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# DESIGNING A PERMANENT DELIBERATIVE CITIZENS' ASSEMBLY

## The Ostbelgien Modell in Belgium

2019/06

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## DESIGNING A PERMANENT DELIBERATIVE CITIZENS' ASSEMBLY The Ostbelgien Modell in Belgium

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## ABSTRACT

Worldwide, there is an increasing number of calls for institutionalizing deliberative democracy. The Parliament of the German-speaking Community of Belgium has paved the way in this direction by unanimously adopting 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 it 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 Assembly and elected representatives. Unless there is a motivated opinion against it from the parliamentary committee and the minister in charge, the recommendations are supposed to be followed by parliamentary or governmental measures. In this paper, we aim at explaining how the initiative was born, how the model was designed and how it is implemented. In our analysis of the political process, we provide twelve factors to explain why such an advanced model of citizen deliberation came into existence. More generally, we argue that it could be a source of inspiration for democracies worldwide that seek to institutionalize deliberative citizen participation and render deliberation more systematic and maybe, in the long run, more systemic.

## INTRODUCTION

Since the turn of the century, deliberative democracy has increasingly been used by existing political institutions as a way to involve citizens in policy-making and, arguably, narrowing the gap between citizens and their representatives (Bächtiger, Dryzek, Mansbridge, & Warren, 2018). However, some scholars wonder whether the sporadic use of deliberative democracy is (un)likely to cure the democratic malaise in the long run given that it touches too few people on too few issues in a systemic way (Lafont, 2015; Parkinson & Mansbridge, 2012). That is why some scholars (Gastil & Wright, 2019) and activists (Van Reybrouck, 2016) argue in favor of adopting permanent forms of deliberative democracy. The German-speaking Community of Belgium, also called 'Ostbelgien' ("Eastbelgium"), has paved the way in this direction<sup>1</sup>.

On 25 February 2019, the Parliament of the German-speaking Community adopted a decree establishing a model for permanent citizen deliberation<sup>2</sup>. It consists in a permanent Citizens' Council drawn by lot, which can initiate Citizens' Assemblies, also drawn by lot, whose mission it 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 Assembly and elected representatives. Unless there is a motivated opinion against it from the parliamentary committee and the minister in charge, the recommendations are supposed to be followed by parliamentary or governmental measures. 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 (Claisse, Laviolette, Reuchamps, & Ruyters, 2013; Van Damme, Jacquet, Schiffino, & Reuchamps,

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<sup>1</sup> The initial version of this paper was written and published in French (Niessen & Reuchamps, 2019).

<sup>2</sup> Decree of the German-speaking Community of 25 February 2019: '*Dekret zur Einführung eines permanenten Bürgerdialogs in der Deutschsprachigen Gemeinschaft*', published in the Belgian official journal on 12 April 2019. An unofficial English translation is provided in Appendix.

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. 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 purpose of this paper is threefold. It aims at explaining (1.) how the initiative was born, (2.) how the model was designed and (3.) how it is implemented. In order to do so, we will present a historical overview of its developments, focusing on the decision-making process and analysing the actors and factors that have determined it<sup>3</sup>.

## 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.

### 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<sup>4</sup>. 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 federalization 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, Niessen, & Reuchamps, 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<sup>5</sup>. These aspects create a

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<sup>3</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. 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, 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 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.

<sup>4</sup> Two other municipalities, Malmedy and Waimes, were also conceded to Belgium by Germany but they are largely French-speaking and are not part of the German-speaking Community.

<sup>5</sup> Apart from the Speaker of Parliament, the Community Senator and the ministers who are professionals, the members of the Parliament of the German-speaking Community have another profession besides their mandate as MPs. Furthermore, the number of municipal aldermen among them has declined in recent years and since 16 July 2016, the office of mayor is incompatible with the mandate of a Member of Parliament.

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<sup>6</sup>. 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 (Reuchamps, Devillers, Caluwaerts, & Bouhon, 2018). In addition to elections, several formal participatory mechanisms have been institutionalized. 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<sup>7</sup> of citizens (Gaudin, Jacquet, Pilet, & Reuchamps, 2018b)<sup>8</sup>. The second consists in consultative commissions that are organized since 2004 by the municipalities for steering projects of rural development. Thirdly, the community installed in 2009 an ombuds-woman whose function it is to be informed of and mediate the problems that citizens encounter with the functioning and actions of administrative authorities.

Finally, two formal but non institutionalized mechanisms of citizen participation have been developed in recent years. First, ad hoc consultations were organised by the government around themes emanating from the governmental program, the “regional development concept”, on the basis of public calls for volunteers from the government. Secondly, a first experience of citizen deliberation took place in September and October 2017. It was a panel of twenty 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.

## 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.

### **Political process**

One of the first encounters of an Eastbelgian decision-maker with deliberative democratic innovations dates back to November 2011 when Ferdel Schröder (PFF - Liberal Party), then President of the Parliament of the German-speaking Community, attended the G1000, a summit of citizens drawn by lot to deliberate during the Belgian government crisis

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<sup>6</sup> Some of these consultations are even legally entrenched, see the Decree of the German-speaking Community of 11th November 2016 harmonising the legal foundations of the consultative committees.

<sup>7</sup> In municipalities with less than 15 000 inhabitants, at least 20% of the municipal population needs to support the petition. In municipalities with more than 15 000 inhabitants, at least 3 000 citizens need to support the petition.

<sup>8</sup> Since 2014, the article 39bis of the Belgian Constitution allows popular consultations to be held at the regional level. Whereas this article does not formally apply to the Communities, it could nonetheless apply to the German-speaking Community as it holds some regional competences that have been transferred to it by the Walloon Region (Bouhon et al., 2015). To date, there is no clear legal opinion on the matter (Gaudin, Jacquet, Pilet, & Reuchamps, 2018a).

on political issues important for the country's future (Caluwaerts & Reuchamps, 2018). His enthusiasm following the G1000 drove Ferdel Schröder to initiate reflexions for a comparable experience in the German-speaking Community. However, the ambition was forestalled by his death in January 2013.

Another Eastbelgian experience with deliberative democracy took place in May 2016 as part of a study tour of the community parliament, organised by its president Karl-Heinz Lambertz (SP - Socialist Party), to visit model experiences of participatory democracy. While study tours are a regular practice of parliament, one of the reasons for this very one was that the wider phenomenon of democratic fatigue was being equally experienced in the German-speaking Community in Belgium – with growing political frustration and declining election turnout despite compulsory voting<sup>9</sup>. Measures to counter these trends were inspired by participation models in Herrenberg (Germany), Bregenz (Austria) and Freiburg (Switzerland).

This led the extended bureau of the parliament, now chaired by Alexander Miesen (PFF), to initiate a first 'citizens' dialogue' in September and October 2017 on measures to be taken in the field of early childhood policy. Twenty citizens were then randomly selected to be informed and deliberate for two days (16 and 9 September 2017) on the issue. The results were discussed during a joint session (14 October 2017) between participants, MPs and the minister in charge. One year later (20 October 2018), a second joint session was held to review the effective implementation of the recommendations. Despite difficulties with the recruitment of participants on the one hand, and with the alignment between pre-existing government plans and citizen recommendations on the other hand<sup>10</sup>, the experience was positively evaluated by participants, community politicians and scientific observers (Kern & Werner, 2018; Niessen, 2017).

Following this positive experience, a discussion between all parliamentary groups took place in January 2018 in the plenary session of the parliament and the President concluded that further reflection on citizen participation were needed. More concretely, a possibility to install a more permanent participation device was sought. In December 2017, after reading David Van Reybrouck's book, "Against Elections", the Minister-President of the German-speaking Community, Oliver Paasch (ProDG - regional centrist political party), met the author in Berlin. In his book, Van Reybrouck (2016) argues in favour of the systemic introduction of random selection in political institutions to revitalize the functioning of representative democracy. It emerged from their exchange that a cooperation could be possible between the German-speaking Community and the G1000, which continued to exist after the citizen summit as a platform for consulting in democratic innovations and of which David Van Reybrouck is the co-founder (Caluwaerts & Reuchamps, 2018). Oliver Paasch then informed the Speaker of Parliament about this possibility.

Two meetings were then held in March and April 2018 between Oliver Paasch and Alexander Miesen, and the G1000 steering committee<sup>11</sup>. At the end of the two meetings and after Alexander Miesen had received the agreement of

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<sup>9</sup> Sentiments of everyday political frustration are very well reflected in the regional blog '*Ostbelgien Direkt*' (<https://ostbelgiendirekt.be>). Launched on 27 August 2012, this blog regularly publishes tendentious information and is very successful because it allows users to comment anonymously.

<sup>10</sup> The recruitment was carried out by a German research institute on the basis of the phone directory, which led to a low response rate. After the first weekend of deliberations, the government had published a pre-existing plan for early childhood policy measures, which was not well received by some participants and had to be resolved in the joint discussions.

<sup>11</sup> The members of this steering committee were: Yves Dejaeghere (Universiteit Antwerpen & Foundation for Future Generations), Benoît Derenne (Director of the Foundation for Future Generations), Cato Léonard (Glassroots), Christoph Niessen (Université de Namur & Université catholique de Louvain), Min Reuchamps (Université catholique de Louvain) and David Van Reybrouck (historian and writer).

the enlarged Bureau of the Parliament, it was decided that the G1000 should 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, based on the wishes and concerns of all the political groups represented in the parliament. It was also agreed that the monitoring of the process was to be carried out by the extended bureau of the parliament, which includes representatives of both the majority (ProDG, PFF, SP) and the opposition (CSP, Ecolo, Vivant).

The G1000 then formed a group of fourteen experts<sup>12</sup> and conducted parallel consultations with the group leaders of the six 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 fourteen 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<sup>13</sup>. This report was presented to the Extended Bureau of Parliament in October 2018, which invited the G1000 for another question-and-answer session in November. 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 institutionalization of the

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<sup>12</sup> Were part of the group: Luca Belgiorno-Nettis (founder of the newDemocracy Foundation), Carsten Berg (initiator of the European Citizens' Initiative), Claudia Chwalisz (author and expert in democratic innovation at the OECD), David Farrell (professor at University College Dublin and scientific advisor to the Irish Constitutional Convention), Marcin Gerwin (responsible for the Citizens' Assemblies in Gdansk and Lublin), Brett Hennig (author and founder of the Sortition Foundation), Graham Smith (professor at the University of Westminster and scientific consultant for many participatory processes), Katrin Stangherlin (lawyer and author on (and of) the German-speaking Community), as well as the G1000 Steering Committee (see above).

<sup>13</sup> Report from the international expert group to the Bureau of the Parliament of the German-speaking Community "Proposal for a model of permanent citizen involvement in the policy-making of the German-speaking community in Belgium", 8 October 2018.

model went too far. While they agreed with the idea of permanence, they said to prefer ad hoc processes. It should be noted that at that time (i.e. in January 2019), the electoral campaign for the federal, regional, community and European elections to be held on May 26 was progressing very quickly. This induced political nervousness among all parties given that both advocacy and critiques of the model could be used for electioneering.

In the meantime, the Speaker of Parliament, Alexander Miesen, instructed the parliamentary administration, under the direction of Secretary General Stephan Thomas, to draft a first version of the decree. While the text largely relied on the experts' report, it also drew upon existing work of the Walloon Parliament, the Flemish Parliament or the Council of State on citizen participation.

The text was then discussed and amended in the extended Bureau on three occasions in February 2019. The main points of discussion were the conditions for exclusion from the draw (who can be drawn and who cannot, notably concerning municipal representatives), how to organise the stratification of the draw (what characteristics to take into account, such as age, gender or income, and how to ensure that the draw is conducted in a transparent manner), the minimum age for drawing lots (16 or 18 years old), access to a database for drawing lots (use the national register or the municipal register), the appointment or not of a president (to organise the work), attendance quorums and decision-making rules (how many participants must be present and how many must agree for a decision to be taken), participants' expenses (how much to grant), the proposal of subjects to the Citizens' Council (who has the right to propose them) and the follow-up of the recommendations issued (what are the obligations of ministers and parliamentarians in terms of follow-up).

Following the three meetings, 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 institutionalization 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 but Vivant repeated its critics regarding the lack of guarantees for political follow-up. During the article-by-article vote, some of the fifteen articles were consequently subject to abstention or opposition by Vivant<sup>14</sup>. But in the end, the vote on the entire decree received the unanimous support of the assembly.

### ***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, 2002,

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<sup>14</sup>For Articles 3, 4, 10, 12, 14 and 15, the two members of Vivant abstained. For Articles 7 and 9, the two members of Vivant voted against.

2005, 2006; Jacquet, Schiffino, Reuchamps, & Latinis, 2015; Niessen, 2019; Schiffino, Jacquet, Cogels, & Reuchamps, 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, twelve factors of a different nature can be identified as having been decisive for the implementation of the model:

- Two contextual factors.
- Three triggering factors.
- Two factors related to the structure of opportunities.
- Three factors linked to opposition avoidance.
- Two factors related to the willingness and commitment of the actors.

First, there were two contextual factors. On the one hand, the fact that most elected representatives has 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 the 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.

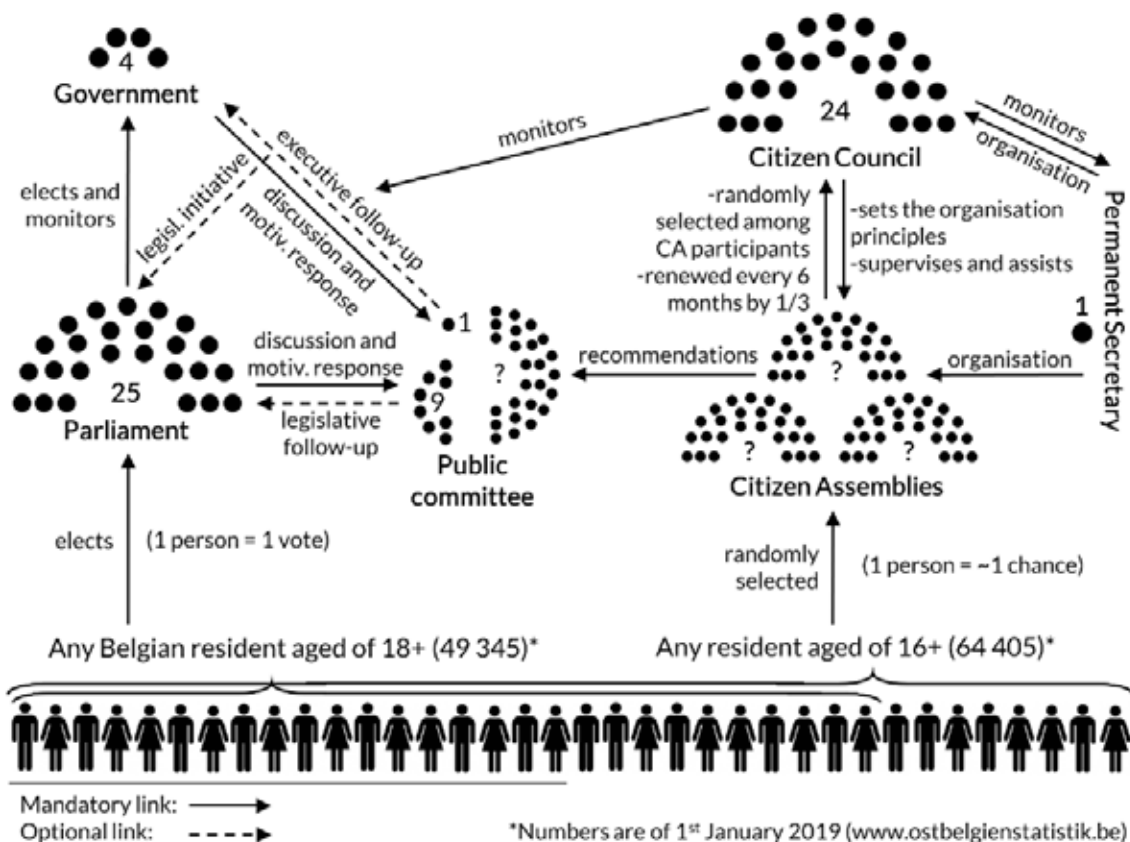
In addition to these opportunity factors, there were three factors that could be described as opposition avoidance. First, the integration of all parties once the management was entrusted to the bureau of the parliament made it possible to avoid hostile political dynamics of majority versus opposition. 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 toward the development of an ambitious model.

All twelve 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 that there is no support for the project in the population, but that the latter yet needs to take it up.

## 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 (in German 'Bürgerrat'), the Citizens' Assemblies (in German 'Bürgerversammlungen') and the Permanent Secretary (in German 'Ständiges Sekretariat'), we present each of them in a separate section. To make it easier to understand, the figure below shows a synthetic representation of how the model works. 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

## 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.

### **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.

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 Ombudsman who may be convened by the Citizens' Council to participate in the deliberations, again in an advisory capacity.

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). One member is appointed by each of the political groups sitting in Parliament (six in total), with the understanding that those appointed must meet the conditions for admission to a Citizens' Assembly (see above).

Six other members are drawn at random from among the participants of the first citizen panel on early childhood policy held in September and October 2017 (see above). Finally, the remaining twelve participants are drawn by lot among the residents of the nine German-speaking municipalities who meet the conditions for admission to a Citizens' Assembly.

The first rotation renewal of the Citizens' Council will take place after the organisation of the first Citizens' Assembly (DPCD, Article 14, para. 2). Eight members will then be replaced, starting with those appointed by the political parties and two of the participants in the citizen panel on early childhood. After the second Citizens' Assembly, eight other members will be replaced, namely the four remaining participants from the citizen panel on early childhood and four of the persons newly drawn by lot. After the third Citizens' Assembly, the eight remaining persons among the newly drawn lots will finally be replaced. The ordinary renewal of the Citizens' Council then begins.

### **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 organizational (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.

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).

Finally, 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 4 hours are 64 EUR (indexed amount in 2019) and are doubled if the meeting exceeds 4 hours. Travel allowances reimburse either public transport costs or kilometres travelled.

## **Functions**

The Citizens' Council has three functions: to organize 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 organizing 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).

Second, the Citizens' council decides upon the subjects of the Citizens' Assemblies that it organizes 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 below) 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.

Third, 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.

Fourth, the Citizens' Council must determine how a Citizens' Assembly should be organised. In doing so, it determines the number of draws (between 25 and 50), but also the time, duration, location, program and budget. He 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. Fifth, 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 below), 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.

## 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.

### **Composition**

A Citizens' Assembly is composed of 25 to 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 which 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 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):

- be enlisted in the population register or in the register of foreigners of a municipality of the German speaking language area,
- be sixteen years old,
- not be in the situation where a conviction or decision has been made to remove or suspend their voting rights for voters for parliamentary elections,
- not hold any of the following mandates, positions or functions:
  - Member of the Chamber of Representatives, the Senate, the Walloon Parliament and the European Parliament,
  - Member of the Federal, Community or Regional Government,
  - Governor of a province, Vice-governor, Adjunct-governor or Provincial clerk,

- Member of the Provincial Council of the Province of Liège,
- District commissioner,
- Holder of a mandate in the Judiciary,
- Councillor, assessor at the legislative department, member of the auditeur's office, the coordination office or the chancellery of the Council of State,
- Judge, articed clerk or clerk at the Constitutional court,
- Member of the Court of audit,
- 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,
- Mayor, alderman/woman, president of the Public Center for Social Welfare (PCSW), member of the municipal council or the PCSW council,
- A mandate under the direct oversight of the parliament or government, with exception of the members of the staff of the educational sector,
- 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. First of all, an oversample is drawn at random from the population registers and contacted by post to notify them of their preliminary selection (1000 for example). Then, among the persons responding favorably 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 & 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 are often not comprised in the registers.

### **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 above). 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. Minority opinions are then 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).

## **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 above). If deemed necessary, additional joint committee meetings are foreseen with the members of the Citizens' Assembly in order to discuss the political follow-up.

## **Permanent Secretary – 'Ständiges Sekretariat'**

The third and final body of the model is the Permanent Secretary. Her function is to provide 'administrative and organisational support' for the other two bodies (DCPR, 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, she regulates all administrative and logistical aspects (DPCD, article 8, para. 2). She 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, 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 her management tasks, she may have recourse to the services of Parliament (DPCD, Article 13).

## **IMPLEMENTATION**

After the adoption of the decree of 25 February 2019, various preparations were made to implement and start the model, with the first meeting of the Citizens' Council being held on 16 September 2019. In addition, potential assessment and adaptation moments are foreseen. In this last part, we provide more details on this preparation, the launch and possible adaptations planned.

Beside the communication on the adoption of the decree<sup>15</sup>, the first step in preparing for the launch was the recruitment of a Permanent Secretary. Following a public call for applications, a selection panel was organised to hear the candidates. Anna Stuers, a former employee of the German-speaking youth office, was retained and appointed Permanent Secretary by the Secretary General of the Parliament of the German-speaking Community.

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 organized 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, an own 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 previously mentioned, it had three types of members (see above). First, one full member has been appointed by each of the political groups in the parliament. Second, 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, 1000 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 1000, 115 responded positively to the call. 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 has taken place. Its members have opened a public call for topic suggestions that could be submitted online or on paper by 31st October. The topics have then been published on the website and citizen could manifest their support to a maximum of three of them until 21st November. At the end of November, the Citizens’ Council will hold its first meeting during which it discusses the topics that should be subject to Citizens’ Assemblies in the beginning of 2020<sup>16</sup>.

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”<sup>17</sup>. It can be concluded that a first evaluation of the model will probably take place in 2021.

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<sup>15</sup> The media coverage outside the German-speaking Community was more important than inside. Examples on the national level include *Alter Echos*, Bel RTL, *De Morgen*, *De Standaard*, *De Tijd*, *Het Laatste Nieuws*, *Imagine*, *Knack*, *La Libre Belgique*, *Le Soir*, *Le Vif/L'Express*, la RTBF, RTL Info and the VRT. Examples on the international level include ABC Radio Sydney, El País, IDEA, *Le Point*, *Paris Match*, *Politico*, *Powiązane Artykuły*, *The Economist*, *The New York Times*, *Tribune de Genève*, TV5Monde ou *Vrij Nederland*.

<sup>16</sup> The evolution described in this section is the one as of 1st November 2019.

<sup>17</sup> Authors’ translation of: “Es ist nicht ausgeschlossen, dass diese Grundlage [das Dekret] aufgrund der Erfahrungen, die im Rahmen der ersten Bürgerversammlungen gemacht werden, Anpassungen erfährt”. Parliament of the German-speaking, *Dekretvorschlag zur Einführung eines permanenten Bürgerdialogs in der Deutschsprachigen Gemeinschaft, DOC 284 n\*1, 18 February 2019, p. 3.*

## CONCLUSION

Since the beginning of the XXIst century, political institutions make increasingly use of deliberative democratic innovations to associate citizens to the political decision-making and reduce the manifest 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 is why always more academics, practitioners and decision makers 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 institutionalized deliberative process is a world *première* in three respects: its permanence, its close (quasi-institutional) link with parliament and its articulation of a permanent citizens' council with recurrent Citizens' Assemblies. In this paper, we detailed the functioning of the model by presenting its coming into existence, functioning and implementation.

At the same time, numerous questions raised by the institutionalization of this permanent citizens' dialogue remain and only the implementation of the process will allow its evaluation. On the one hand, there is the question of the support of citizens, politicians and all those societal actors that are traditionally involved in the decision-making process. On the other hand, one may wonder what will be the consequences of this new process on the way politics work in the German-speaking Community. Eventually, will the 'Ostbelgien Modell' inspire other similar initiatives in Belgium or elsewhere? More generally, what will be its influence on contemporary democratic dynamics?

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## EPILOGUE

On 25 February 2019, the Parliament of the German-speaking Community adopted a decree establishing a model for permanent citizen deliberation. This paper has sought to uncover the origin, the design and the implementation of the Ostbelgien permanent citizen dialogue. Despite its innovative nature that could be a source of fruitful inspiration throughout the world, two criticisms are often heard: on the one hand, the – very – small size of the German-speaking Community that has a population of just over 77 000 inhabitants spread over 846 km and, on the other hand, there is a clear separation between elected citizens (i.e. the members of Parliament and the ministers) and randomly selected citizens, even though the Citizens' Council acts as a bridge between both groups in the whole system of the dialogue.

Echoing these two criticisms but also inspired by the German-speaking Community, another Region of Belgium, the Region of Brussels-Capital, is going to institutionalize another form of permanent citizen deliberation via so-called deliberative committees that are parliamentary committees that will be composed of 15 elected MPs and 45 randomly elected citizens. On 13 December 2019, the Parliament of this Region, that has a population over 1 200 000 inhabitants, has voted an important change in its internal regulations. The Parliament is now allowed to set a parliamentary committee made of 15 MPs and 45 citizens whose task will be to draft recommendations on a given issue. The proposition of themes for deliberation will be open to the public. If 1000 citizens support a theme, their proposition will have to be taken into consideration by the Bureau of the Parliament that will define the task of the deliberative committees. It is foreseen that such mixed committees will be organized once a year and that each will meet four times on one issue. Similarly to the Ostbelgien permanent citizen dialogue, any inhabitant in Brussels aged of 16 years old will have the same chance to be randomly selected.

In less than 12 months, Belgian Regions and Communities have witnessed the institutionalization of two major democratic innovations. Cities are also increasingly using sortition to compose local councils or participatory budgets. This 'institutionalization' turn seems only at its start. Indeed, Wallonia, the second-largest Region in Belgium, might also follow this democratic path. Its governing coalition has agreed to implement mixed committees, like in Brussels, and to reproduce at the local level the German-speaking model. At the federal level, some voices 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.

2019 was big on democratic innovations. 2020 will see them come into life.

## APPENDIX – DECREE ESTABLISHING A PERMANENT CITIZENS’ DIALOGUE IN THE GERMAN-SPEAKING COMMUNITY

Unofficial English translation made by the G1000 team

[2019/201683]

### FEBRUARY 25, 2019.

The Parliament of the German-speaking Community has adopted and We, the Government, sanction the following:

## CHAPTER 1 – GENERAL PROVISIONS

### Art. 1 Definitions of term

In line with the decree the following is understood:

1. Presidency: the parliamentary body as described in article 22 of the Rules of Procedure of the Parliament,
2. Head Clerk: the officer of the Parliament as described in article 58 of the Rules of Procedure of the Parliament,
3. Ombudsmann: the holder of the office as described in the decree of 26 May 2009 to Create an Office for the Ombudsman for the German Speaking Community of Belgium,
4. Citizens’ Assembly: The assembly described in Article 3,
5. Citizens’ Council: The council described in Article 4,
6. Permanent Secretary: The office-holder described in Article 5.

### Art. 2 Denotation of persons

Denotations of persons in this decree hold for all genders.

## CHAPTER 2 – THE ACTORS OF THE CITIZENS' DIALOGUE

### Article 3: The Citizens' Assembly

§1 – With the aim to elaborate recommendations on a specific topic, intermittent Citizens' Assemblies will be convened. Every calendar year between one and three Citizens' Assemblies will be convened. In the six months preceding the election of the Parliament of the German Speaking Community no Citizens' Assemblies can be convened.

§2 – The Citizens' Assemblies are composed of between 25 and 50 citizens, that will be drawn by lot bearing in mind the requirements set out in §§3 and 4. Following a proposal of the Permanent Secretary the Citizens' Council will specify the terms of the sortition process to select citizens that will participate in a Citizens' Assembly. Doing so, the Citizens' Council will take into account a balanced representation of gender and age groups, a balanced geographical origin and a balanced socio-economical blending. On the basis of the specific nature of a topic and with regard to the composition of a representative sample of the concerned population it can determine additional criteria.

For the execution of the tasks related to the drawing by lot of citizens, the Permanent Secretary is authorized to demand from the municipalities in the German Speaking Community the list of persons that are recorded in the Population Registry. This list will contain the information mentioned in the Article 1, Paragraph 1, number 1 to 8 and 12 to 14 of the Royal resolution of the 16 July 1992 to define the information in the Population Registry and the Registry of Foreigners.

The data referenced in paragraph 2 can only be used for internal administration and cannot be handed over to third persons. During their management, the Permanent Secretary takes into account the stipulations as set out in the Law of the 30 of July 2018 on the protection of natural persons in relation to the treatment of personally related data.

§3 – Participation in a Citizens' Assembly is voluntary. If a citizen refrains from participating before the first session of the Citizens' Assembly or if she enters respectively one of the mandates, offices or functions that are listed in §4 number 4, then she will be replaced by a citizen that is likewise drawn by lot. In all other cases retiring or absent citizens will not be replaced.

§4 – In a citizen's assembly only citizens can participate that:

1. are enlisted in the population register or in the register of foreigners of a municipality of the German speaking region,
2. are sixteen years old,
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, article 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, alderwoman, president of the 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,
  - m. A leading mandate in an institution of public interest of the German-speaking Community.

The Citizens' Council can exclude a person that was drawn by lot for participation in a Citizens' Assembly on deontological grounds, for example when proof of an extraordinarily large personal interest is given. This decision needs an explicit motivation and needs to be communicated to the person concerned. The concerned citizen can file an appeal against this decision with the Presidency, that makes a final decision on this issue.

§5 – The decisions of the Citizens' Assembly are normally made by consensus. If after several attempts at negotiating no consensus is reached, a decision can be made with a 4/5th majority, where at least 4/5th of the citizens participating in a Citizens' Assembly are present. The citizens that voted against the decision, can justify their opposing opinion in a position text, which will be added to the decision.

§6 – The members of the Citizens' Assembly receive for their participation:

1. A remuneration of 37,50 Euro,
2. A travelling allowance, that covers the effective cost of the trip with public transport or cover the cost for using a personal car, in which case the rate per kilometer driven is calculated following article 13 of the Royal Decree from 18 January 1965 on the installation of a general regulation regarding transport costs.

If the duration of a meeting exceeds four hours, the remuneration mentioned in paragraph 6, number 1 will be doubled.

The amounts mentioned in paragraph 6, number 1 and number 2 are bound to the changes in the index that is installed in the Royal Decree of 24 December 1993 for the Execution of the Law from 6 January 1989 to Safeguard the Competitiveness of the Country. The index threshold is 138,01. The Presidency fixes the rules and modalities for the payments of these amounts.

### Art. 4 The Citizens' Council

§1 – With regards to the preparation, the organization and the follow-up of the Citizens' Assemblies, a permanent Citizens' Council will be installed. The Citizens' Council is composed of 24 citizens, drawn by lot from those citizens that have been previously part of a Citizens Assembly. After the end of their mandate, which is 18 months long, the mandate holders will be replaced by new representatives from previous Citizens' Assemblies. This rotation will be done every six months for on third of the in total 24 mandates.

Membership in the Citizens' Council is voluntary. When a citizen leaves the Citizens' Council before the end of their mandate, then this mandate will be passed on to another citizen drawn by lot from previous Citizens' Assemblies. To this end, several replacement members can already be drawn by lot ahead.

§2 – The Citizens' Council will elect a president amongst its members, that will chair the meetings. The length of the presidents' mandate is six months. The election for president will rotate between a man and a woman.

The Permanent Secretary will be present at the meetings of the Citizens' Council in an advisory capacity. The Citizens' Council can decide to invite the head-clerk of parliament and the Ombuds-woman to its meetings.

Considering all elements that are listed in this decree, the Citizens' Council will decide itself upon all other aspects of its working procedures.

§3 – Following article 7 § 3, the Citizens' Council will only be able to make decisions when a majority of its members is present. All decisions of the Citizens' Council are in general made by consensus. If there is not agreement after several attempts at conciliation, a decision can be made with a 2/3th majority. If it is found that this majority is not found, the decision under consideration will be postponed till the next session.

§4 – The members of the Citizens’ Assembly receive for their participation:

1. A remuneration of 37,50 Euro,
2. A travelling allowance, that covers the effective cost of the trip with public transport or cover the cost for using a personal car, in which case the rate per kilometer driven is calculated following article 13 of the Royal Decree from 18 January 1965 on the installation of a general regulation regarding transport costs.

If the duration of a meeting exceeds four hours, the remuneration mentioned in paragraph 6, number 1 will be doubled.

The amounts mentioned in paragraph 6, number 1 and number 2 are bound to the changes in the index that is installed in the Royal Decree of 24 December 1993 for the Execution of the Law from 6 January 1989 to Safeguard the Competitiveness of the Country. The index threshold is 138,01. The Presidency fixes the rules and modalities for the payments of these amounts.

### Art. 5 The Permanent Secretary

For the administrative and organizational support of the Citizens’ Council and the Citizens’ Assemblies, the head clerk of the parliament will assign a personnel member of the Parliamentary staff to Permanent Secretary. The profile of requirements for and the procedure to assign the permanent secretary will be determined by the head clerk and submitted to the Presidency for acknowledgment.

The Citizens’ Council supervises the work of the permanent secretary and has the authority to issue directives related to the tasks that are given to him/her on the basis of this decree.

### Art. 6 The Parliament and its organs

The Parliament and its bodies define the framework conditions for the organisation of the Citizens’ Dialogue. In particular, it shall ensure the follow-up to the recommendations of the Citizens’ Assemblies referred to in Chapter 3.

## CHAPTER 3 – THE CONDUCT OF THE CITIZEN DIALOGUE

### Art. 7 Selection of themes

§1 – At the end of the parliamentary debate on the government declaration at the beginning of each parliamentary session, the Citizens’ Council shall meet to determine the subjects to be discussed at Citizens’ Assemblies over the next twelve months.

The topics must relate to the competences of the German-speaking Community. However, with the approval of the Presidium, the Citizens’ Council may, in particularly justified cases, also select topics which are not or only indirectly related to the competences of the German-speaking Community.

Proposals for topics which conflict with human rights and the basic series listed in Title 2 of the Constitution and in the international treaties ratified by Belgium are inadmissible.

§2 – In selecting the subjects, the Citizens' Council may have recourse to proposals submitted to it either by at least two of its members, by a parliamentary group, by the Government or by at least 100 citizens who fulfil the condition referred to in Article 3 §4(1).

The number of proposals which may be submitted by the same political group and by the Government shall be limited to three per calendar year. Proposals submitted by citizens shall bear the surname, first name, address and signature of all citizens supporting this initiative.

All proposals referred to in paragraph 1 shall contain an explanation of the subject and a justification of suitability as a subject for a citizens' assembly.

The Citizens' Council shall lay down the other arrangements for the deposit of proposals.

§3 – Following the deliberations on the selection of topics, the Citizens' Council shall formulate the precise question to be submitted for discussion at a Citizens' Assemblies. Contrary to Article 4 §3, at least 2/3 of the members of the Citizens' Council must be present in order for this decision to be taken.

### Art. 8 Organisation and conduct of Citizens' Assemblies

The Citizens' Council makes all decisions regarding the organization and holding of Citizens' Assemblies. This concerns in particular:

1. the determination of the number of Citizens' Assemblies, taking into account the provisions of Article 3, § 1;
2. the determination of the number of citizens and their selection by drawing lots, taking into account the provisions of Article 3, §§ 2 to 4;
3. the setting of the date, duration, place, program and budget of each of the Citizens' Assemblies;
4. the appointment of the animators of the Citizens' Assemblies;
5. the creation of an advisory group to collect information and documentation that
6. will be made available to members of Citizens' Assemblies;
7. the selection of experts and interest representatives who will be heard or asked to give their opinion in the context of Citizens' Assemblies;
8. the evaluation of the Citizens' Assemblies held.

The permanent secretary prepares the decisions mentioned in paragraph 1, prepares proposals on them and implements the decisions taken by the Citizens' Council. It also regulates all administrative and logistical aspects related to the holding of Citizens' Assemblies.

### Art. 9 Recommendations of the Citizens' Assembly and their consideration by Parliament

§1 – At the end of the deliberations, the Citizens' Assembly makes one or more recommendations which will be forwarded to the Bureau of the Parliament.

§2 – The Bureau addresses the recommendations to a parliamentary committee which organises a public session during which the recommendations will be presented by a delegation of the citizens' assembly and then discussed with the members of the committee and the competent ministers. To this end, all members of the Citizens' Assembly are invited.

The commission then prepares an opinion on the various recommendations in collaboration with the competent ministers. This opinion indicates whether and how the recommendations should be implemented. The fact that the implementation of a recommendation has been rejected shall be justified separately.

§3 – Then a new public session of the parliamentary committee is held during which the opinion is presented and discussed with the members of the citizens' assembly.

### Art. 10 Follow-up of recommendations

The Citizen's Council ensures the follow-up of the recommendations which, in accordance with the committee's opinion, must be implemented. To this end, the Permanent Secretary shall submit regular reports on the progress of the implementation of the recommendations. If it deems it necessary, the Citizens' Council shall inform the members of the Citizens' Assembly concerned.

Within one year of the meeting referred to in Article 9 § 3, a further public meeting of the competent parliamentary committee shall be held; the progress of implementation shall be presented and discussed. To this end, all members of the relevant Citizens' Assembly are invited. If necessary, further sessions may be agreed upon to continue monitoring the implementation of the recommendations.

## CHAPTER 4 – MANAGEMENT AND FINANCING

### Art. 11 Management

The permanent secretary is responsible for the day-to-day management of the Citizens' Dialogue, including the preparation and implementation of decisions taken by the Citizens' Council. It is the first point of contact for all questions relating to the Citizens' Dialogue. If necessary, the Registrar shall delegate to the Permanent Secretary the decision-making powers necessary for the performance of his duties.

### Art. 12 Financing

Each year, the permanent secretary prepares a budget proposal on which the Citizens' Council decides. Then, the budget proposal adopted by the Citizens' Council is submitted to the bureau for approval. If the Bureau approves the budget, the relevant appropriations are provided for in Parliament's budget.

The permanent secretary manages the available credits under the supervision of the Citizens' Council, taking into account the financial envelope set by the bureau.

Before August 31 of the following year, the permanent secretary submits to the Citizens' Council the presentation of the accounts for the closed financial year. The Citizens' Council submits these accounts to the office.

### Art. 13 Support by the Parliament's administration

For the performance of the tasks listed in Articles 11 and 12 and subject to the approval of the Registrar, the Permanent Secretary may have recourse to other services of the Parliament's administration.

## CHAPTER 5 – FINAL PROVISIONS

### Art. 14 First Citizens' Council

The first Citizens' Council shall be composed of twenty-four members who, by way of derogation from Article 4(1), are referred to as follows:

1. one member is appointed by each of the groups represented in the Parliament, it being understood that the proposed citizens must satisfy the conditions mentioned in Article 3, § 4, 1°;
2. six members are drawn by lot among the citizens of the Citizens' Dialogue held on 16 and 30 September 2017 on the subject of childcare;
3. the other members are drawn by lot in accordance with Article 3, § 2 to 4, the powers entrusted to the Citizens' Council being ensured by the permanent secretary.

The first Citizens' Council will be set up on 16 September 2019.

After the first Citizens' Assemblies, eight members shall be replaced; the members mentioned in paragraph 1, 1°, shall first retire and then some of the members mentioned in paragraph 1, 2°. After the second citizens' assembly, eight other members of the first Citizens' Council shall be replaced; the members mentioned in paragraph 1, 2°, remaining, shall first retire and then some of the members mentioned in paragraph 1, 3°. After the holding of the third citizens' assembly, the members of the first Citizens' Council are replaced, remaining among those mentioned in paragraph 1, 3°. Each change shall be made in accordance with the procedure described in Article 4, § 1, paragraph 1.

### Art. 15 Entry into force

This Decree shall enter into force on the day of its adoption.

Let us promulgate this decree and order its publication in the Belgian Official Gazette.

Eupen, February 25, 2019.



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