Governing permanent citizens' assemblies in Belgium

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All over the world, initiatives to institutionalize deliberative democracy, particularly in the form of citizens' assemblies, are springing up. Belgium, a small country in the heart of Europe, is probably one of the leading laboratories of this institutionalization process with several permanent citizens' assemblies. Such institutionalization raises the question of how these assemblies are and should be governed. In order to explore this twofold question, this paper draws lessons from the Permanent Citizen Dialogue in the German-speaking Community and the Mixed Deliberative Committees in the Regional and Francophone Parliaments in Brussels and in Wallonia.

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Before diving in, we need to define what we are talking about. The critical and interdisciplinary dictionary of participation, democracy and citizenship (DicoPart) offers a definition: "A permanent assembly is a participatory mechanism that involves one or more citizens' assemblies in political decision-making on a continuous or repeated basis. The aim of these assemblies is to formulate recommendations on one or more public issues following an informed and reasoned exchange between citizens" (https://www.dicopart.fr/assemblee-permanente-2022).

On this basis, we first have to explore how such permanent citizens' assemblies came to life in Belgium. It is a story in three acts that is being played out there. Following this short journey, we can sketch a tentative answer to the question of how these assemblies are and should be governed. This twofold question can be translated into three questions. First, who has the real power? Is it citizens? Is it the people who commission these experiments? Is it the parliamentarian or experts in the case of deliberative committees? Second, if we wanted to empower citizens more, what would need to change? Or, third, are there reasons to think the current hierarchy of power is the right one?

1. Institutionalizing permanent citizens' assemblies: Three acts

Act I: The first stones

Belgium was not originally destined to be a fertile ground for participatory and deliberative democracy. Built in the 1830s on a national union against the pro-Protestant and pro-Dutch policies of the sovereign of the Netherlands, to which the southern provinces – forming the future Belgium – had been attached following the Congress of Vienna in 1815, Belgium was criss-crossed from the outset by divisions that were almost consubstantial with its existence (Deschouwer, 2012): church-state and centre-periphery, to which a capital-labour divide was added in the second half of the 19th century. As in other divided societies, a consociational political system was established, based on the segmentation of society into three pillars – Catholic, Socialist and, to a lesser extent, Liberal – with contact between pillars only through the elites (Lijphart, 1981). In a consociational society, the participation of the population in decision-making was anything but sought after, as there was a strong distrust of internal divisions within society (Caluwaerts and Reuchamps, 2014). Although from the second half of the 20th century onwards, society gradually 'depilarized', power did not return to the hands of the population but remained in those of the political parties. Belgium was in peril of partitocracy. Partitocracy can be defined simply as a political system in which power is – to an excessive degree – in the hands of political parties (Baudewyns et al., 2022).

Against this backdrop, it's hardly surprising that the first stones of participatory and deliberative democracy in Belgium were laid not by parliaments or civil society, but by members of the executive branch in response to the NIMBY (not in my backyard) phenomenon, which sees more and more citizen opposition to collective projects to prevent them from being developed 'in their backyard' (Van Damme et al., 2017). Thus, in the wake of

the participatory and deliberative movement that marked the turn of the 21st century, the first citizens' panels were organized in Belgium by foundations at the request of ministers and governors (Vrydagh et al., 2022). The aim of these citizens' panels is to enable people who are usually excluded from decision-making processes to contribute to making better decisions, in the face of increasingly complex and resistant issues. It is a form of user expertise that comes to the fore, complementing scientific, administrative and political expertise, in an 'executive' approach to participatory and deliberative democracy.

Act II: The ground floor

The end of the decade of the 2000s was marked by strong political tensions, around so-called community issues, which led to the longest period without a full government (541 days) following the 2010 federal parliamentary elections (Deschouwer and Reuchamps, 2013). It was in this political vacuum that the G1000 initiative was born, leading to a broad online consultation to define the agenda for a citizens' summit which, on November 11, 2011, brought together 704 randomly selected citizens from across Belgium to deliberate on three important themes: social security, the distribution of wealth in times of crisis and immigration. This initiative demonstrates that organizing a large-scale citizens' assembly is possible, even in a society as divided as Belgium (Caluwaerts and Reuchamps, 2018). The G1000 marks the turning point towards the institutionalization of citizens' assemblies.

While the G1000 demonstrated the potential of a citizens' assembly, this initiative reveals the importance of gradual institutionalization of citizens' assemblies to ensure the long-term viability of participatory and deliberative democracy. In the wake of the G1000, voices from all parties, in the north and south of the country, are calling for more frequent use of citizens' assemblies (Jacquet et al., 2016). These calls took shape on the ground, and in particular in

the country's various parliaments, each of which, in its own way and on a variety of themes, organized a citizens' assembly (in the Belgian jargon of the time, a 'citizens' panel'). From an 'executive' approach to participatory and deliberative democracy in the 2000s, we are witnessing a 'legislative' approach in the 2010s.

In parallel with the organization of these 'one-shot' citizens' panels by parliaments and gradually by other authorities at all levels of power, from local to European, ever louder voices are being heard in favor of institutionalizing permanent citizens' assemblies. In 2016, for example, some parliamentarians found the idea, inspired by the Irish Constitutional Convention, of mixing parliamentarians with citizens chosen by lot within existing parliamentary committees, a promising one. Proposals for legislation and amendments to parliamentary rules of procedure were tabled. However, these proposals will go unheeded during the 2014-2019 legislature, except in the country's smallest federated entity (but with legislative power), the German-speaking Community (Niessen, 2021).

Act III: The whole house

In February 2019, the German-speaking Community, also known as East Belgium (Ostbelgien), was the first to institutionalize a Permanent Citizens' Dialogue, with participants drawn by lot from all residents aged 16 or over (Niessen and Reuchamps, 2020). The choice was made to favor participation based exclusively sortition. The permanent citizens' dialogue is based on a 24-member Citizens' Council (*Bürgerrat*), who have previously sat on a Citizens' Assembly that the Council has the power to initiate. The Citizens' Council is the permanent body of the scheme. It has two missions. The first is to organize regular citizens' assemblies (*Bürgerversammlung*). To this end, the Council invites suggestions for topics from the public and, where appropriate, from political institutions. On the basis of these suggestions, it

formulates the theme that will be the focus of the citizens' assembly and initiates the process for its implementation. The Citizens' Assemblies are made up of members drawn by lot, the number of which is also determined by the Citizens' Council, as is the duration of the work. At the end of each assembly, a document of recommendations is drawn up on the issue, which is then presented to the parliamentary committee and the relevant ministers.

While the Parliament of the German-speaking Community is the first Belgian federated entity to adopt a permanent citizens' assembly system, other federated entities, as well as the Federal Authority, will follow after the general elections in May 2019. These elections have indeed changed the landscape (Reuchamps et al., 2020). The results show a significant increase in the number of green parties' representatives, who will join the new government coalitions in Brussels and Wallonia, as well as at federal level. Belgium's regions are key political institutions, with legislative power over territorial development and housing, the environment, water and nature conservation, the economy and employment policy, transport, public works, energy policy, local authorities, external relations and scientific research. As a member of the government coalition in two of Belgium's three regions, the ecologists are putting democratic reforms on the agenda, notably the idea of mixed parliamentary commissions renamed deliberative commissions, to incorporate a remark by the Council of State raising the potentially problematic nature of the notion 'mixed', in that it would put elected parliamentarians and citizens chosen by lot on an equal footing, which is constitutionally impossible under current Belgian law (Reuchamps, 2020).

In Brussels, the coalition government decided to move quickly in this direction and, in autumn 2019, the ecologists were invited to put forward a concrete proposal, garnering the support not only of the coalition partners, but also of as many opposition parties as possible. On December 13, 2019, the Parliament of the Brussels-Capital Region (PRB) and the Assembly of

the Joint Community Commission (COCOM) both adopt an amendment to their joint rules to introduce the option of setting up deliberative committees made up of parliamentarians and inviting citizens chosen by lot to take part in their work. Following a similar logic, on December 20, 2019, the Brussels French-speaking Parliament (PRB) – which is officially called the Assembly of the French-speaking Community Commission (COCOF) – votes to set up an almost identical mechanism. The COCOF is the regulatory body for the French-speaking Community in the Brussels-Capital Region. In concrete terms, it supervises and finances the French-speaking institutions in Brussels responsible for culture, education, healthcare, sport and personal assistance.

The two Brussels Parliaments are therefore responsible for important competencies, which can now be discussed in deliberative committees. Each of these assemblies can organize such a committee, made up of 15 (at the PRB) and 12 (at the PFB) members of parliament accompanied by 45 (at the PRB) and 36 (at the PFB) citizens chosen by lot to draft recommendations on a given issue. The participating parliamentarians are the members of the parliamentary standing committee responsible for the subject under discussion. At the PFB, each standing committee is made up of 15 members (including Dutch and French speakers) and at the PFB, each standing committee is made up of 12 members (French speakers only), which explains the number of elected members on a deliberative committee. Participating citizens are chosen at random from among all residents of the Brussels-Capital Region aged 16 and over, so that every inhabitant has the same chance of being invited via a formal letter of invitation from the Parliament. From among all those who respond positively to this invitation, a second draw is made ‘using a sampling method that establishes in advance the criteria for ensuring a diverse and representative selection, at least in terms of

gender, age, geographical distribution and level of education', as stated in the rules governing the deliberative committees.

During the 2019-2024 legislature, six deliberative committees were organized in Brussels. Organized by the PRB, the first was devoted to "5G in Brussels" and met in spring 2021. The second, also organized by PRB, met in early summer 2021 on the subject of "Homelessness in Brussels". The first deliberative committee initiated by the PFB, the third met in autumn 2021 and deliberated on: "The role of Brussels citizens in times of crisis". Meeting in spring 2022, the fourth, entitled "Biodiversity in the city, taking into account the different functions of a city", is part of the work of the PRB, while the fifth, initiated by the PFB, met in early summer 2022 and discussed "Work-linked training in Brussels". The sixth, "Noise in the urban environment", was organized by the PRB in spring 2023.

Wallonia, Belgium's second-largest region after Flanders in terms of population (Reuchamps, 2015), has also introduced deliberative committees, similar to the Brussels model. In October 2020, the Walloon Parliament introduced the possibility of organizing deliberative committees into its internal regulations. As a result, the Parliament is now authorized to convene mixed committees, in addition to exclusively parliamentary committees, on its own initiative or at the initiative of citizens, to deliberate on specific issues within the Walloon Region's sphere of competence. These committees are made up of 30 citizens and 10 members of parliament. Citizens are selected by sortition from the National Register, provided they meet the voting requirements for the Walloon Parliament, which therefore covers Belgian citizens resident in Wallonia who have reached the age of 18. In these three respects, Wallonia's deliberative commissions differ from those in Brussels (Sautter and Reuchamps, 2023). This threefold difference is justified by the distinct demographic reality between Wallonia and Brussels, which has a non-Belgian (and therefore non-voting in

regional elections) and younger population. A first deliberative committee met from October 2023 to February 2024 to discuss the question, which arose from a citizen's suggestion: "How can Wallonia's citizens be involved in decision-making, in a deliberative and permanent way, inspired in particular by the permanent citizen dialogue that exists in the German-speaking Community, which is based on sortition?".

At the same time, the federal coalition government – made up of the Dutch- and French-speaking Socialists, Liberals and Ecologists, as well as the Dutch-speaking Christian Democrats – announced in its government agreement at the end of September 2020: "We will experiment with new forms of citizen participation, such as citizens' cabinets or mixed panels in the Chamber bringing together parliamentarians and citizens chosen by lot. These will make recommendations to the legislative power". On March 2, 2023, the Parliament adopted the "Act establishing the principles of sortition for individuals for mixed committees and citizens' panels organized on the initiative of the House of Representatives". The assembly modifies its rules of procedure to allow the organization of such mixed committees and citizens' panels. In December 2023, the upper House, the Senate that has much less power than the House of Representatives (Dandoy et al., 2015), also modified its internal regulations in the same perspective. During the 2019-2024 legislature, neither of these two mechanisms (mixed committees and citizens' panels) will have been implemented, but a legal framework has been established, representing an important milestone in the institutionalization of permanent citizens' assemblies in Belgium.

2. Governing permanent citizens' assemblies: Three questions

Who has the real power?

Governing is power. In permanent citizens' assemblies, or at least in the two Belgian models (permanent citizen dialogue and mixed deliberative committees), citizens are more likely to have – some – power because of the assembly's permanent nature. To be sure, in Belgium, the Constitution gives decision-making power to elected citizens only, i.e. parliamentarians, based on the combination of its Article 33 "All powers emanate from the Nation. These powers are exercised in the manner laid down by the Constitution." with its Article 42 "The members of the two Houses represent the Nation, and not only those who elected them." Therefore, in the existing models, citizens do not hold decision-making power.

That said, in the permanent citizen dialogue, the existence of the Citizens' Council gives some real power to citizens in two dimensions (Niessen and Reuchamps, 2019). On the one hand, the members of the Citizens' Council have the final word for the selection of the issue to be discussed by a Citizens' Assembly and above all in the organization of this Citizens' Assembly. In fact, the Citizens' Council is the body that commissions the Citizens' Assemblies. On the other hand, the Citizens' Council has the task to monitor the follow-up of the recommendations. Here there is no other power than the right to ask for what is done of the recommendations by the parliamentarians and the ministers.

In the deliberative committees in Brussels and in Wallonia, parliamentarians participate in the deliberative committees. This is the key distinction with the permanent citizen dialogue. In that regard, sortitioned citizens have less power. They have no governing power as the Parliament is the body that commissions the deliberative committee. It is also the Parliament, and in particular the standing/permanent parliamentary committee, that

ensures the follow-up of the recommendations. In Brussels, the reform of the accompanying committee will include former participants in the accompanying committee that is currently composed of four members, specialists of citizen participation.

Last but not least, in these two models, there are permanent bodies in charge of the process. In the permanent citizen dialogue, there is a Permanent Secretary; in the deliberative committees, there are Guarantors. In each case, public servants, attached to their respective parliament, are in charge of this important function.

If we wanted to empower citizens more, what would need to change?

Simply put, as stated earlier, to empower citizens (for instance, binding voting rights) in Belgium it would mean to change the Constitution (Niessen, 2019). This is not an impossible dream, but still quite a heavy process, which is quite often achieved in Belgium (Reuchamps, 2013). Article 195 states: "The federal legislative power has the right to declare that there are reasons to revise such constitutional provision as it determines. Following such a declaration, the two Houses are automatically dissolved. Two new Houses are then convened, in accordance with Article 46. These Houses make decisions, in common accord with the King, on the points submitted for revision. In this case, the Houses can only debate provided that at least two thirds of the members who make up each House are present; and no change is adopted unless it is supported by at least two thirds of the votes cast."

What's more, in its current version, Article 195 does not foresee any form of citizen participation in the revision procedure. Yet, the Federal Parliament has now introduced the possibility to organize citizens' panel and mixed deliberative committee. Such a deliberative committee could be commissioned with the specific task to propose a new writing for Article

195. Then, the procedure foreseen by the current version of Article 195 will have to be followed.

Of course, giving binding voting rights could be done without reforming Article 195, but it would still require changing the current version of the Constitution, as mentioned above.

There is another feature of the Belgian context that comes with the empowerment of citizens. As stated in Article 62, paragraph 3: "Voting is obligatory and secret. (…)" for parliamentary elections. Yet this obligation is not extended to non-electoral forms of citizen participation. Only a change in the Constitution could achieve this. Hence, at this stage, participating in the permanent citizen dialogue and the deliberative committees is not compulsory. A draft bill has been tabled in the Federal Parliament (which is the right level of jurisdiction for this matter) to organize a citizenship holiday to facilitate citizens to participate when they are invited. At this stage, what prevents its adoption is the question of who should pay for this holiday (i.e. the wage of the worker).

Is the current hierarchy of power the right one?

The final and third question regarding who should govern permanent citizens' assemblies is: are there reasons to think the current hierarchy of power is the right one? We have seen that in the permanent citizens' assemblies in Belgium the current hierarchy of power is that elected authorities hold the final power.

The governing itself differs from the permanent citizen dialogue to the deliberative committees. In the former, citizens via the Citizens' Council hold more governing power with their twofold missions of agenda-setting and monitoring of the follow-up. In the latter, there is no such Citizens' Council but the presence of parliamentarians from the beginning of the deliberation could enhance the power of the deliberative committee in the current

parliamentary system. It could indeed be posited that participating parliamentarians will ensure the follow-up of the recommendations of the deliberative committee, hence indirectly reinforcing the power of the deliberative committee.

The first deliberative committee in Wallonia has perhaps found a middle way between the two existing models. In response to the question: “How can Wallonia’s citizens be involved in decision-making, in a deliberative and permanent way, inspired in particular by the permanent citizen dialogue that exists in the German-speaking Community, which is based on sortition?”, the deliberative committee proposed on 25 February 2024 a model based on both citizen deliberation and mixed deliberation. It proposes to set up Mixed Permanent Council made of 30 randomly selected citizens and 10 parliamentarians, with a mission of agenda-setting and organization of two Assemblies: on the one hand, Citizens’ Assemblies made of 50 to 75 randomly selected citizens for one year and, on the other hand, Mixed Assemblies (the new name for deliberative committee, for the sake of clarity) made of 30 randomly selected citizens and 10 parliamentarians.

Finally, based on the work of both types of Assemblies, the Mixed Permanent Council can decide to bring the issues into a regional popular consultation (i.e. non-binding referendums since referendums are not allowed by the Constitution for the aforementioned reasons), hence bringing more power to the citizens.

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