8 Conclusion

Claudia Chwalisz

This chapter includes an overview of the report and its key findings, acknowledges the limitations of the data, and provides key recommendations to public decision makers for improving how deliberative processes are initiated, designed, run, communicated, monitored, evaluated, and institutionalised. It presents reflections on further areas of study.

Purpose of this study and the main findings

This is the first international empirical comparative study of representative deliberative processes[1] for public decision making of this breadth and depth. A great deal of research and theoretical thinking has been developed and deserves to be recognised – with seminal works by Pateman (1970); Mansbridge (1983); Fung (2003), Smith (2009); Elstub and Escobar (2019), among others. Yet, much of it has focused on individual examples, experiments, and small-N comparative studies, often limited in geographic scope. The goal of this large-scale study is to better understand how deliberative processes have been used by public authorities around the world, identify good practice principles, and explore how they have been institutionalised thus far.

In analysing the international evidence collected, three core defining features were revealed as being of key importance, a fact also reflected in the work of a number of scholars in the field. These were thus the three criteria required to be included in this study.

First, cases had to involve deliberation. This includes: weighing carefully different options, which requires accurate and relevant information and a diversity of perspectives; a shared evaluative framework for reaching decisions, and a requirement for participants to apply these shared criteria to weigh trade-offs and find common ground to reach a group decision (see, for example, Matthew, 1999; Carson, 2017; Bone *et al*., 2006). As deliberation requires time, this element was operationalised as a minimum of one full day of face-to-face meetings.

Second, participants involved in deliberative processes had to be representative of a wide cross-section of society. In all of the cases, this representativeness was achieved through random selection (sortition) and demographic stratification (a process that ensures that the group broadly matches the demographic profile of the community against census data or other similar data).

Finally, the process had to have policy-making impact, meaning that it was initiated by a public authority and decision makers agreed to respond to or act on recommendations (see, for example, Farrell *et al*., 2019; Carson and Elstub, 2019).

After an extensive data collection from all levels of government (see Annex B), 289 relevant cases were identified (282 of which are from OECD countries) that include 763 individual juries or panels (755 of which are from OECD countries). All of them met all three criteria for inclusion.

A few findings were unexpected. There were more cases than anticipated at the outset. Many examples have become well-known and are commonly cited, but these turned out to be only a portion of a much larger and very diverse field of practice. The data analysis revealed that there are four types of purpose for deliberative processes[2], and 12 distinct models (see Chapter 2)[3]. Each has different characteristics, and it confirmed the hypothesis that there is no one-size-fits all approach to designing deliberative processes For public authorities, it is therefore important to know how to choose a model depending on the issue, complexity, context, and other factors. There is also plenty of room to experiment and evolve current methods, although this is best done when respecting good practice principles (see Chapter 5). In some jurisdictions, such as Australia, the UK, and Scotland, the promotion of deliberative techniques is an integral part of a broader open government reform agenda.

Although this report only includes examples that were commissioned by public authorities, the research revealed that representative deliberative processes were first developed by academics and civil society organisations (CSOs), and only later picked up by governments. For example, Citizens' Juries/Panels were developed by Ned Crosby and the Jefferson Center in 1971 in the United States, the Planning Cell by Peter Christian Dienel at the University of Wuppertal in 1970s in Germany, and the Deliberative Poll by James Fishkin at Stanford University in 1988. However, the more recent, institutionalised examples, such as the Ostbelgien Model and the City Observatory, show that public authorities have since joined the forces

with academia and CSOs. They are now at the forefront of innovating and developing new models of deliberative processes.

The data collection had no geographic restrictions. The OECD searched for representative deliberative processes that took place globally, not limited to OECD Member countries. However, the vast majority of cases that matched the criteria for inclusion came from the Global West, and hence almost entirely OECD Member countries. The deliberative practices in other regions often featured some, but not all, of the three criteria, and there is thus an overview about them in Chapter 7 to recognise that other interesting practices are happening elsewhere.

The data showed that many public authorities who had convened one deliberative process then continued to convene others, demonstrating that they found value in informed citizen recommendations. This is part of the explanation for the high number of cases in certain countries.

Other findings from the empirical evidence were in line with the authors' expectations. The "deliberative wave" has been building for a long time. The earliest cases to meet all three inclusion criteria (representativeness, deliberation, and impact) are from 1986, to the best of the authors' knowledge. Since 2010, a second and bigger wave has been gaining momentum. There is preliminary data to suggest that perhaps 2019 was the beginning of a third and even larger wave. There was a significant upsurge of examples at this time, and the data in this study does not even include processes that were ongoing but not yet completed at the cut-off date for data collection of October 2019. Twenty-five deliberative processes in this report were completed in 2019, but OECD estimates suggest that a further 30-40 processes were ongoing or announced after October.

This was one of the key reasons for focusing narrowly on representative deliberative processes for this report. More and more of these practices are taking place, but the international comparative evidence was missing to better understand how they work, as were the principles of good practice that such evidence revealed should underpin them to ensure useful results for public authorities and citizen confidence. As discussed in previous chapters, representative deliberative processes are only one of many ways that Adherents to the OECD Recommendation on Open Government (2017) can implement provisions 8 and 9 regarding citizen participation[4]. They are also not a silver bullet solution for strengthening representative democracy, but one part of a bigger picture.

Moreover, the data confirmed that the range of policy issues addressed using representative deliberative processes has been wide and increasing (see Chapter 3). The issues that are tackled most often are those that have a direct impact on citizens' everyday lives and those to which citizens can easily contribute their personal opinions and experiences: urban planning and health. Local and regional/state level processes are commonly concerned with urban and strategic planning, infrastructure, and health questions. National and international ones are most often about environment and technology policy issues.

However, when deciding whether a representative deliberative process could help to better solve a public problem, a better way to evaluate the appropriateness of citizen deliberation is in terms of which types of problems are well-suited to being addressed through deliberative processes. These tend to be value-driven policy dilemmas, complex problems that require trade-offs, and long-term issues that go beyond short-term incentives. They are also particularly useful for addressing problems blocked by political deadlock. It is just as important to be clear about where deliberative techniques are not useful (see Chapter 1).

Good practice examples were found at all levels of government, although half (52%) of all cases in this study were from the local level. It demonstrates that citizens are capable of addressing a great variety of complex issues at any level of government. At the moment, international-level deliberative processes are more relevant than ever as societies across the globe face collective problems that are value-driven, long-term, and complex.

Finally, the research highlights that the vast majority of representative deliberative processes have been one-off, initiated due to the political will of the elected representatives or civil servants. There are few

examples of institutionalised deliberative processes – meaning ones that are legally embedded and supported by social norms to ensure continuity regardless of political change (see Chapter 6).

Three different routes to institutionalisation were identified based on the data: 1) establishing permanent or ongoing deliberative processes (such as the agenda-setting council in Ostbelgien); 2) establishing requirements for deliberative processes to be organised under certain conditions (such as before a referendum or ballot measure), and 3) creating rules to allow citizens to demand a deliberative process on a specific issue (if they gather enough signatures, for instance). Collaborative work with an international advisory group of practitioners in government, civil society, and academics shaped the reflections on the requirements, obstacles, and strategies to institutionalisation, such as support of elected representatives, civil servants, the public, and the media, as well as legal/regulatory changes required, sufficient capacity in the civil service and civil society, and sufficient funding.

Limitations of the data

The data in this report is a repository of as many cases as could be possibly identified by the OECD Secretariat and that fit the minimum criteria of inclusion during the data collection period of March-October 2019. It is possible, and even likely, that the database is missing some valid cases that had taken place before the cut-off date. This is due to ignorance rather than a desire to exclude any particular example. It is recognised that there is some bias towards cases in Anglophone and Francophone countries, although efforts have been made to increase the reach of our research beyond them. Omissions due to language barriers are probable.

Proposals for action

Based on the extensive international data collected for this report, numerous good practices for improving how representative deliberative processes are initiated, designed, run, communicated, monitored, evaluated, and institutionalised can be identified:

1. **Public authorities should follow the Good Practice Principles for Deliberative Processes for Public Decision Making (hereafter, the "good practice principles", see Chapter 5)[5].**

All good practice principles are required to achieve high-quality representative deliberative processes that result in useful recommendations for the commissioning public authorities and a meaningful opportunity for citizens to participate in shaping public decisions. They are intentionally concise as these are overarching principles, which can then be implemented in different ways depending on the context. They are intended to be the starting point for public decision makers wishing to commission deliberative processes and for practitioners wishing to design and organise them. They should also be used as the basis for monitoring and evaluation. The principles are summarised as follows:

- The task should be clearly defined as a question that is linked to a public problem.
- The commissioning authority should publicly commit to responding to or acting on recommendations in a timely manner and should monitor and regularly report on the progress of their implementation.
- Anyone should be able to easily find the following information about the process: its purpose; design; methodology; recruitment details; experts; recommendations; the authority's response; and implementation follow-up. Better public communication should increase opportunities for public learning and encourage greater participation.

- Participants should be a microcosm of the general public. This can be achieved through random sampling from which a representative selection is made to ensure the group matches the community's demographic profile.

- Efforts should be made to ensure inclusiveness, such as through remuneration, covering expenses, and/or providing/paying for childcare or eldercare.

- Participants should have access to a wide range of accurate, relevant, and accessible evidence and expertise, and have the ability to request additional information.

- Group deliberation entails finding common ground; this requires careful and active listening, weighing and considering multiple perspectives, every participant having an opportunity to speak, a mix of formats, and skilled facilitation.

- For high-quality processes that result in informed recommendations, participants should meet for at least four full days in person, as deliberation requires adequate time for participants to learn, weigh evidence, and develop collective recommendations.

- To help ensure the integrity of the process, it should be run by an arm's length co-ordinating team.

- There should be respect for participants' privacy to protect them from unwanted attention and preserve their independence.

- Deliberative processes should be evaluated against these principles to ensure learning, help improve future practice, and understand impact.

2. **Representative deliberative processes for public decision making should be used together with other participation methods as part of a broader public participation strategy.**

Deliberative processes involve a component of broader stakeholder participation, such as public surveys, public consultations, town hall meetings, and roundtable discussions (see Chapter 4). The combination needs to be designed in a sequenced way where it is clear how the surveys, consultations, town hall meetings, or roundtable discussions feed into the deliberative process. Often this means that stakeholder participation takes place at the beginning and its outputs become part of the evidence base for the representative group of participants in the deliberative process. For instance, there is usually an open call for submissions of evidence from stakeholders, which can include businesses, academics, advocacy groups, trade unions, and other actors. Sometimes there are public meetings or roundtables in between sessions of the deliberative process, where the participants themselves lead the discussions with the public. Such methods extend participation to the broader public and allow community inputs to inform the citizen deliberations.

3. **Information about the representative deliberative process should be transparent and made available to the public.**

The data collection for this report highlighted that in many cases, it is difficult to find important information about the deliberative process. It should be easy for citizens and the media to find information regarding the purpose, design, methodology, and details about how people were recruited, which experts participants heard from, how the experts were chosen, and how the citizens' recommendations were developed (for example, whether they were written in the words of participants). This has an impact on people's confidence in and their perceptions of the legitimacy of the process. It is also necessary for the media's ability to cover it accurately.

4. **Better public communication should be leveraged to increase opportunities for public learning, to inform the public about the process, evidence presented, outcomes, and implementation, and to encourage greater citizen participation.**

With effective public communication, a representative deliberative process can be a mechanism for the broader public to learn about an issue and encourage a wider debate (see Chapter 4). Public authorities should also ensure to close the 'feedback loop' to maintain the relationship with citizens in between one-

off deliberative processes. Once the citizens' final recommendations are delivered to the public authority, it is the authority's responsibility to respond and to explain the rationale for accepting or rejecting any proposals.

Updating the participants and the wider public about how the recommendations from the deliberative process are being implemented helps to foster a relationship between citizens and public institutions, with the potential to impact positively on trust in both directions. Demonstrating to citizens that when they participate, their proposals are taken seriously and it is worth their time can also help to encourage greater citizen participation in other forms and on other policy issues.

5. **The appropriate legal and/or regulatory changes should be enacted to support the institutionalisation of representative deliberative processes for public decision making.**

Governments should consider drafting pieces of legislation or regulations that introduce a requirement for a deliberative process under certain conditions (such as before a public decision is taken regarding long-term projects that cost a certain amount or have a significant impact on people's lives), and to allow citizens to initiate a deliberative process if they gather enough signatures (see Chapter 6). For accountability, there should be a provision that states that above a certain threshold, public decision makers are not able to ignore the petition. The level(s) of government at which the legislative and/or regulatory changes are required is an aspect to consider. Changes may be required at multiple levels. Where legal or regulatory changes enacted, they should be explicitly linked to clear standards and principals to avoid diluting the quality of deliberation.

6. **Beyond legal changes to establish rules or requirements for public deliberation, there are additional legal support issues that need to be addressed to make organising deliberative processes easier, less costly, and to result in a better outcomes.**

The rules across OECD countries, as well as within different countries across levels of government, differ in regards to access to databases in order to carry out a random selection process, like a civic lottery, well. Legislation and regulation should be adapted so that the most complete databases that exist can be used for the random selection procedure to ensure that the largest number of people possible have a fair chance of being selected to participate at the outset. These should be considered in light of overarching personal data protection rules, such as the European Union's General Data Protection Regulation (GDPR).

7. **A next step would be for employers to provide paid leave to participate in a deliberative process, as is the case with criminal juries.**

If citizens' time and inputs into policy making are valued, then sit is important to compensate their time and ensure inclusivity. Providing paid leave to participate in a deliberative process would help ensure the implementation of the Good Practice Principle of inclusiveness (see Chapter 6)[6]. It would also demonstrate the seriousness and importance of citizen involvement in policy making, and would encourage citizens to participate as a way of fulfilling their civic responsibility as democratic citizens of a community. To ensure inclusivity, provision should also be made to support the unwaged, including accommodating people with special needs.

8. **For institutionalisation to be possible, public authorities should invest to ensure sufficient capacity in the civil service and civil society to commission and deliver representative deliberative processes, as well as sufficient funding.**

Governments could either establish an office permanently in charge of deliberative processes (such as a "Centre of Excellence on Deliberative Democracy") or an office with a broader remit that could also focus on deliberative processes (such as the Open Government office or a "Centre of Excellence on Deliberative and Participatory Democracy").

Such a centre could be funded by government, but at arm's length to stay unbiased and trustworthy. Examples of similar institutions that exist are the French National Commission for Public Debate (Box 6.15)

or the UK What Works Centres (Box 6.16). Professional staffing might be by civil service employees or universally respected and impartial civil society organisations (CSOs) or universities under government contract. The remits of such an office could be:

- **Setting standards of good practice for deliberative processes for public decision making that are adapted to the context.** This is important to avoid corruption or manipulation of the procedures. Having an office or agency with the priority of maintaining the integrity of the process can enhance its legitimacy and trustworthiness. Documented good practices and professional staff allow the process to remain impartial and independent of partisan politics;

- **Advising decision makers** who are considering the uses of citizen deliberation in their work;

- **Building knowledge in the government and public institutions more broadly by training civil servants to be smart commissioners and neutral hosts.** There needs to be a clear delineation of functions: those who initiate the process; those who organise and run it, and those who supervise it;

- **Independent monitoring and evaluation of ongoing deliberative processes and their impact to ensure that collective learning ensues** (for example, about which processes do and do not work well in particular contexts). It is also important for being able to measure the impact: of the recommendations on policy changes; on the public's trust in their fellow citizens and in government; of participation on the attitudes and behaviour of the participants themselves. Monitoring and evaluation helps to build credibility and citizen trust in a deliberative processes and the commissioning authority. It is recommended that the evaluation should be carried out by a neutral actor with expertise in deliberative democracy to instil confidence in the findings;

- **Managing a budget dedicated to funding deliberative processes**;

- **Investment in the skills and capabilities of civil society organisations** that could be capable of organising, running, and facilitating a deliberative process, since institutionalisation implies a greater need for more operators; and

- **Regularly reporting findings from representative deliberative processes to government and parliaments** to ensure the cumulative benefit of deliberative processes are related to the parliamentary or government cycles.

Reflections for future study

This report has provided a foundation for future comparative international study of deliberative processes for public decision making. However, in many ways it has only begun to scratch the surface. The data collection, while extensive, also revealed that there is a great deal of missing data. The OECD tried to collect information about each case pertaining to 60 variables (see Annex B); however, it was not possible to find information to fill every data point for every case. The open access database available with this report should provide a basis for other researchers to build on it further and hopefully shed light on the aspects of deliberative processes that are less accessible.

Moreover, this report did not cover everything, nor did it attempt to. For instance, future research could explore how citizen deliberation through digital participation tools differs from in-person deliberative processes. At the time of writing in early 2020, the COVID-19 pandemic had just erupted, raising new questions about how representative deliberative processes could be supported through digital tools. It is the beginning of a new period of experimentation, where announced or in-progress representative deliberative processes like Citizens' Assemblies are being adapted to this context.

Before the pandemic, there was already a great deal of experimentation occurring with online group deliberation, though most of it traditionally relied on text-based interactions. Group deliberation, which entails weighing evidence and long discussions with an aim of finding common ground, is underpinned by

trust between people. Most research suggests that trust can only be built in person and with time (Green, 2007). Online platforms, particularly those that rely on text-based exchanges, are certainly useful for many reasons, but they are not necessarily deliberative.

Recent experiments to conduct deliberative processes via video, where participants can see facial expressions and hear tone of voice, suggest a promising avenue. They also come with a new set of challenges to do with digital access and skills. Virtual reality experiments have not yet been tested, but could be in the future as well.

A better understanding of how online citizen deliberation differs from in-person deliberation, how online deliberation via text-based platforms differs to video-based platforms, the trade-offs involved, and the situations in which one option might be preferable to another would be useful. Such research would also help Adherents to the Recommendation of the Council on Open Government (2017) to implement the element of provision 9 that pertains to seizing opportunities provided by digital tools for stakeholder participation. The OECD is exploring how digital tools can help support representative deliberative processes, as well as their limits, in a series of articles on its online platform Participo (see https://medium.com/participo/digitalfordeliberation/).

A better understanding of impact is also needed. While it was relatively easy to find information regarding public authorities' responses to citizens' recommendations, it was extremely difficult to find information about their implementation. This is for numerous reasons, including the fact that often implementation takes time and this can happen months, if not years, after the process comes to an end. The limited evidence in this report suggests that most of the time public authorities implement the majority of citizens' recommendations. There is not enough data to make this claim robustly, however, and further research is required.

Furthermore, research that links the outcomes of these processes to citizens' perceptions of their trust, fairness, and effectiveness is also lacking. Another way of considering impact would be whether a public body uses deliberative processes again to address another policy issue, and whether they institutionalise a process. Something much harder to measure, but equally important in terms of impact, is the broader cultural change discussed in Chapter 6 on institutionalisation; social norms are also needed for new democratic institutions to take hold.

In a similar vein, a framework for evaluating deliberative processes could be useful for governments, practitioners, and civil society organisations. Not enough evaluation is currently taking place to learn from ongoing processes – both in terms of their design and impact. The two are related. At the moment, researchers in different places are using different evaluation questionnaires and methods. Developing a standardised approach to evaluating deliberative processes for public decision making would avoid the need of starting from scratch every time, and would also lead to a pool of comparative international data that could be used for further analysis. The OECD will be developing such an evaluation framework for representative deliberative processes.

Finally, the chapter on institutionalising deliberative processes can be seen as a starting point for more creative reflections on how to embed citizen deliberation into public decision-making procedures and institutions. This report only explored the routes to institutionalisation that have taken place so far, with few examples. Discussions with the members of the international advisory group of practitioners in government, civil society, and academics that informed that chapter, however, pointed to numerous other possibilities that are yet to be tried. The OECD is exploring other democratic reform options that embed random selection (sortition) and deliberation in a forthcoming working paper.

More experiments with institutionalised forms of citizen deliberation are necessary. These will need to be monitored and evaluated to understand what works and what does not, and how institutional designs could be adapted to achieve their aims. The evidence in this report suggests that citizens are very willing to give up large amounts of their time if the purpose is clear and important, and that their contributions help lead

to better policy outcomes. Institutionalisation is about creating ongoing opportunities for informed citizen inputs to become a 'normal' part of the way public decisions are taken. The questions of why and how to institutionalise are highly salient as they touch on the more fundamental transformations that are happening to renew democratic institutions in ways that strengthen representative democracy and involve citizens more meaningfully in shaping public decisions.

Notes

[1] Throughout this report, deliberative process has been used interchangeably as a shorthand for representative deliberative processes.

[2] The four types of purpose: (1) informed citizen recommendations on policy questions; (2) citizen opinion on policy questions; (3) informed citizen evaluation of ballot measures, and (4) permanent deliberative models.

[3] The twelve models are: Citizens' Assembly; Citizens' Jury/Panel; Consensus Conference; Planning Cell; G1000; Citizens' Council; Citizens' Dialogues; Deliberative Poll/Survey; World Wide Views; Citizens' Initiative Review; the Ostbelgien Model; and the City Observatory.

[4] Provisions 8 and 9 of the 2017 OECD Recommendation of the Council on Open Government provide, with respect to citizen participation in government, that Adherents should:

> "8. grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy-cycle […]"; and

> "9. promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions[…]".

[5] In addition to the comparative empirical evidence gathered by the OECD and from which they were drawn, the Good Practice Principles also benefitted from collaboration with an international group of leading practitioners from government, civil society, and academics who are members of the OECD's Innovative Citizen Participation Network (an international network of practitioners, designers, academics, researchers, civil servants, and curators who are engaged in the OECD's area of work on innovative citizen participation) and of the Democracy R&D Network (an international network of organisations, associations, and individuals who are organising, implementing, studying, and advocating for deliberative activities). The Good Practice Principles were also shared for comments and discussion through a public consultation from 29 February – 20 March 2020. The OECD response to the consultation was published on 20 May 2020 and is available at oe.cd/innovative-citizen-participation.

[6] Principle 6 on inclusiveness states: "Efforts should be made to actively include a wide cross-section of society. Participation should be encouraged and supported through remuneration, expenses, and/or providing or paying for childcare and eldercare. In some instances, it is desirable to try to over-represent some hard-to-reach groups".

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