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The Citizens' Convention on Climate: carrying off the tricky landing of an unidentified institutional object

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After many months of work, the 150 citizens of the Citizens' Convention on Climate (CCC) in France delivered their report in June 2020. The 149 measures they have proposed constitute an action plan for France to fulfill its commitment to a 40% reduction in greenhouse gas emissions by 2030 (as compared to 1990) in a spirit of social justice. As the government is about to submit to Parliament draft legislation that is inspired by these proposals, it is essential that the burgeoning public debate does justice to the CCC's political messages. Only then will this unusual experiment help advance the quality of public decision-making; ensure coherence between ambitious long-term commitments and short-term measures; and consolidate rather than weaken the democratic process. It is therefore appropriate to review the key objectives and features of this process, and the outcome of an unprecedented deliberative experiment in France.

Why initiate a deliberative process of such magnitude?

Although the CCC's mandate was clear, its parainstitutional status, decided exceptionally by the President of the Republic in response to the Yellow Vests crisis and the climate emergency, has been a source of controversy.¹ Specifically, was this instrument designed to circumvent Parliament and itself produce legislation on the principle that a randomly selected assembly of citizens would be invested with the same legitimacy as an elected assembly? This would represent an extremely radical change to the institutions of our political system, which a president, on his own, does not have the mandate to decide, and which should be the subject of comprehensive public debate. Many parliamentarians and experts from political institutions expressed concern at the risk of circumvention. However, it seems now that the CCC is perceived more as a complement, not a substitute, to Parliament—by parliamentarians themselves² and in the President's own statements.³

Within the vision of a deliberative process to serve as a complement to the institutions of representative democracy—similar to the Irish citizen's assembly often presented as a model of its kind—the objectives for such an instrument are threefold.

Firstly, a **cognitive objective** aims to complement expert knowledge of problems and proposed solutions with users' experiences and laypeople's knowledge of situations—i.e., those who will have to implement public decisions or who will be affected by their implementation. With this in mind, the deliberative instrument is all the better conceived as it can give voice to information from a broad range of individual situations, and specifically from people who claim or are known to be underrepresented by elected officials and experts. Also essential was the number of citizens chosen (150), and the great care taken to ensure the broadest diversity in the geographical, economic, and sociocultural status of convention members, without implying statistical representativeness (irrelevant in this context, since this was not a poll).

Secondly, a **performative objective** involves from the outset, in the framing of problems and solutions, those who will have to implement decisions to ensure their ownership of collective decisions. Although such an objective could seem possible at neighborhood or municipal level, it could not be assumed for a convention of 150 people at national level in a country of 67 million inhabitants, even though the general intention of the convention was actually to involve the entire French population more effectively in a decision on climate action.⁴

However, the final, **normative objective** is the most important and hardest to achieve. There is no question of the convention making laws instead of Parliament, but its deliberative process gives out messages that have great political power. They are connected to the collective intelligence of a group of citizens whose mission is to agree on the definition and formulation of key political choices confronting society, and to put forward their collective response to these choices.⁵ It is because of this kind of preparatory work for a public debate that the Irish citizen's assembly was able to prepare society peacefully to accept controversial and potentially polarizing decisions, such as on same-sex marriage and abortion. Direct democracy referendums are often criticised for creating excessive polarization and lacking enough preparation for public debate to decide questions of great societal importance: establishing a large deliberative process like the CCC can aim to prepare public debate before a referendum process.

For this last, most fundamental, objective, not only should the 149 measures proposed by the convention be taken into account; their explanatory statement, in particular, should be as well. The citizens took great care to prepare it, and it makes specific their vision of the political choices facing us, as well as the content of the extremely rich deliberations they conducted over 9 months and 7 weekends of work. To this end, it is essential that the “mini-public”⁶ constituted by the convention should lead to a public debate at national level, enabling their deliberations to be

broadcast and to shed light on the general public's understanding of the problems, issues, and solutions. That is why the convention's Governance Committee made sure of the greatest possible transparency ("they deliberate under open skies," said Cyril Dion), media access, and observation by researchers; and that the citizens themselves made sure to talk about it in their own regions and on social networks both while the process was taking place and after it was completed.

With that in mind, the President's commitment to submit all the convention's proposals, "unfiltered," to a referendum or to Parliament can be interpreted as a strong commitment to accountability and to taking these proposals seriously in a country where purely consultative, deliberative experiences have people believing that they are only a "sham" (see Cyril Dion). It is because of this commitment, made and renewed by the President of the Republic, that the 150 citizens were gripped by a sense of responsibility for the political decision to be taken as a result of their deliberations—some with profound and understandable anxiety, and each and every one with incredible commitment. The CCC does not lose significance because it does not make laws: however, for citizens to remain committed, the convention's key political messages must be assured of continuing parliamentary and public debate, and of government accountability. This is currently extremely tenuous.

What are the key political messages of the Citizen's Convention? Reverse the burden of proof to do them justice

The content of the CCC deliberations is extremely rich, and deserves to be analysed in detail,⁷ because it is vital that governments, parliamentarians, experts, and civil society ensure, together, that this content, well-thought out by the citizens, can irrigate parliamentary procedures and public debate on France's political climate as well as the decisions made within the framework of the recovery plan, or France's positions in Brussels, for example on the Common Agricultural Policy or trade policy.

All of the 149 proposals constitute a well-rounded and very coherent action plan that could and should be a point of reference, and through which it is possible to evaluate in a detailed manner if public policies, administrative decisions, and programs for financing and investment are coherent with initiating, in the spirit of social justice, the transition necessary to shift from a painfully slow pace in the reduction of France's greenhouse gas emissions⁸ to a true acceleration, essential in order to keep France's commitments for 2030.

Behind these 149 measures, there are **four key political messages** that need to be heard, and public debate is struggling to do them justice. First, the citizens confirm that it is **vital that short-term political action be coherent with scientific studies on climate change**, thus with the ambitious objective to reduce France's greenhouse gas emissions in 2030: while they could have challenged the mandate given to them, citizens confirmed the urgent need to act. With this first message, they associated a very strong second message which is often ignored: **the protection of the ecosystems cannot be a separate action for climate** without the risk of undermining the ecological bases of the carbon cycle regulation. This gauge must also be used to measure the importance given to the proposal concerning the crime of ecocide, aimed at offering the highest possible degree of priority to climate protection and biodiversity.

The third key message is that, facing situations of blockage where economical actors or citizens are unable to implement the changes that would be necessary to substantially reduce greenhouse gas emissions, **the only solution consists of implementing a series of very coherent measures** that, as a whole, will trigger the necessary transition in a socially acceptable manner, through a combination of accompaniment, incitement, and regulation. The systemic character of this series of measures, as opposed to a pick-and-choose catalogue, is visible in all the considered sectors, some of which are conditions that facilitate or are necessary so that the others remain

applicable and are efficient and fair.

The fourth politically important message is a consequence of the affirmation of the systemic character of the measures proposed by the citizens, but it must be acknowledged that this comes more from an interpretation than something formally expressed by the citizens, at least in their final report:⁹ if the citizens do not broach the subject of the carbon tax in this report, and if they prefer this very rich series of measures from various categories, it may be understood that because they believe that such a fiscal instrument may be extremely unfair in its application if it is not preceded by the implementation of a series of measures that allow a system (that might otherwise remained blocked) to be unlocked and offer alternatives for change to individual actors.

From these key messages, what should the nature of the debate be that could and should take place in relation to the 149 measures? Rather than asking the citizens to justify their measures and prove that each one is individually the best possible measure to reach their stated intent,¹⁰ it is essential to reverse the burden of proof. For the most part, it seems risky to overlook one of these measures without endangering the entire structure, meaning without endangering the possibility of unblocking the transition while seeking social justice, or endangering the achievement of the -40% target that has been the citizens' indicator.

As a consequence, rather than accepting that the process of preparing the draft law or the parliamentary deliberation consists mostly of a downward negotiation of each measure individually, or asking for its suppression on the grounds of lack of efficiency or a significant social or economic impact,¹¹ the debate should have as a rule that it is not possible to ask that a measure be removed unless an alternative measure is proposed and is proven to be equally or more efficient in the reduction of greenhouse gases and in the respect of social justice; removal of a measure must also be justified in a transparent manner, in order to reinforce the citizens' trust.

There is still time for the public debate and, most of all, the parliamentary debate to commit to these principles, in order to avoid that the CCC be perceived as a pure mockery of deliberative democracy and so that the Parliament does not appear to be stripped of its political legitimacy. It is the explanatory memorandum drawn up by the convention that could and should be used as a last resort to judge the adherence to the intention in relation to an alternative to the citizen measure, if a question of interpretation arises in the proposed legal translation, and most of all, to relay the 150 citizen deliberation to the entire country; this rich declaration of faith alone may allow the debate to be resumed, benefiting from their work and proposals. Otherwise, they run the risk of starting once again from scratch. Nevertheless, it must be anticipated that out of certain number of the 149 measures, the result of the parliamentary deliberation may lead to a less ambitious outcome than what the citizens had proposed. In this regard, civil society, experts, but also legitimate instances of evaluation like the High Council on Climate must prepare to question the coherence between such a political arbitration and the commitment to accelerate the reduction of greenhouse gas emissions in order to achieve -40% in 2030. If all the conditions of the transition and the acceleration of the action are not implemented right now, within what time frame can additional measures be taken? Because climatic change is not on hold, it keeps moving forward.

¹ In addition to the risk of circumventing Parliament, there is a risk that this experiment could undermine the legitimate institutions established for participation by, and consultation of, the public and civil society—especially on the environment, such as the National Commission for Public Debate (CNDP) (see <https://aoc.media/opinion/2020/02/02/la-convention-citoyenne-pour-le-climat-innovation-democratique-ou-regression-juridique//>). This would depend on what happens next, especially from an institutional perspective.

² https://www.lemonde.fr/idees/article/2020/06/22/nous-voulons-aller-encore-plus-loin-et-encore-plus-vite-afin-d-agir-face-a-l-urgence-ecologique_6043679_3232.html

³ https://www.youtube.com/watch?v=lvkewyupR_8&ab_channel=Brut .

4 See Cyril Dion's response to Emmanuel Macron's interview on Brut: "A difficult decision is more easily accepted when you have been part the decision-making process than if it is imposed from above, by a government."

5 <https://www.iddri.org/fr/publications-et-evenements/billet-de-blog/la-convention-citoyenne-pour-le-climat-pour-quoi-faire> .

6 <https://www.franceculture.fr/emissions/la-question-du-jour/la-convention-citoyenne-peut-elle-faire-avancer-la-lutte-contre-le-rechauffement-climatique> .

7 An IDDRI Study will appear early December on this topic.

8 See the High Council on Climate's report: Get Back on Track, Relaunch Momentum (September 2020): https://www.hautconseilclimat.fr/wp-content/uploads/2020/09/hcc_rapport_grand-public_2020_-2.pdf

9 In the citizen deliberations, extremely well-argued and structured debates on this subject were observed, worthy of access to the observations made by researchers in order to document and make this major discussion on policy visible. Numerous deliberations are accessible on line:

<https://www.conventioncitoyennepourleclimat.fr/les-travaux-de-la-convention-3/> ; list of researchers-observers:

<https://www.conventioncitoyennepourleclimat.fr/chercheurs-observateurs/> ; Conference organised mid-November: <https://www.participation-et-democratie.fr/colloque-convention-citoyenne-pour-le-climat>

10 This was the case during the "consultative" meetings with the actors and experts in the process of preparing the draft law inspired from the results of the "Citizen's Convention"

11 Impact studies in the preparation of the draft law proceeded with an individual examination of the economic impact of an individual measure, without taking into account that each measure only makes sense in the context of an application within the series of measures.

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