

European Citizens' ASSEMBLY

A NEW MODEL FOR DECISION-MAKING



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Introduction

There is currently only one mechanism at the level of the European Union that allows citizens to be engaged in decision-making – electing representatives to the European Parliament. Yet democracy is so much more than voting in elections every five years. And even though there are public consultations and surveys organised between the elections on various European topics, asking citizens about their opinions is not quite the same as making binding decisions. If we wish our democracies to flourish, to be real and meaningful, a mechanism for decision-making directly by the citizens should exist alongside the elections.

How could this be done? One way would be to introduce European referendums. However, there are certain challenges with regard to this approach that are related to the quality of the outcome and the costs of the process. The point is that citizens taking part in referendums may not learn about the topic in depth; their positions may be based on hearsay; they may be influenced by fake media stories or not-quite-accurate campaign arguments, as was exemplified by the Brexit referendum. All of this is related to the fact that in order to cast a vote in a referendum there is no requirement to spend any time analysing the topic. One may just go to the voting station and cast a vote. And, if one does analyse the topic, then a question arises – what kind of information and perspectives were taken into consideration? In the end, the outcome of a referendum may be something that people don't really want, even though it is a democratic process.

The other option would be to introduce a binding European Citizens' Assembly. Deliberative processes have been tested in dozens of countries around the world, and their quality has reached a point where they can be used for making binding decisions. The question is just how could it be done at the European level? As an example, European Citizens' Panels were organised as a part of the Conference on the Future of Europe conference. The design included a group of 200 people from all the member states. For the process of public consultations, this size of group is fine and sufficient. However, when it comes to decision-making, the design of the entire process should be completely different, in my view.

There are several elements that would be worth taking into account when designing a citizens' assembly at the European level for a binding outcome, such as

- increasing the size of the assembly to improve its credibility;

- bringing the meetings of the assembly closer to home, so that citizens can more easily access and follow them;
- ensuring that the process is designed and run by an independent group of experts in a deliberative democracy;
- introducing a mechanism that allows for selecting topics for the citizens' assembly that will fit the amount of time provided for the learning phase;
- ensuring a clear and transparent process for selecting experts (with a monitoring mechanism);
- providing access for stakeholders, such as NGOs or research institutions;
- creating a clear set of quality standards and a rulebook for the process.

The inclusion of all of the above premises leads to the creation of a whole new model for organising a citizens' assembly at the European level.

An interconnected assembly

If the European Union were a single state with a more or less uniform culture, then it would be perfectly fine to have a single group of randomly selected citizens to meet in Brussels or Strasbourg to discuss European matters, as is done at the national level. However, the European Union is a union of 27 member states with several hundred million people and with 24 official languages spoken. This is a different setting than that at the regular national level, especially in relation to ensuring the legitimacy and accessibility of a citizens' assembly.

One of the major challenges regarding how the European Union is currently perceived is that it is something distant, something over there – in Brussels, rather than over here, at home. That is why it is worth considering a design of a citizens' assembly that connects 27 national-level assemblies focusing on the same topic and coming to a common conclusion at the end. The design premise here is to strengthen the national-level dimension and, in this way, increase the credibility of the process.

Before we look into it, I know that there are fans of the current design, and I would like to acknowledge that there are indeed many advantages of the model where people from all 27 countries meet together as one group – this gives them the opportunity to get to know each other, to spend time together as a group of Europeans. They also follow the same learning phase. However, access for stakeholders in this model is limited, and the same applies to a number of solutions and perspectives that can be presented by experts. This is simply due to the fact

that the number of potential stakeholders and experts across the whole European Union is enormous and the number of time slots for presentations is limited. On the other hand, it may be argued that a single group is way easier to manage than 27 national assemblies, and the costs are lower as well. I can certainly confirm that – the costs of organising meetings for a single group are lower. Nevertheless, let's explore what the option of an interconnected assembly provides and what its merits are.

So, what is this idea of an interconnected assembly all about? Imagine a network of 27 citizens' assemblies with at least 130 members. Each of these citizens' assemblies comprises a country in miniature. They all meet at the same time in their respective countries. A composition of each and every one of them takes a set of demographic criteria into account, such as gender, age, level of education, rural and urban areas, as well as ethnicity, in order to create a microcosm of the society in every country. And all of these national-level assemblies are focused on the same topic; they exchange information with each other, and finally they vote together on the same set of proposals. There would be larger assemblies in bigger countries, for example in Germany, France, Italy and Spain, in order to reflect the size of their populations. An algorithm for calculating the exact number of seats per member state needs to be developed and approved by all of the countries. Nevertheless, the base number can be 130, which can apply to Malta with a population of around 516 thousand, and from there it can go up to the highest number of assembly members in Germany with a population of more than 83 million people.

The point of choosing the base number of 130 is that it makes it possible to randomly assign five assembly members to follow each of the remaining 26 EU countries. In this way, there would be five assembly members in Malta following what is going on in the French assembly, five assembly members following what is going on in Sweden, five assembly members following what is going on in Austria, and so on. In other countries the number of assembly members following different states would be larger, depending on the overall size of the assembly. This is how the basic mechanism for connecting the assemblies works.

What does it mean, in practice, to follow what is going on in another assembly? For all presentations delivered by experts and stakeholders, summaries with key points and recommendations would be created and translated into all EU languages. So the minimum for assembly members would be to read the summaries

of presentations. The more engaging option would be to watch recordings for which a translation would be provided as well.

But where is the human connection in all of this? Certainly, assembly members should get to know each other not only in their own countries, but also there should be time to meet members from other states. This would be arranged at the introductory stage of the assembly, so that, from the very beginning, there is a sense that the process has a European dimension.



And what about transnational dialogue? There is a good place for it, especially at the end of the deliberative phase, when the recommendations have already been developed and reviewed by experts and stakeholders, and assembly members meet to discuss which recommendations to adopt. For ease of management, this part can be done online, even though I do acknowledge the benefits of meetings in person, if the funding allows it.

Now, taking into account that this whole international group will be very large (much more than 3510 people), there is no way that all assembly members will get to know each other in person. The primary aim of the international exchanges is to enable hearing first-hand perspectives of people from other countries. This could be both assembly members as well as experts and stakeholders. For example, if the assembly members were discussing a topic related to agriculture, they would be able to listen to comments from agricultural experts from other countries as well as farmers and NGO representatives. That would be ideal.

The main reason behind creating a citizens' assembly of this size is to ensure its credibility. If the group were made up of only 200 people, it could be argued that it would not be representative enough to make decisions for the entire European Union. However, when we are talking about several thousand people, then this aspect is covered. The European Parliament has only 705 members in comparison, so the European Citizens' Assembly in the interconnected model would be significantly larger. And from the perspective of organising the process, if the whole assembly is divided into national groups, this is totally manageable. Yes, there would be many coordinating teams needed; nevertheless, each of them would be focused on their country alone; so in practice, it would be like running a national-level citizens' assembly with an international component.

Certainly, all national-level assemblies would use the same rulebook (a set of rules and procedures) as well as the same list of basic standards. An overarching coordinating team for the whole European level would also be essential. However, these are just the management details – the crucial point is that it is doable.

To sum up – what are the main advantages of the interconnected model? First of all, it provides a level of legitimacy that is sufficient for decision-making. Thanks to this, it is possible to introduce a new mechanism for citizens by which they can exercise their power as sovereign individuals. Next, the interconnected approach increases the number of expert speakers, thus increasing the number of perspectives

presented during the learning phase (this creates a more reliable basis for the learning phase). Also, it may be expected that the number of proposals for solutions to be adopted by the assembly will be larger, and this may contribute to a better quality of outcome. Since the national-level assemblies will be conducted in the local language, it will be easier for citizens who were not selected to become members of the assemblies to follow the meetings. The meetings will also be more accessible for stakeholders – a larger number of their representatives will be able to attend in person. Plus the emphasis on the national level may translate into a greater sense of ownership of the process and a greater trust of the people, which is crucial in democracy.

A binding outcome

What is clear with dozens of citizens' assemblies organised around the world, is that they can deliver high-quality recommendations, providing they are designed and run properly. The quality of their recommendations or decisions may surpass those of the parliament with elected representatives simply because there is no party competition involved in the process, there are no political gains to be won, no opponents to be crushed during the election campaigns. Since there are no elections – only random selection – the political rivalry is gone. There is just a specific topic to be dealt with, there is a learning phase and listening to experts and stakeholders, and there is time for digesting the issue and for discussing it with fellow assembly members. The common good is taken into account because the microcosm of the society is present in the room, and people who may be affected by the outcome have access to present their perspectives either in person or in the form of written or recorded comments. And all of this takes place in a friendly atmosphere, under the guidance of skilled facilitators and the coordinating team. That is why the quality of the final recommendations voted upon by the citizens' assembly may be treated as binding. The practical question is, however, what does “binding” mean in practice?

Here is an example of recommendations from the recent European Citizens' Panel that was organised as a part of the Conference on the Future of Europe: “We recommend that intensive animal farming is phased out gradually, including the elimination of disrespectful living conditions of animals”. If we assume that this is not a recommendation, but a final and legally binding decision it could sound like this:

“Intensive animal farming is to be phased out gradually, including the elimination of disrespectful living conditions of animals”. What should happen with it?

One option would be to hand it over to the European Commission or the European Parliament, so that they would create a new law based upon it. However, this recommendation is very general and it can be interpreted in many ways. For example, what does “intensive animal farming” mean? Which farming practices are intensive and which are not? Let’s be specific here: how many chickens can be kept per square metre of a barn? How many cows can be kept per hectare of a pasture? How many is “intensive” and how many not? There really is a lot of room for interpretation. Also, what does “gradually” mean? Would it be OK for factory farming to be phased out in 10, 20 or 50 years? That is not clear at all, and persons creating a law based upon this one sentence could do a lot with it and argue that they are keeping strictly to the decision of the panel.

Asking the European Commission or the European Parliament to create a law based upon the outcome of the European Citizens’ Assembly may be tricky in some cases, and the effect may cause some controversies. There is, however, another way of going about it. The European Citizens’ Assembly may be empowered to adopt the law on its own. How could this work?

This is where the legislative phase of the assembly process comes in. In this case the work of the European Citizens’ Assembly is not over once the set of recommendations has been created. Now it’s time to translate them into legal language and adopt the final version of the legislative act. Here are the steps for the legislative phase at the European level:

- 1) The recommendations are handed over to the Legal Bureau that works alongside the European Citizens’ Assembly, where skilled lawyers create the first draft of the legislative text.
- 2) The draft created by lawyers goes back to the European Citizens’ Assembly, where it is verified by the assembly members with the support of experts they have selected themselves.
- 3) Next, the draft legislative text is published on the assembly’s website, and anyone may post comments about it or suggestions for amendments. At the same time, it is sent to the European Commission, which may submit proposals for amendments as well.

- 4) Once the comments and proposals for amendments are collected, the assembly members meet and review the suggestions. They may amend the legislative text at this stage or reject the proposed amendments.
- 5) The reviewed version of the legislative text is sent to the European Parliament for the final round of proposals for amendments.
- 6) The assembly members review the last round of proposals for amendments they received from the European Parliament, and they vote to adopt the final version of the legislative act. And that's it – a new law for the European Union has been created.

In this process the “recommendations” are not actually recommendations because they are binding. They are more like directives. But I kept the name because people are familiar with it.

Adopting a process like this requires, obviously, changing the treaty. What is required for a proper institutionalisation of the European Citizens' Assembly is to create a whole environment for deliberative democracy, which means establishing a set of support institutions in a similar manner to that of the citizens' chamber at the national level. So the Citizens' Senate, the Legal Bureau, the Rules and Procedures Council, and the Centre for Coordinating the European Citizens' Assembly would need to be established. There would also be a set of standards to ensure quality and a rulebook setting out all the processes, and it should be clear who would be able to initiate the European Citizens' Assembly and when. All of these elements are vital; however, they would be a topic for another story.

