Putting citizens at the heart of the UK constitution

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IfG–Bennett Institute foreword

In February 2022, the Institute for Government and the Bennett Institute for Public Policy launched a Review of the UK Constitution, to offer an evidence-based and non-partisan analysis of the strengths and weaknesses of the constitution, and where necessary make recommendations for change.
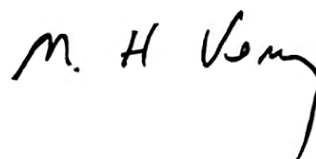
To address the bold scope of this project, we have complemented our own in-depth research with a breadth of perspectives from some of the UK's foremost constitutional experts. In this series of expert guest papers, we publish the views and proposals of academics and practitioners, who take a range of stances from constitutional conservation through to major reform. While these papers respond to the pressing constitutional questions of the day, they all also look to construct long-term solutions that will inform political decision making as well as public debate.

Given the range of views expressed, we do not necessarily endorse all of the ideas found in these papers, but we can commend the rigour with which the arguments have been constructed and sincerely thank the authors for their thoughtful contributions.

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Introduction

Citizens are dissatisfied and frustrated with the current political system, and rightfully so.

This paper argues that the UK's model of democracy and government does not put citizens and their interests at the heart of decision making. Instead, it seems to privilege some people and interests over others, and creates a gulf between citizens and those who govern them.

Parliament is supposed to be the manifestation of the public in the UK's political system, but the dominance of the executive and other shortcomings of the system limit its representational role. As a result, those who are meant to represent citizens often seem distant from their lives and preoccupied by other interests. Where politicians are found to be acting poorly, there is often little sense of accountability or repercussion. Instead, the perception is that they are not subject to the same rules of behaviour as the rest of society – they make the rules, but do not abide by them.

In truth, the current political system gives the public minimal direct influence over the decisions that affect their lives. Citizens get the opportunity to exercise their will at the ballot box, but their influence is fleeting, limited and unequal. People feel disempowered – and to a large extent they are.

As a result, there is widespread public discontent with the current political system and the people who govern them and, in turn, significant demand for reform. This is not the fault of any individual politician or policy maker, but a systemic failure that must be addressed in order to improve how the UK is governed.

This paper makes the case that, as well as helping to address citizen discontent, the active participation of citizens in democracy can be a source of insights, data, action, scrutiny, legitimacy and accountability, which are key to good governance and tackling the complex challenges of today. There is no precise blueprint to follow for this, but there are lots of examples from across the globe – as well as experiments here in the UK. This paper sets out some of these examples, which have been established by decision makers here and elsewhere. Decision makers in the UK can learn from these and use them to inform the creation of a new relationship between citizens and decision makers.

Most citizens have little power within the UK's current political system

The UK's current model of representative democracy has a number of shortcomings that mean political power is unequally distributed across society and most citizens have little ability to shape the decisions that affect their lives in a meaningful way.

Power is significantly centralised in the UK system, meaning that key decisions are often taken far away from citizens. Attempts to devolve decision making closer to citizens have typically been piecemeal and short lived, creating a confusing and opaque system that is difficult for most people to understand or navigate.[1] A recent report of the House of Commons Public Administration and Constitutional Affairs Committee (PACAC) concluded, among other things, the following:

- "The current governance structures in England are far too complex, with 333 local authorities split between two-tier (county and district) and unitary authorities, with some areas (9,000–10,000) having additional town and parish councils."

- "The complexity of the governance arrangements in England has created a patchwork structure that is a confusing and opaque system that people simply do not understand. It is not clear to people where decisions are made, where accountability lies, and, consequently, how policies and services can be adapted to the needs of local areas and local people."

- "The governance arrangements for England (and the United Kingdom as a whole) are some of the most centralised among democratic countries in the world… The balance of decisions is weighted too much to the centre and this leads to suboptimal decisions being made."[2]

People tend to feel they have more influence over local decision making,[3] likely due to the closer proximity they feel to decision makers both physically and figuratively. However, many of the decisions that most affect them are taken in Whitehall, rather than their town hall. This distance from decision making both contributes to citizens' sense of powerlessness and means that decision makers are less likely to have an understanding of the people and places their choices will affect, creating "suboptimal decision-making and policies"[4] and further undermining trust in the system.

The voting system, which is the primary route for citizens to influence decision making, has a number of weaknesses that produce significant inequalities and deficits of representation. The first-past-the-post (FPTP) voting system results in many people's votes – outside of marginal constituencies – having little to no impact on the outcome of an election, while the votes of others in battleground constituencies have a disproportionately high influence.[5] Analysis from past elections has suggested that voters in some constituencies wield more than 30 times as much power as those in others.[6] When elections are typically won or lost in the fight for 'Mondeo Man', 'Worcester Woman' or the 'Red Wall', the voices and interests of others often go unheard or ignored.[7]

Even if the electoral system were to result in the consistent and meaningful representation of all citizens in parliament, the two-party duopoly that FPTP creates provides little opportunity for citizens to express their policy preferences in a meaningful sense:

> [I]n 2019 the Green Party won 866,000 votes and received one seat whereas the Conservative and Labour parties won a seat for every 38,000 and 51,000 votes respectively. In 2015 the UK Independence Party received 12.6% of the vote (3.8 million votes) yet won just a single seat in parliament. If a voter feels greatest affinity with one of the smaller parties, it is hard for them to ensure their views are represented in parliament.[8]

Voters are left with little choice at the ballot box if they want their vote to hold sway over the outcome, and elections for many become reduced to choosing between two equally unpalatable menus. While politicians may claim a mandate to enact their manifesto following an election, the extent to which there is genuine public support for implementing all of a government's policies is highly questionable.

Indeed, FPTP also often results in an executive formed by a party that has not won a majority of votes. In fact, "more often than not the UK government does not command the support of the majority of voters", but by controlling parliament, "major changes and policies can be implemented without the support of most of the population".[9] The voting system, therefore, creates significant inequalities of power and influence between different groups of voters, while also handing significant power to governments, and political parties, that rarely command a majority of support.

One of the strengths of the current voting system is said to be the connection it creates between constituents and their elected member of parliament (MP), but in practice, the extent to which MPs engage with their constituents is extremely variable and there are few requirements or accountability mechanisms that citizens can call on to ensure their representative does a good job of representing them. This has entered the news recently, with the parliamentary standards commissioner reported to have ruled that "there is no specific 'service standard' or exact job description for MPs, or a minimum number of hours of attendance required by the House", in response to complaints about Nadine Dorries' absence from parliament.[10]

While in theory an MP who fails to engage or represent their constituents may be voted out at the next election, the voting system makes this extremely unlikely in 'safe' constituencies, creating limited accountability and little incentive for genuine engagement.[11] The right to recall an MP – established by the Recall of MPs Act 2015 – is an important new accountability mechanism that citizens can use to trigger a by-election where their MP is found guilty of wrongdoing. However, citizens cannot start this process themselves, but require parliament to initiate proceedings.

The voting and political party systems also do not create very representative outcomes in terms of the descriptive representation – the social make-up – of parliament or the government. MPs may be representatives in name, but they are not particularly representative in nature, and the cabinet table is typically even worse.[12] While the demographics of parliament are becoming more representative of wider society in some important respects, in others they have worsened, and there are still significant inequalities of representation across many demographics. Only 35% of MPs are female, compared with 51% of the population. Although representation of ethnic minorities has improved significantly in the past decade, they remain under-represented in parliament, at 10% of all MPs compared with 14% of the population.[13] The situation is much worse when it comes to social class. Politics is dominated by people with private school and university education, professional class occupations and political backgrounds.[14] People from working-class backgrounds, on the other hand, are much less well represented at the decision making table.[15] Again, this contributes to both many citizens' feeling a lack of representation and decision makers not having a good understanding of the lives of many in society.

This lack of descriptive representation might be less problematic if the views and values of working-class and marginalised citizens were still represented in parliament, but this is not the case. Research has found that the policy perspectives of people living in poverty are generally represented worse than those of the rich across different political systems, but also that "there is considerable variation in the effect of low income on policy congruence between political systems".[16] Of the 21 countries that were analysed, the UK was found to have some of the highest levels of political inequality in this respect, with the party system skewing more to the rich than in any other country and the difference between the policy preferences of citizens in poverty and the government being among the worst.[17]

Historically, a key route through which citizens have been able to influence decision making is via membership of political parties. However, political party membership is in long-term decline and members are increasingly unrepresentative of the public, and even party voters.[18] Yet, through internal party structures, these party members get a say in the choice of policies and selection of party leaders, wielding significant influence in the political system. This often means that politicians are incentivised to act on the views of their party members, which are not representative of the views of the wider public. When the influence of party donors is added to the mix,[19] the views of the wider electorate can become easily drowned out by internal party political influences and interests.

A more representative voting system could help to address some of these issues by:

- better aligning vote share to parliamentary seats

- enabling a greater diversity of political parties to enter parliament

- increasing meaningful choice for voters

- creating better incentives for political parties to reflect the preferences of a wider range of people.

But this only provides one touchpoint where the public can have a say. It is also important to explore opportunities between elections for increasing the representation and engagement of citizens in decision making. Over the past couple of decades there have been attempts to facilitate greater citizen participation in democracy through new participatory mechanisms, but, as the next section will explore, overall these have been piecemeal, ad hoc and of varying quality.

Beyond elections, there are few opportunities for citizens to meaningfully influence decision making

Activism, campaigning and popular mobilisation are some of the most impactful ways that the public can typically influence the political process.[20] Indeed, many of the rights and social protections (for example, universal suffrage, a five-day working week, anti-discrimination legislation and the right to roam) that people enjoy today have been hard won through protest and collective action putting pressure on the political system to reflect public views. However, in contrast with some other countries where these rights have higher constitutional protections, the rights to associate, assemble and express oneself are not well protected within the UK system as they can be relatively easily weakened or removed by a government with a majority in parliament. This has been the case recently with significant restrictions being placed on the right to protest through the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023. As a result, the Civicus Monitor has reclassified civic space in the UK as "obstructed", citing the "government's interference with protests and negative attitudes towards civil society [which] have serious and troubling implications for its liberal democracy standards and human rights norms".[21]

In a similar vein, judicial review – the right for anyone to challenge the exercise of power via the courts – is a vital accountability mechanism that allows citizens to defend their rights and challenge the misuse of state power. However, the government's recent reform of judicial review – although more modest than originally envisaged – is a worrying example of citizens' rights being weakened unilaterally.[22]

Within the formal political or policy making process, while some new direct and participatory democracy mechanisms have been created, there continue to be limited opportunities for citizens to shape the decisions that affect their lives in a meaningful sense.[23]

Referendums have been held on an ad hoc basis, but their constitutional position is poorly defined and citizens have little control over when or why they are called – instead, they fall to the whim of the government and their political interests.[24] While the precedent has been set for the use of referendums on some constitutional questions (for example, the electoral system and membership of the European Union), other important constitutional reforms (for example, the aforementioned restrictions to the right to protest, the Fixed-term Parliaments Act 2011 and House of Lords reform) have been made with no public engagement.

While the strength of referendums is the opportunity they provide for all citizens to express their opinion on an issue, their weaknesses include forcing a binary choice on often complex issues, capturing only a snapshot of public opinion at a specific moment in time and being prone to misinformation and dubious campaign tactics. This makes them a blunt tool, if not backed by strong regulation and supported by other forms of engagement.[25] The Citizens' Assembly on Democracy in the UK (discussed in more detail later) recommended "limiting the use of referendums primarily to major constitutional issues; holding referendums only where there is a choice between two clearly defined options; provision of unbiased and trusted information during any referendum campaign; [and] requiring a supermajority for results to be binding".[26]

The introduction of e-petitions in 2015 was a positive step towards providing the public with a simple, transparent and accessible route to raise issues with the government and parliament. This has seen significant engagement, with (at the time of writing) 45,824 petitions being submitted, accumulating more than 50 million signatories. However, more than three quarters (35,038) of these petitions have been rejected, with a much smaller proportion receiving a government response (799) or being debated in parliament (159).[27]

Research into the influence of e-petitions on politicians also presents a mixed picture. One study found that "when constituent opinion as expressed via an e-petition is strong, MPs are more likely to lend their voice to the articulation of that opinion in parliamentary debates",[28] but that this was highly conditional on the type of MP, with new MPs and MPs from marginal constituencies the most sensitive, whereas frontbench MPs were unaffected. Another study found "a degree of apathy – occasionally outright antipathy – on the part of parliament's political elites" towards e-petitions, with scepticism about the impact on policy making, concerns that they raise unreasonable expectations of policy change, and issues with the quality of democratic engagement and unequal access.[29] While petitions can be an effective way for citizens to get issues on to the parliamentary agenda, their effect on policy is typically marginal and their shortcomings mean that they should be just one part of a larger infrastructure for citizen engagement between elections. The Citizens' Assembly on Democracy in the UK recommended "improved public awareness of the petitions process; ensuring that debates on petitions in parliament lead to an actionable vote; requiring a minimum number of MPs to attend debates on petitions; [and] allowing petitions to demand either a citizens' assembly or a public inquiry".[30]

Participation directly in the policy making process is another route through which citizens can shape decisions that affect them. In the UK, public consultation is required by law in relation to some key issues (for example, health, environment and equalities) during the decision making process and a "doctrine of legitimate expectation" has become established in common law, which establishes some rights for consultees.[31] As will be explored later, there are many sophisticated approaches to engaging citizens in decision making, but public consultations are often fairly rudimentary and unengaging. There is a lack of research on the quality of public consultation, but anecdotally it often appears to be poor, late in the decision making process and done to fulfil the requirement, rather than to meaningfully engage citizens in decision making.[32] For many, consultation denotes frustration and cynicism, rather than meaningful engagement.[33]

The Freedom of Information Act 2000 has been an important tool for opening up government to the public and uncovering cases of poor decision making and wrongdoing. It establishes an important right for citizens to know what decision makers are doing on their behalf and provides a tool to scrutinise those who have a duty to serve the public interest. However, the practice of responding to freedom of information (FOI) requests has become increasingly poor in national government, particularly in recent years.[34] Ministers and civil servants are often seen and heard to treat the Act with disdain, rather than seeing it as a vital right and tool in our democracy.

While the majority of citizens have very little influence over the decisions that affect them, there are significant weaknesses in the UK system, which leave it open to disproportionate and/or undue influence by particular interest groups. A number of revelations in recent years have raised significant concerns about the privileged access of some to government and parliament. As Transparency International UK, the UK's leading independent anti-corruption organisation, identifies:

> At worst, this can lead to policy outcomes that only benefit the interest groups with the most resources, and risk millions, sometimes billions, of pounds of public money. The centrality of opaque lobbying in numerous recent political scandals shows the seriousness of this issue and the inadequacies of the current arrangements for regulating lobbying.[35]

Under the current system, citizens are largely excluded from having a meaningful say over the decisions that affect their lives, while some powerful interest groups receive preferential access and disproportionate influence. This simultaneously undermines public trust in the system, contributes to a real and perceived inequality and unfairness, and increases the risk that decisions are not taken in the wider public interest. This is not the fault of any individual politician or policy maker, but a systemic failure that must be addressed in order to improve how the UK is governed.

Citizens are frustrated and dissatisfied with the current system

Considering this context, it should not be surprising that the public are far from happy with how the current system is operating and what it is delivering. This situation is far from unique to the UK,[36] but no less pressing to resolve.

A majority of citizens think that their interests and views are poorly represented by the political system. Polling by YouGov found that only a very small proportion of people think parliament has done a good job in recent years of representing the interests and wishes of people like them (11%), understanding the daily lives of people like them (7%) and reflecting the full range of people and views of the British electorate (9%). On the other hand, the vast majority (81%) consider politicians to be out of touch.[37]

This reflects a general sentiment of cynicism towards politicians, their motivations and behaviour. Rather than helping other people, a vast majority of the public (71%) believe that politicians are in politics to help themselves.[38] Half of the population (52%) believe that, "in general, politicians tend to follow lower ethical standards than ordinary citizens", with only 5% believing that their ethical standards are higher.[39] Almost two thirds (63%) think that Britain's system of government is "rigged to advantage the rich and powerful".[40] And more than half of the population distrust the prime minister (61%) and the UK parliament (52%) to act in the best interests of people in the UK.[41]

On top of this, most citizens do not believe that their voice or participation will make a difference. In 2019, the Hansard Society found that almost half (47%) of the population believe that they have no influence at all over decision making, while only 1% and 14%, respectively, believe that they have either a great deal or some influence. The picture is only marginally better at a local level, where 25% feel they have at least some influence over decision making, but the overwhelming majority feel little (33%) or no (42%) influence.[42]

Perhaps unsurprisingly, therefore, levels of public trust in key political institutions is low. Data from the Office for National Statistics shows only a minority of people trust the government (35%), parliament (34%) and political parties (20%). Non-political institutions, on the other hand, such as the civil service and public service providers, maintain much higher levels of public trust.[43] Public views are somewhat split on the cause of the problem: 15% say that it is the system of government, while 29% say it is the people in power, but the largest proportion (38%) attribute it to both.[44]

All of this is driving a public desire for significant reform. The last edition of Hansard Society's *Audit of Political Engagement* found that a significant majority (72%) say the system of governing needs 'quite a lot' or 'a great deal' of improvement. In 2022, the Constitution Unit's 'Democracy in the UK after Brexit Project' found public support for a range of democratic reforms (discussed later)[45] and the British Social Attitudes survey, for the first time since it was first tracked in 1983, saw more people say they would like to change the voting system (51%) than keep it as it is (44%).[46]

Of course, many politicians work tirelessly to represent the interests of their constituents. But perceptions matter and this level of distrust and cynicism is corrosive to democracy and good government. In other contexts, it has been the first step in a sequence of autocratisation, resulting in the breakdown of democracy itself.[47] While democratic values continue to hold strong in the UK,[48] it is important not to be naive or complacent about the consequences of citizen discontent with the political system. The existing arrangement cannot meet the expectations of citizens today, nor deliver effective government in the face of complex intractable challenges.

Citizen participation is key to overcoming citizen discontent and ensuring good governance

Citizen participation in democracy – through a variety of representative, direct, participatory and deliberative mechanisms – is increasingly being recognised as vital to increasing levels of trust and ensuring good governance. A recent report from the Organisation for Economic Co-operation and Development (OECD) on building trust and reinforcing democracy illustrates this well. It states:

> The question is whether in a more representative, participatory and deliberative democracy, there can be evolution in the two-way relationship between everyday people and their governments. An increased role in policy making and in service design and delivery would involve a strengthened form of democracy that would not only be 'of the people, by the people, for the people' but also increasingly with the people. What is called for is a historical move towards a more diffused and shared conception of democratic governance, which also includes a more inclusive role for public institutions and officials tasked with ensuring that the policies and services they design and implement are more representative of society, at all levels of government.[49]

Public trust and citizen engagement are widely considered to be mutually reinforcing. Increased public trust means citizens are more likely to engage with institutions, while increased engagement means that institutions are more likely to perform well and be trusted.[50]

The OECD identifies a number of drivers of public trust, which it groups into two categories. The first is values, which it summarises as "the principles that inform and guide government action", including integrity, openness and fairness. The second is competence – the "ability of governments to deliver to citizens the services they need, at the quality level they expect", which includes a combination of responsiveness and reliability.[51]

Active citizen participation is important to both of these sets of drivers of public trust. On values, citizens can help increase the integrity and standards of behaviour by scrutinising decision making and incentivising political elites to act in the public

interest; the involvement of citizens in decision making demonstrates a commitment to the value of openness; and, where it involves those who are typically excluded, citizen participation has been found to contribute towards greater fairness in decision making.[52]

On competence, citizen participation also has a vital role to play. In general, a vibrant and active civil society has been found to have a number of benefits for government performance and societal outcomes, including contributing to faster economic growth, reduced inequality, lower corruption and increased access to high-quality public services.[53] The root of many policy failures and government blunders often appears to be a lack of proper scrutiny and deliberation, with big decisions made by small groups of people from similar backgrounds, ideas not tested in the real world, and any opposition either ignored or neutralised.[54] Citizen participation can help to address this by ensuring that there is a diversity of opinions in the decision making process, new sources of insights and knowledge are incorporated, and ideas are properly scrutinised and tested before they are implemented.

On this latter point, one of the strengths of democracy over other forms of government is its ability to facilitate collective intelligence[55] – whereby the knowledge and capacity of all in society can benefit how decisions are made and complex challenges addressed.[56] Indeed, history "reveals that collective intelligence, organised through broad and active citizen participation, can be a force to outcompete oligarchs and tyrants".[57]

The evidence of the value of democracy for achieving economic, environmental and social – as well as political – outcomes has been building over the past couple of decades. The V-Dem project's synthesis of the available evidence shows that democracy creates higher and more stable economic growth,[58] improved health outcomes,[59] more education,[60] greater empowerment for women,[61] higher climate-change mitigation efforts,[62] more interstate peace and less civil conflict,[63] more public goods and less corruption.[64]

The UK's system of government, however, is failing to realise the full potential of innovations in participatory and deliberative decision making to improve governance and overcome citizen discontent. As Geoff Mulgan, in *Big Mind: How Collective Intelligence Can Change our World*, asks:

> How could democracy be organised differently if it wanted to make the most of the ideas, expertise and needs of citizens?... [H]ow could a city administration, or national government, think more successfully about solving problems like traffic congestion, housing shortages, or crime, amplifying the capabilities of its people rather than dumbing them down?[65]

Examples from around the world illustrate how citizens could play a more active role in democracy

There is no precise blueprint to follow for increasing citizens' role in democracy, but there are lots of examples from across the globe that politicians and policy makers can draw on and use to inform the creation of a new relationship with citizens. No single country has the solution and all suffer from similar issues of democratic malaise, but through considering the innovations that each is trialling, it is possible to begin to piece together what a more robust and vibrant democracy could look like. It is important to remember that democracy is a socially constructed system, based on values and institutions that we collectively imagine and legitimise. And like any such system, it should be reviewed regularly to ensure that it is functioning as it should and delivering for those it is intended to serve. As Bernard Crick is said to have argued, "democracy has the bicycle-like quality that it needs to be advancing to work effectively".[66]

The uncodified nature of the UK constitution has weaknesses for protecting citizens' rights, but it creates ample opportunities for experimentation. While resolving the issues (described above) with the electoral system and the over-centralisation of where power lies requires significant constitutional change and may take some time to address, introducing mechanisms for greater public participation and accountability are much easier to achieve for policy makers in the here and now.

A first step towards tackling citizen discontent and renewing democracy could be to involve citizens in reviewing the constitution itself. It is important that the 'rules of the game' by which our democracy functions work in the public interest, and are decided outside of party political and other vested interests. But currently, constitutional change is driven by the party of the government of the day and their (often narrow) interests.[67] The constitution is most likely to serve citizens if it is defined and revised by them, rather than other vested interests.

The case for public involvement in constitutional issues has been recognised elsewhere. In many democracies, including Australia, Denmark, Ireland, Japan and Switzerland, proposals for constitutional change must be approved in referendums.[68] In recent decades, where countries have established new constitutions, citizens have played a key role. For example, in South Africa, in 1995, President Nelson Mandela led a large-scale constitution making process to involve the public in drafting the new constitution.[69] Similar processes involving the public in constitution making have taken place in Brazil (1987), Kenya (2010), Iceland (2011), Egypt (2012) and Zimbabwe (2013).[70]

Taking the example of Ireland, a public referendum is required for constitutional changes to be made, enshrining citizens' role in constitution making. However, while positive in giving citizens control over how they are governed, this requirement presented its own challenges in making some constitutional reforms involving contentious social issues – for example, marriage equality, abortion and gender equality

– difficult to address. This led to a further innovation in 2013, when the Irish Houses of the Oireachtas held a citizens' assembly – where a representative group of citizens came together to deliberate and make recommendations – on a number of constitutional issues, including equal marriage. This helped to inform the proposal that subsequently went to a referendum and a similar process has since been used on a number of other issues.[71] Further afield, in 2017, Mongolia passed a law requiring that a deliberative poll – an intensive dialogue and polling methodology with a representative sample of the population – must be run on any proposed amendment to the country's constitution.[72]

Here in the UK, in autumn 2021, the Constitution Unit and Involve held a citizens' assembly to address the question: "How should democracy in the UK work?" The assembly, made up of 67 citizens selected via random stratified sampling, met over six weekends to learn, deliberate and make recommendations on democratic reforms. Although not officially sponsored by government or parliament, the results help illustrate how a group of citizens from different walks of life, when given access to information and experts and time to deliberate, would want the UK's democratic system to function. Five of its resolutions – all approved by the vast majority of its members – relate to an enhanced role for the public in the system:

1. "We believe that the UK public as a whole has to become more engaged with the existing opportunities to influence our representative system (voting, contacting MPs, supporting/joining political parties or campaign groups etc) but we don't think that will happen unless people have more reason to believe that they can make a difference." (98% support)

2. "We believe that a good democracy in the UK needs voters who are engaged, well informed and able to consider other points of view and opposing arguments in a constructive way." (97% support)

3. "We believe that petitions are an important way for the public to influence government policy and what is debated in parliament, and that the use of petitions should be extended." (83% support)

4. "We believe that referendums are an important tool for direct democracy that can add to a good democracy in the UK by handing important decisions back to the people." (83% support)

5. "We believe that deliberative processes like citizens' assemblies should be used more often by governments and parliaments throughout the UK to understand the views of the public." (90% support)[73]

To help enhance citizen participation in decision making, stronger legal requirements could be introduced to provide citizens with enhanced rights. The Kenyan constitution, for example, "places the citizens at the centre of development and related governance processes; it provides for public participation as one of the principles and values of governance".[74] Similarly, a significant number of other countries have a legal mandate

for participatory rule making.[75] Parliament could require that any new legislation that comes before it should be accompanied by a citizen participation report, setting out in detail how citizens have been involved and their views taken into account in the development of a bill.

Legal mandates are worth little, however, if they are not enforced and supported, and many countries suffer from an implementation gap where the words on paper are not borne out in practice. Alongside the potential of introducing enhanced legal requirements, therefore, it is also important to consider the supporting institutions, procedures and culture changes that are required. New Zealand's Public Service Act 2020, for example, makes it a legal duty on the chief executives of government departments to "foster a culture of open government".[76] While in Spain, all public servants must pass an exam that includes open government as a topic. As a result, every civil servant who has joined in the past 10 years has studied open government and there are regular courses on open government in the National Institute of Public Administration.[77] France has introduced an Interdepartmental Centre for Citizen Participation, which "offers strategic and methodological support to ministries and state services that wish to involve citizens in the development of public policies".[78]

Some countries are reforming existing institutions to make them more participatory. France has recently reformed its Economic, Social and Environmental Council – a constitutional consultative assembly – to have an increased mandate to engage citizens.[79] Previously, the chamber acted as a consultative body made up of trade unions, companies, associations and environmental organisations. The reforms – although falling short of the "chamber of citizen participation" initially envisioned – insert public participation into its mandate and mechanisms.

Other countries are creating new participatory mechanisms to involve citizens in decision making. Recently, Brazil has introduced a participatory national planning process that – through a combination of in-person and online engagement – will enable Brazilians to help set the goals and objectives for Brazil over the next four years.[80] This process is the starting point for a national participatory budgeting process, where citizens are able to designate a portion of the national budget, building on similar national processes that have taken place in Portugal and South Korea. Participatory budgeting (PB) has a long history around the globe, including in the UK, and there are currently thousands of PB processes taking place at different levels of government, from parish and community councils, to global cities like New York and Paris.[81] In Scotland in 2017, the government introduced a mandate that at least 1% of local government budgets should be allocated by citizens through participatory budgeting.[82]

A large number of countries are experimenting with the use of citizens' assemblies, and other fora, for public deliberation, and there have already been a number of such experiments in the UK. The UK parliament has held two citizens' assemblies to date, on social care reform[83] and achieving net zero;[84] the Scottish government has similarly held two citizens' assemblies on the future of Scotland[85] and tackling climate change;[86]

and a large number of local councils have held assemblies on a wide range of topics, from addressing congestion to overcoming hate crime.[87] This form of deliberative public engagement offers the potential to address complex and challenging issues in an informed and non-adversarial way – helping decision makers to move issues out of the 'too-difficult box'. The Citizens' Assembly on Democracy in the UK (previously mentioned) recommended that "deliberative processes should be held on important but divisive issues, on new proposals that were not in the government's manifesto, and to help understand local perspectives".[88]

There are increasing demands for such mechanisms to be made permanent or even replace existing chambers, such as the House of Lords. While there are no cases yet of citizens' assemblies being made permanent at a national level, a number of local governments – including Brussels, East Belgium and Paris – have established permanent citizens' assemblies within their governance structures.[89]

Of course, not all democratic innovations to be learned from and built upon are new. In 1995, the French government introduced a system of public debate on environmental and infrastructure decisions, supported by a new institution called the National Commission for Public Debate (CNDP). Over subsequent years and reforms, the powers and competences of CNDP were increased to establish it as an independent administrative authority that ensures the right to information and participation on any project of national interest that has a significant impact on the environment or land-use planning. As of 2020, CNDP had organised 101 public debates and guaranteed 296 consultations on environmental and infrastructure projects.[90]

Here in the UK, in response to a public backlash against scientific innovations – such as genetically modified foods – at the turn of the millennium, the government created a programme in 2004 to support public dialogue on new and emerging science and technology innovations. The Sciencewise programme supports government bodies to commission public dialogues by providing a combination of 50% co-funding, expert advice and guidance. More than 50 dialogues have been supported in the years since, informing regulation, funding frameworks and policy on a wide range of technologies, including artificial intelligence, genomic medicine, geo-engineering and stem-cell research.[91] Such a programme could be scaled up to support participatory and deliberative engagement across all government policy making.

Online participatory mechanisms offer a wealth of opportunities for involving citizens in the governance process. In Estonia, following a political financing scandal, a people's assembly process was held in 2014 to make recommendations for democratic reform. One of the reforms that emerged was a collective petitioning right – 'Rahvaalgatus'.[92] The Rahvaalgatus.ee portal enables citizens to write proposals, hold discussions and compose and send digitally signed collective addresses to the Estonian parliament (Riigikogu) and local government. Citizens can submit a proposal on how to amend existing regulations or improve society, which needs at least 1,000 signatures in support by Estonian citizens over 16 years old. The Rahvaalgatus.ee platform allows

citizens to track their proposal and see whether it will become a draft act or how the institution decides to solve the relevant problem.[93] However, reform has not stopped there – now, a number of government ministries are working together with civil society to co-create a government-wide tool for legislative drafting and co-creation that will enable citizens to participate in different stages of the law making process. Once the tool is ready, it will combine at least three websites (including Rahvaalgatus.ee), creating a one-stop shop for citizens to engage with law making. Government agencies will be required to use it for all policy making, enabling citizens to follow the entire lifecycle of policy making, complete with edit history, records of meetings with and input from interest groups, and reasoned response.[94]

Collaboration between governments and civil society to develop democratic innovations is a common story. In Taiwan, following the 2014 Sunflower Movement protests, the minister without portfolio, Jaclyn Tsai, asked digital hacktivists – g0v.tw – to "create a platform for rational discussion and deliberation of policy issues that the entire nation could participate in".[95] The volunteers subsequently created vTaiwan – "an open consultation process for the entire society to engage in rational discussion on national issues",[96] which uses a combination of surveys, online deliberation and face-to-face dialogue to involve citizens in law making. The Taiwanese government has used vTaiwan to "address thirty issues, including online alcohol sales (2016), UberX regulation (2016), and policies encouraging a 'sharing economy' (2018)", with the government reported to have "executed over 80 percent of vTaiwan's proposals".[97]

This is just a taste – there are many more examples and possibilities for integrating public participation into policy and decision making in a sophisticated way. The challenge in the UK is to move beyond one-off participatory and deliberative processes – of which there have been many – to embed mechanisms, resources and capabilities for citizen participation across government and parliament, and shift cultures and attitudes to the role that citizens can play. Experience has shown that it is not citizens' capabilities that challenge their involvement – they are highly capable – but the willingness and ability of existing institutions and actors to integrate public views.

Conclusion

Public trust in and satisfaction with the political system allows the system to function – without them, political and societal fractures will result. Yet the UK finds itself in a worrying position, with levels of trust and satisfaction at dangerously low levels. This public discontent is understandable considering the extent to which citizens are excluded from decision making, while other interests often seem to have privileged access. What is outlined in this paper may seem radical to some – for others it will be too modest – but it is already being practised in pockets around the world.

The UK's uncodified constitution creates the opportunity to experiment, testing out new approaches to governance and reimagining the relationship between citizens and the state. Democratic innovations, such as those discussed in this paper, have different qualities and democratic goods, and there is no single mechanism or tool to rule them all. It is also critically important that any public participation is designed in a well-thought-out way so that it does not further disadvantage those who are already marginalised in society or further undermine trust in government. But there is a significant prize to be claimed in improved citizen trust and better governance by creating a more sophisticated infrastructure for citizen participation in democracy. Citizens are demanding a new relationship with their governments – it is time for politicians and policy makers to take notice.

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