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## **Working Party on Open Government**

### **Bringing public judgement to democracy: Eight models of representative public deliberation implemented across OECD Member countries**

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This draft document prepared for discussion is a short guide for politicians and public officials who want to improve public decision-making processes and democratic institutions by adding public judgement. The guide provides reasons and examples for how to do this by creating the structures and conditions that allow for representative public deliberation to become an integral part of how certain types of public decisions are taken. It covers eight models of how this has been done across OECD Member countries.

The guide builds on the findings of chapter 6 of the 2020 OECD report *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave*. It aims to frame and present the key messages of the chapter in a succinct format and language that resonates with senior civil servants and politicians.

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# Bringing public judgement to democracy: Eight models of representative public deliberation Implemented across OECD Member countries

## Introduction

1. This is a short guide for politicians and public officials who want to improve public decision-making processes and democratic institutions by adding public judgement. The guide provides reasons and examples for how to do this by creating the structures and conditions that allow for representative public deliberation to become an integral part of how certain types of public decisions are taken. It covers eight models that are being implemented across OECD Member countries. The guide builds on the findings of chapter 6 of the [2020 OECD report \*Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave\*](#). It aims to frame and present the key messages of the chapter in a succinct format and language that resonates with senior civil servants and politicians.

2. The current governance system has failed to address some of the most pressing and difficult societal challenges of our time. It is an 18th century system, creaking in a 21st century context. As OECD and other studies have shown, in most countries, people today are less trusting of government than they were a few decades ago. At the same time, people are also more engaged on issues that affect them and their community and have high levels of interest in politics. They expect to contribute constructively in a range of ways to addressing issues that impact them.

3. The increased desire for people to have a meaningful say in decision making has been in tandem with an explosion of government consultations and opportunities to participate. Yet most consultations and participatory efforts are designed in a way that end up engaging interest groups and people with a specific agenda. Many politicians have experience with public meetings, which are often open to anyone and attract people who have grievances to air. They tend to result in the loudest voices shouting to be heard, and a list of complaints or impossible demands. In such contexts, politicians can be reluctant to be genuinely open to discussion for fear of needing to commit to impossible demands. Both politicians and citizens often end up disgruntled at such encounters.

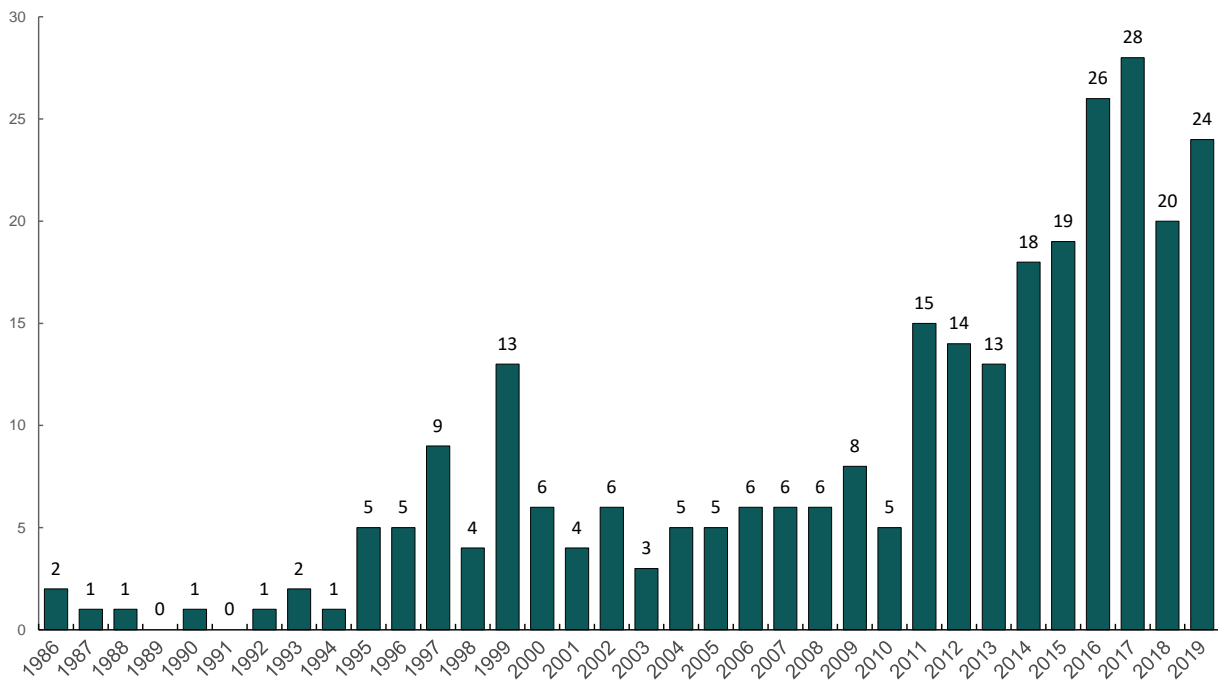
4. However, there is another way. **Representative public deliberation** is designed to gather collective *public judgements*, rather than to aggregate individual people's top-of-mind *opinions* on complex issues. There is a great deal of evidence that people's desire to participate can be productive if it is done in a way that is grounded in evidence and considered dialogue and deliberation (OECD, 2020; Landemore, 2020; newDemocracy Foundation and UN Democracy Fund, 2019).

5. Citizens' Assemblies and other representative deliberative processes have been shown to be effective tools for solving complex policy problems and enhancing public trust. Public authorities

increasingly turn to public deliberation by broadly representative groups of everyday people to help solve complex policy problems (OECD, 2020; see Figure 1; there are over 100 new cases in the forthcoming OECD Database of Representative Deliberative Processes and Institutions to be updated in June 2021). The momentum continues to build. More people are being brought to the table, bridging the distance between government and the people.

**Figure 1. The “deliberative wave” has been building since the 1980s, gaining momentum since 2010**

Number of representative deliberative processes per year across OECD Member countries, at all levels of government



Notes: 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 Representative Deliberative Processes and Institutions (2020).

6. Increasingly, public authorities are considering how to improve democracy in a more structural and ongoing way. There is ample evidence of ‘what works’ (See the [OECD Good practice principles for deliberative processes](#), 2020). Structural change to make representative public deliberation an ongoing part of democracy has genuine potential to change how public authorities and citizens interact, and can update our democratic infrastructure to solve public problems better.

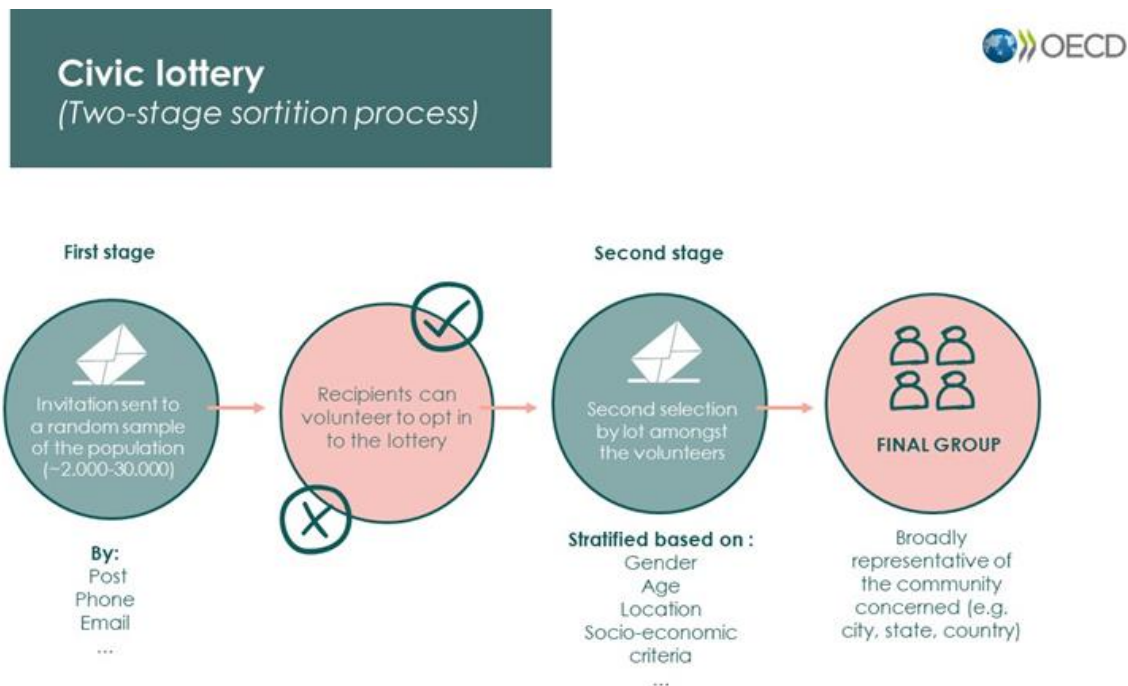
7. **This short guide for public leaders focuses on bringing public judgement to democracy through representative public deliberation to improve decision making in an ongoing way.**

# Representative public deliberation: What is it and why does it matter?

## Key concepts

- **Representative deliberative process:** A process in which a small, broadly representative group of people weighs evidence, deliberates to find common ground, and develops detailed recommendations on pressing public policy issues for public authorities. Common examples of *one-off processes* are Citizens' Assemblies, Juries, and Panels. There are also examples of *ongoing deliberative bodies*, such as Agenda-setting Councils.
- **Deliberation:** Weighing evidence and a wide range of perspectives with an aim of finding common ground. It is distinct from:
  - **Debate** (where the aim is to persuade others of one's own position and to 'win'),
  - **Bargaining** (where people agree to make concessions in exchange for something else),
  - **Dialogue** (where the emphasis is on respectful exchange rather than decision making),
  - and **"Opinion giving"** (usually witnessed on online platforms or at town hall meetings, where individuals state their opinions in a context that does not first involve learning, or the necessity to listen to others).
- **"Rough consensus"** - the "object of the game" is not to win a vote. The aim is to find (as much as possible) a proposal or range of options that a large proportion of members can strongly agree on. When voting is used, it is either an intermediate step on the way to rough consensus, or a "fall back" mechanism when consensus cannot be reached.
- **Civic lottery:** A process used by public authorities to convene a broadly representative group of people to tackle a policy challenge. It is based on the ancient practice of **sortition** that has a wide-ranging history, from Ancient Athens to the Doge of Venice, to modern applications for Citizens' Assemblies and other deliberative processes. The principle behind a civic lottery is that everybody has an equal chance of being selected by lot. There are two stages to a civic lottery (Figure 2). First, a very large number of people receives an invitation to be part of the process from the convening public authority. These randomly selected recipients can volunteer by opting in to the lottery. Then, amongst the volunteers, members are chosen by lot to be broadly representative of the public. **Civic lotteries aim to overcome the shortcomings and distortions of "open" and "closed" calls for participants**, which result in non-representative groups of people who do not mirror the wider population (for greater detail, see Chapter 4, "Design Integrity" in the OECD Deliberative Wave report).
- **Rotation:** People take turns fulfilling their civic duty when chosen by civic lottery to participate.

Figure 2. How to choose members of a representative deliberative processes through civic lotteries



Source: Created by author based on definition of a civic lottery.

### Why is deliberation different?

8. Deliberative processes benefit politicians, public servants, members of the process, and the wider public. Drawing on the evidence collected for the OECD [Catching the Deliberative Wave report](#) (2020) and existing research in the field of deliberative democracy, these are the key reasons why these processes help public decision makers to take hard decisions and enhance trust:

1. **Better policy outcomes because deliberation results in considered public judgements rather than public opinions.** Most public participation processes are not designed to be representative nor collaborative. Consequently, they can be adversarial – a chance to air grievances rather than find solutions or common ground. Deliberative processes create the spaces for learning, deliberation, and the development of informed recommendations, which are of greater use to policy and decision makers.
2. **Greater legitimacy to make hard choices.** These processes help policy makers to better understand public priorities, and the values and reasons behind them, and to identify where consensus is and is not feasible. Evidence suggests that they are particularly useful in situations where there is a need to overcome political deadlock and weigh trade-offs.
3. **Enhance public trust in government and democratic institutions by giving citizens an effective role in public decision making.** People are more likely to trust a decision that has been influenced by ordinary people than one made solely by government.

9. Additionally, these processes:

1. **Signal civic respect and empower people.** Engaging people in deliberation strengthens their political efficacy (the belief that one can understand and influence political affairs).

2. **Make governance more inclusive by opening the door to a much more diverse group of people.** Deliberative processes, with their use of civic lotteries, bring in people who typically would not contribute into public policy and decision making.
3. **Strengthen integrity and prevent corruption (as well as public perception of corruption)** by ensuring that groups and individuals with money and power cannot have undue influence on a public decision.
4. **Help counteract polarisation and disinformation.** Empirical research has shown that echo chambers that focus on culture, identity reaffirmation, and polarisation do not survive in deliberative conditions, even in groups of like-minded people.

### Why do representative deliberative processes work?

10. It is difficult for large groups of people to find rough consensus on complex decisions. There are four key reasons why deliberative processes ‘work’:

1. **Independent members:** Due to the civic lottery selection procedure, the members of a deliberative body can avoid being captured by interest groups or being influenced by powerful or wealthy people and organisations. There are no elections, no campaigns, and no fundraising.
2. **Cognitive diversity:** The civic lottery process brings in a much more diverse group of people than currently found in any parliament or civil service. It reaches people who may have never voted or contributed to any consultation. Research has shown that this diversity is more important to developing successful ideas than the average ability of a group.
3. **Favourable conditions for quality deliberation: Learning, time, and skilled facilitation:** The access to broad and diverse information, and significant time spent discussing it through skilled facilitation, leads to inform recommendations that are detailed and rigorous, and that consider trade-offs.
4. **Common good is at the heart of the process:** The members are not there to represent any particular interest group, company, political party, etc.. They are there to put themselves in others’ shoes and to collectively develop recommendations for the common good.
5. **People trust everyday people more than politicians and experts:** People have lost trust in politicians and experts, but they do trust ‘people like them’. At the end of a deliberative process, it is its members - a microcosm of the population - who will explain their recommendations.

11. However, these processes only ‘work’ if they are designed well. Design details are not technicalities; they have an enormous impact on the usefulness and trustworthiness of both the process and its outcome. The [OECD Good Practice Principles for Deliberative Processes](#) (2020; Figure 3) were developed to help guide policy makers to design and deliver ‘successful’ processes. They are intended to help improve the quality of public deliberation for decision making so that the recommendations can be useful to policy makers and the processes can be trusted by the public. Following these principles ensures that a wide cross-section of society can have access to a broad range of information, have time to weigh this evidence, and deliberate with an equal share of voice and authority.

Figure 3. OECD Good practice principles for deliberative processes



Source: OECD Good practice principles for deliberative processes (2020)

# Why add representative public deliberation to public decision making on an ongoing basis?

12. There is a large and growing number of one-off examples of public deliberation (see OECD, 2020, and the OECD Database of Representative Deliberative Processes and Institutions, 2021). The next ‘wave’ consists of a small, but growing, number of ongoing deliberative bodies, or ongoing use of one-off bodies, or both together. These new bodies also have a broader set of functions beyond developing policy recommendations for decision makers.

13. There are additional benefits to making representative public deliberation a regular part of democratic governance:

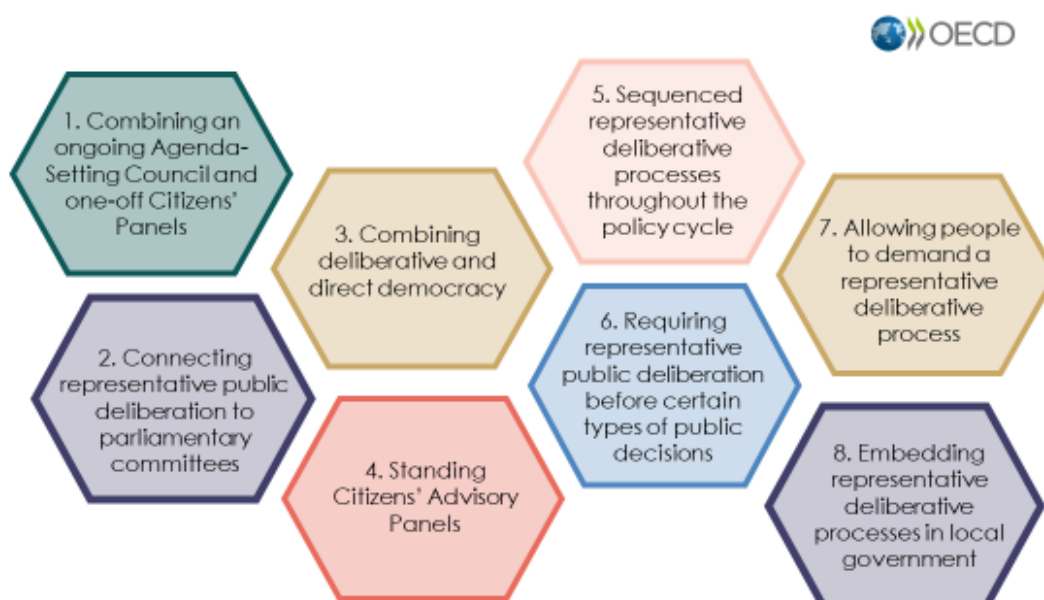
1. Allow public decision makers to be able to **take more hard decisions** and more decisions with long-term impacts (like on climate change, biodiversity, emerging technology, urban planning, infrastructure investment, and other issues of this nature).
2. **Enhance public trust.** Public trust has been declining for decades. A one-off deliberative process can make a difference, but it is the regular practice of public deliberation that gives people and decision-makers the opportunity to build trust with one another.
3. It makes conducting representative deliberative processes **easier and less expensive**. Costs and resources are saved by not starting from scratch every time.
4. **Expand meaningful public participation in decision making exponentially** and therefore **strengthen society’s democratic fitness**. Adding public deliberation and civic lotteries to democracy extends the privilege of representation to a much larger group of people. This can lead to increased levels of political efficacy amongst members of deliberative bodies, as well as the broader public. People strengthen their democratic muscles by participation. Seeing ‘people like me’ participating in complex public decision making has this effect on those not directly involved, but aware of the process.

## Eight models to consider for implementation

14. There are numerous examples across OECD Member countries of representative public deliberation being added into public decision-making processes and democratic institutions at all levels of government in an ongoing way. This section highlights eight different models and select examples of how they are being implemented. There are further examples in the *Catching the Deliberative Wave* report (OECD, 2020).

**Figure 4. Eight models to consider for implementation**

Eight models of representative public deliberation that can be added into public decision-making processes and democratic institutions at all levels of government in an ongoing way



15. Each model has its strengths and its weaknesses to be considered. Contextual factors will also matter when choosing a model. The level of government, the number of parties in parliament, the number of governing parties, the extent of governing competencies, the time needed for implementation, the budget, and other factors also need to be considered when deciding whether a certain model is appropriate. The below table roughly describes some considerations for each model described.

16. In most models, certain considerations are recurring. For instance, having all-party support for implementation is important for ensuring longevity and that the initiative does not become politicised or associated with only the government or one/some political parties. Political will from senior leadership is imperative. In models that bring everyday people together to the same table with politicians, having skilled facilitation is particularly crucial.

**Table 1. Trade-offs between the eight models of representative public deliberation**

Considerations for the eight models of adding deliberation to public decision-making processes and democratic institutions in an ongoing way

	Considerations	Level of government	Size of representative deliberative body	Time needed for design* and implementation	Budget
<b>1. Combining an ongoing Agenda-Setting Citizens' Council with one-off Citizens' Panels</b>					
Ostbelgien model	<ul style="list-style-type: none"> <li>- Works best if there is an all-party agreement to establish the model to ensure longevity and avoid the initiative being associated with the government or one/some parties</li> <li>- The rotation of a proportion of Citizens' Council members every six months helps ensure that the representative deliberative body remains depoliticised and does not become subject to the same issues as an elected chamber that has a longer mandate</li> <li>- The length of the Citizens' Panel is decided in relation to the complexity of the issue brought forth by the Citizens' Council</li> <li>- The separation of roles between the Citizens' Council (agenda-setting and monitoring) and the Citizens' Panels (developing policy recommendations) ensures each body's work is focused and there is enough time for each respective task</li> <li>- It is important that the evaluation is not politicised</li> <li>- The size of the Citizens' Council will be relative to the size of the parliamentary body</li> </ul>	Regional	<b>Citizens' Council:</b> 24 members <b>Citizens' Panels:</b> 25-50 members	<b>Design:</b> 8 months <b>Civic lottery for Citizens' Council and Citizens' Panels:</b> 3 months <b>Citizens' Council:</b> 1.5 year mandate and 1 meeting per month <b>Citizens' Panel meetings:</b> Minimum 3 full-day meetings over course of 3 months	<b>Secretariat costs:</b> One full-time salary <b>Annual cost of Citizens' Council:</b> 25,000 € <b>Average cost of Citizens' Panel:</b> 40,000 €
<b>2. Connecting representative public deliberation to parliamentary committees</b>					
Brussels mixed deliberative committees	<ul style="list-style-type: none"> <li>- Bringing together a broadly representative and diverse group of everyday people and enabling them to understand the complexity of an issue offers an informed collective view to committee members – a missing source in parliamentary work</li> <li>- Mixing MPs and everyday people will have its benefits and</li> </ul>	Regional	45 people and 15 MPs	<b>Design:</b> 1 year <b>Preparation of each committee (civic lottery, agenda):</b> 3 months <b>Committee meetings:</b> Number of	<b>Per committee:</b> 120,000 € + 50,000 € (parliamentary staff costs)

	Considerations	Level of government	Size of representative deliberative body	Time needed for design* and implementation	Budget
	<p>challenges</p> <ul style="list-style-type: none"> <li>- Works best if there is an all-party agreement at the outset (not a purely government initiative) to ensure longevity and to encourage MPs to deliberate openly rather than defend a party line</li> <li>- Politicians from all parties being part of the process increases the potential for implementation of recommendations in the parliament</li> <li>- A careful consideration of the proportion of politicians in relation to citizens is necessary</li> <li>- Facilitation by skilled professionals is particularly important in this model, given MPs will have greater confidence to speak than most people</li> <li>- There should be a way to enforce the implementation of the rules and standards set out in a <i>vade mecum</i> (guidelines)</li> <li>- It is important that the evaluation is not politicised</li> <li>- By working directly together, MPs come to value the competence and insight of people, and people develop greater empathy for difficulty of taking public decisions that require trade-offs</li> </ul>			meetings determined by the advisory committee in relation to the issue, minimum 4 full days of meetings	
Three options for adding representative public deliberation to New South Wales committees	<ul style="list-style-type: none"> <li>- Similar considerations as for the Brussels mixed deliberative committees.</li> <li>- Additionally, time and budget considerations allow for three options: <ul style="list-style-type: none"> <li>o Option A, where committee chairs and members would like additional input from everyday people (beyond active special interest groups) on sources of information and questions to be answered</li> <li>o Option B, where more time allows for everyday people to help committee chairs and members to find a balance among public proposals</li> <li>o Option C, where even more time allows for committee chairs and members to see how everyday people would answer the question, identify and explain critical trade-offs</li> </ul> </li> </ul>	State	In all three options, 42 people and 8 MPs	<p><b>Preparation and civic lottery:</b> 3-6 months</p> <p><b>Option A:</b> 2 full-day meetings over 4 weeks</p> <p><b>Option B:</b> 4 full-day meetings over 10 weeks</p> <p><b>Option C:</b> 6 full-day meetings over 16 weeks</p>	<p><b>Option A:</b> 47,100 € (\$74,100 AUD)</p> <p><b>Option B:</b> 105,683 € (\$166,300 AUD)</p> <p><b>Option C:</b> 154,617 € (\$243,300 AUD)</p>

	Considerations	Level of government	Size of representative deliberative body	Time needed for design* and implementation	Budget
<b>3. Combining deliberative and direct democracy</b>					
Citizens' Initiative Review	<ul style="list-style-type: none"> <li>- It produces accurate information to help voters make a more informed decision ahead of voting on a ballot measure</li> <li>- Seen as legitimate because the agenda is set by an issue being put on the ballot, and the CIR members have 100% control over the final wording of the Citizens' Statement</li> <li>- In its current design, it is a reactive process (a CIR occurs after a ballot measure has been put forth) rather than proactive or creative</li> <li>- CIRs are confined to binary choice issues</li> </ul>	State	24 members	<b>Preparation and civic lottery:</b> 3-6 months <b>CIR meetings:</b> 4-5 full days, usually consecutive (sometimes over two weekends)	<b>Per CIR on average:</b> 89, 250 €
<b>4. Standing Citizens' Advisory Panels</b>					
Toronto Planning Review Panel (TPRP)	<ul style="list-style-type: none"> <li>- Requires sustained leadership within the organisations (likely three terms to be embedded properly)</li> <li>- The process needs a connection to and support of the senior leadership, as well as consistent project management</li> <li>- Identifying the issues that the standing panel will tackle for at least its first year ahead of time can help ensure its strategic importance and usefulness</li> <li>- Given the two-year time commitment, there is more time for learning and going 'behind-the-scenes' of the policy</li> <li>- Members on the standing panel become quite informed and there is a high democratic dividend</li> <li>- Keeping members engaged during two years requires an ongoing effort by the 'civic concierge' in the implementing organisation, and is as important as the policy impact</li> </ul>	Local	Iterations with 32 and 28 members	<b>Preparation and civic lottery:</b> 3 months <b>Implementation:</b> 12-16 full-day meetings over course of 2 years	<b>Civic lottery:</b> 20,370 € <b>Cost of running Panel per year:</b> 40,740 € (\$60,000 CAD)
Metrolinx Standing Panel on Transportation	<ul style="list-style-type: none"> <li>- Same as for TPRP</li> </ul>	Regional	32 members	<b>Civic lottery:</b> 3 months <b>Implementation:</b> 12-16 full-day meetings over course of 2 years	<b>Civic lottery:</b> 20,370 € <b>Cost of running Panel per year:</b> 67,900 € (\$100,000 CAD)

	Considerations	Level of government	Size of representative deliberative body	Time needed for design* and implementation	Budget
<b>5. Sequenced representative deliberative processes throughout the policy cycle</b>					
Bogotá Itinerant Citizens' Assembly	<ul style="list-style-type: none"> <li>- This model allows everyday people to play a meaningful role in all phases of the policy cycle</li> <li>- The separation of work into "chapters", each of which involves a new group of people selected by civic lottery, allows for many people to be involved in public decision making over time</li> </ul>	Local			No data available.
<b>6. Requiring representative public deliberation before certain types of public decisions</b>					
French law on bioethics	<ul style="list-style-type: none"> <li>- Ensuring robust public deliberation before new laws and amendments regarding bioethics helps public decision makers ensure that before taking decisions on this difficult and controversial issue, it has heard an informed collective view from everyday people</li> <li>- The sequencing of the representative deliberative process with other forms of consultation and citizen participation is important</li> </ul>	National	Specific numbers not specified.		No data available.
<b>7. Allowing people to demand a representative deliberative process</b>					
Vorarlberg Citizens' Council on Land Use Rights	<ul style="list-style-type: none"> <li>- This model offers an alternative way for people to be able to set the agenda to the Ostbelgien model, by allowing them to demand a representative deliberative process if enough signatures are reached among the population</li> <li>- It allows for bottom-up demand regarding a certain policy issue to be addressed through representative public deliberation (as opposed to the more common results of petitions being debate by elected officials)</li> <li>- The regulations need to specify that issues raised should be within</li> </ul>	Local	27 members	<b>Preparation and civic lottery:</b> 10 weeks <b>Meetings:</b> 2 full days over 4 weeks	15,000 €

	Considerations	Level of government	Size of representative deliberative body	Time needed for design* and implementation	Budget
	<p>the competencies of the public authority to act upon</p> <ul style="list-style-type: none"> <li>- There needs to be political commitment to establish the Citizens' Council if enough signatures are attained</li> </ul>				
<b>8. Embedding representative deliberative processes in local government</b>					
Victorian Local Government Act 2020	<ul style="list-style-type: none"> <li>- The Act specifies that the deliberative engagement practices must follow key characteristics of good design: clear scope and objective; access to information; representativeness; impact, and transparency throughout the process</li> </ul>	State	Specific numbers not specified.		No data available.

Note: \*The time needed for the design refers to the amount of time that was needed in these specific cases to involve experts in developing a context-specific design, as well as the time needed for political negotiations and for putting in place the necessary staff support and infrastructure to carry out the process. The budget is in euros, and conversions are as of the conversion rate in June 2021. The information provided is descriptive in relation to these specific examples. However, the models could be applied at different levels of government besides those where they have already been tried.

Sources: See extensive source details for each example below.

## 1. Combining an ongoing Agenda-Setting Citizens' Council with one-off Citizens' Panels

### *Ostbelgien model*

17. On 25 February 2019, in Ostbelgien, the German-Speaking Community of Belgium, the parliament unanimously voted in favour of a piece of legislation that establishes three new democratic institutions<sup>1</sup>:

- **A permanent Citizens' Council:** it is comprised of 24 randomly selected citizens, who have a mandate to represent fellow citizens for one and a half years. One third of the members rotate every six months. Its mandate is twofold. First, it has an agenda-setting role. It initiates up to three *ad hoc* Citizens' Panels during its term and decides the issues the Panels should address. Second, the Council has an oversight role, ensuring that the recommendations from the Citizens' Panels are presented and debated in the parliament and receive a response from the relevant parliamentary committee and minister. The Citizens' Council met for the first time on 16 September 2019.
- **Citizens' Panels:** There will be between one to three panels per year. 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. Citizen proposals that have the support of at least 100 citizens,

<sup>1</sup> A decree establishing the permanent participatory process can be found here (in English): <https://www.governanceinstitute.edu.au/centres/deliberative-democracy-and-global-governance/working-paper-series> and here (in French): [https://www.pdg.be/PortalData/34/Resources/dokumente/diverses/2019.02.25\\_Dekret-Buergerdialog-FR.pdf](https://www.pdg.be/PortalData/34/Resources/dokumente/diverses/2019.02.25_Dekret-Buergerdialog-FR.pdf).

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).

- **A Secretariat:** this consists of full-time officials who are responsible for carrying out the random selection for the Citizens’ Council and Citizens’ Panels, servicing the Citizens’ Council, and organising the Citizens’ Panels.

18. In February 2020, the Citizens’ Council set the agenda for the first Citizens’ Panel about the issue of how to improve the working conditions of healthcare workers. The 25 Panel members presented their recommendations to parliamentarians in October 2020 during a public committee meeting of the Ostbelgien Parliament. So far, the responsible parliamentary committee approved implementation of eight out of Panel’s 14 recommendations. For refused proposals, the committee gave other solutions such as consultations between stakeholders and public authorities. At the time of writing, this first Citizens’ Panel is being followed up and will be evaluated by the Citizens’ Council at the end of 2021.

The Citizens’ Panel’s recommendations (in German) are available at:

[https://www.buergerdialog.be/fileadmin/user\\_upload/20200919\\_Die\\_Empfehlungen\\_endgueltiger\\_Text\\_komplett.pdf](https://www.buergerdialog.be/fileadmin/user_upload/20200919_Die_Empfehlungen_endgueltiger_Text_komplett.pdf)

The committee’s opinion is available here:

[https://www.buergerdialog.be/fileadmin/user\\_upload/Handout\\_Stellungnahmen\\_Fachausschuesse.pdf](https://www.buergerdialog.be/fileadmin/user_upload/Handout_Stellungnahmen_Fachausschuesse.pdf).

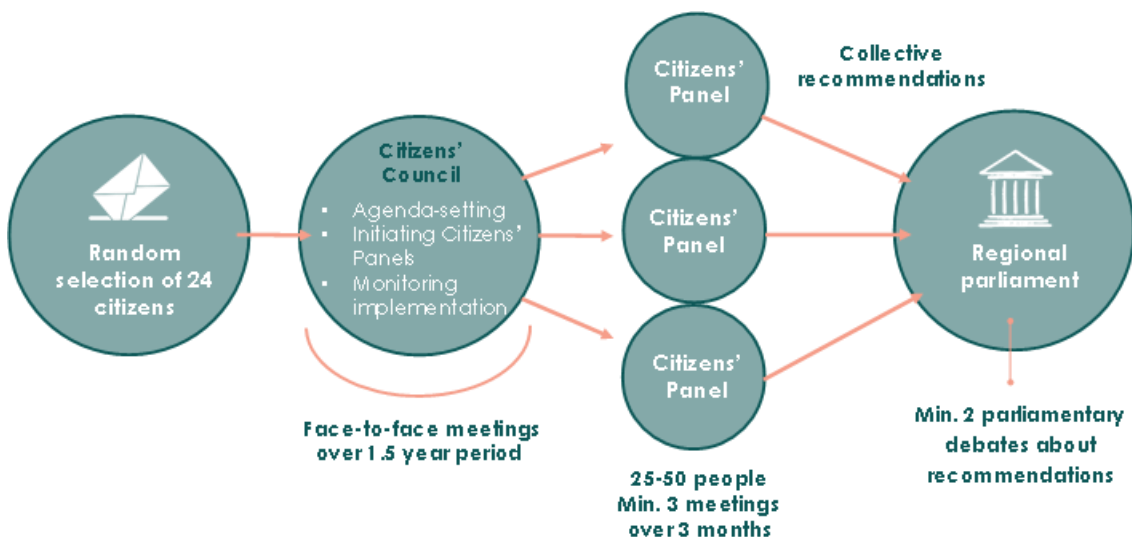
The process organisation details are available at:

<http://www.governanceinstitute.edu.au/magma/media/upload/ckeditor/files/Designing%20a%20permanent%20deliberative%20citizens%20assembly.pdf> and [https://congress.crowd.law/files/Belgian\\_Sortition\\_Models.pdf](https://congress.crowd.law/files/Belgian_Sortition_Models.pdf).

19. The Citizens’ Council has initiated a second Citizens’ Panel about inclusive education. The panel met for the first time in early March 2021, and the public committee meeting of Parliament is expected to take place during summer 2022.

### Figure 5. Ostbelgien model

Combining an ongoing Agenda-Setting Citizens’ Council with one-off Citizens’ Panels



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

## 2. Connecting representative public deliberation to parliamentary committees

### ***Mixed deliberative committees in the parliament of the region of Brussels and the French-speaking parliament in Brussels***

20. In December 2019, the parliament of the region of Brussels in Belgium adopted a set of internal regulatory reforms aimed at strengthening citizen participation in its legislative work. One of the enacted measures is the possibility to create “mixed deliberative committees”.<sup>2</sup> The same regulatory change was approved by the French-speaking parliament in Brussels (officially called the French-speaking Community Commission – Cocof), the body responsible for regulating the French-speaking Community in the Brussels-Capital Region (Reuchamps, 2020). It is considered to be the first institutionalised mechanism of its type.

21. The mixed committees are comprised of 15 parliamentarians (members of the corresponding thematic permanent committee – 12 French speakers and 3 Dutch speakers) and 45 randomly selected citizens (Brussels’ residents who are over 16 years’ old – 36 French speakers and 9 Dutch speakers). These deliberative committees can be initiated in one of two ways: either by parliamentarians or at the request of at least 1,000 Brussels residents (1,200,000 inhabitants), although the final decision lies with the Parliament. The topics to be discussed must be of a regional scope within the competencies of the Parliament.

22. The mandate of the mixed committee is to meet several times, with the possibility of requesting the presence of experts, and to publish a report with recommendations for the Parliament on a specific issue. This report will have to be studied and discussed by the corresponding permanent parliamentary committee and other committees if needed. No more than six months later, the parliament must publish a report to explain the decisions and its follow-up to the recommendations.

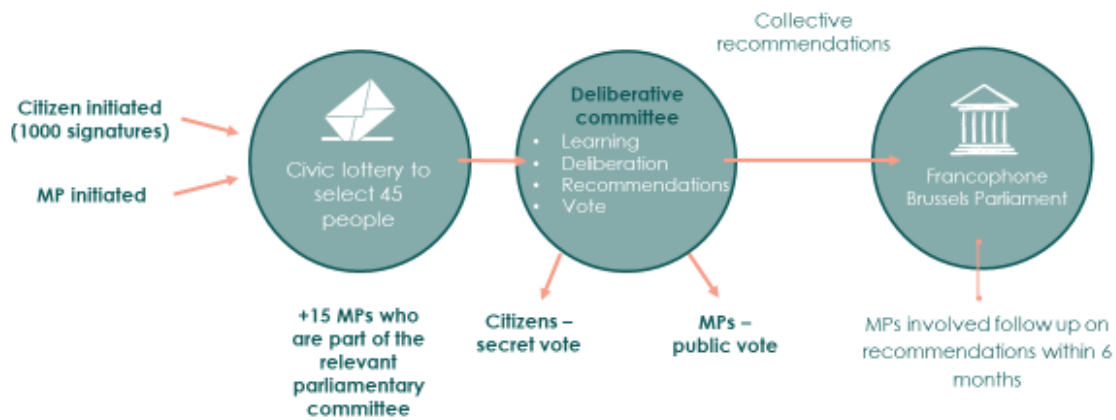
23. As of May 2021, three questions for mixed deliberative committees have been chosen:

1. 5G is coming to Belgium. How do we want 5G to be implemented in the Brussels-Capital Region, taking into account the environment, health, economy, employment and technical aspects?
2. The Brussels-Capital Region has at least 4,187 homeless and poorly housed people. What measures do we want to take to resolve this situation in the long term?
3. To what extent and in what way do the citizens of Brussels envisage their role in the prevention, communication, management and evaluation of a crisis?

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<sup>2</sup> The enacted modification to the internal rules of the regional parliament can be found here (In French and Dutch): <http://weblex.brussels/data/arc/cc/doc/2019-20/106936/images.pdf>. Further information about the first mixed deliberative committees can be found here: <http://www.parlement.brussels/premieres-commissions-deliberatives-seront-installees-avril-juin/>.

Figure 6. Mixed deliberative committees



Source: Author's own creation based on the description of the process publicly available.

### **Three options for adding representative public deliberation to New South Wales committees**

24. The newDemocracy Foundation has published a paper outlining three options of adding representative public deliberation to New South Wales parliamentary committees at the request of the Speaker of the New South Wales Legislative Assembly.<sup>3</sup> All three options are in line with the OECD Good Practice Principles for Deliberative Processes (2020) and are designed to produce high quality deliberation and results for the committee chair, committee members, members of the deliberative processes, and the wider public.

25. Each of the three options includes a **Citizens' Jury comprised of 42 people chosen through a civic lottery** to be broadly representative of the population from New South Wales (stratified according to age, gender, education, and geography). The committee chair chooses eight members of the Inquiry to accompany the Citizens' Jury.

<sup>3</sup> For more information: newDemocracy Foundation paper (2021, forthcoming – note that the link will be available in time for the publication of this guide).

26. The three options are:

**A. Considered input from citizens**

The eight MPs work alongside the Citizens' Jury in an opening 90 minute session. This will take place in the first of two meetings over two weekends. During those meetings, the everyday people develop a short report that outlines the experts, information, and questions citizens would like the committee to consider to feel greater assurance it made an informed decision on the issue.

**B. Balance of submissions**

The eight MPs work alongside the Citizens' Jury at up to four meetings over four weekends. The aim is to reach agreement on where a balance can be struck between expert and 'special interest' proposals (Inquiry submissions). They co-author a report supported by their reasoning and evaluation criteria.

**C. A Citizens' Jury in partnership with the Inquiry**

The eight MPs work alongside the Citizens' Jury at several intervals during six full-day meetings over several weekends. The aim is to find common ground on recommendations that answer the remit asked of them by the committee chair. At the end, a representative group of everyday people will be able to stand alongside Members of parliament supporting the recommendations included in the report. They will be able to publicly explain their reasoning and rationale for taking difficult trade-offs and offer the evidence they used to support these decisions.

### **3. Combining deliberative and direct democracy**

#### ***Citizens' Initiative Review***

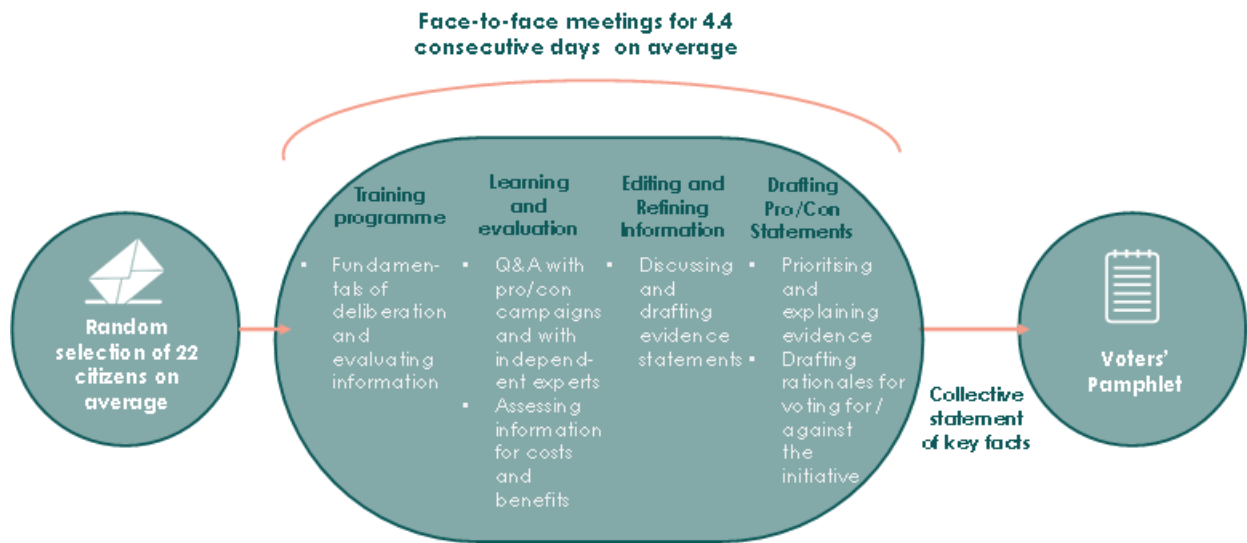
27. The Citizens' Initiative Review (CIR) is a deliberative process that was designed for a representative group of citizens to evaluate a proposed ballot measure, providing informed arguments for both sides of the issue to all voters with their ballot papers.

28. Citizens' Initiative Reviews typically gather 22 people selected by civic lottery for four consecutive days. Prior to the first meeting, citizens have no information on what policy question they will be addressing. Due to political pressures, organisers do not prepare briefing documents in advance. Rather, citizens receive all testimony directly from campaigns and experts during the review. The process begins with a training programme for participants, providing them with the fundamentals of deliberating and evaluating information.

29. The following stage is learning and evaluation. Participants assess written evidence submitted by opponents and proponents of the ballot measure, and question both campaigners and independent experts. They then add to, edit, deliberate on, and prioritise all the evidence collected. The editing and refining information phase is carried out in smaller groups where participants are invited to discuss and draft evidence statements, examine costs, benefits and trade-offs of the proposed ballot measure (Healthy Democracy, 2019). Finally, they draft a collective statement that includes the most important information for all voters to know. Participants also select the strongest evidence for and against the measure, and then explain why each piece of evidence is important to one side or the other.

30. Their final statement is presented publicly in the press conference to the wider public and is included in the voters' pamphlet, which reaches every voter across the state. The final result of the CIR is not addressed to the government, but rather to fellow citizens, helping them make better informed choices when it comes to voting on a ballot measure. The method can be a powerful tool to help counteract the spread of misinformation and disinformation ahead of a vote.

**Figure 7. Citizens’ Initiative Review model**



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

#### **4. Standing Citizens’ Advisory Panels**

##### ***Toronto Planning Review Panel and Metrolinx Standing Panel on Transportation***

31. Between 2015-2020, there were three sets of two-year standing panels in Toronto and the Greater Toronto and Hamilton Area Region on planning and transportation issues. In both instances, they were designed following the same set of principles for a one-off representative deliberative processes, but with a wider remit covering numerous issues, and longer time-span for learning and providing informed input on an ongoing basis. It means that the Panel members had 12-16 meetings over the course of two years (the first three to four meetings being purely about learning), which allowed more time for people to become familiar with the context and issues, and to also have a ‘behind-the-scenes’ understanding of how different policies work (i.e. being able to visit the control room of the central train station).

32. The two-year design allows for Panel members to become quite informed. It also has a significant democratic dividend. There is a lasting, formative impact on the members as they become so much more knowledgeable about the public authority and the issue area. After participating in such a process, some of the members have been inspired to go back to university, to change careers, one of them became a facilitator at MASS LBP (the organisation that implemented the two Panels), while others continued to volunteer with the public authority, and so on.

33. However, it is important to discern the circumstances and context in which these Panels operate. The experience showed that having sustained leadership within the convening public organisation is imperative. It has been suggested that there is a need for at least three terms for such a process to become embedded properly, and to become part of the working culture of the organisation rather than an initiative spearheaded by a champion. Moreover, due to the length of time, these processes are also susceptible to the impact of changes in project managers within the convening public authority, so having a high degree of understanding about how the panel fits into the organisation’s strategic decision making is also crucial. The significance and stature of the exercise need to be recognised with buy-in at the senior leadership level, with consistent and appropriate project management. Having the issues for at least the first year of the Panel’s work identified before it begins is also helpful, and an indicator that the convening organisation takes the Panel seriously.

34. The evidence from the three Panels is that the attrition rates are no different to a one-off Citizens' Panel, despite the much longer time commitment of two years.

35. Both panels provided informed recommendations and influenced important decisions. In the case of the Toronto Planning Review Panel, there was a change of leadership within the city's planning department following the two initial panels. The Metrolinx Standing Panel on Transportation came to a close as the first wave of Covid-19 was underway. At the time of writing, it is not clear when or if a new group will be convened.

- **Toronto Planning Review Panel, 2015-2017 and 2017-2019**

36. The Toronto Planning Review Panel was an ongoing deliberative body, embedded into the city's planning division, which enabled ongoing citizen input on the issues of planning and transportation. Its members served two-year terms, after which time a new cohort was randomly selected to be representative of the Greater Toronto Area.<sup>4</sup>

37. A group of 28 residents selected by civic lottery from all parts of the greater Toronto area met for 11 full-day meetings from 2015-2017. Prior to deliberation, participants met for four days of learning and training.

38. A similar panel was appointed for the period of 2017-2019, this time consisting of 32 people selected by civic lottery.

- **Metrolinx Standing Panel on Transportation, 2018-2020**

39. Similarly, the Greater Toronto and Hamilton Area (GTHA) transport authority, Metrolinx, established a Regional Reference Panel to give 32 residents selected by civic lottery the mandate to provide informed advice on managing the growing transport demand over the next 25 years and achieving Metrolinx's goals in a manner that reflects the values and priorities of all residents. The Regional Reference Panel met for 11 full-day meetings between October 2018 and May 2020.<sup>5</sup>

40. Metrolinx's Planning and Development Department is seeking the Panel's recommendations on issues such as:

- improving seamless connections between regional transportation services;
- setting high standards for traveller experience and design excellence;
- managing congestion and demand during peak hours;
- expanding access to cycling infrastructure;
- and preparing for new transportation modes and shared mobility services.

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<sup>4</sup> For more information: <http://bit.ly/3brvnxy>.

<sup>5</sup> For more information: <http://www.metrolinx.com/en/aboutus/inthecommunity/mrrp/default.aspx>.

## 5. Sequenced representative deliberative processes throughout the policy cycle

### *Bogotá Itinerant Citizens' Assembly*

41. In 2020, the Bogotá City Council, through its public innovation lab DEMOLAB, launched a sequenced representative public deliberation through the Itinerant Citizens' Assembly (ICA). This is a representative deliberative body that is attached to a public authority like a parliament or a city council.<sup>6</sup>

42. The ICA has different “chapters”, which occur in sequenced order and have different functions. They do not take place simultaneously. Each chapter is comprised of a different group of members selected by civic lottery to be broadly representative of the population. Chapters correspond to different parts of the policy cycle. For example, one explores broad objectives, a second develops policy recommendations, and a third conducts an evaluation.

43. The ICA model can be useful when there is time available and the political will exists to launch a long-term representative public deliberation. It can also be helpful when a policy issue is too complex to be tackled in-depth with a single one-off representative deliberative process. An ICA can also be a good model when a policy question is of great uncertainty and evolves over time.

44. The implementation of an ICA model leads to the **involvement of large numbers of everyday people in public decision making over time**. While each chapter involves a relatively small group, the sequenced design and rotation of members means that many thousands of people will have an opportunity to be selected to participate over the long term.

45. The ICA model also gives everyday people **other roles to play in public decision making beyond providing recommendations on a specific policy issue**. By extending the potential remit to agenda-setting, identifying broad priorities, conducting evaluation, it allows for public decision makers to tap into the public's insights in many more ways. It could also encourage a more recursive dialogue between the ICA members and decision makers.

46. The sequenced approach also introduces a **new form of accountability between everyday people involved as members in the assemblies**. It also allows for the organizers of each Assembly chapter to take an **iterative design approach**, adapting to what has worked well and what could be improved.

## 6. Requiring representative public deliberation before certain types of public decisions

### *French law on bioethics*

47. Article 46 of the French 7 July 2011 law on bioethics<sup>7</sup> institutionalises the obligation to organise public debates and deliberations for any changes of the laws relating to bioethics. The National Consultative Ethics Committee (CCNE), together with the parliament, is assigned responsibility to organise these public debates, that take the form of *États Généraux*.

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<sup>6</sup> Source: newDemocracy Foundation (2021, forthcoming), “Sequencing deliberation: The Itinerant Citizens' Assembly Model,” newDemocracy Foundation Research and Development Note, *link will be available at time of publication*.

<sup>7</sup> The 7th July 2011 law is available in French at:  
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000024323102&categorieLien=id>

48. The law defines *États Généraux* as various forms of citizen consultations and citizen conferences comprised of citizens selected to represent the diversity of the public. Citizens participate via both traditional consultation methods such as online submissions and online surveys, as well as representative deliberative processes where they learn, deliberate, and produce recommendations on policy questions.

## 7. Allowing people to demand a representative deliberative process

### *Vorarlberg Citizens' Council on Land Use Rights*

49. The Austrian state of Vorarlberg has a long history of constitutional reforms that favour direct and participatory democracy (Palermo and Alber, 2015: 225-28). Article 1, paragraph 4 of the Land constitution of Vorarlberg was amended in 2013 to include a reference to direct democracy initiatives, referendums, public consultations, and supporting other forms of democracy, notably Bürgerräte, which literally translates to Citizens' Council.<sup>8</sup>

50. Citizens' Councils can be initiated in three ways: if 1,000 or more citizens sign a petition asking for one, by a decision of state government, or by the state parliament. Citizens used this right of initiative for the first time in 2017 to deliberate on the handling of land.

51. The key elements of Citizens' Councils are set in the constitution, such as the use of dynamic facilitation, selection by civic lottery, and organising a Citizens Café. Everything else is up to interpretation. The law gives the organisers enough space to adapt the design of a deliberative process to the issue at hand.

## 8. Embedding representative deliberative processes in local government

### *Victorian Local Government Act 2020, Australia*

52. According to the Local Government Victoria Act, enacted in March 2020, all local councils must engage the community through deliberative practices to develop four strategic documents: the planning and financial management plan; the community vision; the council plan, and the financial plan. This must take place during the year following a general election.

53. While the Act does not define deliberative engagement practices, allowing for a relatively broad interpretation, the Act does specify that the deliberative engagement practices must follow key characteristics of good design notably: clear scope and objective; access to information; representativeness; impact, and transparency throughout the process.<sup>9</sup>

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<sup>8</sup> The regional government guidelines for convening and implementing Citizens' Councils can be found here (in German): [https://www.partizipation.at/fileadmin/media\\_data/Downloads/methoden/Buergerrat\\_Richtlinie.pdf](https://www.partizipation.at/fileadmin/media_data/Downloads/methoden/Buergerrat_Richtlinie.pdf).

<sup>9</sup> For more information: <https://www.localgovernment.vic.gov.au/council-governance/local-government-act-2020>.

## Where in the governance system to add representative public deliberation?

54. The examples in this guide are from all levels of government. The aim in this document is not to provide detail about every single configuration possible, but to give politicians and policy makers a sense of the many diverse possibilities that exist for making representative public deliberation an ongoing part of democracy and public decision making. It is possible to do this in different parts of the governance system (at all levels of government):

- In legislatures (e.g. to complement the work of committees)
- In government
- In the judiciary
- In combination with, or in place of, standing advisory bodies (e.g. boards, commissions, advisory committees etc.)
- In combination with, or in place of, existing public participation processes (e.g. town hall meetings)
- Where governance structures are currently missing (e.g. global level, multi-national regions)

## What to consider and who to get on board when planning for implementation?

55. Just as there are numerous considerations for the successful running of parliaments and other democratic institutions, adding public deliberation and civic lotteries to democracy requires a number of commitments and infrastructure to be effective.

1. **Sustainable political commitment.** Planning in advance for how to sustain political commitment as new governing coalitions or administrations come into power.
2. **Consider a self-governing and systemic approach.** An agenda-setting and/or oversight deliberative body that itself is a lottery-selected Panel could be considered as “the gold standard”, such as the Citizens’ Council in the Ostbelgien Model. Many jurisdictions often have a general Public Engagement Advisory Committee, or something similar, that could be reinvented as a lottery-selected body to play this agenda-setting/oversight role.
3. **Support from and capacity of public servants to deliver ongoing, quality public deliberation.** A key recommendation in the Deliberative Wave report was for public authorities to establish an office permanently in charge of deliberative processes. Such a centre could be funded by the public authority, but at **arm’s length** to stay unbiased and trustworthy. There are a few examples of such bodies:
  - **Scottish Parliament Committee Engagement Unit** established to commission, plan, and deliver deliberative engagement in-house.
  - **Ostbelgien Secretariat** established to organise and deliver the Citizens’ Council and Citizens’ Panels.
  - Examples of similar institutions that exist include the **French Centre for Citizen Participation** or the **UK What Works Centres**.

56. Professional staffing might be by civil service employees or universally respected and impartial civil society organisations (CSOs) or universities under contract. In addition to running deliberative programmes, the remits of such an office could be:

- **Setting and ensuring compliance with standards** of good practice for deliberative processes for public decision making that are in line with the OECD Good Practice Principles and are adapted to the context.
- **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;
- **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) and that the outputs are responded to and have influence on public decision making;
- **Managing a budget** dedicated to funding deliberative processes;
- **Investment 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,

- **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,
- **And regularly reporting on the implementation of recommendations from deliberative processes** to its members and the public, as well as explanations for why action has not been taken.

57. In line with the consideration for a self-governing and systemic approach, some of the above remits of an office in charge of deliberative processes could also be shared with a self-governing body like the Citizens' Council in Ostbelgien.

- **Sustainable involvement of the public.** Elements that can support this are - but are not limited to – a special position for alumni of deliberative processes, maximum visibility through public communication, and paid leave from work to participate in these processes (such as is the case with jury duty in many countries).

## Where can I find more information?

- [OECD Catching the Deliberative Wave report and Good Practice Principles for Deliberative Processes](https://www.oecd.org/deliberative-wave/) (2020), available at [oe.cd/delib-wave](https://www.oecd.org/deliberative-wave/).
- [UN Democracy Fund and newDemocracy Foundation Handbook on Democracy Beyond Elections](https://www.newdemocracy.com.au/2018/10/17/united-nations-democracy-fund-democracy-beyond-elections/) (2019), available at <https://www.newdemocracy.com.au/2018/10/17/united-nations-democracy-fund-democracy-beyond-elections/>.
- [OECD Trello board](https://trello.com/b/FypHueG9/resources-for-representative-deliberative-processes) with links to further resources, available at <https://trello.com/b/FypHueG9/resources-for-representative-deliberative-processes>.

## Who can help me make “the right” decisions?

- **[OECD Innovative Citizen Participation](#) Team and Network**
  - Claudia Chwalisz, Innovative Citizen Participation Lead (claudia.chwalisz@oecd.org)
- **[Democracy R&D Network](#)**- An international network of organisations, associations, and individuals helping decision makers take hard decisions and build public trust
  - David Schecter, Coordinator (david.schecter@democracyrd.org)
- **Federation for Innovation in Democracy in Europe**
  - Yves Dejaeghere, Chief Executive (yves.dejaeghere@fide.eu)

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