

VOTING IS NOT ENOUGH

Can We Improve Democracy?

When we discuss the unconstitutional moves of the current Polish government, its supporters often reject our claims by saying that this is a democratically elected government and is implementing a program that was chosen by voters. We explain then that democracy is not just voting in elections; that apart from the will of voters, there is also the law with the Constitution at the top; that there are various rules resulting from the Constitution and the acts of Parliament, including the very important rule of the tripartite power; that there are human and civil rights. Otherwise, we would just have an elective dictatorship.

So the democratic system is certainly more than just free elections. But where is the role for citizens in this system? Article 4 of the currently violated Constitution says:

1. *The supreme authority in the Republic of Poland belongs to the Nation.*
2. *The nation exercises power through its representatives or directly.*

But it is not the Nation that exercises executive, legislative or judiciary power. People still have referendums at their disposal, but those referendums are rare and they basically say "yes" or "no" in any matter. Where and when can the citizens of the Republic of Poland fulfill their constitutional rights of exercising power?

Well, it is not that citizens are completely deprived of influence between elections. There are at least two tools that they can use to put pressure on the government. First of all, citizens have the right to access information. They can ask about various things – for example justifications of decisions, expert opinions, but also (and these are frequently

asked questions) about public spending. Public institutions have no right to refuse to provide such information, although in practice they often do not hurry.

Secondly, in certain cases, state or local government authorities are obliged to consult their decisions with citizens. In the case of central authorities, the system has a serious gap - government bills must be consulted, but parliamentary ones are not. In theory, this was to facilitate the opposition, in practice the government also very often declares its projects as parliamentary proposals and thus avoids "hussle" around them. Consultations – which current government is using very rarely - have an important function - representatives of society (active citizens, experts, and most often non-governmental organizations) can suggest apt solutions because they know the realities and needs of a given problem better.

Moreover, in the event of unfavorable regulations being prepared by the Parliament, thanks to consultations, they became common knowledge and may become the subject of public debate. In practice, however, the impact of consultations is quite limited. Everything, of course, depends on the style of exercising power. As many governments have already shown, consultations are treated as a necessary evil. The current government, on the one hand, avoids them by reporting a record number of parliamentary projects, and on the other hand consults in a completely façade manner: that happened to the Education Reform, where despite the wide opposition of parents, teachers, trade unions and experts, law was pushed through the Parliament by ruling majority while publicly declaring that it takes into account the demands of the public.

Could we govern smarter?

Elections and referendums operate in an "aggregative" manner. In simplified terms, this means that opinions on a given subject are collected and the option that received majority of votes is implemented. The advantage of this system is simple and quick decision making. The disadvantage is that sometimes citizens do not have any influence over which options will be available in the voting (how often do we have to vote for the "lesser evil"?). Often, we will not necessarily make the best choice - public opinion is easy to manipulate with appropriate propaganda.

Meanwhile, there is another way to make decisions - or in other words - to govern in the Democracy - called "transformational". It is more like a consultation than an election. In a simplified way, it means that citizens make decisions not in a "simple" vote, but through a debate in which they convince each other by working out the best solutions based on the available knowledge and arguments. Of course, this is a much more time-consuming process, but the decisions taken have more legitimacy supported by the will of citizens and are simply more reasonable. But what if this is a utopia and can such a deliberative democracy be realistically implemented?

Citizens' panel

Certainly, the introduction of deliberation at the national level and in every case is not feasible at the moment. Technical problems would also include lack of experience and a culture of discussion in our society. But there are the proper solutions for this - the discussion must be properly institutionalized. It sounds serious, but it's just about setting rules that will help end the process of deliberation with a constructive outcome.

The most widespread form of deliberative democracy is the citizens' panel. It is created by a randomly selected group of people, who are familiar with the problem, considers opinions of various parties about the issue and asks for expert's opinions. Then the panel discusses this topic looking for the best solution, taking into account the interests of different groups. The group of people who participate in such a panel is not randomly drawn. The "sample" is selected according to the social composition - there must be a proportionally appropriate number of women and men, the elderly and younger, with different education, etc. Thanks to this, the decision that will be taken will be differentiated by different views and sensitivities. Sounds good, right? But have it ever been done somewhere for real?

Example from City of Gdansk

Citizen panels in Poland have already been used three times by

City of Gdańsk. They were not legally binding - they ended with issuing recommendations, but the city authorities declared their implementation. They also assumed that the recommendation will be implemented if at least 80% of the panel's participants support it. The participants agreed to take part in all panel meetings, for which they received a small payment - in the last of the panels they amounted to PLN 600 - around £120.

The first panel was introduced in 2016. 63 panelists from different districts of the city were presented with the problem: "How to better prepare the city for the occurrence of disastrous heavy rainfall?" The panelists adopted 18 recommendations, some of which the City has already begun to implement. The second panel, conducted in 2017, was to solve the problem "How to improve air quality?" 56 panelists got acquainted with air measurements in the city, with the results of research on

the impact of smog on health; they could talk to specialists from different cities and find out what solutions are being implemented. After the discussion, they accepted 9 recommendations, which were supported by the required number of participants. The most recent panel was a panel organized in autumn 2017, which answered the question "How to support civic activity in Gdansk?"

At the end of this panel, a total of 39 recommendations were accepted in three key areas. Do similar panels have a chance to become as common as the cities' civic budgets introduced in recent years? Perhaps in the footsteps of Gdansk, other cities will soon follow, and in the future - who knows? - maybe also the government itself?

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