

The Brussels Region of Belgium has followed in the footsteps of the small German-speaking Community in establishing a permanent procedure to engage randomly selected citizens in policy making alongside parliamentarians, who will sit together in deliberative committees. The process creates significant opportunities for popular influence on policy. Considering legal limits to agenda setting and status of the outcome of such processes, their ultimate influence depends on the quality of deliberation between both citizens and parliamentarians – writes Professor Reuchamps.

In December 2019, the parliament of the Region of Brussels in Belgium amended (<http://www.parlement.brussels/dynamisme-participation-citoyenne-coeur-de-reforme-reglement/>) its internal regulations to allow the formation of 'deliberative committees' composed of a mixture of members of the Regional Parliament and randomly selected citizens. This initiative follows innovative experiences in the German-speaking Community of Belgium, known as Ostbelgien, and the city of Madrid in establishing permanent forums of deliberative democracy (<http://constitutionnet.org/news/institutionalizing-deliberative-mini-publics-madrid-city-and-german-speaking-belgium-first>) earlier in 2019. Ostbelgien (<https://www.cairn.info/revue-courrier-hebdomadaire-du-crisp-2019-21-page-5.htm>) is now experiencing its first cycle of deliberations, whereas the Madrid forum has been short-lived after having been cancelled, after two meetings, by the new governing coalition of the city.

The experimentation in establishing permanent forums for direct citizen involvement constitutes an advance from hitherto deliberative processes which were one-off experiments, i.e. non-permanent procedures. The relatively large size of the Brussels Region, with over 1 200 000 inhabitants, means that the lessons will be key in understanding the opportunities and risks of 'deliberative committees' and their potential scalability.

A Green initiative

Besides the inspiration from the Ostbelgien model to establish a permanent entity, the deliberative democracy design adopted in Brussels follows the 2012 Irish Constitutional Convention (<http://constitutionnet.org/news/irish-constitutional-debate-abortion-and-resort-citizens-assemblies>) approach of bringing together parliamentarians and randomly selected citizens. Such a mix in Ireland was key to the success of the deliberative process as it gathered in one mini-public two types of publics who hardly ever deliberate together, but whose respective endorsement is crucial for any fruitful decision-making and above all implementation (note that the 2016 Irish Constitutional Assembly (<http://constitutionnet.org/news/irish-referendum-abortion-mediating-activists-demands-political-caution-through-citizens>) did not include politicians).

In 2016, some members of the Green Party in Belgium found promising the idea of mixing parliamentarians with randomly selected citizens. Despite being in the opposition at both federal and regional levels, they proposed (<https://www.dekamer.be/flwb/pdf/54/1977/54k1977001.pdf>) to introduce, in the internal regulations of parliament, mixed parliamentary committees. However, there was no majority support for this proposal in the 2014-2019 legislature.

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The 2019 general elections saw significant increase (<https://www.tandfonline.com/doi/abs/10.1080/09644016.2019.1686207>) in the number of seats for the Greens and consequently they joined the new governing coalitions in the Brussels Region and in Wallonia, the second-largest Region in Belgium. Belgian Regions are critical actors as they oversee urban development and housing, environment, water and nature conservation, economy and employment policy, transport, public works, energy policy, local authorities and subsidiary authorities, external relations as well as scientific research.

As part of the governing coalition in two of Belgium's three Regions, the Greens were able to set democratic reforms on the agenda, notably the idea of mixed parliamentary committees. In Brussels, the coalition agreed

(<http://www.parlement.brussels/texte-de-la-declaration-de-politique-generale-du-gouvernement-bruxellois/>) to move in this direction and, in the fall of 2019, the Greens were asked

(http://www.parlement.brussels/weblex-doc-res/?v_numdoc=&v_legis=&v_type=0&v_sess=&checkdepot=dep&checkam=am&checkkra) to make a concrete proposal. The idea was to garner support not only from the coalition partners but also from as many parties in the opposition as possible.

On 13 December 2019, in the plenary session, out of the 85 present Members of Parliament of the Brussels Region, 60 voted in support of deliberative committees, while 25 abstained. The same change in the internal regulations was approved by the French-speaking Parliament in Brussels (officially called French-speaking Community Commission – Cocof (<https://be.brussels/about-the-region/the-community-institutions-of-brussels/cocof>)), the body regulating the responsibilities of the French-speaking

Community in the Brussels-Capital Region. The Cocof supervises and finances French-speaking institutions in Brussels in charge of culture, education, health care, sport and assistance to citizens. Both Parliaments are thus responsible for significant competences in the life of the people living in Brussels.

Operationalising Brussels' deliberative committees

Under the new rules, the Regional Parliament can setup a parliamentary committee composed of 15 (12 in the Cocof) parliamentarians and 45 (36 in the Cocof) citizens to draft recommendations on a given issue. Any inhabitant in Brussels who has attained 16 years of age has the chance to have a direct say in matters falling under the jurisdiction of the Brussels Regional Parliament and the Cocof. The citizen representatives will be drawn by lot in two steps:

- A first draw among the whole population, so that every inhabitant has the same chance to be invited via a formal invitation letter from the Parliament;
- A second draw among all the persons who have responded positively to the invitation by means of a sampling method following criteria to ensure a diverse and representative selection, at least in terms of gender, age, official languages of the Brussels-Capital Region, geographical distribution and level of education.

The participating parliamentarians will be the members of the standing parliamentary committee that covers the topic under deliberation. In the regional parliament, each standing committee is made up of 15 members (including both Dutch- and French-speakers), and in the Cocof Parliament, each standing committee is made of 12 members (only French-speakers).

The deliberative committees are expected to be established once every year.

Once per year, each assembly will randomly select participating citizens to join Parliament to deliberate with selected parliamentarians on a given topic and formulate recommendations after a total of four days of deliberations and hearings of experts. The proposition of themes for deliberation is open to the public. If 1000 citizens support a theme, their proposition must be taken into consideration by the Bureau of the Parliament that will select the topic, which must be justified, and define the task of the deliberative committees. In order to collect the necessary signature of 1000 citizens, a group of 100 citizens has the right to publish a call for signatures on the website of the Parliament. While citizens can propose a theme for deliberation, the specific topic will be decided upon by the relevant parliament, which retains the ultimate agenda-setting power.

Once the topic has been defined, the deliberative committee works in three steps:

- The organization of a preparatory public phase to inform randomly selected citizens and parliamentarians;
- The organization of a closed phase of deliberations in small groups composed of randomly selected citizens and parliamentarians;
- The organization of a public phase of presentation of proposals for recommendations and votes to which both randomly selected citizens and parliamentarians are invited.

Status of the recommendations

In this new deliberative process, the power of the citizens is significant. Nevertheless, the institutional and legal framework in Belgium does not allow non-elected citizens to officially vote in parliament. Accordingly, the recommendations adopted by both the randomly selected citizens and the parliamentarians will be voted upon separately:

- A consultative secret vote, to avoid undue public pressure on the members, of the randomly selected citizens on each proposal for a recommendation;

- A public vote by an absolute majority of the parliamentarians, who were part of the committee, on each proposal for a recommendation.

Parliamentarians in the committee who vote against, or abstain, a favourable decision of the absolute majority of the citizen representatives will be required to explain their decision. The recommendations that have been approved by the citizens and parliamentarians are incorporated in a report to be submitted, for follow-up, to the standing committee composed of the 15 parliamentarians in the deliberative committee. Within six months, this standing committee must provide a follow-up report of what has been done with the recommendations. It must provide detailed reasons for its choice of follow-up actions. This report will then be presented at a public sitting of the standing committee in which the randomly selected citizens are invited.

Unknown future and formal challenges

It is, of course, impossible to tell at this stage how mixed parliamentary committees will work in practice and whether they will have any significant influence on policy making. Nevertheless, despite the institutionalisation of the deliberative process, their outcomes could potentially not be used by the Parliament. There is also a chance that, if the political dynamics changes, the Parliament could abolish the process, as the deliberative committees do not have constitutional status, or simply does not use them. Moreover, while the people have the power to propose themes, agenda control formally remains with Parliament. Crucially, there is no guarantee that the recommendations will be enacted by the Parliament or the Government. The status and potential impact of deliberative committees therefore primarily relies on the legitimacy of the direct citizen participation and input and dedicated follow up, including from the media and civil society, to enhance the responsiveness of formal political institutions.

If the political dynamics changes, the Parliament could abolish the process, as the deliberative committees do not have constitutional status.

An accompanying committee made up of several researchers and practitioners in the field of citizen participation as well as staff of Parliament will be set up to monitor the experience with deliberative committees. This committee will also oversee and evaluate the new mechanism after two years. The expected evaluation could provide a useful opportunity to strengthen the legal status and influence of the deliberative process.

From regular to deliberative constitutional politics

Despite the formal concerns, Belgian Regions and Communities have taken a crucial step in experimenting with an innovative institutionalization of direct citizen participation in policy deliberation and formulation complementing regular political institutions. Their experiences will provide key lessons for similar efforts in Belgium and across the world. Belgian cities are also increasingly using sortition (<https://bx1.be/news/saint-gilles-se-dotera-dun-conseil-citoyen-des-le-printemps-2020/>) to compose local councils or enact budgets through participatory processes. This 'institutionalization-turn' seems only at its start. Indeed, Wallonia might also follow this democratic path. Its governing coalition has agreed (<///C:/Users/adeabe/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook>) to implement mixed committees, like in Brussels, and to reproduce at the local level the German-speaking model.

At the federal level, there is call for the transformation of the upper chamber, the Senate, from a chamber representing the interests of the Regions and the Communities into a chamber for citizen participation. The Senate has lost much of its formal power (<https://www.tandfonline.com/doi/abs/10.1080/00344893.2015.1108358>),

but it still plays a key role in the procedure of reforming the Constitution. Having a permanent body composed of randomly selected citizens directly participate in constitutional deliberative democracy would be revolutionary in Belgium, and beyond.

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