

STATES OF JERSEY



CARBON NEUTRAL STRATEGY 2019 (P.127/2019): SECOND AMENDMENT

**Lodged au Greffe on 7th February 2020
by the Environment, Housing and Infrastructure Scrutiny Panel**

STATES GREFFE

1 PAGE 2, PARAGRAPH (b) –

After the words “Appendix to the Report”, insert the words “except that, for the first bullet point of Paragraph iii, there shall be substituted the following bullet point –

- “• a chairperson to be appointed by the Government with the consent of the citizen’s assembly; and” ”.

2 PAGE 2, PARAGRAPH (b) –

After the words, “the Appendix to the Report”, insert the words “except that, after Paragraph viii, the following paragraph shall be inserted –

- “(ix) The Environment, Housing and Infrastructure Scrutiny Panel shall have the right to observe meetings of the citizens’ assembly, as well as the selection and reporting process, and will report its observations and findings to the States Assembly.” ”.

ENVIRONMENT, HOUSING AND INFRASTRUCTURE SCRUTINY PANEL

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

to receive the Carbon Neutral Strategy 2019 as set out in the Appendix to the Report and –

- (a) to adopt the defining principles for the Carbon Neutral Strategy, as set out in section 3 of the Appendix to the Report;

Note: if amendment 1 is adopted, paragraph (b) would read as follows –

- (b) to agree to the establishment of a citizens’ assembly as defined by the mandate for a carbon neutral citizens’ assembly, as set out in Appendix 3 to the Appendix to the Report except that, for the first bullet point of Paragraph iii, there shall be substituted the following bullet point –

- “• a chairperson to be appointed by the Government with the consent of the citizen’s assembly; and”; and

Note: if amendment 2 is adopted, paragraph (b) would read as follows –

- (b) to agree to the establishment of a citizens’ assembly as defined by the mandate for a carbon neutral citizens’ assembly, as set out in

Appendix 3 to the Appendix to the Report except that, after Paragraph viii, the following paragraph shall be inserted –

“(ix) The Environment, Housing and Infrastructure Scrutiny Panel shall have the right to observe meetings of the citizens’ assembly, as well as the selection and reporting process, and will report its observations and findings to the States Assembly.”; and

- (c) to request the Minister for the Environment to lodge by the end of 2020 a proposition containing a long-term climate action plan for debate by the States Assembly.

REPORT

Background

The draft [Carbon Neutral Strategy 2019 \(P.127/2019\)](#) (the ‘Strategy’) has been developed following the adoption of [P.27/2019](#) by the States Assembly on 2nd May 2019.

One of the factors of the Strategy is the proposal to create Jersey’s first large scale Citizens’ Assembly to consider: “How should we work together to become carbon neutral?”

Under the current Proposition, the Citizens’ Assembly would consist of a Government appointed Chairperson and 49 citizens who would be randomly selected to be broadly representative of Jersey society.

A Citizens’ Assembly would be a new undertaking for Jersey democracy and, in the absence of a detailed mandate or constitution for it at this time, the Environment, Housing and Infrastructure Scrutiny Panel (the ‘Panel’) considers that there should be additional measures in place to assure the public that: (i) there will not be undue Government influence on the Citizens’ Assembly; and (ii) that there will be transparency in the process.

Introduction to a ‘Citizens’ Assembly’

The purpose of a Citizens’ Assembly is to empower citizens in a deliberative democracy, promote critical thinking, and allow different voices to be heard on high profile and divisive topics, such as climate change. In order to provide a legitimate and authentic voice, the process governing a Citizens’ Assembly needs to be independent and transparent. At this early stage of the development of Jersey’s Climate Action Plan, there is not yet a clear structure, or constitution, of the proposed Citizens’ Assembly. Therefore, before the Citizens’ Assembly is established, the Panel considers that the measures proposed by this Amendment should be included in the core of its mandate from the outset.

The principle of a Citizens’ Assembly is to gather together a group of people, who demographically (i.e. age, ethnicity, gender, socio-economic group, place of residence, etc.) represent the wider population. Values of equality and fairness should be at the core of the Citizens’ Assembly and the 2 parts of this Amendment seek to ensure that, as it evolves, this remains the case.

It is within this context that the Panel seeks the amendments to the Proposition. Independence, accountability and transparency are all key to the success of a Citizens’ Assembly and, therefore, the proposed measures are considered to be modifying controls that would help to ensure development of a successful framework for the Citizens’ Assembly that can work effectively in Jersey.

Appointment of Chair of the Citizens’ Assembly (*Proposed Amendment 1*)

The current Proposition states that the Chair of the Citizens’ Assembly will be appointed by the Government.

It is proposed to amend Appendix 3 of the Proposition to allow the Minister for the Environment to appoint the Chair of the Citizens' Assembly, subject to the consent of the Citizens' Assembly.

The Amendment seeks to address concerns about possible undue Government influence on the Citizens' Assembly, by an imposition of a selected Chair in the role. It provides the Citizens' Assembly with the opportunity to review the proposed appointment, raise any concerns that it has, and consent to, or reject, the recommended appointee as they see fit.

For transparency purposes, members of the Citizens' Assembly should be provided with information on the proposed individual and the selection process that has led the Minister to recommend them as a suitable Chairperson.

For practical purposes, it is recognised that the adoption of the Amendment would see a period of time during the Citizens' Assembly's inaugural phase where there was no Chair in place. It is therefore suggested that, prior to the formal consent (or otherwise) of the Citizens' Assembly, the process for leadership and direction is clearly explained, for example: the independent facilitators could act as the 'de facto Chair' up to the point that the consent is provided from a majority of the Assembly for the Minister's proposed Chair candidate. Alternative setups could be used to provide an identifiable Chair during the inaugural phase (as practicality allows), however, a predominant objective should be for transparency. The public and all stakeholders should be explicitly told where the control and direction of the Citizens' Assembly has been initiated, to provide confidence that there are not undue levels of Government influence during the early stages.

The Chair of the Citizens' Assembly will play an important role in the leadership of the work undertaken; perhaps setting the tone of the event in an opening address, ensuring that the views of the members of the Citizens' Panel are accurately reflected, and liaising with the various stakeholders to represent the Members of the Citizens' Assembly. For these reasons it is imperative that members of the Citizen's Assembly are content with the individual appointed to the role of Chairperson.

Scrutiny observation of the Citizens' Assembly: Selection, Reporting, and Meetings (*Proposed Amendment 2*)

The current Strategy presented by the Proposition does not include much detail in the mandate of the Citizens' Assembly (Appendix 3¹) to provide guidance on its proposed establishment, governance and procedures. There are references in the Strategy to 'support' that will be provided by independent trained facilitators and an officer of the States Greffe, however, in the absence of further detail at this time the Panel wishes to obtain comfort for the States Assembly of the proceedings.

The Amendment sought by the Panel provides that it would have the right to observe meetings of the Citizens' Assembly and the reporting process that it ultimately undertakes, in order that the Panel may report to the States Assembly with its observations and findings. The Panel would also have the right to examine the selection process used for enrolling the members of the Citizens' Assembly at the outset. The Citizens' Assembly's make up is a fundamental factor of the process as it will impact the source data and reflect in the recommendations provided in the final report. The Panel's involvement would be to review the procedures of the organisation that conducts

¹ 'Carbon Neutral Strategy 2019', Government of Jersey, page 93.

the selection process and, also, assess the controls and measures used in practice to assemble a representative (and random) demographic. To allow for anonymity it would not allow the Panel sight of details of any individual's personal information, but it would have sight of the demographic profile of the members and potential members. For purposes of transparency, data and analysis on the recruitment process should be provided in the final report of the Citizens' Assembly (such as that published for the 2015 Citizens' Assemblies on English Devolution²).

The Panel would be observers to the process and Assembly meetings but would not be permitted to take part in discussion or listen in to smaller group deliberations between the members, as this may affect participation. However, it will be appropriate for the Panel to have access to all of the material provided to the Citizen's Assembly, and which the Assembly is considering, in order to analyse the quality of the information.

As this is the first time that a Citizens' Assembly has been established in Jersey it is considered a reasonable request to permit observation from the Panel on these various aspects, in their role of holding the Government to account.

In other jurisdictions, participants of the Citizens' Assembly have the right to anonymity (but this can be waived after the process has been completed). Some public aspects of certain Citizens' Assemblies have been webcast (for example the 2020 Gender Equality Citizens' Assembly in Ireland) and some allow the public to apply for an observer seat for certain aspects (for example, the 2018 English Citizens' Assembly on Social Care). These aspects ensure that it is not seen to be a process happening behind closed doors. These are details that are still to be defined for the process in Jersey, but it is felt that the Panel should have a presence at suitable parts of the meetings to provide assurance to the public that the process is being conducted with transparency and openness.

Conclusion

The adoption of [P.27/2019](#) has set the target for Jersey to be carbon neutral by 2030 and, in order to achieve this, the Strategy recognises that there will need to be a 'people-powered approach to deliberating and recommending how Jersey should become carbon neutral'³. Whilst this will require a concerted and joined up effort to change the way that the Government and every Island citizen act, one of the key strategies for planning this is the advocacy of the new Citizens' Assembly.

The formation of a Citizens' Assembly is a new endeavour in Jersey and therefore every effort should be taken to ensure that it is established in a considered and proper way so that the results, opinions, and data that it provides in its final report are (and are seen to be) as accurate and reliable as possible. Its establishment, procedures and governance need to be critically challenged to ensure that is as open and transparent as possible.

Collecting information in the form of views, from a representative demographic of Islanders, will assist in informing decisions and policy of the future. The final report from the Citizens' Assembly will be a direct voice to Government and it is essential that there is confidence from all stakeholders that the information presented therein is: truthful; unbiased; and reflects the views of all members.

² 'Democracy Matters': <https://citizensassembly.co.uk/wp-content/uploads/2016/04/Democracy-Matters-2015-Citizens-Assemblies-Report.pdf> (accessed on 04/02/2020)

³ P.127/2019, Appendix, page 8.

The Citizens' Assembly could also be an opportunity to increase public engagement on the significant issues of climate change and carbon neutrality. It also provides a chance to capture aspects of the Jersey demographic that feel underrepresented or those that have not previously engaged in local politics. To have their trust, the foundations the report is built on must be sound and that is what the 2 parts of this Amendment seek to achieve.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of these amendments.