

**Profiles of Tools and Tactics
for
Environmental Mainstreaming**

No. 4

CITIZEN'S JURY

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CITIZEN'S JURY

Note: We are grateful for review comments provided by Michel Pimbert (IIED) and Tom Wakeford (Newcastle University, UK)

<i>What is a Citizens Jury for?</i>			<i>What issues does a Citizens' Jury focus on?</i>	
Policy development	√		Environmental	√
Planning	√		Social	√
Field work			Economic	√
Investment	√		Institutional	√
Assessment	√			
Monitoring				
Campaigning				

Purpose

A citizens jury is a decision-making model that is used for involving members of the public in decisions about strategic planning, service prioritisation or technological choices. The citizens' jury is made up of 12-20 "jurors" – members of the public who are usually selected "at random" from a local or national population, with this selection process being open to outside scrutiny. The jury hears evidence over a few days about proposals and make a judgement based on the evidence given.

The aim is to enable a small sample of a population to hear evidence and deliberate on a (usually contentious) issue. Like a legal jury, the belief is that such a group – through participatory representativeness -can fairly represent the conscience and intelligence of a community. This long-standing reasoning contrasts with today's most common quantitative and qualitative methods for representing the public's views - opinion poll and the focus group – which don't allow participants to represent their own views directly to policy-makers.

The distinguishing characteristics of participants in a citizens jury compared with other methods of qualitative research or deliberative democracy are that jury members are:

- Given time to reflect and deliberate freely with each other on the questions at hand, occasionally assisted by a neutral advisor;
- Given the opportunity to scrutinise the information they receive from witnesses, whom they interrogate themselves;
- Expected to develop a set of conclusions or 'vision' for the future — which need not be unanimous.

Background facts

Citizens juries were first conceived in the US in the 1970s and developed during the 1980s in Germany. Subsequently, they have been used in many countries including Brazil, UK, Spain, India, New Zealand, Canada and Australia. Outside the US they have been organised by a variety of different groups – governments and local authorities trying to acquire legitimacy for their actions, campaigners trying to demonstrate widespread and informed public support for their cause, and qualitative social researchers trying to gain greater insights into participatory governance and direct methods of democracy.

In the late 1990s, over 100 juries took place in the UK on issues as diverse as Northern Ireland educational reforms, health rationing, nuclear waste disposal, risk assessments, and technological choices. More recently, much less is heard of such juries in the UK. Governments became wary of such juries as their conclusions often contained criticisms of Government. Some critics have questioned the representativeness of participants, the transparency in the provision of information, or juries' independence, given that jurors can be limited in the extent to which they can express their opinions

without them being channelled through the commissioning body. Others suspect that citizens juries have sometimes been used as show-trials that allow those in power to avoid engaging in processes that might hold them accountable to communities.

Brief description of the main steps involved in application of the tool:

1) *Secure funding.* Multiple sources of funding help to ensure that the jury's organisers are not seen as having a financial interest in producing a verdict that supports the interests of a single funding body. To maximise the scrutiny they provide, the two or more funders should have somewhat opposing interests regarding the subject likely to be under discussion.

2) *Appoint an Oversight Panel* - composed of range of stakeholders with relevant knowledge and a possible interest in the outcome - to oversee the process and ensure it is fair, and so as to defuse conflict that might arise over the conclusions. They take no direct part in facilitating the citizens' jury. Members of this group subsequently decide whether to respond to, or act on, elements of this report.

3) *Carefully determine the key question(s)* The way these are presented to the jury can, as in an opinion poll, influencing the response, introduce biases or lead debate in a particular way, and may discouraged jurors from discussing opposing arguments and prevent the full diversity of opinions on a topic to emerge. Equally, the way in which discussions are framed by witnesses and the information provided can also have an influence on the extent to which citizens have opportunities to develop their own visions for the future. The Oversight Panel can carefully scrutinise the question(s) to be put to the jury.

4) *Select the jury:* usually of 12-20 people to serve as a microcosm of the public. Jurors can be recruited via a more or less randomised selection of people taken from the electoral roll. But this also suffers from two disadvantages. A proportion of the potential voting population may not be registered (this can be high in some countries) so that already voiceless citizens risk being excluded from potential membership of the jury. Supplementary methods may be used to ensure that marginalised groups are properly represented. Secondly, even if people are registered to vote, they may be excluded or put-off for other reasons, including sensory impairment or physical disability, illiteracy, or lack of confidence. Sensitivity to the situation of potential jurors is therefore crucial for everyone involved in the jury selection process. To encourage recruitment from as broad a range of backgrounds as possible, various provisions can be made available including an honorarium payment, crèche facilities, and easy-access jury locations.

5) *Plan the jury hearings:* In most cases, a citizens jury, meets for sessions totalling 30-50 hours.

6) *Agree the evidence – interrogation balance,* i.e. the proportion of jury deliberation that will be devoted to the presentation of witness evidence compared with the time that is allocated for the interrogation of witnesses by the jurors.

7) *Select sensitive and competent facilitators.* Facilitators should optimise the inclusivity and deliberative fairness of the process. Elements that are often key include: the time jurors have to deliberate, the equality of opportunity between different jurors in making their voice heard, and the attitudes to jurors shown by witnesses.

8) *Hearing process.* Jurors hear from and cross question a variety of specialist witnesses – invited to provide different perspectives on the topic - and are usually able to discuss as broad or narrow range of issues as they see fit. They may wish to request additional witnesses on topics they themselves specify. Citizens juries work best when evidence is communicated in a clear and accessible manner. The jury is not required to achieve a consensus regarding the answers it gives and in closing, the jury can vote on different possible answers, which can be formulated by the jury itself

9) *Deliver recommendations* to those in power – through a collectively produced summary of their conclusions, typically in a short report, and preferably convene a press conference.

10) *Provide transparency* - this can be promoted by making complete audio or video recordings of all jury hearings, (though not of “jury room” deliberations if participants would prefer privacy) publicly

available.

II) Monitoring – enable jurors to undertake work towards ensuring that some of their conclusions are implemented

Expected outputs

Conclusion(s) or verdicts on a contentious proposal/issue. This may be a consensus or present divergent views.

Basic requirements

Expert perspectives: marshalled and presented by witnesses on behalf of the proponent (or opponents) of the proposal.

Cost: Organisers', jurors' and witnesses' time. Venue/facility hire and recording deliberations and publishing outcomes. To overcome such costs (which can be high: eg £16,000 – 23,000 in the UK), an online Citizen Jury toolkit is now available to help local authorities to run high quality, low cost consultations that enable citizens to take part where they want, when they want (<http://www.rol.co.uk/pp/gold/viewgold.asp?id=4168>)

Skills and capacity: no specific skills – the jurors are selected to represent society. Neutral facilitators are often engaged.

Flexibility

Very flexible, lends itself to many different uses and topics. This flexibility can also be a disadvantage – see Wakeford, Pimbert et al 2007.

Box 1: Case Study: Prajateerpu, India

In 1999, the government of Andhra Pradesh (AP), India, published its Vision 2020 - a strategy for development over the subsequent 20 years, partly funded by the World Bank and UK DFID. In 2001, a group of smallholder farmers in Andhra Pradesh (AP), India, took part in a participatory exploration of three broad scenarios for the future of food and farming in their region. This participatory process, a modified citizens' jury known as *Prajateerpu* (translation: 'people's verdict'), allowed people affected by the vision 2020 for food and farming to shape a vision of their own.

Extensive discussion between partners at the national, national and international level, including community organisations, development NGOs, academics and policy-makers informed the formulation of a methodology for Prajateerpu. It used a combination of a citizens jury and a scenario workshop, supplemented by three video films about different potential paths for food, farming and rural development in AP over the next 20 years.

The jury was overseen by a panel that included a retired chief judge from the Indian Supreme Court, a senior official from a donor agency and a number of local NGOs. The jury of 19 consisted of mostly of indigenous farmers – most from *Dalit* (untouchable) or *Adivasi* (tribal people) castes with a majority of women, and drawn from communities all over the state of AP. Over four days, they cross-questioned 13 witnesses, including representatives of biotechnology companies, state government officials and development experts. Rather than simply accepting or rejecting GM crops in the abstract, the jurors were able to build their own scenario for sustainable and equitable agriculture, and insert elements of the future scenarios to which witnesses had referred.

Facilitators used a variety of methods to give jurors the opportunity to validate their knowledge and challenge the misunderstanding of decision-makers.

Many people arrived at the event not knowing whether they would have anything useful to say and went away having acknowledged that they had important contributions to make. The depth of engagement and insight they achieved went beyond what would have been possible using opinion polls, questionnaires, public meetings or focus groups. For example, rather than hearing arguments about the potential risks and benefits of particular technologies, such as genetically modified (GM) crops, participants were able to consider them alongside alternative development models. Each different scenario for rural futures could be seen as an interdependent economic, social, and environmental system.

The process reaffirmed that citizen empowerment and deliberative and inclusionary processes can enrich democracy and hold decision-makers accountable for their actions. Jurors used their ability to directly cross-examine the witnesses to give illustrations of, or counter-examples to, the evidence they had heard.

The participants accounts were in many ways more diverse than those of specialists because they had looser commitments to subject boundaries and, to a certain extent, a more insightful and open-minded approach to the tensions these boundaries can mask. There was a significant diversity of opinion among participants. However, there was widespread agreement on the final statement which included:

“We oppose:

- The proposed reduction of those making their livelihood from the land from 70 to 40 % in AP;
- Land consolidation and displacement of rural people;
- Contract farming;
- Labour-displacing mechanisation;
- GM crops – including Vitamin A rice and Bt cotton;
- Loss of control over medicinal plants including their export.

And, we desire:

- Food and farming for self-reliance and community control over resources;
- To maintain healthy soils, diverse crops, trees and livestock, and to build on our indigenous knowledge, practical skills and local institutions.

We conclude that the potential of Vision 2020 to damage, or potentially improve, the livelihoods of small and marginal farmers in AP is at least as great as other mega projects such as the Narmada Dam or the introduction of ‘Green Revolution’ technologies. We urge opinion-formers and decision-makers in India and internationally to respond to the results of *Prajateerpu* by reviewing the assumptions that underlie their policies about rural futures. Such a review should include further democratic innovations of this kind”.

Prajateerpu and subsequent events show how the poor and marginalised can be included in the policy process. By being linked with state-level and international policy processes, the jury outcomes and citizen voices have encouraged more public deliberation and pluralism in the framing of policies on food and agriculture in Andhra Pradesh. The state government that had championed Vision 2020 reforms was voted out of office in 2004. The largely rural electorate of Andhra Pradesh voted massively against a government that it felt was neglecting farmers’ needs, rural communities and their well-being. Similarly, the issues highlighted by *Prajateerpu* have been partly responsible for the setting up of a UK parliamentary inquiry into the impacts of British bilateral aid to India, and Andhra Pradesh in particular.

See: www.expressindia.com/election/fullestory.php?type=ei&content_id=31318
www.guardian.co.uk/international/story/0,,1212942,00.html
www.parliament.uk/parliamentary

Source: Pimbert & Wakeford (2002, 2003) and:

Key sources of further information and useful web-links

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Pimbert, M. & Wakeford, T. (2003) 'Prajateerpu, power and knowledge: The politics of participatory action research in development. Part I: Context, process and safeguards.' *Action Research*, 1(2), 184–207

Wakeford, T., J. Singh, B. Murtuja, P. Bryant and M. Pimbert (2007). The jury is out: How far can participatory projects go towards reclaiming democracy? In: Bradbury, H. and Reason, P. (eds) *Handbook of Action Research* (Second Edition) 2007 Sage Inc. New York.