Enhancing the democratic legitimacy of independent offices for future generations: the case for embedded public participation

CENTRE FOR THE STUDY OF DEMOCRACY

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### Three cases

- Knesset Commission for Future Generations, 2001-6
  - Right to information; examine parliamentary bills; request reasonable time to prepare opinion (delay)
- Hungarian Parliamentary Commissioner for Future Generations, 2008-2011 (Deputy Ombudsman 2011 onwards)
  - Ombudsman role in relation to Fundamental Law; power to suspend administrative action
- Future Generations Commissioner for Wales, 2016-present
  - Promote 'well-being goals'; monitor action of all government ministries and public bodies; Future Generations Report one year before election

### Shared characteristics

- Oversight function
  - "democracy can flourish only if it acknowledges the risks of dysfunctionality and equips itself with institutions capable of subjecting its own inner workings to constructive evaluation" (Rosanvallon 2008: 74-5)
- Independence
- Creatures of statute

# Legitimacy challenges faced by OFGs

- Unelected body
  - Derivative legitimacy from statute
- Political vulnerability
  - Challenge core policies and projects of political elite
  - No constituency / influential lobby
- How to represent future generations
  - Surrogate representation
  - Plurality of interests across / within future generations
- → Public participation as strategy to enhance legitimacy of OFGs

## Participation practices of OFGs

- Israeli Commissioner
  - Creature of parliament no explicit public participation
- Hungarian Commissioner
  - Ombudsman function complaints from public
- Welsh Commissioner
  - "The Wales We Want" national conversation precursor to Well-being of Future Generations (Wales) Act 2015
  - Legislative basis "Greater engagement in the democratic process, a stronger citizen voice and active participation in decision making is fundamental to the well-being of future generations"
  - Strategic plan (2017-23) "Champion effective public involvement and engagement, challenging ourselves and others to better understand the needs of our communities, our people and their influence on the decisions that affect them"

# Democratising OFGs

 How to bring citizens into <u>strategic</u> decision making processes of OFG and other bodies?

 Deliberative mini-publics particularly well-suited to bring diverse voices into work of OFGs

	No of participants	Time	Output	Example
Citizens' jury /	12-43	2-5 days (or	Recommendation in a citizens'	Oregon Citizens'
reference panel		longer)	report	Initiative Review, US
				MASS-LBP, Canada
				NewDemocracy,
				Australia
Planning cell	25 run in parallel or series	2-7 days	Citizen report collates findings	University of Wuppertal,
	→ 100s		from different cells	Germany
Consensus	10-24	3 days (plus prep	Recommendation in a citizens'	Danish Board of
conference		weekends)	report	Technology
Citizens' assembly	(50) 99-150	Series of	Recommendation	British Columbia/
		weekends		Ontario, Canada, Ireland
Deliberative poll	200+	Weekend	Post-deliberation	Center for Deliberative
			survey	Democracy, US
G1000	1000	1 day	Series of votes on proposals	Belgium (Netherlands)

### Random selection + deliberation...

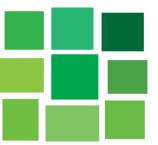
- Socially and cognitively diverse body
  - > plurality of perspectives on interests of future generations
  - ightharpoonup Type 2 thinking
  - >common good / long-term orientation
  - considered judgement / collective intelligence
  - "'fact-regarding' (as opposed to ignorant or doctrinaire), 'future regarding' (as opposed to myopic) and 'other regarding' (as opposed to selfish)" (Offe and Preuss 2016 [1991]: 59)
- Sortition as defence against asymetries in social and economic power
- Builds political capital of OFG
  - ➤ Mini-publics as trusted proxy







An Tionól Saoránach



The Citizens' Assembly







MASSLBP

DEMOCRACY R&D

#### Extinction Rebellion

- The Government must tell the truth about the climate and wider ecological emergency, reverse inconsistent policies and work alongside the media to communicate with citizens.
- 2. The Government must enact legally binding policy measures to reduce carbon emissions to net zero by 2025 and to reduce consumption levels.
- 3. A national **Citizen's Assembly** to oversee the changes, as part of creating a democracy fit for purpose.

https://rebellion.earth/demands/





# Ameliorating harmful short-termism

 Tendency to look towards traditional, elite and technocratic institutional solutions

• "Democratising democracy" as complementary (alternative?) strategy

- Independent OFGs as one potential vehicle for democratisation...
  - Plurality of perspectives on future generations
  - Builds political capital
  - Defends against social and economic power

# Thank you for your attention





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