation processes used in conjunction with representative deliberative processes for public decision making, 1996-2019



Note: Data is from 106 deliberative processes in 15 OECD countries (Australia, Austria, Belgium, Canada, Denmark, Estonia, France, Germany, Ireland, Japan, Netherlands, Poland, Korea, Spain, and United Kingdom) plus the European Union, between 1996 and 2019. Source: OECD Database of Representative Deliberative Processes and Institutions (2020).

6 REIMAGINING DEMOCRATIC INSTITUTIONS: WHY AND HOW TO EMBED PUBLIC DELIBERATION

DEFINING INSTITUTIONALISATION

WHY INSTITUTIONALISE?

THREE ROUTES TO INSTITUTIONALISING PUBLIC DELIBERATION

Representative deliberative processes for public decision making have proliferated in many countries over the past four decades. This report includes a database of 289 examples, and there are many others underway. During this time, there has been a great deal of experimentation with different models and design choices, as well as with various connections to representative and direct democracy. However, two notable commonalities between most examples to date are their one-off nature and that their topics have been decided and defined top-down by public decision makers. There are only 14 examples of institutionalised practices.

This section discusses the reasons for a move towards institutionalising representative deliberative processes, it provides an overview of the different routes that have been attempted so far, it briefly discusses the legal, institutional, and budgetary requirements to make institutionalisation possible, and it acknowledges the limitations. This is therefore only a preliminary discussion of a much larger and richer set of questions about the topic, which will be explored further in future OECD working and policy papers.



EU Citizens' Dialogue, The Hague, 17 May, 2019.

DEFINING INSTITUTIONALISATION

There are two aspects to the meaning of institutionalisation: legal and cultural. Together, they touch on the requirements for sustained change.

Institutionalising deliberation in democratic politics and policy making means incorporating deliberative activities into the rules of public decision making structures and governance arrangements in a way that is legally-constituted so as to establish a basic legal or

regulatory framework to ensure continuity regardless of political change.

Institutionalisation also has a cultural dimension. It can refer to regular and repeated processes that are maintained and sanctioned by social norms (Abercrombie, Hill & Turner, 1988), which are important for ensuring that new institutions are aligned with societal values.

WHY INSTITUTIONALISE?

Institutionalising representative deliberative processes into policy-making cycles and public decision-making procedures can bring the same benefits as one-off processes, and additionally makes it possible to:

2

Conduct better deliberative processes more easily and less expensively:

Institutionalisation can make it easier to develop re-usable processes, documents, practitioner capability, etc. This in turn can help to make high quality deliberative processes easier to conduct, less expensive, more effective, and less vulnerable to loss of support as new governments take power. It also makes them quicker to organise as issues emerge, as start-up time can be reduced. Institutionalisation can also improve practice by ensuring collective learning and making it easier to experiment, evaluate, and improve practice over time.

1

Take more hard decisions:

Institutionalising representative deliberative processes can help communities address challenging problems that the government is not able to solve on its own. Involving citizens makes it easier to identify community priorities and overcome resistance of interest groups and intra- and inter-party divisions, enabling action on difficult but necessary policy decisions. Institutionalisation in different ways and at different levels of government thus enables governments to take more hard decisions.

3

Enhance public trust: Public participation opportunities, including deliberative processes, have proliferated over the past few decades, but it is difficult to say that they have had a positive impact on overall levels of trust in government, politicians and policy makers. This is likely partly linked to the one-off, ad hoc nature of most participation exercises, and their limitation to specific and project-related issues. Arguably, institutionalising deliberation (and conducting many more citizen deliberations) can help to increase public trust in government, as it opens more opportunities for more people to get closer to the heart of governance and to garner greater empathy for the complexity of public decision making. Institutionalisation can also begin to fundamentally change the relationship between public authorities and citizens.

4

Enrich democracy by expanding meaningful citizen participation:

Democracy is being governed, but also governing. Through institutionalisation, more people can get closer to being part of the governing process. In doing so, they bring a wider diversity of perspectives into democratic decision making. Governments go to great lengths to ensure political equality when it comes to voting in elections. Extending the same logic to the period in between elections could mean, for example, having a goal for everyone to receive an invitation to participate in a deliberative process at some point in their lives.

5

Strengthen the civic capacity of citizens:

Institutionalisation extends and embeds the privilege of representation amongst a wider range of people. The act of representing others is itself a skill and form of democratic fitness that deserves to be extended and cultivated by more people. It means that a larger proportion of society has the opportunity to serve their communities, to experience the complexity of public decision making, and to strengthen their sense of agency and efficacy.

THREE ROUTES TO INSTITUTIONALISING PUBLIC DELIBERATION

There is no 'one-size-fits-all' approach, nor a single 'best' design to institutionalise. There is thus a need to consider diverse roadmaps to embedding public deliberation, with various aims.

Three existing routes to institutionalisation are examined: the establishment of a permanent or ongoing structure for representative citizen deliberation; the establishment of requirements for public authorities to organise representative deliberative processes under certain conditions, and the establishment of rules allowing citizens to demand a representative deliberative process on a specific issue.

1. A permanent or ongoing deliberative structure

One route to institutionalisation is to create a permanent or ongoing deliberative structure that complements the existing institutions of representative decision making. As of early 2020, permanent or ongoing deliberative bodies have roles that include agenda-setting, oversight, providing ongoing informed input about a particular public policy issue, and similar responsibilities to those of parliamentary select committees. These include:

- The Metrolinx Regional Reference Panel on Transport in the Greater Toronto and Hamilton Area (GTHA)
- The City Observatory of Madrid
- The mixed deliberative committees in the Parliament of the Region of Brussels and the French-speaking Parliament in Brussels
- Goulburn Valley Water Annual Performance Forums
- City of Kingston Ward Committees.
- The Ostbelgien Model
- The Toronto Planning Review Panel

THE OSTBELGIEN MODEL

In this model, 24 randomly selected citizens form the Citizens' Council. They have a mandate to represent fellow citizens for one and a half years. The first 24 members are comprised of three different groups: six are randomly selected among the participants of a previous Citizens' Panel that took place in the region; six are politicians – one from each political party, and twelve are randomly selected citizens from the population of Ostbelgien. Every six months, one third of the cohort is rotated out, to be replaced with randomly selected citizens. The politicians will be the first to be rotated out and will also be replaced by citizens selected through a civic lottery. This is to allow for some continuity, but also to ensure that the Citizens' Council does not become a body of people who have become professionalised and prey to some of the same problems as elected politicians.

The Citizens' Council has the power to set its own agenda and initiate up to three *ad hoc* Citizens' Panels on the most pressing policy issues of their choice. Citizen proposals that have the support of at least 100 citizens, as well as proposals of parliamentary groups or the government can also be submitted for the consideration by the Citizens' Council (Parliament of the German-speaking Community of Belgium, 2019). Each Citizens' Panel will be comprised of 25 to 50 randomly selected citizens, who will meet for a minimum of three times over three months. The Citizens' Council decides the number of participants and the length of the Citizens' Panel.

In accordance with the legislation, the regional parliament is required to debate and respond to the recommendations developed by the Citizens' Panels. The implementation of agreed upon recommendations is further monitored by the Citizens' Council. **The Ostbelgien model is the only example where this new institution extends the privilege of giving citizens a genuine voice in setting the policy agenda and providing citizens with the framework and tools to actively explore issues of their choice.**

2. Requirements for a public authority to organise a representative deliberative process under certain conditions

Another route to institutionalisation has been to establish requirements for a public authority to organise a representative deliberative process under certain conditions. Examples include:

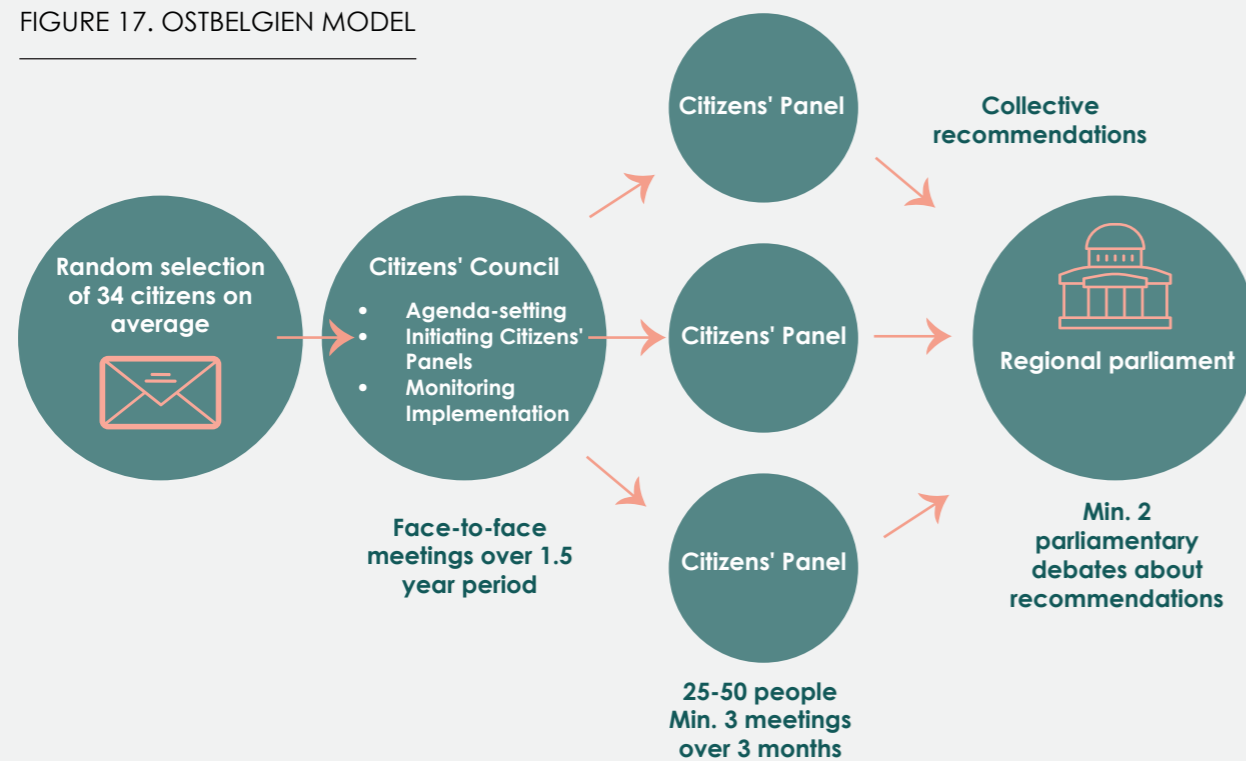
- **The Danish Board of Technology and Sciencewise in the UK.** They are variations of programmes to involve citizens in policy discussions about complex science and technology issues.
- **The 2011 French law on bioethics,** which institutionalises the obligation of the National Consultative Ethics Committee (CCNE) and the Parliament to organise public debates and representative citizen deliberations for any changes of the laws relating to bioethics.
- **Municipal laws in two Japanese cities – Yoshikawa and Iwakura –** that institutionalise Citizen Deliberation Meetings as a formal method of citizen deliberation to inform public decision making.
- **The Citizens' Initiative Review,** where a randomly selected group of citizens prepares a collective statement about significant information they believe voters should know about the pros and cons of a proposed ballot measure. This statement is circulated to all households in their voters' pamphlet.
- **The 2017 Mongolian Deliberative Polling Law,** which sets out that Deliberative Polls have to be organised for any constitutional amendments, projects to be funded by local development funds, or urban planning projects.

3. Rules that allow citizens to demand a public body to organise a representative deliberative process

The third route to institutionalising public deliberation involves legislation or regulation that stipulates that citizens are able to demand a public body to organise a representative deliberative process on a specific issue if the number of signatures in support of the demand meets a specified threshold. Examples include:

- **Municipal regulations in the Polish cities of Gdańsk, Kraków, Lublin, and Poznań** allow citizens to initiate participation processes, including deliberative processes, by collecting signatures supporting their initiative. The threshold varies from 350 in Lublin to 1,000 in Gdańsk. A separate threshold exists in some of cities for when enough signatures mean that the request cannot be denied: 2,000 in Poznań, and 5,000 in Gdańsk.
- **The 2013 amendments to the Land constitution of the Austrian state of Vorarlberg** to allow citizens to initiate a Citizens' Council with 1,000 signatures.

FIGURE 17. OSTBELGIEN MODEL



Source: Author's own creation based on data in the OECD Database of Representative Deliberative Processes and Institutions (2020).

7 PROPOSALS FOR ACTION

Based on the extensive international data collected for this report, numerous good practices for improving how representative deliberative processes are initiated, designed, run, communicated, monitored, evaluated, and institutionalised can be identified:



3

Information about the representative deliberative process should be transparent and made available to the public.

It should be easy for citizens and the media to find information regarding the purpose, design, methodology, and details about how people were recruited, which experts participants heard from, how the experts were chosen, and how the citizens' recommendations were developed. This has an impact on people's confidence in and their perceptions of the legitimacy of the process.

4

Better public communication should be leveraged to increase opportunities for public learning, to inform the public about the process, evidence presented, outcomes, and implementation, and to encourage greater citizen participation.

Public authorities should ensure to close the 'feedback loop' to maintain the relationship with citizens in between one-off deliberative processes. Once the citizens' final recommendations are delivered to the public authority, it is the authority's responsibility to respond and to explain the rationale for accepting or rejecting any proposals.

Updating the participants and the wider public about how

the recommendations from the deliberative process are being implemented helps to foster a relationship between citizens and public institutions, with the potential to impact positively on trust in both directions.

Demonstrating to citizens that when they participate, their proposals are taken seriously and it is worth their time can also help to encourage greater citizen participation in other forms and on other policy issues.

The appropriate legal and/or regulatory changes should be enacted to support the institutionalisation of representative deliberative processes for public decision making.

5

Governments should consider drafting pieces of legislation or regulations that introduce a requirement for a deliberative process under certain conditions, and to allow citizens to initiate a deliberative process if they gather enough signatures. For accountability, there should be a provision that states that above a certain threshold, public decision makers are not able to ignore the petition.

The level(s) of government at which the legislative and/or regulatory changes are required is an aspect to consider. Changes may be required at multiple levels.

Where legal or regulatory changes are put in place, they should be explicitly linked to clear standards and principals to avoid diluting the quality of deliberation.

6

Beyond legal changes to establish rules or requirements for public deliberation, there are additional legal support issues that need to be addressed to make organising deliberative processes easier, less costly, and to result in better outcomes.

Legislation and regulation should be adapted so that the most complete databases that exist can be used for the random selection procedure to ensure that the largest number of people possible have a fair chance of being selected to participate at the outset. These should be considered in light of overarching personal data protection rules, such as the European Union's General Data Protection Regulation (GDPR).

7

A next step would be for employers to provide paid leave to participate in a deliberative process, as is the case with criminal juries.

If citizens' time and inputs into policy making are valued, then it is important to compensate their time and ensure inclusivity.

8

For institutionalisation to be possible, public authorities should invest to ensure sufficient capacity in the civil service and civil society to commission and deliver representative deliberative processes, as well as sufficient funding.

Governments could either establish an office permanently in charge of deliberative processes (such as a “Centre of Excellence on Deliberative Democracy”) or an office with a broader remit that could also focus on deliberative processes (such as the Open Government office or a “Centre of Excellence on Deliberative and Participatory Democracy”).

Such a centre could be funded by government, but at arm’s length to stay unbiased and trustworthy. Examples of similar institutions that exist are the French National Commission for Public Debate or the UK What Works Centres. Professional staffing might be by civil service employees, universally respected and impartial civil society organisations (CSOs) or universities under government contract. The remits of such an office could be:

- **Setting standards** of good practice for deliberative processes for public decision making that are adapted to the context. This is important to avoid corruption or manipulation of the procedures. Having an office or agency with the priority of maintaining the integrity of the process can enhance its legitimacy and trustworthiness. Documented good practices and professional staff allow the process to remain impartial and independent of partisan politics;
- **Advising decision makers** who are considering the uses of citizen deliberation in their work;
- **Building knowledge** in the government and public institutions more broadly by **training civil servants** to be smart commissioners and neutral hosts. There needs to be a clear delineation of functions: those who initiate the process; those who organise and run it, and those who supervise it;
- **Independent monitoring and evaluation of ongoing deliberative processes and their impact** to ensure that collective learning ensues (for example, about which processes do and do not work well in particular contexts). It is also important for being able to measure the impact: of the recommendations on policy changes; on the public’s trust in their fellow citizens and in government; of participation on the attitudes and behaviour of the participants themselves. Monitoring and evaluation help to build credibility and citizen trust in a deliberative process and the commissioning authority. It is recommended that the evaluation should be carried out by a neutral actor with expertise in deliberative democracy to instil confidence in the findings;
- **Managing a budget** dedicated to funding deliberative processes;
- **Investing in the skills and capabilities of civil society organisations** that could be capable of organising, running, and facilitating a deliberative process, since institutionalisation implies a greater need for more operators, and
- **Regularly reporting findings from representative deliberative processes to government and parliaments** to ensure the cumulative benefit of deliberative processes are related to the parliamentary or government cycles.

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FURTHER RESOURCES

Throughout this report, there are references to various useful resources for practitioners in government and civil society. An up-to-date list is maintained on the following Trello board.



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