newDEMOCRACY

Learnings from Madrid: Institutionalising deliberative democracy through its *Observatorio de la Ciudad*

5 May, 2020

Lyn Carson

Research Director, The newDemocracy Foundation
lyn.carson@newdemocracy.com.au

Arantxa Mendiharat

Practitioner, Deliberativa
arantxa@deliberativa.org

This paper draws lessons from newDemocracy's experiences producing design and ongoing operational advice to Madrid City Council.

Follow these and additional works at http://www.newdemocracy.com.au

Learnings from Madrid: Institutionalising deliberative democracy through its *Observatorio de la Ciudad*

What was the question?

In 2018, the City of Madrid established a 'world first' democratic reform with the potential to solve a major problem with the implementation of direct democracy. The city's elected representatives and bureaucrats had little experience of deliberative methods (See, Mini-publics), but sought to successfully implement a form of deliberative democracy that was far more robust than their previous efforts with direct democracy and interest-group consultation. A few months later, the reform was retracted. What happened, and what can be learned from it?

Background

In May 2015, Madrid's municipal elections were won by *Madrid Now*, "a citizen platform of popular unity". An alliance with the socialist party enabled this to happen. The new Mayor appointed a Participation Councillor. Inevitably, there was a strong pull toward online measures and legitimacy that was determined by scale, i.e. the traditional notion that democratic legitimacy is based solely on the number of people involved in a decision, regardless of the nature and depth of their participation.

Several opinion gathering mechanisms were implemented:
- an open-source digital platform (decide.madrid) was created to manage participatory budgets (in 2016, €60m was dedicated and from 2017 to 2019, €100m was dedicated annually by Madrid City Council), as well as citizen proposals and collaborative legislation;
- public hearings (local forums) became possible.

The promotion of *direct* democracy was one of the main objectives of the Participation Department and decide.madrid was its principal tool. Anyone could register and submit a proposal to Madrid City Council through this website. If a proposal gained the support of 1% of registered voters in Madrid (27,662 residents in 2018), Madrid City Council would then initiate a citizens' referendum. Once this referendum was held, and if the proposal gained majority support, the City Council planned to carry out the proposal.

However, in practice, in 2018, only two citizen proposals received the minimum support needed to go to a public hearing. One of the proposals was beyond the responsibility of the City Council (a single ticket for all public transportation), while the other asked for the introduction of some environmental measures. Many other proposals were submitted to the platform but had a low chance of reaching the vote threshold – not because they lacked merit, but because their advocates did not have the resources to mount an effective campaign. This is a common problem with direct democracy worldwide – the incentives drive significant energy to well-organised, well-resourced campaigns in a race to get proposals over the line instead of the quality of the proposal itself.

At the same time, the local, district forums were not reaching everyday citizens, instead attracting already organised citizen associations, and the decisions taken were not binding. Better engagement methods were needed to move beyond uninformed public *opinion*.

The challenge for the City Council was:
- to build a complementary mechanism to the existing one, to find an alternative way to legitimate a referendum, not one built on the number of signatures.
- to instead, select citizen proposals based on their merit instead of the strength of their campaigns; and
- to strengthen the quality of citizen engagement by extending it beyond the "usual suspects".

How was newDemocracy involved?

In early 2016, ParticipaLab, MediaLab Prado's laboratory, was created to promote hybrid processes of participation, combining direct and deliberative democracy, and involving new digital tools.

ParticipaLab launched, in late 2016, an annual program called "Collective Intelligence for Democracy" (ICD) that called for proposals, internationally, then selected 10 projects that were designed to develop workable prototypes. In the 2017 program, one of the working groups sought help from newDemocracy to develop a design and write manuals (in English and Spanish) on "How to combine digital participation platforms and citizen juries". Subsequently, ParticipaLab contracted the newDemocracy Foundation to co-design a robust citizens' council for the City of Madrid.

newDemocracy and ParticipaLab produced a design for a citizens' council composed of around 50 citizens chosen through a civic lottery to meet in face-to-face sessions to deliberate.

In early 2018, the City Council made public, through a press conference, the intention to transform the existing City Observatory into a "direct citizen participation body". Submissions were called for and comments received via decide.madrid.

Later, newDemocracy's design proposal was made public on its website.

- Advice on Project Design (English) (Spanish)
- Advice on Operational Design (English) (Spanish)

There are notable differences between newDemocracy's final design advice, and the final model implemented by the City Council which is discussed below.

The model in practice

The Observatory of the City was envisaged to be a permanent organ of citizen participation. Sitting alongside the 57-member City Council, a group of 49 people and 49 alternates chosen at random were to approach challenges and provide solutions to key issues for the life of the citizens of Madrid. It would monitor municipal action and make recommendations for improvement during a one-year term.

The Observatory would have three main functions:
- To analyse citizen proposals created via the digital participation platform that had been running since September 2015 (https://decide.madrid.es/proposals); at each session, they would analyse at least the most voted proposal on the platform, and decide to send it or not to public vote. The Observatory would increase the chances for citizens' proposals to go to referendum.

- To analyse municipal policies, defining its own agenda, with the possibility of sending their own proposals to a public vote. These two first functions were to be developed at each session of the Observatory (except at the inaugural meeting).
- To deliver reports on particularly significant issues of municipal action and the processes of regulatory approval and modification, at the request of the Plenary, the Mayor's Office or the Governing Board.

Deliberative processes usually seek to reach agreement by exploring and building consensus. However, majorities have to be predefined when consensus is not possible. In order to avoid blockages, a complex combination of majorities was defined in Madrid to take different decisions. For all decisions, a simple majority would be needed, except in three cases, where 80% would be needed:

- when the participants send a citizen's proposal for consultation after making improvements (the person who made the proposal also has to accept them);
- when the decisions are made after a request of the Plenary, the Mayor's Office or the Governing Board;
- when they make a request for a public vote that is not related to citizen proposals made in decide.madrid, and to make a recommendation statement after the public hearing has taken place.

Other considerations about the deliberative design

A good direct democracy platform with widespread adoption, i.e. with lots of users putting in many ideas, has obvious limitations. Direct democracy platforms can harvest multiple ideas but require fact checks and assessment for relevance. They are effective 'heat maps' for what issues are of concern for people in their day to day lives. The collection of ideas was meant to be a useful *first* step with opportunities provided by the deliberative stage to complement it.

The ambition was to take what was often a public *opinion* tool (decide.madrid online submissions) and counterbalance that with a public *judgement* tool, a civic lottery to convene a panel of 49 everyday people to deliberate on those ideas. The latter would require time and consideration of many ideas to see which, if any, should be sent to a city-wide referendum, rather than leaving the City Council with the problem of a long list of ideas that had not been subjected to close examination.

Madrid City Council began the work of creating a *permanent* body, made up of people drawn by lot, which would be responsible for analysing public policies. The design of the citizen assembly drew upon existing experiences throughout the world. This proposal included some recommendations from the prototype mentioned above, but went much further, establishing in particular its permanent nature and its capacity to deal with any aspect of municipal policy.

In order to facilitate its creation, the City Council decided to transform an existing body, the Observatory of the City, which was, until then, a place where politicians and public servants met and analysed surveys and contributions made by citizens through different channels (suggestions, complaints etc.). The Observatory had not organised any meetings for several years. Inevitably, because the intention was to transform an existing mechanism by institutionalising it through the highest level of law, the process slowed down.

When politics intervene

Despite its ambitious beginnings, politics intervened. During the Council session when it was discussed (early 2019) it was only supported, as predicted, by the governing parties and harshly criticised by opposition parties. This polarisation had occurred routinely, with systematic opposition to all measures approved by the majority.

Almost no public debate happened around the creation of the Observatory; it was mainly done by the Participation Department, in a city (and country) with no public knowledge about civic lotteries (sortition) and deliberative processes. The whole process was quite long (more than one year) for two reasons: (1) it was difficult to gain approval and (2) because of the need to establish the new body at the highest level of municipal law (Ley orgánica).

And four months after the Observatory was voted by the City Council, municipal elections happened and were lost by the governing party, in favour of a coalition of three right-wing parties (Partido Popular, Ciudadanos and Vox).

It began well enough; in spite of the poor timing, there were some achievements.

Recruitment

In early 2019, 30,000 letters were sent randomly to homes with an invitation to participate. 1,135 persons—579 men and 556 women—accepted. Soon after, 49 persons were selected in the second lottery, according to gender criteria (the city of Madrid is composed of 53% of women), age (five age groupings) and city location (five areas in the city were defined based on the income level).

Facilitators

Facilitators, already contracted by the City Council, were commissioned to manage the deliberative forum. ParticipaLab, with the help of newDemocracy Foundation, organised a two-day training in January 2019 for the facilitation company that had no experience with deliberative processes.

Working sessions

Despite occurring after the announcement from the newly elected City Council that the Observatory would disappear, the first session was held in late March 2019. The following four sessions went ahead, though did not occur in optimal political conditions.

What worked well?

The software that was created in Madrid for decide.madrid is now used by more than 110 institutions in the world through [Consul](). It is a successful case of an open-source tool that was created by a public administration and disseminated into the world, with the help of Madrid City Council's technical team.

Madrid was initially willing to experiment. It was also determined to create a *permanent* deliberative body, embedded within the municipal system. This would have meant it could continue to evaluate its contribution and to articulate the work of the Observatory with other municipal mechanisms or with the work done by politicians.

Again, the design had the potential to resolve a significant challenge with many deliberative methods: to take it to scale by combining an online platform with 400,000 people registered,

with a deeper form of deliberation. It also had the potential to dramatically improve the process of which citizen proposals move to a public vote, basing these decisions on a combination of merit and support rather than only on the effectiveness of a campaign.

Recruitment worked well—a descriptively representative sample assembled. Though the group did have a slight skew to those who knew about decide.madrid before receiving their invitation (74% in the council compared to 34% in the population) (Ganuza & Menéndez, 2019). There was access to experts, deliberative methods for decision making were used, and there were adequate resources. Decisions were to be announced publicly without Council interference.

What could have been done better?

As an independent deliberative designer brought in initially to support the innovation, newDemocracy watched as its advice was compromised. The imperative to consider the most supported proposals and limit the 'free roam' across *any* proposal was a key limitation. Moreover the requirement to start with everyone on the most voted proposal meant that the power of a group who build trust in one another being able to handle the task in parallel (using the free roam to bring 49 sets of eyes to the task, highlighting a shortlist of proposals from any of the 6000 for consideration in small groups *then* reporting back to the wider group) impaired its function.

As a further limitation, the time imperative to report back quickly and 'show progress' rather than allow participants the time they needed within the year with a single final report (of proposals to be sent to referendum) had the predictable result of participants feeling rushed.

Facilitators should have been brought into planning much earlier. Tasks were unclear in the working sessions. The Observatory's agenda was so overloaded and multi-layered that the simplicity of the core task ("what proposals are worth taking to a city-wide referendum?") got lost. Needless complexity was also added through the President and Vice-President roles and other bureaucratic processes that took up valuable time.

Ultimately, the biggest problem was the lack of joint ownership from elected representatives across political parties. It is essential as a starting point for any deliberative design that decision makers agree that this is an appropriate approach and that they are prepared to support the mini-public's recommendations or state publicly their objections.

What do the results mean for the practice of deliberative democracy?

The design of the Observatory was a world first. To have had at least a year's experience would have been invaluable for other cities around the world. Nevertheless, some important lessons can be learned from the Madrid experience. Here are just three.

Lesson #1: newDemocracy projects for cities/local government in Australia start with an all councillor workshop as a way of ensuring there is an understanding that any design is non-partisan and, thus, ensuring there is broad support for the innovation. This was not an option in Madrid and is a key reason for its immediate demise when there was a change in power.

Lesson #2: The design proposal was being reviewed by a political appointment with no previous exposure to a citizens' jury process. Cities need to be open to independent advice.

Where a drafting process is typically finalised after version 3, over 20 drafts were done for this project due to the disconnect between an 'activist' mindset and a 'deliberative' mindset. For example, the City wanted to prioritise the process with the most 'Likes', whereas newDemocracy saw this as a public opinion metric with limited value – all proposals should have had equal chance for consideration by the Observatory and it's unlikely the 'most supported' proposal would not have been looked at all.

Lesson #3: As a result of the two points above, timeframes slid so far that the elected representatives never actually got to see the results of the project – it didn't go "once around the block" and result in a recommendation from the Observatory which would then go to a referendum. It was killed off at its second meeting. In an innovation field, trials are a good intermediate step so the elected can "try it" before committing. This was not done. In effect, the design has never been properly trialled through this project.

What remains unresolved?

Madrid's example can help to expose and appreciate operational details of those panels, taking into account local political features.

Madrid's experience is a very useful step toward creating permanent multi-proposal review panels. It is our hope that these critical reflections will give a fairly clear guide of pitfalls to avoid, and also the good news that integrating direct and deliberative methods seems to be possible and could be institutionalised.

Deliberative processes are still too often linked to left-wing parties in Spain and have not yet caught the attention of other parties. Permanent bodies need to be approved by a wide political spectrum in order to ensure a solid backup and the best fit within the representative system. This is not a problem unique to Spain; achieving consensus across party lines is challenging worldwide.

With more time to let the Observatory find its own path, it would have also been interesting to see to what extent it would have gained autonomy, deciding the agenda, organising its time and fixing some of its own rules. Let's hope other opportunities will arise in Spain inspired by Madrid's and more recent Belgian examples.

References

Observatorio's Legislation (in Spanish) – [Reglamento orgánico del Observatorio de la Ciudad](#),

Technical details of the sortition process (in Spanish) – [Acuerdo de 4 de febrero de 2019 de la Junta de Gobierno de la Ciudad de Madrid por el que se establecen los aspectos técnicos del proceso de selección de las vocalías del Observatorio de la Ciudad](#)

Ganuza, Ernesto y Menéndez, María (2019). ¿Te ha tocado? El sorteo llega a la política de Madrid. *Recerca. Revista de Pensament i Anàlisi*, 25(1). http://www.e-revistes.uji.es/index.php/recerca/article/view/3864

Future Democracies. Laboratory of Collective Intelligence for Participatory Democracy, Medialab Prado, 2019, Madrid. https://archive.org/details/FutureDemocraciesLCPD