Flanders – The Netherlands Citizens’ Panel on Addressing Cross-Border Issues and Stimulating Cross-Border Contacts

25 May 2021

Informal note for discussion at 2 June meeting
Context for OECD collaboration

Citizen participation in the implementation of cohesion policy

- The OECD and the European Commission have partnered on a project towards engagement of citizens and civil society in the implementation of Cohesion Policy.
- Five organisations selected: Regione Emilia-Romagna in Italy, Regional Ministry of Cantabria in Spain, CEUTP in Poland, Interreg Flanders – The Netherlands programme, and Interreg Romania-Bulgaria Programme.
- Expert support and tailored assistance to explore innovative ways of engaging citizens and civil society in decisions of strategic importance for the implementation of programmes.

Purpose of the pilot project with Interreg Flanders – The Netherlands

*How to ensure that projects funded through the Interreg Flanders-The Netherlands programme take into account and use citizens’ experience and knowledge to address citizens’ most pressing needs?*

Citizens’ Panel on Addressing Cross-Border Issues and Stimulating Cross-Border Contacts

What is the problem that needs to be solved?

The cross-border area faces specific challenges due to the complexity of having different legal and institutional arrangements on either side of the border, and many people being impacted by both. The most pressing issues that people face living in the border area are already well-established due to numerous studies and opinion polls previously conducted in the region.

Next to obstacles deriving from different legal and institutional arrangements, cross-border interactions (of people in different capacities, and organisations) are hindered by a lack of knowledge of each other, and of possibilities across the border. The cross-border region is hindered because of the resulting lack of cross-border interactions.

*How should these cross-border obstacles be tackled?*

The Interreg programme would like to tap into citizens’ experience and knowledge of citizens’ most pressing needs to commission cross-border studies/projects/people-to-people actions that aim to overcome these obstacles and to create meaningful contacts. Careful thought needs to be given to how to do this in a way that helps to overcome common problems of citizen engagement:

- That there is a wide range of perspectives amongst people, often all focused on different priorities.
- Everyday people, without the time and resources to be informed about every issue, are not in a position to make judgements about which policy decisions will have impact.
- The people who tend to volunteer to contribute on online platforms, town hall meetings and other forms of ‘open’ engagement are usually not very representative of the wider community.
However, the OECD research and expertise on innovative citizen participation shows that involving citizens can be productive if it is done in a structured format that is grounded in evidence and deliberation. Belgium is one of the countries at the forefront of innovative citizen participation and democratic innovation – experimenting with institutionalised deliberation such as the Permanent Citizens’ Council in Ostbelgien and mixed deliberative committees in the Brussels Parliament. OECD research has also found 13 deliberative processes in the Netherlands. The Flanders – The Netherlands Interreg programme will also be a pioneer – the first Interreg program to do so.

This is why, based on its collaboration with the OECD, the Interreg programme intends to establish a Citizens’ Panel on Addressing Cross-Border Issues and Stimulating Cross-Border Contacts. This Citizens’ Panel will be comprised of a broadly representative group of everyday people from both sides of the border to prioritise the cross-border studies and projects that should receive funding.

A Citizens’ Panel is a deliberative process. This method combines civic lotteries that select a broadly representative mix of everyday people with deliberative exercises that help them listen, weigh inputs from experts and stakeholders, apply critical thinking, understand biases, have honest conversations, and find common ground.

The Interreg programme will first establish Calls for Proposals on potential studies/projects to tackle these border obstacles and stimulate meaningful societal contacts. The calls will take place periodically during the seven-year programming period. They will be open to all organisations (in priority ‘D’ of the new Interreg-programme).

The remit of the Citizens’ Panel would then be:

- To recommend to the Interreg programme which proposals (received from the Call for Proposals) should receive funding from the Interreg programme Small Project Fund for cross-border studies and (people-to-people) projects.

Involving citizens meaningfully in this way would give the Interreg programme a better sense of the shared priorities of a broadly representative group of citizens living in the area. Deliberative processes are designed for people to find common ground and take collective decisions (rather than most other forms of citizen participation, which tend to aggregate individual opinions). The Citizens’ Panel would improve transparency and decision making by bringing the perspectives of everyday people, their knowledge and their skills to helping tackle these important obstacles and stimulate interactions. It would also give the Interreg programme, as well as the Dutch and Flemish governments, greater legitimacy to act upon the studies/projects centred around (legal) obstacles. Additionally, the Citizens’ Panel would encourage cross-border cohesion and bring people from both sides to work together. This is the main goal of Interreg in the first place, and at the heart of the European Union’s cohesion policy.

Deliberative processes such as Citizens’ Panels are becoming increasingly common ways for public authorities to involve citizens in solving complex policy problems, as the OECD’s Catching the Deliberative Wave report (2020) with close to 300 international examples has demonstrated.
Why is deliberation different?
Deliberative processes benefit politicians, public servants, members of the process, and the wider public. Drawing on the evidence collected for the OECD Deliberative Wave report (2020) and existing research in the field of deliberative democracy, these are the key reasons why these processes help public decision makers to take hard decisions and enhance trust:

- **Better policy outcomes because deliberation results in considered public judgements rather than public opinions.** Most public participation processes are not designed to be representative nor collaborative. Consequently, they can be adversarial - a chance to air grievances rather than find solutions or common ground. Deliberative processes create the spaces for learning, deliberation, and the development of informed recommendations, which are of greater use to policy and decision makers.

- **Greater legitimacy to make hard choices.** These processes help policy makers to better understand public priorities, and the values and reasons behind them, and to identify where consensus is and is not feasible. Evidence suggests that they are particularly useful in situations where there is a need to overcome political deadlock.

- **Enhance public trust in government and democratic institutions by giving citizens an effective role in public decision making.** People are more likely to trust a decision that has been influenced by ordinary people than one made solely by government.

Additionally, these processes:

- **Signal civic respect and empower people.** Engaging people in deliberation strengthens their political efficacy (the belief that one can understand and influence political affairs).

- **Make governance more inclusive by opening the door to a much more diverse group of people.** Deliberative processes, with their use of civic lotteries, bring in people who typically would not contribute into public policy and decision making.

- **Strengthen integrity and prevent corruption** by ensuring that groups and individuals with money and power cannot have undue influence on a public decision.

- **Help counteract polarisation and disinformation.** Empirical research has shown that echo chambers that focus on culture, identity reaffirmation, and polarisation do not survive in deliberative conditions, even in groups of like-minded people.
Why do deliberative processes work?
It is difficult for large groups of people to find rough consensus on complex decisions.

As established in a forthcoming OECD publication *Bringing Public Judgement to Democracy* (forthcoming, 2021), there are four key reasons why deliberative processes ‘work’:

- **Independent members of the deliberative process** (no elections, no campaigns, no fundraising)
- **Cognitive diversity** (the civic lottery process brings in a much more diverse group of people than currently found in any parliament or civil service, including people who have never voted or contributed to any consultation; this is more important to developing successful ideas than the average ability of a group)
- **Favourable conditions for quality deliberation: Learning, time, and skilled facilitation** (access to broad and diverse information and significant time spent discussing it through skilled facilitation leads to informed recommendations that are detailed, rigorous, and consider trade-offs)
- **Common good is at the heart of the process** (members are not there to represent any particular interest group, company, political party, etc., but to put themselves in others’ shoes and develop recommendations for the common good)

The **OECD Good Practice Principles** are intended to help improve the quality of public deliberation for decision making so that the recommendations can be useful to policy makers and the process can be trusted by the public. Following these principles ensures that a wide cross-section of society can have access to a broad range of information, have time to weigh this evidence, and deliberate with an equal share of voice and authority:

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How will the Citizens’ Panel work?

Purpose
The remit of the Citizens’ Panel is to recommend to the Interreg programme which proposals (received from the Call for Proposals) should receive funding from the Interreg programme Small Project Fund for cross-border studies and people-to-people projects.

Commitment
In line with the OECD Good practice principles for deliberative processes (2020), it is imperative that the public authority that initiates and commissions a Citizens’ Panel commits to responding to and acting on the recommendations developed by the panel members. This commitment should be publicly announced and clearly stated in the invitations that are sent to people inviting them to volunteer.

Public commitment before the panel begins its work ensures accountability. It also incites people to be willing to give up their time; it sends the message that it is worth it and their time will be valued. Their recommendations will be meaningful if a public authority makes it clear when and how it will respond to them.

The Joint Secretariat and the Monitoring Committee will ultimately still have the final say over decisions. However, there should be a genuine commitment to following the recommendations from the Citizens’ Panel.

Composition and recruitment
The proposal is to use a civic lottery to recruit the members of the Citizens’ Panel. The following description of a civic lottery process is adapted from the OECD Deliberative Wave report.

A civic lottery is a process used by public authorities to convene a broadly representative group of people to tackle a policy challenge. It is based on the ancient practice of sortition that has a wide-ranging history, from Ancient Athens to the Doge of Venice, to modern applications for Citizens’ Assemblies and other deliberative processes.

The principle behind a civic lottery is that everybody has an equal chance of being selected by lot. Civic lotteries encourage randomly selected recipients to volunteer by opting in to the lottery; amongst the volunteers, members are chosen to be broadly representative of the public.

Civic lotteries aim to overcome the shortcomings and distortions of “open” and “closed” calls for participants, both of which tend to result in non-representative groups of people who do not mirror the wider population. While an ‘open’ call to participate sounds nice, in reality it ends up disproportionately (for greater detail, see Chapter 4, “Design Integrity” in the OECD Deliberative Wave report).

As described in the OECD report, a civic lottery has two-stages. The first stage involves sending a large number of invitations to randomly selected individuals or households. This entails first deciding on four criteria:

1. the population that will be represented through the civic lottery;
2. the number of individuals to be selected;
3. the stratification criteria – meaning the demographic criteria that will be used to ensure the selected group broadly represents the wider community (e.g. gender, age, geography), as well as attitudinal criteria if appropriate for the context, and
4. the method for inviting that set number of randomly chosen individuals from within that population to participate (see MASS LBP’s Guide on How to Run a Civic Lottery, p. 9).

Depending on the size of the wider population (i.e. if it is a small town, a big city, a region, or a state), the size of the initial round of random invitations varies. For small populations, usually there are at least 2,000 people initially contacted; for national-level processes, a first round of random invitations can go out to around 30,000 depending on the population size. In the Flanders – the Netherlands cross-border region, it is recommended to send out around 10,000 invitations.

The number of people to contact to have the desired number of participants depends on the anticipated response rate. This will vary depending on the level of government (due to the size of the population affected), issue salience, level of commitment required from participants, and other contextual factors. Response rates vary due to these factors, plus other aspects such as mode of invitation (i.e. by post, telephone, online), invitation wording, who sends the invitation (i.e. whether it is from someone with authority, like a mayor or a minister), and other design elements. The larger the overall population and the lower the anticipated response rate, the larger the initial invitation pool should be.

The convenors will need to have a universal contact list, which can vary from the electoral register (in places where registration is compulsory or automatic) to the national post database, registry of landline and mobile numbers, or other similar resource. In many places, a universal contact list is not available, or not always available to the organisers of deliberative processes due to data privacy rules. Many data sources thus miss part of the population, so it is important to acknowledge this shortcoming or to combine sources. The principle should be to ensure that the largest number of people can be eligible to receive an invitation in the first place.

The invitation typically contains an introduction to the process, an information sheet, and a response form and envelope if by post (or a phone number or a link to an online registration form). Based on their experience of having conducted over 30 civic lotteries, MASS LBP has identified seven important pieces of information that the invitation should contain:

1. An introduction to the convening public institution;
2. An introduction to the problems or issues;
3. An introduction to the selection and engagement process;
4. An outline of the rules and exclusions of the selection process;
5. An introduction to the specific issue to be addressed;
6. The request to volunteer, which includes: volunteer dates; deadlines; methods of registration; and other information pertaining to the process; and
7. An outline of the responsibilities of volunteers if selected by the lottery (MASS LBP, 2017: 20-21).

The second stage of the civic lottery relates to the stratification by demographic criteria of all the individuals who volunteer to participate in the deliberative process. Stratification criteria are essential for bringing together a group of citizens that broadly mirrors the composition of society.
From the individuals who volunteer, a second random draw is made, this time using the stratification criteria, to compose the final sample. In most cases, there are four standard variables of stratification:

- age
- gender
- geography (in this case: half from each side of the border; possibility of also considering representativeness by the 3 cross-border sub-regions)
- a demographic indicator that ensures a mix of income and education levels

The aim is for anybody in the cross-border region looking at this group to be able to see ‘someone like me’ who is part of it. There is evidence from the OECD research that a civic lottery, by having someone with authority reach out to a large group of people in the initial invitation, ensures that everyday people who do not tend to participate in other forms of consultation, engagement, or voting, can be brought into the process.

Evidence also shows that a civic lottery recruitment process also leads to extremely high retention rates amongst members of the deliberative process. The OECD report includes close to 300 examples. In the vast majority of these, well over 90% of people participate in all meetings (on average, a citizens’ panel has four days of deliberation spread out over six weeks). People take their civic engagement seriously, particularly when the remit and the task are salient and it is clear how their recommendations will be followed up.

Learning and deliberation

While citizens are at the heart of a deliberative process, there is an important role for experts and stakeholders. Information and judgement are required to reach decisions. For a group of randomly selected everyday people to be able to provide informed recommendations to the Interreg programme, it will need to have an understanding about the Interreg programme, background information about the studies that have already been conducted, existing cross-border initiatives, and other key information. It will thus be important to design the Citizens’ Panel in a way that gives its members time to learn, to understand the context, and an opportunity to ask questions of experts and stakeholders. The learning phase could include a chance for each of the organisations that put forth a proposal to present their idea and be questioned by the panel members. It is important to give the Panel members a chance to request additional information.

This is also why time is important for a successful Citizens’ Panel deliberation. In the OECD’s research, the average amount of time is four full days spread out over six weeks. This is to give people the time to access a wide and diverse range of information, to deliberate with one another, and to come to a set of collective and informed recommendations for the public authority. The information programme usually begins with an introduction to the issue, the context, and the diagnosis of the problem, followed by more details about the issue, and an exploration of possible solutions.

The facilitation of the deliberative process by skilled facilitators is crucial to its success. They are responsible for creating a warm atmosphere, building trust among members, and ensuring the credibility of the process. They play a crucial role in supporting the participants to formulate their recommendations, while maintaining neutrality and withholding their own judgements about the proposals. For this reason, it is important that facilitators do not have a stake in the outcome of the
process – they should be independent and at arm’s length from the commissioning public authority.

Facilitators encourage equal participation amongst participants – some will naturally be more shy while others will be more likely to dominate a conversation; facilitators ensure a balance of speaking time.

For a practical guide to facilitating deliberative processes, see Chapter 5 (p. 165-202) in the newDemocracy Foundation and UN Democracy Fund handbook (2019).

A key difference between representative deliberative processes and other forms of citizen participation is that the outcome is not many individual views, but a collective and considered view. The members of the Citizens’ Panel will be tasked with finding consensus on the proposals that should be chosen to receive funding for cross-border studies and people-to-people projects. A common rule of thumb is that around 80% of the members must agree for it to be a recommendation of the Panel.

Communication
With effective public communication, the Citizens’ Panel can be a mechanism for the broader public to learn about cross-border issues and stimulate cross-border contacts, as well as encourage people to participate more in public life in general. This is particularly the case as deliberative processes lead to citizens’ voices being heard and help bridge the gap between citizens and governments.

Public communication can also help the governments to gain public support and legitimacy for choosing the proposals that have been recommended by the Citizens’ Panel.

Having a communication strategy about the whole process will help broader society to be aware of and understand how the Interreg program has a positive and important impact on peoples’ lives through investments in the region. Citizens will not just hear about it, but will see it and be part of it.

Rotation
As the funding concerns a seven-year cycle and there will be numerous points at which new cross-border studies will be funded, the Citizens’ Panel could be a standing panel, where its members rotate over time.

There are a few different options. One could be that each time there is a new call for proposals, there is a new civic lottery to select all of the panel members. This option would be the most costly, but it would also mean that the greatest number of people in the cross-border area will have an opportunity to participate as panel members over time.

Another option could be to keep half of the panel members and to select the other half as new members, ensuring that the overall group broadly matches the same demographic criteria of the region. This would allow for some continuity of members over time, preserving some internal knowledge about how such processes work. There could be a disparity between the ‘older’ panel members and the ‘newer’ panel members in terms of the expertise that the older members will have already gained during the learning phase of the first panel.
Box 1 includes examples of such standing panels in Toronto regarding planning and transportation issues.

**Box 1. Planning and Transportation Standing Panels in Toronto**


The Toronto Planning Review Panel was an ongoing deliberative body, embedded into the city’s planning division, which enabled ongoing citizen input on the issues of planning and transportation. Its members served two-year terms, after which time a new cohort was randomly selected to be representative of the Greater Toronto Area.

A group of 28 randomly selected residents from all parts of the greater Toronto area met for 11 full-day meetings from 2015-2017. Prior to deliberation, participants met for four days of learning and training.

A similar panel was appointed for the period of 2017-2019, this time consisting of 32 randomly selected citizens.

At the time of writing, there was a pause following the conclusion of the second cohort pending a review of the planning department's engagement strategy.


**Metrolinx Standing Panel on Transportation, 2018-2020**

Similarly, the Greater Toronto and Hamilton Area (GTHA) transport authority, Metrolinx, has established a Regional Reference Panel to give 32 randomly selected residents the mandate to provide informed advice on managing the growing transport demand over the next 25 years and achieving Metrolinx’s goals in a manner that reflects the values and priorities of all residents. The Regional Reference Panel met for 11 full-day meetings between October 2018 and May 2020.

Metrolinx’s Planning and Development Department is seeking the Panel’s recommendations on issues such as:

- improving seamless connections between regional transportation services;
- setting high standards for traveller experience and design excellence;
- managing congestion and demand during peak hours;
- expanding access to cycling infrastructure;
- and preparing for new transportation modes and shared mobility services.


**Governance**

Sometimes in a deliberative process like a Citizens’ Panel, there is an advisory group that is comprised of citizen participation/democracy civil society organisations and experts to help design or monitor the process. The OECD experts could be part of the advisory group if it were to be established.

**Examples**

There are over 400 examples of representative deliberative processes like Citizens’ Panels used by different public authorities, at all levels of government, across the world. In the following boxes, there are a few examples to highlight how everyday citizens have been able to help governments
take difficult and important decisions about different policy issues, including those that involve spending implications.

**Box 2. Example of deliberation on spending decisions: Melbourne People’s Panel (2014)**

In 2014, 43 people were randomly selected by a civic lottery to participate in the Melbourne People’s Panel about the city’s 10-year, $5 billion AUD plan. They were given the time and resources to meet six times over the course of four months to deliberate and provide the Council with detailed recommendations. After reflecting on the Panel’s proposals for seven months, the council publicly launched the final budget, which accepted 95% of the Panel’s proposals. The final plan document includes an annex where the participants’ recommendations are written in their own words, with an explanation for their decisions. The process allowed the Council to close its budget hole and is now being implemented.

More information is available at: https://participate.melbourne.vic.gov.au/10yearplan

**Box 3. Three different types of Citizens’ Panels**

**Citizens’ Jury/Panel that has taken place over consecutive days**

Forest of Dean District Citizens Jury (2018) took place in the United Kingdom. The National Health Service bodies commissioned a Citizens Jury that provided residents the chance to evaluate prospective hospital locations and choose the one that best suits citizens’ needs.

More information can be found here: https://jefferson-center.org/forest-of-dean-citizens-jury/

**Citizens’ Jury/Panel where meeting days are spread out over numerous weeks**

Melbourne People’s Panel (2014) in Australia provided 43 randomly selected citizens with an opportunity to contribute to the 10 Year Financial Plan of the City of Melbourne and provide their recommendations on the allocation of resources. This was the largest city budget opened up to a deliberative process, reaching $400 million Australian dollars.

More information can be found here: https://www.newdemocracy.com.au/2014/08/05/city-of-melbourne-people-s-panel/

**Ongoing Citizens’ Jury/Panel**


The Toronto Planning Review Panel was an ongoing deliberative body, embedded into the city’s planning division, which enabled ongoing citizen input on the issues of planning and transportation. Its members served two-year terms, after which time a new cohort was randomly selected to be representative of the Greater Toronto Area. A group of 28 randomly selected residents from all parts of the greater Toronto area met for 11 full-day meetings from 2015-2017. Prior to deliberation, participants met for four days of learning and training. A similar panel was appointed for the 2017-2019, this time consisting of 32 randomly selected citizens. More detail is in Box 1.

Box 4. Deliberation on complex legal issues: The Irish Citizens’ Assembly (2016-2018)

The Irish Citizens’ Assembly involved 100 randomly selected citizen members who considered five important legal & policy issues: the 8th amendment of the constitution on abortion; ageing populations; referendum processes; fixed-term parliaments & climate change. The Assembly’s recommendations were submitted to parliament for further debate. Based on its recommendations, the government called a referendum on amending the 8th amendment and declared a climate emergency.

More information can be found here: https://www.citizensassembly.ie/en/

Box 5. Effectiveness of deliberative processes

Sharing the Roads Safely Citizens’ Jury in South Australia, 2014

A four-day long Citizens’ Jury in South Australia of 47 randomly selected citizens has produced a set of recommendations to improve road safety in their region. Because of measures recommended by the citizens Jury and their implementation, bicycle related injuries dropped sharply in South Australia. The Jury’s recommendations helped to reduce fatal and serious injuries by 28% from their high in 2012. Examples like this one provide evidence of positive outcomes of implemented citizen recommendations.

More information can be found at: https://yoursay.sa.gov.au/decisions/sharing-our-roads-safely/about