

## Context

The Supreme Court ruling is the latest sign that the ‘gentleman’s agreements’ of our unwritten constitution have broken down leaving our democracy vulnerable. We need to put our democracy on a safer footing and restore faith in our political system. Citizens must have a voice in that process.

The idea of a Constitutional Convention has widespread cross-party agreement, and could be ideally suited to the issue of rebalancing the relationship between the executive, parliament and voters. Greater sharing of power and clear constitutional rules that rebalance the system are necessary to pave a positive way forward from this experience – and prevent perceived abuses of power in future.

## Why a convention process

Constitutional conventions have been at the heart of a range of constitutional decision-making processes both in the UK and abroad. From writing a new constitution in Iceland too building support for a Scottish Parliament, and more recently a whole range of constitutional reforms in Ireland.

The design and composition of conventions reflects the unique geographical, historical and political make-up of each of these countries and the issues they faced. One thing that unites them is a deliberative approach. Deliberative, participatory models bring in a range of voices in open, informed and mutually respectful discussions and are particularly suited to providing policy direction on issues that are complex and contested.

For issues that relate to constitutional change and the transfer of powers, conventions are a way of bringing in citizens’ wide-ranging perspectives and priorities, and of ensuring that citizens are at the heart of important, ‘once-in-a-lifetime’ democratic change.

When just 4% of people feel fully able to influence the decisions made at Westminster they are looking for new ways to be speak out and be heard.<sup>1</sup>

1. BMG polling for the ERS, May 2019, sample 1541 adults. People answering ‘a lot of opportunities’ to the question ‘To what extent, if at all, do you feel you have the opportunities to inform and influence the decisions made by MPs at Westminster?’

## Citizens’ Assemblies

A constitutional convention could follow a model similar to a citizens’ assembly. Citizens’ assemblies typically involve 50–200 people. They bring together a representative sample of citizens to deliberate over an issue of local, regional or national importance. A citizens’ assembly will typically go through three phases:

1. In the learning phase, participants get to know each other and how the assembly works and what its aims are. Relevant facts about the issue at hand are presented to the participants, who get to ask questions of experts and access background and contextual information.
2. During the consultation phase, campaigners from each side get to present their arguments, and be questioned on them. Sometimes, the assembly might run a public consultation during this phase to understand what the broader public thinks about an issue.

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3. In the deliberation and discussion phase, the participants deliberate amongst themselves. Generally, assembly members will make recommendations to government or parliament at the end of this phase. In some cases, if these recommendations are taken up, they will be put to the people in a referendum (as in the case of Ireland). But it is usually up to elected politicians whether or not to follow the assembly's recommendations.

Citizens' assemblies emphasise two important areas of democracy: the participation of ordinary citizens in decision-making; and careful, thoughtful discussion of the arguments for and against different options. Citizens' assemblies are not focus groups or consultations. The goal is not to just hear what people already think – but for the members to engage in serious, informed reflection on important policy matters with people they may never normally meet.

Citizens' assemblies and other deliberative processes can strengthen and supplement representative democracy, not only by giving politicians insight into informed public perspectives on complex policy issues, but also by building trust in the political process.

### **Participants**

The selection of members should be stratified to ensure that participants are as representative as possible of the general population according to certain criteria – usually gender, age, ethnicity, geographical location, and social background. For this reason, citizens' assemblies are also referred to as 'mini-publics'. Random selection of members means that the wider public can be confident that members are fellow citizens, just like them, and are not representing special interests. If the convention is looking at a particular issue, participants may also be selected on the basis of a balance of attitudes on that issue. However, members are not there to advocate for a particular view but rather to learn about, discuss and consider the issue with other participants who may have a different perspective.

### **Examples**

The most well-known citizens' assembly is that which took place in Ireland between 2016 and 2018. The Assembly was composed of a chairperson, appointed by the government, and 99 ordinary citizens 'randomly selected so as to be broadly representative of Irish society' in terms of age, gender, social class, and regional spread.

Members debated on a number of topics, including removing the country's constitutional ban on abortion – and it had a huge impact.

A Citizens' Assembly on the future of Scotland is meeting for six weekends between autumn 2019 and spring 2020. This assembly will consider the following questions:

- What kind of country are we seeking to build?
- How can we best overcome the challenges we face, including those arising from Brexit?
- What further work should be carried out to give people the detail they need to make informed choices about the future of the country?

A number of regional and local citizens' assemblies on the climate crisis and other issues are planned across the country.

### **Useful sites for more info:**

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2. <https://www.electoral-reform.org.uk/latest-news-and-research/media-centre/press-releases/beyond-brexite-report-calls-for-end-to-westminster-model-of-governance-to-renew-faith-in-politics/>

3. <https://www.electoral-reform.org.uk/campaigns/democratic-innovations/scottish-local-democracy/>

The ERS recently published a report on moving beyond the ‘Westminster model’ of politics, backing a more deliberative model of democracy.<sup>2</sup>

We have been working on public engagement and innovations in democracy in Scotland for years, through public events collectively involving thousands of citizens, helping to shape their communities.<sup>3</sup>

- You can find more information about the citizens’ assemblies the ERS has helped run in the UK at [www.citizensassembly.co.uk](http://www.citizensassembly.co.uk)
- To stay updated on developments, follow the UK Citizens’ Assembly’s Twitter account at [@UKAssemblies](https://twitter.com/UKAssemblies)
- More information on the Citizens’ Assembly of Scotland is available at [www.citizensassembly.scot](http://www.citizensassembly.scot)
- For more information about the Irish experience, please visit [www.citizensassembly.ie](http://www.citizensassembly.ie)
- The Citizens’ Convention on UK democracy have produced a user’s manual available here [www.ccukdemocracy.org](http://www.ccukdemocracy.org)
- Other convention guidance is in Renwick and Hazell ‘Blueprint for a UK constitutional convention’ <https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/ccblueprint-2.pdf>
- For more general background on types of participatory approaches see [www.involve.org.uk/resources/methods](http://www.involve.org.uk/resources/methods)