

# Institutionalising Citizen Deliberation in Parliament: The Permanent Citizens' Dialogue in the German-speaking Community of Belgium

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**Abstract:** In recent years, an increasing number of scholars and politicians have called for institutionalising deliberative citizen participation within Parliaments. The Parliament of the German-speaking Community of Belgium has paved the way in this direction by institutionalising a permanent deliberative citizen assembly that is directly linked to the parliamentary process. It consists in a permanent Citizens' Council drawn by lot, which can initiate Citizens' Assemblies, also drawn by lot, whose mission is to deliberate and formulate recommendations on the subject that the Citizens' Council had submitted to them. At the end of the deliberations, the recommendations are discussed in a joint committee between the members of the Citizens' Assembly, elected representatives and the minister in charge. The latter two then need to indicate whether and how the recommendations will be implemented by parliamentary or governmental measures—with rejections requiring specific justification. This article analyses how such a far-reaching process of citizen participation and deliberation became introduced at the core of the parliamentary institution and what are its features.

*Keywords:* *Deliberative Democracy, Institutionalisation, Permanent Citizens' Dialogue, Belgium, Ostbelgien.*

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## Introduction

As an attempt to narrow the widespread gap between citizens and their elected representatives, Parliaments across the world are opening their doors to increasing citizen participation and seek to integrate their deliberation into decision-making processes. Often, initiatives are one-off or only consultative (Bächtiger *et al.*, 2018) and thus unlikely to cure the democratic malaise in the long run, given that too few people are touched on too few issues in a systemic way (Parkinson and Mansbridge, 2012; Lafont, 2015). That led some scholars (Gastil and Wright, 2019) and activists (Van Reybrouck 2016) to argue in favour of adopting permanent forms of deliberative democracy within Parliaments. The Parliament of the German-speaking Community of Belgium, also called ‘Ostbelgien’ (‘Eastbelgium’), has paved the way in this direction by institutionalising a permanent deliberative citizen assembly that is directly linked to the parliamentary process. This article analyses how such a far-reaching process of citizen participation and deliberation became introduced at the core of the parliamentary institution and what are its features.

On 25 February 2019, its Parliament adopted a law establishing a model for permanent citizen deliberation. It consists in a permanent Citizens’ Council drawn by lot, which can initiate Citizens’ Assemblies, also drawn by lot, whose mission is to deliberate and formulate recommendations on the subject that the Citizens’ Council had submitted to them. At the end of the deliberations, the recommendations are discussed in a joint committee between the members of the Citizens’ Assembly, elected representatives and the minister in charge. The latter two then need to indicate whether and how the recommendations will be implemented by parliamentary or governmental measures—with rejections requiring specific justification. The whole process is known in German as ‘*Permanenter Bürgerdialog*’ (‘Permanent Citizens’ Dialogue’) and internationally as ‘*Ostbelgien Modell*’.

While an increasing number of similarly participatory and deliberative initiatives have emerged in Belgium over the past two decades (Van Damme *et al.*, 2017) and inspired the creation of this initiative, the Ostbelgien Modell differs from existing processes in three respects: first, because of its close (quasi-institutional) connection to a legislative assembly; secondly, because of the permanent nature of the process and thirdly, by the design that combines a standing Citizens’ Council determining the subjects to be discussed with recurrent assemblies formulating the measures to be taken in relation to the discussed subjects. In the light of these three criteria, this deliberative process is unprecedented both in Belgium and throughout the world.

The article is structured in three parts. It explains (i) how the initiative was born, (ii) how the model was designed and (iii) how it is implemented. In order to do so, we draw on the historical developments of the introduction process and analyse on this basis the actors and factors that have determined it.<sup>1</sup>

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<sup>1</sup> It should be noted that the authors were part of the expert group mandated by the Parliament to make a design proposal for the model. They were hence involved as experts in the process that they describe here as academics. Their work is based on the observations they made during their participation in the process, as well as on interviews they conducted with policy makers from the community. Throughout the process, the authors were in contact with the leaders of the six political groups of the Parliament of the German-speaking Community (listed alphabetically): Michael Balter (Vivant), Jérôme Franssen (CSP), Gregor Freches (PFF), Freddy Mockel (Ecolo), Charles Servaty (SP) and Alfons Velz (ProDG). After the adoption of the decree, three additional interviews were conducted with

## 1. Origin and developments

To better understand the context in which the German-speaking citizen deliberation model came about, and what developments led to its implementation, we present in this first section the background and design of the process. To this end, we first take stock of pre-existing initiatives in terms of citizen participation in the community. On this basis, we will detail the events, actors and factors that determined the process of developing and adopting the model.

### 1.1 Citizen participation in Ostbelgien

Ostbelgien is a federal sub-state entity in Belgium with 77,185 inhabitants living in nine municipalities on 846 km<sup>2</sup>. The foremost rural territory comprises two cities, Eupen and Sankt-Vith, and came to Belgium in 1919 as a war reparation from Germany enacted by the Treaty of Versailles. After a difficult period of social and political integration in the interbellum, as well as in the first years after World War II during which the territory was temporarily annexed by Germany, the community became politically vocal during the Belgian federalisation process and requested an own autonomy statute (Brüll, 2005). Such a statute was granted throughout the different federal reforms of the Belgian state and entrenched the German-speaking Community as one of the Belgian federal sub-state entities with considerable legislative and executive powers (Bouhon *et al.*, 2015).

Three aspects of the political life in Ostbelgien are important to understand the nature of citizen participation in this territory: its small size, its local nature and the fact that most elected officials have another job. These aspects create a societal context with many informal consultations and regular contacts between MPs, on the one hand, and organised civil society, local representatives and ordinary citizens, on the other hand. While these regular contacts may suggest that there is no need for more formal and direct participatory mechanisms, it should be noted that the proximity between powers and counter-powers can be both an advantage and a disadvantage from a democratic point of view. They are also unlikely to be thoroughly inclusive in a deliberative sense, with certain kinds of actors gaining greater voice, likely at the expense of marginalised voices.

Next to these informal forms of participation, the primary mechanism for citizen engagement in Ostbelgien is voting, which is compulsory across all regions in Belgium (Bouhon *et al.*, 2015). In addition to elections, several formal participatory mechanisms have been institutionalised. The first consists in popular consultations that can be held at the municipal level since 1995. They can be initiated on demand of the municipal council or on petition of a certain number of citizens (Gaudin *et al.*, 2018). The second consists in consultative commissions that are organised since 2004 by the municipalities for steering projects of rural development. Thirdly, the community installed in 2009 an Ombuds·wo·man whose function is to be informed of and mediate the problems that citizens encounter with the functioning and actions of administrative authorities.

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Minister-President Oliver Paasch (ProDG), outgoing Speaker Alexander Miesen (PFF) and the Secretary General of the Parliament, Stephan Thomas. The purpose of the interviews was to collect more information on the original political motivations and on the drafting of the decree by the parliamentary office.

Finally, two formal but non-institutionalised mechanisms of citizen participation have been developed in recent years. On the one hand, *ad hoc* consultations were organised by the government around themes emanating from the governmental programme, the ‘regional development concept’, on the basis of public calls for volunteers from the government (e.g. on the regional education system or on rural development). On the other hand, a first experience of citizen deliberation took place in September and October 2017. It was a panel of 20 citizens drawn at random to deliberate on measures to take about childhood policy. As we will see in the next section, this experience led to the development of a permanent model of citizen deliberation.

## **1.2 Designing a permanent citizens’ dialogue**

From the description above, it follows that the Ostbelgien Modell was not preceded by that many participatory mechanisms in the region. To understand how its development was nevertheless possible, we present in this section first the historical origins and the process of development. We then turn to analysing the factors and actors that were decisive in driving implementation.

### **1.2.1 Political process**

Several experiences outside of Ostbelgien have inspired its parliamentarians: the G1000, a Belgium-wide deliberative experiment in 2011 in which several German-speakers were involved (Caluwaerts and Reuchamps, 2018) and a study tour of the community parliament in 2016 to visit model experiences of participatory democracy in Herrenberg (Germany), Bregenz (Austria) and Freiburg (Switzerland). On this background, in 2017, the extended bureau of the parliament initiated a first ‘citizens’ dialogue’, made of 20 randomly selected citizens, on measures to be taken in the field of early childhood policy. Despite difficulties with the recruitment of participants, on one hand, and with the alignment between pre-existing government plans and citizens’ recommendations, on the other hand, the experience was positively evaluated by participants, community politicians and scientific observers.

In late 2017, the Minister–President of the German-speaking Community, Oliver Paasch (ProDG—regional centrist political party), met David Van Reybrouck, one of the initiators of the G1000 that inspired him the writing of a book entitled ‘Against Elections: The Case for Democracy’ (2016) in which he argues in favour of the systemic introduction of random selection in political institutions to revitalise the functioning of representative democracy. It emerged from their exchange that cooperation could be possible between the German-speaking Community and the G1000. Oliver Paasch then informed the Speaker of Parliament about this possibility.

Following this exchange, a discussion between all parliamentary groups took place in January 2018 in the plenary session of the parliament, and the Speaker concluded that further reflection on citizen participation was needed. More concretely, a possibility to install a more permanent participation device was sought with the help of the G1000 steering committee that was invited to set up a group of international, national and regional experts to draw up a proposal for a model for permanent citizen deliberation in the German-speaking Community.

The G1000 then formed a group of 14 experts and conducted parallel consultations with the group leaders of the 6 aforementioned political parties. The consultations, which took place in June 2018, showed that all parties agreed with the establishing of a more permanent form of deliberative citizen participation. Despite this common commitment, however, there were many concerns about the practical implementation of the draw (the selection of citizens for the permanent body), the right to initiate a Citizens' Assembly and the choice of subjects to be dealt with, the support and duration of the process, access to resources and expertise, articulation with the local level, management of the link with the press, a potential combination between different bodies, the reimbursement of participants and concrete political follow-up.

The expert group met from 5 to 7 July 2018 in Eupen to consider these issues. They were introduced by a presentation on the history, institutions and societal dynamics in the German-speaking Community. Another interview, jointly this time, with the six political group leaders and the experts followed. The group of experts then worked for three days on the development of a model that meets the expectations of political parties, drawing on their own experiences in deliberative democracy. At the beginning, the choice of bodies, their function and functioning was the subject of much debate. Questions arose on whether to design a model with one or more Assemblies, on how would the Assemblies be composed, on who decides on the topics discussed and who decides on the content of the recommendations and on how the model is linked to existing institutions. Once these issues had been resolved, more specific topics were discussed: the practical implementation of the draw, the accompaniment of the process, the monitoring of results but also the evaluation and adaptation of the process, the relationship with the media, the timing of the process and the budget required for its implementation.

On the basis of the consensus reached among the experts, the G1000 Steering Committee drafted a summary report of their model proposal. This report was presented to the Extended Bureau of Parliament in October 2018. The extended Bureau sought an in-principle agreement on the proposal made by the group of experts, while adapting any dissent on remaining contentions. The regional centrists (ProDG), the liberals (PFF), the socialists (SP), the greens (Ecolo) and the antisystem party (Vivant) agreed. The christian democrats (CSP), the largest opposition party (and the largest in the community at the time), asked for additional reflection time before abstaining because they considered that the institutionalisation of the model went too far. While they agreed with the idea of permanence, they said to prefer *ad hoc* processes. In the meantime, the Speaker of Parliament instructed the parliamentary administration, under the direction of Secretary General Stephan Thomas, to draft a first version of the decree (a law of federal sub-state entities in Belgium).

The text was then discussed and amended in the extended Bureau in February 2019. A final version of the text was composed and submitted as a decree proposal by members of ProDG, PFF, SP and Ecolo. The MPs from Vivant did not participate in the tabling because they thought that the proposal went not far enough (particularly in terms of obligations on political follow-up). Conversely, the CSP maintained their abstention because they still considered that the institutionalisation of the model went too far. The plenary session with the vote on the proposal took place on 25 February 2019. The session was preceded by an afternoon press conference for regional and national media attended by representatives of the various political groups as well as representatives of the G1000. During the press conference, ProDG, SP, PFF and Ecolo defended the proposed decree. At their surprise, they were joined by

representatives of the CSP and Vivant, who explained that despite some reticence, they believed the project to be an important contribution to citizen participation in the German-speaking Community. Consequently, the plenary discussion produced no amendments, even if Vivant repeated its critics regarding the lack of guarantees for political follow-up. During the article-by-article vote, some of the 15 articles were consequently subject to abstention or opposition by Vivant. But in the end, the vote on the entire decree received the unanimous support of the Parliament.

### **1.2.2 Decisive factors and actors shaping the process**

With the adoption of the decree of 25 February 2019, the German-speaking Community set up a model of citizen deliberation that is unprecedented to date in terms of its permanent and quasi-institutional link to a legislative assembly. Given that the establishment of participatory processes may encounter significant opposition from political, associative or economic actors who fear the empowerment of a new actor in political decision-making (Hendriks, 2006; Jacquet *et al.*, 2015; Niessen, 2019; Schiffino *et al.*, 2019), the question arises as to how the unanimous adoption of a mechanism with this scope was possible. By analysing the development process described above and the socio-political context in which it took place with greater hindsight, 12 factors of a different nature can be identified as having been decisive for the implementation of the model.

First, there were two contextual factors. On one hand, the fact that most elected representatives have another professional occupation and regular contacts with the population due to the narrow social fabric made these decision-makers particularly open to the greater involvement of citizens in the decision-making process. On the other hand, the extent of the legislative powers available to the German-speaking Community as a federated entity allowed it to set up a process with real political conception possibilities.

Within this context, three triggering factors can be identified. First, the perception among German-speaking decision-makers of a democratic fatigue among the population and a growing mistrust of politics, which led them to take a greater interest in citizen participation. Secondly, the smooth running of the community's first experience with a Citizens' Assembly drawn by lot, which led them to seek more permanent forms of citizen participation. Thirdly, the contact that had been established between German-speaking decision-makers and the G1000 Steering Committee, which made it possible to establish a common dynamic leading to a truly ambitious model.

Next, there were two factors that could be described as opportunity structures because they created a context conducive to political support. On one hand, the community had the possibility of being the first one to establish such a far-reaching model of citizen deliberation and thus become a model region in this area. On the other hand, while the pre-election period put some pressure on decision-makers and made negotiations difficult, it also gave them the opportunity to sell the electoral project because each party could claim its contribution. In addition to these opportunity factors, there were three factors that could be described as opposition avoidance. First, the integration of all parties once the management was entrusted to the bureau of the parliament made it possible to avoid hostile political dynamics of majority versus opposition. Secondly, the collaboration with the G1000 steering committee reinforced

this dynamic because it was accepted as neutral actor accompanying the process. Thirdly, the election period not only provided an opportunity for turning advocacy into political capital but also exerted a measure of pressure such that, in the three months leading up to the elections, opposing a project that had been consensually developed that afforded greater citizen participation in politics involved considerable political risk.

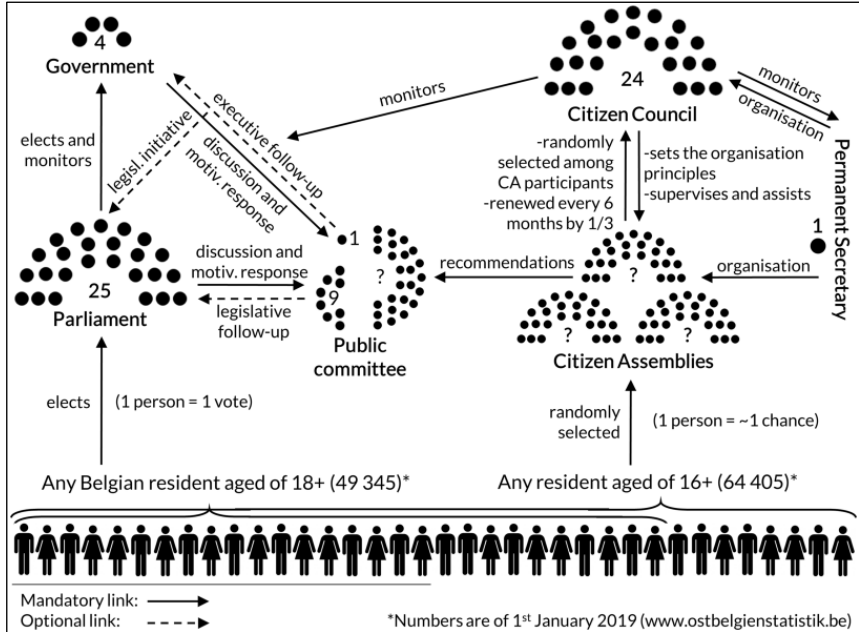
Finally, there were two factors related to the willingness and commitment of the actors themselves. First, the initiative and support came from the main German-speaking political decision-makers, namely the two successive Speakers of Parliament, the Minister–President and the leaders of the six political groups. Secondly, the support and follow-up of the G1000 steering committee that accompanied the model design process produced a certain momentum towards the development of an ambitious model.

All 12 factors, we argue, were essential for the conception and adoption of the model. Furthermore, the absence of one factor should be noted, namely the demand or contribution of the population. Paradoxically, it is indeed a model of citizen participation that has been conceived without citizen participation. The initiative, conception and implementation have all been determined by political elites or experts. This does not mean *a priori* that there is no support for the project in the population, but that the latter still needs to be proven.

**2. Design**

After having reviewed the process of designing the permanent citizen deliberation model in the German-speaking Community, we now describe how it functions. As it is based on three main components, namely the Citizens’ Council, the Citizens’ Assemblies and the Permanent Secretary, we present each of them in a separate section. Figure 1 serves as synthetic support. In our description, we will regularly refer to the provisions of the Decree of 25 February 2019 establishing a permanent citizens’ dialogue in the German-speaking Community, hereinafter referred to as DPCD.

**Figure 1.** Functioning of the permanent citizen deliberation model



## **2.1 Citizens' Council—'Bürgerrat'**

The Citizens' Council is one of the two main bodies of the model. It is the permanent component of the model. Its primary task is to determine the topics that will be discussed by the Citizens' Assemblies. In this section, we detail its composition, operation and functions.

### **2.1.1 Composition**

The Citizens' Council is composed of 24 effective members (DPCD, Article 4, § 1). They are drawn by lot from among members of former Citizens' Assemblies and belong to the Council for 18 months. Every six months, one-third of the members are replaced. Participation is voluntary, and in the event of withdrawal during the term of office, a replacement is drawn by lot from among the members of former Citizens' Assemblies.<sup>2</sup>

In addition to the full members, there may be three advisory members (DPCD, Article 4, § 2, para. 2): the Permanent Secretary who sits on it permanently in an advisory capacity and the Secretary General of Parliament and the Ombudswo-man who may be convened by the Citizens' Council to participate in the deliberations, again in an advisory capacity.

### **2.1.2 Operation**

The Citizens' Council itself regulates all aspects of its functioning, with the exception of those predetermined by the decree (DPCD, article 4, § 2, para. 3). There are five such predetermined aspects.

First, the meeting(s) at which the Council determines the number of Citizens' Assemblies and their subjects must take place each year after the parliamentary debate following the government declaration (DPCD, Article 7, § 1). The other meetings are set by the Board itself. Secondly, the Council appoints a president whose function is purely organisational (DPCD, Article 4 § 2). She prepares meetings and leads discussions. Her term of office may not exceed six months, and there is a mandatory rotation between men and women in the allocation of the function. Thirdly, decision-making in the Council is carried out by consensus (DPCD, Article 4 § 3). If a consensus cannot be reached, decisions shall be taken by a two-thirds majority of those present. This seemingly high requirement reflects the ambition of deliberative citizen panels to increase their legitimacy by reaching as consensual as possible decisions. Contrary to elected assemblies where adversarial party politics render large majorities difficult to attain, experiences of citizen deliberation commonly reach such high approval rates, thanks to the deliberative process. Fourthly, in order for the Council to take decisions, at least a majority of its members must be present (DPCD, Article 4 § 3). In order to be able to decide on the subject of the Citizens' Assemblies, at least two-thirds of its members must be present (DPCD, Article 7 § 3). Fifthly, attendance at meetings has been covered by attendance fees and an allowance for travel expenses (Article 4, § 4). Attendance fees for a meeting of less than four hours are 64

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<sup>2</sup> Since there have not yet been any Citizens' Assemblies with participants before the first Citizens' Council that can serve as candidates for its composition, the first Citizens' Council is exceptionally composed differently (DPCD, Article 14, para. 1), see also below section 3.

EUR (indexed amount in 2019) and are doubled if the meeting exceeds four hours. Travel costs are also reimbursed.

### **2.1.3 Functions**

The Citizens' Council has three functions: to organise the Citizens' Assemblies, to monitor the following-up of the recommendations from the Citizens' Assemblies and to supervise the work of the Permanent Secretary. For the function of organising Citizens' Assemblies part, the Citizens' Council performs five tasks (DPCD, Articles 7 and 8).

First, the Citizens' Council determines the number of Citizens' Assemblies per year—at least one and at most three per year. In its decision, it shall take into account the annual budget allocated to the model by Parliament (90,000 EUR in 2019), and the time it considers necessary for a Citizens' Assembly depending on the complexity of the subject submitted. In the six months preceding an election to the Parliament of the German-speaking Community, it may not organise a Citizens' Assembly (DPCD, Article 3, § 1).

Secondly, the Citizens' council decides upon the subjects of the Citizens' Assemblies that it organises and submits a specific question to them. This subject must concern a policy that falls within the competence of the German-speaking Community. However, with the prior authorisation of Parliament's Bureau, the Citizens' Council may also choose a subject that goes beyond the competence of the community—knowing that a debate of principle or vision will then follow rather than a deliberation on immediate political measures to be taken. The subjects chosen must also be in conformity with human rights and fundamental freedoms. If the Citizens' Council decides sovereignly on matters, suggestions may be made in advance by a parliamentary fraction (a maximum of three per year), by the government (also a maximum of three per year), by at least 100 citizens eligible for the draw (see further) and by two of its members. Each suggestion must include an explanation of the subject as well as a justification of its relevance to a Citizens' Assembly.

Thirdly, the Citizens' Council precisely formulates the question to be discussed by a Citizens' Assembly. In order to make this decision, at least two-thirds of the members must be present.

Fourthly, the Citizens' Council must determine how a Citizens' Assembly should be organised. In doing so, it not only determines the number of draws (between 25 and 50) but also the time, duration, location, programme and budget. It appoints the moderator(s) of the discussions and sets up an advisory committee that composes the documentation made available to the Citizens' Assembly. It suggests experts and stakeholders to listen to and determines the modalities of evaluation.

Fifthly, the Citizens' Council supervises the conduct of the Citizens' Assemblies and is at their disposal for any questions they may have.

The second function of the Citizens' Council is to monitor the political follow-up given to the recommendations made by the Citizens' Assemblies (DPCD, Article 10, para. 1). Once the recommendations have been discussed twice in a joint public committee between members of the Citizens' Assembly, members of the relevant parliamentary committee and the minister-in-charge (see further), the Permanent Secretary regularly informs the Citizens' Council of the progress of the political follow-up agreed during these committees. If it deems it useful, the

Citizens' Council may inform members of former Citizens' Assemblies of the follow-up of their recommendations. It should be noted that a third joint public commission is held one year after the second to present the progress of implementation.

Finally, the third function of the Citizens' Council is to supervise the work of the permanent secretariat (DPCD, Article 5, para. 2). To this end, it may give guidelines for the tasks to be carried out by the Secretary.

## **2.2 Citizens' Assemblies—'Bürgerversammlungen'**

Citizens' Assemblies are the second main body of the model. Their primary function is to deliberate on matters submitted to them by the Citizens' Council and to formulate policy recommendations on this basis (DPCD, Article 3, § 1 and Article 9, § 1). Since a Citizens' Assembly deliberates on only one subject, this is the non-permanent component of the model. In this section, we proceed again by detailing its composition, operation and function.

### **2.2.1 Composition**

A Citizens' Assembly is composed of 25–50 members drawn by lot on the basis of a stratification that diversifies the participants on the basis of their age, gender, geographical origin and socio-economic context (DPCD, Article 3, §§2 and 3). The Citizens' Council may require that other criteria related to the topic discussed are taken into account. The draw shall be based on the municipal registers that may be requested by the Permanent Secretary. Participation is voluntary. If a designated member withdraws before the start of the deliberations of the Citizens' Assembly, he or she shall be replaced by a substitute drawn by lot according to the same procedures. Once deliberations have begun, members who resign may no longer be replaced. The decree provides that to be drawn by lot, citizens must (DPCD, Article 3, § 4):

1. are enlisted in the population register or in the register of foreigners of a municipality of the German speaking region;
2. are 16 years of age;
3. are not in the situation where a conviction or decision has been made to remove or suspend their voting rights for voters for parliamentary elections;
4. do not hold any of the following mandates, positions or functions:
  - a. Member of the Parliament, the House of Representatives, the Senate, the Walloon Parliament and the European Parliament;
  - b. Member of the federal Government, a Community or Regional Government;
  - c. Governor of a province, Vice-governor, Adjunct-governor or Provincial clerk;
  - d. Member of the Provincial Council of the Province of Liège;
  - e. District commissioner;
  - f. Holder of a mandate in the Judiciary;
  - g. Councillor, assessor at the legislative department, member of the auditeur's office, the coordination office or the chancellery of the Council of state;
  - h. Judge, articulated clerk or clerk at the Constitutional court;
  - i. Member of the Court of audit;

- j. Any office in a public or private institution, which is exercised as representative of the state, a community, a region, a province or a municipality, insofar as this mandate comprises more entitlements than the simple membership in the general assembly or the council of administration;
- k. Mayor, alder-woman, president of the Public Centre for Social Welfare (PCSW), member of the municipal council or the PCSW council;
- l. A mandate under the direct oversight of the parliament or government, with exception of the members of the staff of the educational sector; and
- m. A leading mandate in an institution of public interest of the German-speaking Community.

The Citizens' Council also has the right to exclude a citizen from participating in a Citizens' Assembly if it considers that the citizen is the subject of 'a very high personal interest' (DPCD, Article 3, § 4, para. 2). The Council must then give reasons and notify its decision to the citizen in question. The latter may lodge an appeal on which the Bureau of the Parliament decides.

While the decree has not foreseen how the draw has to be carried out concretely, one often proceeds in two steps in such participatory processes (Devillers *et al.*, 2020). First of all, an oversample is drawn at random from the population registers and contacted by post to notify them of their preliminary selection. Then, among the persons responding favourably to the call, those who meet the eligibility conditions are selected and a second drawing of lots, stratified in accordance with the procedures laid down, is made to appoint the full members and their alternates.

The reason for this two-stage procedure is that the organisers of Citizens' Assemblies drawn by lot often encounter a high refusal rate, potentially over 90% (Caluwaerts and Reuchamps, 2014; Jacquet, 2017). It is therefore important to oversample and know which people would agree to participate before using the final draw. Furthermore, it would also not be possible to verify the eligibility conditions for all persons included in the population registers prior to the first draw because all the necessary information is often not comprised in the registers.

### **2.2.2 Operation**

The functioning of the Citizens' Assemblies follows the procedures laid down by the Citizens' Council (in terms of subject, drawn by lot, time, duration, place and programme) and is structured by one or more facilitators appointed by the Council (see earlier). In this context, it is customary for the conduct of participatory processes to largely follow the wishes expressed by participants—whether in terms of the topics addressed, the process used, the resource persons listened to, the search for consensus or the drafting of recommendations (Smith, 2009). With regard to decision-making, the decree specifies that the consensus should be aimed at (DPCD, Article 3, § 5). If this proves impossible, a decision is taken by a 4/5 majority provided that at least 4/5 of the members are present. Just as for the Citizens' Council, the ambition of a high majority requirement is to increase the legitimacy of the adopted decisions. Deadlock is thereby not impossible but unlikely because existing experiences of citizen deliberation

commonly reach comparable approval rates. Minority opinions are attached as an annex to the opinion containing the final recommendations. The payment of expenses for participants in a Citizens' Assembly is identical to that of the Citizens' Council (DPCD, Article 3, § 6).

### **2.2.3 Functions**

The primary function of a Citizens' Assembly is to deliberate on the topic determined by the Citizens' Council and to issue one or more policy recommendations on this basis (DPCD, Article 3, §1 and Article 9, §1). Their second function is to discuss the final recommendation(s) with elected representatives in a joint commission on three occasions (Article 9 and Article 10, §2). More concretely, at the end of deliberations, the recommendation(s) are sent to the Bureau of the parliament and relayed by it to the parliamentary committee responsible for the subject under discussion. The Commission then organises a first public session during which the recommendations are presented by a delegation of members of the Citizens' Assembly and discussed with the members of the committee, the minister-in-charge and all the participants of the Citizens' Assembly. The Commission then prepares an opinion on each of the recommendations, in collaboration with the competent minister, indicating whether and how the recommendations are implemented. In the event of non-compliance, the rejection must be justified. A second public meeting of the commission is then held during which the commission's opinion is discussed with the members of the Citizens' Assembly. One year after this second session, a third session is organised to inform the members of the Citizens' Assembly of the implementation of their recommendations. In the meanwhile, the Citizens' Council may have informed the members of the Citizens' Assembly on the advancement of the implementation (see earlier). If deemed necessary, then additional joint committee meetings are foreseen with the members of the Citizens' Assembly in order to discuss the political follow-up.

From the description above, it follows that the interaction between the Citizens' Assemblies and the parliamentary committee in charge of the topic is the key anchor between the process of citizen participation and the parliamentary institution. Each of the three joint sessions is foreseen by the DPCD and therefore mandatory. The same goes for the justification that needs to be provided to the members of the Citizens' Assembly if one of its recommendations is followed neither by a parliamentary nor by a governmental measure. Beyond this justification, however, the members of the committee and the minister-in-charge are legally not bound to any kind of follow-up. This is in line with Belgian jurisprudence that has established based on Articles 33 and 42 of the Constitution that members of Parliament are sovereign in their decisions and should rely on popular opinion only to a consultative extent (Stangherlin, 2020). Politically, it seems unlikely, however, that recommendations receive no follow-up—except for particular circumstances. On one hand, the political pressure coming with a permanent institutionalised and publicised body of citizen participation is indeed significant enough as to heavily incite MPs and ministers to find a way for implementing the issued recommendations. On the other hand, existing experiences with citizen participation show that the recommendations of deliberative citizen panels are usually been developed in a very consensual manner and effectively implemented by decision-makers (Smith, 2009).

### **2.3 Permanent Secretary—‘Ständiges Sekretariat’**

The third and final body of the model is the Permanent Secretary whose function is to provide ‘administrative and organisational support’ for the other two bodies (DPCD, Article 5). The Permanent Secretary is appointed by the Secretary General of the Parliament and is a member of the parliamentary administration. The Permanent Secretary attends the sessions of the Citizens’ Council in an advisory capacity (DPCD, Article 4, § 2, para. 2) and prepares and implements its decisions (DPCD, Article 11). For the organisation of Citizens’ Assemblies, he or she regulates all administrative and logistical aspects (DPCD, Article 8, para. 2) and regularly informs the Citizens’ Council of the political follow-up given to the recommendations of the Citizens’ Assemblies (DPCD, Article 10, para. 1). The Permanent Secretary is also responsible for the financial management of the model. To this end, he or she develops a budget proposal, which it submits to the Citizens’ Council, which adopts it and sends it to the Bureau of Parliament (DPCD, Article 12). Once this budget has been approved by the Council and the Bureau of the Parliament, the Secretary manages the budget under the control of the Citizens’ Council. In the exercise of management tasks, he or she may have recourse to the services of Parliament (DPCD, Article 13).

### **3. Implementation**

After the adoption of the decree of 25 February 2019, various preparations were made to implement and start the model. Beside the communication on the adoption of the decree, the first step in preparing for the launch was the recruitment of a Permanent Secretary, following a public call for applications, by the Secretary General of the Parliament. The second step was the public campaign to promote the ‘permanent citizens’ dialogue’, as the model is now known, among residents of the German-speaking Community. In addition to interventions in the two main community media, Grenz-Echo and BRF, a conference was organised in May 2019 in Eupen to present and discuss the model publicly. In order to share announcements and information on the proceedings, and to host a platform for submitting ideas on topics to be discussed, a website was created ([www.buergerdialog.be](http://www.buergerdialog.be)).

The third and final step of the launch was the composition of the first Citizens’ Council as mentioned earlier, it had three types of members. First, one full member has been appointed by each of the political groups in the parliament. Secondly, ten participants in the September and October 2017 citizen panel on early childhood reported their availability. Of these, six were drawn by lot to become full members of the Citizens’ Council. Thirdly, 12 members were to be drawn at random among the inhabitants of the German-speaking Community. To this end, 1,000 people were drawn at random in June 2019 among those registered in the nine municipalities of the German-speaking Community that were at least 16 years old. An invitation from the Permanent Secretary was sent to them personally, and they were to respond by 31 July 2019 at the latest. Of the 1,000, 115 responded positively to the call. While this constitutes a substantive refusal rate, it is lower than in usual existing sortitioned citizen panels where in average only about 5% of those selected accept to participate (Jacquet, 2017). Of these 115, 12 effective members and 12 alternates were drawn by lot in a stratified manner, taking into account their age, gender, place of residence and education.

On 16 September 2019, the first meeting of the Citizens' Council had taken place. Its members have opened a public call for topic suggestions that could be submitted online or on paper by 31 October 2019. The topics have then been published on the website and citizens could manifest their support to a maximum of three of them until 21 November 2019. At the end of November, the Citizens' Council decided that the first topic to be discussed by a Citizens' Assembly should concern the health care sector and, more specifically, 'how the conditions of employees and patients in the health care sector can be improved'. A Citizens' Assembly was then composed and held its first meeting in February 2020. After being interrupted due to the corona-virus confinement, the works are supposed to resume in September 2020.

As for the evaluation of the model, the expert group proposed in its report to the Bureau of the Parliament of October 2018 to evaluate the model at regular occasions (and to adapt it if deemed necessary). It was suggested that the first evaluation takes place in April 2021. The decree of 25 February 2019 does not contain any provisions in this respect. But the general explanations of the justification for the decree proposal indicate that 'it is not excluded that this basis [the initial decree] will be adapted according to the experiences made with the first Citizens' Assemblies' (authors' translation). It can be concluded that a first evaluation of the model will probably take place in 2021.

## **Conclusion**

Since the beginning of the 21st century, political institutions make increasingly use of deliberative democratic innovations to associate citizens to political decision-making and reduce the appearing gap between citizens and their representatives. However, a sporadic use of deliberative democratic innovations is unlikely to comprehensively reduce the democratic malaise on the long term because they concern too few people, too few political problems and takes place too unsystematically. This leads an increasing number of academics, practitioners and decision-makers to call for the adoption of permanent forms of citizen deliberation.

The German-speaking Community of Belgium has paved the way in this direction by adopting a decree establishing the so-called 'Permanent Citizens' Dialogue'. Such an institutionalised deliberative process is unprecedented when considering three aspects: its permanence, its close (quasi-institutional) link with parliament and its articulation of a permanent Citizens' Council with recurrent Citizens' Assemblies. In this article, we detailed the functioning of the model by presenting its coming into existence, functioning and implementation.

Since the process is only at its beginnings, numerous questions raised by the institutionalisation of this permanent citizens' dialogue remain and only a longer term perspective will allow its evaluation. Four of them are particularly interesting for further research: how much support exists among citizens and how their willingness to participate evolves over time; how politicians and traditional decision-making actors react to the process and what place in politics they envision for it; whether the process will inspire other territories or institutions to develop similar (or even different) initiatives and eventually, what the consequences for the way politics work will be—be it for the quality of decision-making, the

trust in political institutions, citizens political efficacy or for the deliberativeness of the political system more broadly.

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## Conflict of interest

The authors were part of the expert group mandated by the Parliament of the German-speaking Community to make a design proposal for the model. They were hence involved as experts in the process that they describe in this article as academics.

## References

- Bächtiger, A., Dryzek, J. S., Mansbridge, J. and Warren, M. E. (2018) *The Oxford Handbook of Deliberative Democracy*, Oxford, Oxford University Press.
- Bouhon, F., Niessen, C. and Reuchamps, M. (2015) ‘La Communauté germanophone après la sixième réforme de l’Etat: état des lieux, débats et perspectives’, *Courrier hebdomadaire du CRISP*, 2266–2267, 5–71.
- Brüll, C. (2005) ‘Un passé mouvementé : l’histoire de la Communauté germanophone de Belgique’. In Stangherlin, K. (ed.) *La Communauté germanophone de Belgique. Die Deutschsprachige Gemeinschaft Belgiens*, Brussels, la Charte, pp. 17–47.
- Caluwaerts, D. and Reuchamps, M. (2014) ‘The G1000: Facts, Figures and Some Lessons from an Experience of Deliberative Democracy in Belgium’. In Caluwaerts, D., Reuchamps, M., Jacobs, K., Van Parijs P. and Van Reybrouck D.(eds) *The Malaise of Electoral Democracy and What to Do about It*, Bruxelles, Re-Bel, pp. 10–33.
- Caluwaerts, D. and Reuchamps, M. (2018) *The Legitimacy of Citizen-Led Deliberative Democracy: The G1000 in Belgium*, Abingdon, Routledge.
- Devillers, S., Vrydagh, J., Caluwaerts, D. and Reuchamps, M. (2020) ‘Invited but Not Selected: The Perceptions of a Mini-Public by Randomly Invited – but Not Selected – Citizens’, *ConstDelib Working Paper Series*, 4, 1–21.
- Gastil, J. and Wright, E. O. (eds) (2019) *Legislature by Lot: Transformative Designs for Deliberative Governance*, New York, Verso.
- Gaudin, T., Jacquet, V., Pilet, J.-B. and Reuchamps, M. (2018) ‘Les consultations populaires communales en Wallonie’, *Courrier hebdomadaire du CRISP*, 2392–2393, 5–70.
- Hendriks, C. M. (2006) ‘Integrated Deliberation: Reconciling Civil Society's Dual Role in Deliberative Democracy’, *Political Studies*, 54, 486–508.
- Jacquet, V. (2017) ‘Explaining Non-Participation in Deliberative Mini-Publics’, *European Journal of Political Research*, 56, 640–659.

- Jacquet, V., Schiffino, N., Reuchamps, M. and Latinis, D. (2015) ‘Union sacrée ou union forcée? Les parlementaires belges face à l’impératif délibératif’, *Participations*, 13, 171–203.
- Lafont, C. (2015) ‘Deliberation, Participation, and Democratic Legitimacy: Should Deliberative Mini-Publics Shape Public Policy?’, *Journal of Political Philosophy*, 23, 40–63.
- Niessen, C. (2019) ‘When Citizen Deliberation Enters Real Politics: How Politicians and Stakeholders Envision the Place of a Deliberative Mini-Public in Political Decision-Making’, *Policy Sciences*, 52, 481–503.
- Parkinson, J. and Mansbridge, J. (eds) (2012) *Deliberative Systems: Deliberative Democracy at the Large Scale*, Cambridge, Cambridge University Press.
- Schiffino, N., Jacquet, V., Cogels, M. and Reuchamps, M. (2019) ‘Les gouvernants face aux transformations de la démocratie. Le point de vue des ministres et des présidents de parti’, *Gouvernement et action publique*, 2, 57–80.
- Smith, G. (2009) *Democratic Innovations, Designing Institutions for Citizen Participation*, Cambridge, Cambridge University Press.
- Stangherlin, K. (2020) ‘La participation citoyenne dans l’état actuel du Droit: Le cas du Ostbelgien-Modell’. In Leysen, R., Muylle, K., Theunis J. and Verrijdt W.(eds) *Semper perseverans - Liber Amicorum André Alen*, Cambridge, Intersentia.
- Van Damme, J., Jacquet, V., Schiffino, N. and Reuchamps, M. (2017) ‘Public Consultation and Participation in Belgium: Directly Engaging Citizens beyond the Ballot Box?’ In Brans M. and Aubin D. (eds), *Policy Analysis in Belgium, Bristol*, Policy Press, pp. 215–234.
- Van Reybrouck, D. (2016) *Against Elections: The Case for Democracy*, London, The Bodley Head.