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**PUBLIC ADMINISTRATION
AND NON-GOVERNMENTAL
ORGANIZATIONS –
OPPORTUNITIES
FOR COOPERATION**

UDK 342+061.2
Mi 260



This study has been prepared as part of the Centre for Public Policy PROVIDUS Public Policy Fellowship Program, which is financed by the Soros Foundation – Latvia, the Open Society Institute Justice Initiative Program (*JJ*), and the Local Government and Public Service Reform Initiative (*LGI*).

The author takes full responsibility for accuracy of the data.

The study is available in Latvian and English on the Internet: www.politika.lv
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ISBN 9984-751-40-6

EXECUTIVE SUMMARY

Public participation in the country's affairs is guaranteed by Latvia's Constitution. Latvia has also developed a number of other policy instruments that are prerequisite to public participation: laws regulate the accessibility of information and protection of data, rules on administrative procedures provide for the right to appeal decisions. In certain areas where public interests are involved – assessment of environmental impact, permits for activities that pollute the environment, the building industry, and territorial planning – the law demands consultation in the form of public hearings. Public involvement in policymaking is also required by policy documents which govern public administration: the Public Administration Reform Strategy and the program for its implementation (2001); the Basic Guidelines on Policy Planning (2001); the Basic Guidelines on the Government's Communication Policy; laws and regulations: the Law on the Public Administration System (2002); the Standing Orders of the Cabinet of Ministers (2002), and other documents.

There are over seven thousand non-governmental organizations in Latvia, and each has a view about public policy. On the other hand, public policy is managed in 16 public ministries. How is it possible for such a small number of government agencies to consider the views of such a large number of stakeholders? How can all interested groups be involved in forming public policy, but at the same time, in a manner that does not inhibit the making of public decisions or the conduct of public administration?

Policy toward public participation is in its development stage in Latvia. On the one hand, there are a number of prominent organizations that are invited to participate in working groups and councils as representatives of public interests, asked to give their opinions on draft legislation. The better organized have gained an influence with government ministries disproportional to their numbers and concerns. They have been accepted as actors in the making of public policy, while the organizations which are less well organized, but no less important, remain on the sidelines. There is reason to be concerned that policy is being made without consideration of all legitimate interests. The result is that many policy decisions do not enjoy the support of the parts of society which they affect. Trust in government has declined, and as a result, some refuse to participate in the implementation of government decisions. If nothing is done to secure

a balance of influence in policymaking, the scales could systematically tip in favor of the better-organized interest groups.

Latvia's yes to membership in the European Union in the very near future has made it particularly important to develop effective participation mechanisms. Both the ministries and the non-governmental sector must gain experience and find the best mechanisms for cooperating within the framework of the European Commission's policy-making process.

The goals of this study are:

- 1) to analyze current practice and cooperation models for cooperation between government ministries and public organizations;
- 2) to recommend policy initiatives aimed at implementation of an effective and fair participation mechanism.

The job of the ministries is primarily the making and administering of policy in the interests of Latvia's population. To work out effective policies, it is often necessary to hear the views of the interested parties. In a democratic system, the client is the citizen. In this situation, the mechanism of participation cannot be outdated or unrestricted – both sides must agree on modern, effective and transparent principles of cooperation.

The legal basis and policy documents that deal with participation indicate that Latvia's policymakers are well aware of the need for involvement of the public and non-governmental organizations. Legal provisions urge ministry officials to consider different views on a subject. However, a few amendments to Cabinet regulations and instructions would clarify the duties of public officials and reduce the number of cases where there are no consultations during the drafting of policy.

An analysis of ministry practice shows that ministries have had different experience with cooperation:

- cooperation is frequently dependent on the good will of a concrete official;
- there are problems connected with communication;
- responsibility for consultations is not clearly defined;
- experience with how to consult civil society is in its first stages of development;
- the resources of non-governmental organizations in Latvia are limited.

The study recommends measures that would help to improve current practice. These include: clear determination of departmental responsibility for consultation procedures, coordination of information among ministries, choice of adequate communication channels for cooperation with public organizations. When analyzing forms of public participation during the drafting of various types of policy documents, special emphasis is placed on achieving maximum effect with expedient use of ministry and NGO resources. The study also recommends a number of solutions that should be considered in an e-administration context. Databases, mailing lists and consultation management programs would make it possible for ministry officials to save time and improve communication with non-governmental organizations.

Latvia has all of the prerequisites for developing a democratic system in which the public is involved in policymaking. Both the legal basis, the experience of government ministries to date and the desire of public organizations to participate provide a good foundation for further efforts to develop a system that will make public involvement standard practice.

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INTRODUCTION

Transparency and public participation are popular phrases. Policy is difficult to implement if the public has not been involved in its design. It is a matter of public honor to work in conditions of transparency and to carry out “open-door” policies. Prime Minister E. Repše’s Government Declaration, too, manifests determination to involve society in public administration. At the same time, policy decisions must often be made quickly. Ministry budgets, including the budgets for public participation, are limited. Latvia’s accession to the European Union and NATO requires the quick harmonization of laws and standards. EU directives often do not permit alternative solutions. Ministries must change their operational procedures quickly under the pressure of EU deadlines. All are faced with the same set of issues: when and how to involve the public in policymaking.

A civil society is usually considered to be a society that is actively organized into interest groups. There are more than 7,000 active public organizations in Latvia. Policymaking is in the hands of 16 ministries. One could imagine ministry corridors overrun by the representatives of dozens of organizations with their demands, proposals and complaints. However, this is not the case. In fact, quite the opposite: it is frequently difficult for ministries to find partners to consult and involve in drafting policy documents and laws.

On the one hand, there are a number of prominent organizations that are invited as representatives of public interests to participate in councils and working groups and give their opinions on policy documents and draft legislation. On the other hand, these organizations are not always equipped for such tasks. The better organized, have gained influence with the ministries. The less well organized remain on the sidelines. There is reason for concern that policy is being made without consideration of all legitimate interests. The result: policies are enacted that do not enjoy the support of the parts of society which they affect. In these instances, public trust in government declines and people tend to refuse to actively assist in the implementation of new public policies. If nothing is done to secure a balance of influence in policymaking, the scales could systematically tip in favor of the better-organized public interest groups.

Civic participation is particularly important now that Latvia is preparing to join the European Union. During the period of legislative harmonization and negotiations over accession, non-governmental organizations have already been involved in defending their interests. Following accession to the EU, it is expected that the role of the non-governmental sector will grow, particularly in defending interests within EU institutions. This will require experienced organizations that are armed with the necessary resources, and effective mechanisms for cooperation with Latvia's institutions.

The job of ministries is primarily the making and administering of policy in the interests of Latvia's population – not lending an ear to interested groups. However, to draft effective policy, it is **often** necessary to hear the views of **all** interested parties. In a democratic system, the client is the citizen. The mechanisms of participation cannot be outdated or unrestricted – all sides must agree on new, modern, effective and transparent mechanisms for cooperation.

How to create and introduce such mechanisms and maintain effective public administration – the capacity to draft, adopt and implement policies that deal with the problems of society, and do so within a reasonable length of time and with the available resources? What must be the participation mechanisms to make sure that ministries are not overrun with representatives of non-governmental organizations, and that planning is carried out with consideration for a broad spectrum of interests? Is it possible to find participation models which take into account the interests of all those who are affected by a decision? Is it possible to find solutions that do not overtax either the administration or the public with expansive and expensive participation mechanisms.

The goals of the study are:

- 1) to analyze current practice and cooperation models for cooperation between government ministries and public organizations;
- 2) to recommend policy initiatives aimed at implementation of an effective and fair participation mechanism.

Methodology and restrictions

During the course of the study, policy documents, laws and regulations that deal with public involvement in policymaking were analyzed. In order to examine current ministry practice, in-depth interviews were carried out at 11 ministries. The annotations that are attached to the drafts of new legislation were also evaluated. A survey of non-governmental organizations was carried out: questionnaires were returned by 111 of the 600 organizations that were addressed. Ways of improving the current situation were also sought in two focus-group discussions, with the participation of ministry officials and representatives of non-governmental organizations. The data obtained during

the course of this study cannot be considered representative, but it is sufficiently informative to suggest possible systemic problems that should be studied more intensively in order to find the causes of the problems and make recommendations for solutions.

Press reports were analyzed and the transcripts of Saeima debates examined for information on questions that involve the participation of non-governmental organizations. Information was compiled on earlier studies that have been carried out on development of a civil society in Latvia and participation in decision making. During the course of the study, the author participated in a number of seminars and meetings, where non-governmental organizations voiced their views on opportunities for participation in the policymaking process.

From the perspective of the policy cycle, focus will be on improving participation mechanisms in the policy drafting stage – during the preparation of policy documents and legislation. This is the most effective stage of cooperation between non-governmental organizations and ministries, where the majority of both policy documents and new laws are planned. The study will not address ways of influencing the policy agenda – an important question, but primarily a question of NGO cooperation with other actors: politicians and the media. The possibilities of individual ministry departments to raise new issues and include them in their own agendas are fairly limited. The study will also not touch upon policy implementation issues, including the delegation of functions. These questions are equally important for positive policy results and require separate study.

Format

The study has been organized as a sequence of the resources that are available to Latvia's non-governmental organizations for participation in formulating government policy. These resources are: the legal framework, ministry readiness for cooperation (practice), as well as a number of factors that relate to the capacity of the organizations themselves (access to technologies, knowledge, financial resources and time).

CONTEXT

1. Importance of NGO participation

Public involvement in policymaking is on the public administration agendas of all developed countries. The question that is often asked: if the people have chosen their representatives in democratic elections, why should individual interest groups also be given an opportunity to influence policy decisions in the period between elections?

Civil society – interest groups that have combined forces for the protection of their interests – is demanding greater policymaking transparency and opportunities for participation in almost all democracies. If such opportunities are not given and cooperation mechanisms that are acceptable to both sides are not found, it is difficult for governments to carry out planned reforms.

- 1) Reforms do not find support if the public is not and does not feel involved in decision making, if it does not have a clear understanding of the rules that govern policymaking and participation.
- 2) Interest groups that are unable to have their problems treated in a constructive way – through participation – tend to apply other participation methods such as demonstrations, strikes and other forms of protest. This reduces the efficacy of government policies and may have a negative effect on government stability.
- 3) Public involvement in decision making is a resource for alternative solutions and for public initiative in seeking to resolve problems.

Benjamin Crosby has dealt extensively with the benefits of public participation in the decision-making process.¹ It is his theory that those who are affected by a specific policy must be involved in both the decision-making process and the choice of criteria.

¹ Crosby, Benjamin. *Participation Revisited: A Managerial Perspective*. Center for Democracy and Governance. USAID (2000).

Those who benefit from this kind of participation are both those on the receiving end of a policy (clients) as well as those who implement the policy (institutions).

It is particularly important to involve policy clients in cases where the groups in question will benefit from a policy. This will increase the longevity and sustainability of the policy. Furthermore, a share of the responsibility for the results of the policy will be assumed by the groups that have been involved. At the same time, participation also increases the capacity of policy recipients, and civil society is strengthened.

It is equally important to involve those who will be responsible for policy delivery: those who will actually be introducing, implementing the policy, and those upon whom successful implementation of the policy and provision of services will depend – local governments, business enterprises. This contributes to the efficiency of a policy and to a distribution of the costs.

Joint policy planning helps to save on budget resources (if they are limited): part of the expenses can be covered and part of the work carried out by the policy recipients themselves – especially in cases where forces are combined to improve a program. Those involved will feel like co-authors of the program. And cooperation with those responsible for delivery of a policy can help to reduce the costs and at the same time make sure that services are provided in due time.

A closed process can raise suspicions about the criteria for decisions, about who will be gaining what from a policy. An open process makes it easier to accept a policy even for those who do not benefit (or lose) from it. There is less opposition. If negotiations are possible, sometimes making even a tiny compromise and taking into account the proposals of the opposition can turn opponents into partners, or at least reconcile them with the results of a policy. This increases the chances of successful implementation. It is particularly important to involve those whose vital interests will be affected.

The bottom line is that the involvement of different interest groups will increase support for a policy, its legitimacy and transparency, and improve the chances of a positive response to its implementation. This is why governments try to find participation mechanisms that are acceptable to both sides and try to get interest groups to cooperate constructively in drafting and implementing policy.

2. International context

Public involvement in decision making is currently on the agenda in most countries. Parallel to the structures of representative democracy – in which public administrations pursue their goals in accordance with guidelines set by the elected representatives of the

people – there is also the development of elements of direct democracy. The Organization for Economic Cooperation and Development (OECD)² claims that in almost all of its member states development of democracy and direct public involvement in policy-making are high up on the political and social agendas. OECD sets forth the following criteria for public participation:

- 1) the information that is provided by the government must be complete, objective, reliable, relevant, easy to find and to understand;
- 2) consultation must have clear goals and rules defining the limits of the exercise and the government's obligation to account for its use of citizen's input;
- 3) participation must be given sufficient time and a sufficiently flexible approach to allow the emergence of new ideas and proposals by citizens, and their integration into government policymaking processes.³

OECD analyzes three aspects of participation policy: information, consultation and active participation. All three aspects are important not only in the policy-planning process, but also in the implementation and assessment of a policy. In regard to information, OECD member states have developed a variety of policy instruments on which countries may draw for their own public participation strategies: laws on information accessibility, policies on data protection, rights to appeal decisions. The implementation of consultation practice is less well developed. In some countries it is based on deeply rooted tradition; in others it is regulated by law (referendums, rights to appeal, petitions, laws on administrative procedures,⁴ assessment of environmental impact). In some countries (Finland, Italy), an assessment of the impact of laws and regulations is prescribed by law.

The area of least experience is that of active public participation in the design of public policy. This phenomenon is new and is being encouraged cautiously, even in the developed democracies.

² The Organization for Economic Cooperation and Development (OECD) initially comprised 20 economically developed countries. At present, a number of Eastern European countries have also become members of the organization. Latvia takes part in several OECD programs, including a program for improving the public administration system.

³ Citizens as Partners: Information, Consultation and Active Participation in Policymaking. OECD, PUMA (2001).

⁴ Laws on administrative procedures anticipate hearing of persons who are negatively affected by a decision and provide for the right to appeal decisions.

The EU policy on involving non-governmental organizations in policymaking is based on the assumption that this will:

- foster participatory democracy;
- represent the views of specific groups of citizens in European institutions;
- contribute to policy making;
- contribute to better project management;
- contribute to European integration.

The following are mentioned as some of the more important forms of cooperation between European institutions and the non-governmental sector:

- dialogue at the European level;
- dialogue with and consultation of NGOs on changes in policy;
- NGOs as information channels: NGOs inform EU institutions about public concerns and ensure that information about the European Union reaches the public;
- funding of NGO initiatives for dealing with public concerns;
- implementation of EU programs and projects with NGOs as intermediaries.⁵

The EU legislative body is the Council of Ministers – the assembly of ministers from all Member States. The Saeima will no longer be the chief lawmaker – approximately 80% of economic legislation is adopted by the EU. The transparency of the process is diminishing, and this is why it is more important than ever to involve the non-governmental sector. Since the beginning of May, Latvia has received dozens of draft EU laws, which require a response. How many of these documents have reached NGOs or businesses? The printed form for negotiation positions that must be submitted to the government does not even have a column for the results

⁵ Commission Discussion Paper “The Commission and Non-governmental Organizations: Building a Stronger Partnership.” Brussels, January, 19, 2000. COM (2000) 11 final.

of consultations with NGOs. The formal responsibility lies with the ministries, but wouldn't it be wise to create a source of information (at least one page on the Internet) that provides access to all of these documents? If it is not a question that pertains to a specific area of interest – who will organize a discussion with NGOs at the national level?

Edwards Kušners⁶

The Commission's consultation mechanisms anticipate the debating of projects from their initial conception to the implementation of a policy. The Minimum Standards⁷ say that the European Commission must guarantee that policy target groups have an opportunity to voice their views. This means that if we want to influence policies that are designed in Brussels, but concern us as well, in the very near future Latvia's non-governmental organizations will have to participate at the European level. The government, on the other hand, will have to think about involving NGOs in formulating Latvia's positions.

3. Latvia

Participation policy in Latvia is only in the development stage. Policy documents have declared the principles of participation, and laws have set out the forms of public participation. Public participation in the country's affairs is guaranteed by Latvia's Constitution.

Latvia has also developed a number of other policy instruments that are prerequisite to public participation: laws regulate the accessibility of information and protection of data, rules on administrative procedures provide for the right to appeal decisions. In certain areas – assessment of environmental impact, permits for activities that pollute the environment, the building industry, and territorial planning – the law demands consultation in the form of public hearings. Public involvement in policymaking is also required by policy documents which govern public administration: the Public Administration Reform Strategy and the program for its implementation (2001); the

⁶ Kušners, Edvards. "Eiforija vai nevēriba [Euphoria or inadvertence]." *Diena*, June 20, 2003.

⁷ Communication from the Commission: "Towards a Reinforced Culture of Consultation and Dialogue – General Principles and Minimum Standards for Consultation of Interested Parties by the Commission." Brussels, December 11, 2002. COM (2002) 704 final.

Basic Guidelines on Policy Planning (2001); the Basic Guidelines on the Government's Communication Policy; laws and regulations: the Law on the Public Administration System (2002); the Standing Orders of the Cabinet of Ministers (2002), and other documents. The Government Declaration also anticipates the systematization of public involvement in policymaking.

1. THE STATE AND SOCIETY

1.1. We shall ensure transparency in the work of the government, the public administration and the local governments. This includes transparency of Cabinet meetings.

1.2. We shall introduce open and transparent mechanisms for public participation at all stages of policymaking by creating consultation mechanisms for the policy drafting stage and allocating funds for public involvement.

Declaration on the intentions of Einars Repše's Cabinet of Ministers⁸

Admittedly, these are new guidelines, and their systematic introduction has only just begun. The School of Public Administration, for example, does not yet offer programs and methodological materials on the implementation of these principles. The principles are not entirely new, however. Latvia's ministries, like those in other Eastern European countries, have already had 12 years of experience cooperating with the non-governmental sector. The situation differs from ministry to ministry. The way in which the current situation has developed has had a lot to do with the organizational capacity of specific interest groups and the goodwill of individual officials in different departments of the ministries. This experience is an invaluable resource for implementing the guidelines of public administration policy and introducing effective cooperation mechanisms between the ministries and the public, with non-governmental organizations acting as intermediaries.

The analysis of the situation shows that there are many obstacles to effective cooperation. This is, therefore, the right moment to compile and analyze the experience of

⁸ Declaration on the intentions of Einars Repše's Cabinet of Ministers (November 5, 2002). <http://www.mk.gov.lv/index.php?id=30> (last accessed on June 18, 2003).

ministries and non-governmental organizations in order to introduce the most effective policy instruments pursuant to participation policy guidelines and avoid ineffective practices.

4. Criteria for effective cooperation⁹

In the present situation, public involvement will be evaluated according to the following criteria:

1. The public should have a say in decisions that will affect their lives. This means that the decision-making process must incorporate mechanisms to establish the potential range of policy clients, to inform these target groups about policymaking plans and opportunities for participation. There should also be control mechanisms for checking whether or not the public has been involved in an appropriate manner.
2. Public participation must include the promise that the public's contribution will influence (can influence) the decision. It is important to avoid creating the illusion of participation; for example, by consulting public organizations about projects when the ministry has already formed an opinion and prepared a report or by discussing alternative solutions when, for political or other reasons, it is clear from the outset that only one solution is possible (for example, the introduction of EU regulations). In such cases, timely information of the public, explanation of the circumstances and elaboration of the reasons for a decision is the best way to get support for unpopular decisions.
3. The public participation process must communicate the interests and meet the needs of all participants. The choice of communication channels must take into account the possibilities of the target groups and their available resources. For example, if it is necessary to reach target groups in distant rural areas, it will not be enough to publish information on the Internet – it is quite likely that the information will not reach the intended recipient.
4. The public participation process actively seeks and facilitates the involvement of those potentially affected. The majority of the ministries has found partners among the organizations and cooperates with these on a regular basis. Most of them are non-governmental organizations that have showed interest in the plans of the ministry and

⁹ The criteria are based on core values formulated by the International Association for Participation Practitioners (IAP2). The Association was founded in 1990 and unites participation experts and practitioners from more than 22 countries.

<http://www.iap2.org/practitionertools/CoreValues/html> (last accessed on March 20, 2002).

have sufficient resources to regularly follow the work of the ministry. However, if policy-makers rely solely on these organizations, the interests of many who are affected can go unheard since it is possible that only the best-informed interest groups are represented at the negotiation table.

5. The public participation process must provide participants with the information that they need in an adequate manner. A ministry will not get much of a response if it allows only a short time for proposals involving a complicated draft law, where the help of a legal expert is required. However, views could very well be sounded out at meetings or discussions. Explanatory annotations could also be attached to draft laws.

6. The public participation process must communicate to the participants how their input has affected the decision – whether their proposals have been taken into account – and what the final decision has been. If examination of proposals is no more than a formal exercise, and if those who have submitted proposals are not informed about the final decision and the reasons for the decision, they may consider the whole process to be manipulative.

LEGAL BASIS

1. Policy documents

For politicians in Latvia, public participation in policymaking is a generally recognized principle of public administration. This is reflected in the Government Declaration, in policy documents, and laws and regulations.

1.1. Basic Guidelines on Policy Planning¹⁰

The Basic Guidelines on Policy Planning anticipate a growing role for non-governmental organizations, especially in the consultation stage of new policy initiatives. The document states that "...public debate is more important in the conceptual stage of policymaking than later on when concrete laws are being drafted."

Admittedly, the State Chancellery has in part carried out what the guidelines propose. In accordance with the principles of this document, the new Standing Orders of the Cabinet of Ministers include the requirement that all projects submitted to the Cabinet must include information on coordination of a policy document with non-governmental organizations, as well as the views of these organizations. However, there are still no guidelines on when and how to involve the public in consultations about and drafting of policy documents.

1.2. Basic Guidelines on Government Communication Policy¹¹

The Basic Guidelines on Government Communication Policy seek to increase public involvement in decision making with the help of communication. The document con-

¹⁰ Basic Guidelines on Policy Planning (October 9, 2001). http://www.mk.gov.lv/site/New%20Folder/san/politikas%20planosanas%20pamatnostadnes_fin_pec%20mk.doc (last accessed on June 20, 2003).

¹¹ Basic Guidelines on Government Communication Policy (2001). <http://www.mk.gov.lv/site/New%20Folder/files/Dazadi/pamatnostadnes.doc> (last accessed on June 20, 2003).

tends that the information that is available to the public is too complicated, and comprehensible only to a narrow circle of experts. It is impossible to receive objective and comprehensive information on many issues. Furthermore, people are not convinced that their views will be considered during the decision-making process. As a result, the public is not prepared for active cooperation.

In accordance with this document, the principle of participation is one of the basic principles of government communication: when preparing decisions on matters of public concern, it is the duty of public administration institutions to involve those parts of the population whose interests are affected by a decision in the decision-making process. Opportunities must also be given for the public to voice its views and provide input in cases where policies and decisions affect public interests.

In order to ensure public participation, the guidelines anticipate a number of measures that could serve to improve participation at the policy drafting stage:

- *The latest information on the government's goals and policies, and programs and projects that have already been prepared must be made accessible to the public.* This is commendable; however, in order to encourage public participation, it is also necessary to provide information about projects and programs that a ministry is only planning to prepare.
- *Rules must be established for the way in which the proposals of advisory councils and public organizations are added to the questions prepared for review by the Cabinet of Ministers.* The procedure itself is set out in the Standing Orders of the Cabinet, but there are no guidelines for compiling and analyzing these recommendations or for when, how and from whom the organizations must receive answers about the decisions that are made and the reasons for these decisions.
- *The status of the advisory councils must be clearly defined. The assignment that is set out in the Basic Guidelines should be expanded, and the functions and composition of the councils should be reviewed.* This must still be done. Many of the advisory councils could be more actively and effectively involved in planning policy and drafting legislation before the documents are submitted to the State Chancellery.
- *The procedure for consulting public organizations and target groups on draft laws and policy documents must be implemented and improved.* One of the measures that have been undertaken to achieve this is the inclusion of NGO representatives in the Meeting of State Secretaries. Another is the requirement that draft laws must be accompanied by an annotation that includes information on consultations – if such have taken place. However, these measures function primarily as control mechanisms to check whether consultation with NGOs has actually taken place. Procedures and responsibilities for systematic and effective involvement of interest groups have not yet been established at the ministries.

- *Only questions that have been discussed and/or coordinated with non-governmental organizations and target groups should be included in the agenda of the Cabinet of Ministers.* Although this is well meant, it is doubtful whether it is wise, considering the costs that would be involved and the time that would be needed for consultations. It would be wiser to set criteria for the cases in which policy documents and draft laws must be coordinated with interest groups.
- *In order to improve public understanding of public administration, the guidelines anticipate rules for when and in what form the draft laws that are submitted to the Cabinet must be accompanied by a short annotation providing information about the law in a concentrated and easily comprehensible form.* This type of information would also be necessary at the very beginning – when the working group for a project is being set up. This would make it easier to determine the possible target groups of a planned policy or law and begin cooperation with these groups in the early stages of the project.

2. Legislation

As already pointed out, different OECD countries have different approaches to legislative regulation of public participation. In some countries, participation is a traditional component of the public administration culture and does not require special regulation. In others, participation is demanded by the law.

Latvia's legislation does not prescribe standard principles for the regulation of public participation in the policy drafting stage. In some areas, such as environment and agriculture, the principles are extremely rigid. These areas also have the most intensive cooperation. However, legislative regulation is not necessarily a guarantee for public involvement and positive results. It is only one of the conditions that stimulate cooperation. It also gives organizations a legal basis for their desire to participate if a ministry is uncooperative.

2.1. Constitution of the Republic of Latvia¹²

The Constitution of the Republic of Latvia anticipates the freedom of expression. Latvia's citizens have the right to express their views and to freely receive, possess and impart information. The Constitution also guarantees the right of citizens to freely participate in the work of the government and the local governments. Furthermore, the Constitu-

¹² Constitution of the Republic of Latvia (December 31, 1997). http://www.saeima.lv/Likumdosana/likumdosana_satversme.html (last accessed on June 20, 2003).

tion prescribes the right to form and join political parties, associations and public organizations, and to take part in peaceful meetings, marches and pickets. From the aspect of constructive participation, the most important right is the right to form and join organizations and the right to address submissions to the government or the local government and to receive materially responsive replies.

2.2. Law on the Procedure for Processing Applications, Complaints and Proposals by Government and Local Government Institutions

The law elaborates on the right guaranteed by the Constitution to address submissions to and receive answers pertaining to the issue from government and local government institutions.

Ministries are required to give the applicant a properly supported response to a proposal within 15 days. If more time is needed to prepare an answer, the applicant must be informed of this.

An analysis of ministry practice (interviews with ministry officials) shows that proposals submitted by the public on issues that are currently not on the ministry's agenda are filed away and usually not reconsidered when the issue finally does come up. The representatives of non-governmental organizations who were interviewed do not feel that this is an effective form of cooperation in the drafting stage of a policy.

The proposals that are submitted by public organizations would only be effective if they were systematized and analyzed when the issue in question comes up on the ministry's agenda. On the other hand, public organizations would be able to focus their proposals more effectively if ministries provided more information about their agendas; for example, by placing agendas and schedules on ministry homepages, indicating timeframes and responsible departments, and informing about opportunities for participation.

2.3. Law on the Public Administration System¹³

The law lays down the following principles for public participation:

- 1) It is the duty of the public administration to inform the public about its work. This pertains in particular to those parts of the population which are or may be affected by planned activities or measures.

¹³ Law on the Public Administration System. *Latvijas Vēstnesis*, June 21, 2002.

- 2) In the policymaking process, government agencies may set up working groups or advisory councils, which may include public representatives. These may be representatives of public organizations or other organized groups, or competent individuals.
- 3) Government agencies may ask public representatives to give their opinions on specific decisions, policy documents, or draft laws.
- 4) On issues of public concern, agencies are required to hold public hearings.
- 5) Agencies are free to decide on the application of other forms of public involvement provided for by law.
- 6) Government agencies may delegate public administration functions to private persons – and this includes public organizations. The law anticipates the possibility of receiving the necessary resources (including financial resources) for execution of these functions. A public organization that agrees to carry out a certain function assumes responsibility for the use of these resources and is subjected to control by the government. To be eligible for the assumption of public administration functions, a public organization must have the necessary expertise, reputation, resources and qualified personnel.
- 7) An agency may also authorize a public organization to carry out public administration functions. Private persons must carry out these functions in the public – or non-commercial – interest, and must do so at least as efficiently as the government agency.

In accordance with the Law on the Public Administration System, the director of an agency shall decide whether and how to involve the public.

An analysis of these provisions of the law leads to the conclusion that the law encourages ministries to involve public organizations and provides an overview of possible forms of cooperation. It is positive that the list of possible forms of participation has been left open, and ministries are free to practice forms of public involvement that are not set out in the law.

The law does not interpret public involvement in public administration as a duty that ministries are obliged to fulfil. The only exceptions are informing the public and holding public hearings on “matters of public concern.” Even here, however, it is left to the ministry to decide which matters it considers to be of public concern. For this reason, the question of whether or not the law will actually prompt ministries to undertake concrete measures remains open.

2.4. Laws covering specific areas and special laws

Public involvement mechanisms are sometimes anticipated in laws covering specific areas. In the areas in which the non-governmental sector is particularly active, amendments have been made to the laws to provide for public participation even in the drafting stages of policy. In other areas, however, public involvement in these stages of policymaking is not required by law.

For example, the Law on Agriculture defines the functions of an advisory body (the Council for Cooperation between Agricultural Organizations), which include participation in the drafting of policy documents and laws. The law stipulates that the Ministry of Agriculture must consult the council on the following issues:

- “1) drafting and delivery of agricultural policy, including government subsidies;
- 2) Latvia’s negotiations with the European Union and other countries on agricultural issues;
- 3) the support for agriculture that is provided by the European Union, foreign countries and international organizations.”¹⁴

The principles of public participation in formulating policy are best elaborated in the Law on Protection of the Environment, which prescribes public participation in the drafting of environmental policy and legislation. The law addresses not only the accessibility of information that is required for participation, but also the need for an appropriate participation mechanism.

“Section 17.5. Public participation in decisions involving protection of the environment

Government institutions and local governments shall take the necessary steps to ensure that those members of the public who wish to participate in the decision-making process shall in due time receive the information that is necessary for making a decision.

¹⁴ Law on Agriculture. *Latvijas Vēstnesis*, November 8, 1996; with amendments, February 22, 2001 and December 13, 2001.

Government institutions and local governments shall ensure that the views expressed in the public participation process are taken into account when decisions are made.

Government institutions and local governments shall involve the public in the preparation of and consultations on laws, strategies, plans and programs that deal with the environment.

Government institutions and local governments shall prepare timeframes for the drafting of laws, strategies, plans and programs, providing opportunities for public participation and ensuring that the projects are accessible to the public.

Section 17.6. Public participation in preparing legislation

Government institutions and local governments shall promote public participation in preparing legislation on protection of the environment, by providing opportunities for the public to voice its comments, views and objections concerning the drafts of laws, either directly or with the help of public representatives.”¹⁵

For questions that concern society as a whole – such as impact on the environment, the issue of permits for activities that pollute the environment, territorial planning and building – there are special laws that cover involvement of the public in decision making (Law on Building, Law on Territorial Planning, Law on Assessment of Environmental Impact, Law on Pollution, etc.). In these areas, however, the public is more involved in monitoring the implementation of a policy than in formulating the policy itself.

On the other hand, in an area such as education, which is important to everyone, public participation does not go beyond the delegation of functions and the improvement of educational subject matter and methods. The law does not anticipate opportunities for public participation in developing educational policy – drafting policy documents and laws. The main explanation for this is the fact that the law was adopted in 1998, when public participation was not yet on the political agenda.

¹⁵ Law on Protection of the Environment. *Latvijas Vēstnesis*, June 8, 1991; with amendments, October 31, 2002.

“Section 21. Public participation in education

(1) The public shall take part in the organization and development of education, popularizing all types of education, promoting learning and contributing to improvement of the quality of education, developing educational programs, protecting the rights and interests of students and teachers in the learning and teaching process, developing educational and educational support institutions and public organizations.

(2) Government and local government agencies shall provide the necessary information, consultation and methodological assistance for carrying out the tasks set out in the first paragraph of this section of the law.

(3) The government and local governments may, in accordance with the procedure prescribed by the law, delegate educational management and support functions to public organizations, providing the necessary funding.”¹⁶

The Framework Document on Educational Development that was drafted later on anticipates public involvement in decision making as one of the basic principles of educational policy.¹⁷

It is clear that there is no common approach to the regulation of public involvement in the planning and drafting stages of policy in the laws that cover specific areas. Some laws provide a detailed enumeration of the principles that must be observed, others do not address the issue. One explanation is that the laws have been adopted at different times; another is that in some areas public participation is demanded not only by the provisions of international law, but also by public pressure.

2.5. Ministry bylaws

Ministry bylaws do not generally specify possibilities and forms of public participation. Some of the bylaws and laws covering special areas address the issue of advisory councils and their role in the decision-making process. At the beginning of 2003, at the initiative of the NGO Centre and the State Chancellery’s Communication

¹⁶ Law on Education. *Latvijas Vēstnesis*, November 17, 1998.

¹⁷ Framework Document on Educational Development 2002–2005. <http://ppd.mk.gov.lv/ui/DocumentContent.aspx?ID=1468> (last accessed on June 20, 2003).

Department, the bylaws of the Ministry of Welfare and the Ministry of Defense were amended to include provisions that call not only for information of the public, but also consultation of public organizations prior to making decisions.

In connection with the need to standardize all ministry bylaws, the State Chancellery demanded the inclusion of a point on ministry cooperation with the public and with non-governmental organizations. Subsequently, ministry bylaws are being amended to include the following: [The ministry] “shall inform the public about area-specific policy and the work of the agencies that are subordinate to the ministry, shall consult and cooperate with non-governmental organizations in the decision-making process, encourage a social dialogue on questions that involve policy drafting and implementation, and involve public representatives in public administration.”¹⁸

2.6. Rules for Publication of Information on the Internet by Government Institutions¹⁹

These rules say that, along with other information, it is also necessary to publish documents that have been submitted to a government institution or prepared by the institution itself, and that have been released for public consultation (10.1.3); information dealing with a specific area, which the government institution wishes to popularize, which is of current public interest and should therefore be publicly debated (10.1.4); as well as a plan of action for execution of the Government Declaration, with reference to the relevant points in the Government Declaration.

2.7. Standing Orders of the Cabinet of Ministers²⁰

The Standing Orders anticipate several mechanisms for the involvement of public organizations and their representatives during the drafting of policy documents and laws. They regulate the procedure by which public representatives and public organizations may submit to the government proposals for policy documents and draft laws, and opportunities for taking part in the Meeting of State Secretaries, Cabinet Committee meetings and Cabinet meetings.

¹⁸ Ministry of Education Bylaw, Paragraph 6.11. Cabinet of Ministers Regulation No. 528. Riga, September 16, 2003.

¹⁹ Cabinet of Ministers Instruction No. 7, Rules for Publication of Information on the Internet by Government Institutions. *Latvijas Vēstnesis*, December 12, 2001.

²⁰ Standing Orders of the Cabinet of Ministers. *Latvijas Vēstnesis*, March 15, 2002; with amendments, November 7, 2002.

Natural persons may take part in these meetings as experts in a specific area, at the invitation of the state secretary of the ministry that has prepared a project, the minister or the Prime Minister.

The Standing Orders anticipate the following forms of participation for non-governmental organizations:

1) Cooperation with the ministry during drafting of a project. The results of this cooperation must be included in the annotation to the draft law. The annotation must indicate whether and what type of consultations with non-governmental organizations have taken place, whether and how the public has been informed, and its views on the issue. The Meeting of State Secretaries may request that such an annotation be included if the ministry has failed to do so. The Meeting of State Secretaries can also demand that a ministry hold public hearings on a project.

2) The Standing Orders anticipate that an NGO representative is entitled to take part in the Meeting of State Secretaries in the role of consultant. Both the State Chancellery and interested organizations have relegated this role to a representative of the NGO Centre. The Centre coordinates the participation of over 100 organizations. The NGO representative may express his or her own views as well as those of other organizations. At the invitation of the State Chancellery director, representatives of other organizations may also take part in the meeting, provided that they have well-founded arguments and expertise in the issue at hand.

3) The directors of non-governmental organizations and other institutions are entitled to submit draft laws to the Meeting of State Secretaries through the state secretary of the ministry that is in charge of the issues that are addressed in the draft law. The state secretary must coordinate submission of the project with the minister.

4) Non-governmental organizations may voice their objections to and proposals for a project even after the Meeting of State Secretaries – at the meeting of the Cabinet Committee (ministers and state secretaries) or at the Cabinet meeting. The Standing Orders stipulate that draft policy documents or laws that are submitted for consideration to the Cabinet Committee or Cabinet meeting, but are not accompanied by an annotation, must include information, signed by the submitter, on consultations with local governments and non-governmental organizations and on their views regarding the project. This information must be available on the Cabinet homepage prior to these meetings, to allow organizations to verify its correctness.

5) Non-governmental organizations are also entitled to submit draft policy documents or draft laws or reports at Cabinet Committee or Cabinet meetings. This can be done through the member of the Cabinet who bears political responsibility for the relevant area. The minister may also invite experts (including NGO representatives) to take part

in the Cabinet Committee meeting. At Cabinet meetings, the Prime Minister decides whether to allow such persons to take part at the request of the minister.

2.8. Rules for Filling out Annotations to Draft Legislation²¹

The Cabinet of Ministers Instruction on Rules for Filling out Annotations to Draft Legislation says that a number of documents – draft laws and Cabinet regulations with a fiscal impact on the national budget – shall be accompanied by an annotation. The annotation must justify the need for the proposed project and outline the socio-economic and fiscal impact that the law or regulation may have. The project is also assessed in the context of Latvia's international obligations. Parts VI and VII of the annotation cover the special role of non-governmental organizations. These parts must provide information on consultation of non-governmental organizations during drafting of a document, on how the public has been or will be informed about the law or regulation, and on current public opinion.

Documents requiring an annotation

Annotations must be attached to draft laws and Cabinet regulations that will have a fiscal impact on the national budget or local government budgets. However, in some cases, Cabinet regulations may not have a fiscal impact, but their implementation would seriously affect the interests of specific social groups – socially sensitive projects. Annotations may be attached to such documents either at the initiative of the ministry or at the request of the voting members of the Meeting of State Secretaries.

On the one hand, this system helps to ensure that only those issues of public concern that have been discussed with the groups that will be affected by the new legislation come before the Cabinet of Ministers. On the other hand, however, if the annotation, which is meant to ensure that public consultation takes place, is required only at the Meeting of State Secretaries' stage of the process, it becomes difficult to include other possible views and perspectives in the law or regulation. It must be kept in mind that, at this stage, the document has eventually already been coordinated with the legal departments of all of the ministries.

Public hearings, which the Meeting of State Secretaries is entitled to demand at this stage, also require a lot of time and resources. In such cases, the two months that the ministries have to coordinate a document and prepare an annotation may not suffice. For comparison: in other European countries, at least 12 weeks are allowed for con-

²¹ Cabinet of Ministers Instruction on Rules for Filling out Annotations to Draft Laws, September 18, 2001. In force since January 1, 2002.

sultation. In particularly urgent cases and with a legitimate justification, the time can be reduced to eight weeks.²²

This allows the possibility that Cabinet regulations with a serious impact on specific social groups may not be adequately evaluated and discussed with these groups before they leave a ministry. Although there are mechanisms for involving the public even in such cases, they must be seen as extraordinary measures. It is less expensive and more effective to consult the public in earlier stages of a project – before it reaches the State Chancellery.

Rules for filling out annotations

Part VI of the annotation demands answers to the following questions:

1. Which non-governmental organizations have been consulted?
2. What are the positions of these non-governmental organizations (the project is supported; NGO proposals have been included in the project; wording of the document has been changed in the interests of NGOs; the project is not supported)?
3. What measures have been taken to inform the public and what is public opinion?
4. Consultation of international consultants.
5. Other information.

Part VII of the annotation demands an answer to the question:

How will the public be informed about implementation of the law or regulation?

The rules for filling out part VI say that this part must be filled out if consultation has taken place and measures have been taken to inform the public. If, however, consultation has not taken place, this must be noted: “Consultation has not taken place,” or “No measures have been taken to inform the public.” In such cases, the rules do not demand an explanation for why the ministry has decided against holding consultations and informing the public.

If consultation has taken place, the rules demand that the ministry provide a considerable amount of additional information:

1. a list of the organizations that have been consulted;
2. the criteria for choosing these organizations;

²² See: Code of Practice of Written Consultation. Cabinet Office, Government of UK. www.cabinet-office.gov.uk/servicefirst/2000/consult/code/ConsultationCode.htm (last accessed on November 20, 2002).

3. the way in which these organizations are connected with the issue at hand;
4. the quintessence of the NGO proposals, with indication of whether or not amendments have been made on the basis of these proposals.

Even before these rules were introduced, skeptical views were voiced in the press:

Starting next year, ministries and other government agencies submitting draft laws and regulations will have to indicate in the annotations whether and which NGOs have been consulted during preparation of the drafts. **However, it is still nowhere explicitly stated that the authors of draft legislation must ask public organizations for their views, and there is still no standard system for informing all interested organizations about the new law or opportunities to make amendments to the law.** The Instruction on Rules for Filling out Annotations to Draft Legislation will be effective starting next year. The rules state that laws, regulations issued in accordance with Article 81 of the Constitution, and government regulations that affect the budget must be accompanied by more detailed and concrete annotations than has hitherto been the case. In addition to the currently required situation report on the area affected by the new legislation, the impact of the project on various economic indicators, impact on the budget, and information on related legislation, there will also be a section on consultation of NGOs. Here, it will be necessary to indicate the criteria for choosing a concrete NGO, the views of the NGO, and the measures that have been taken to inform the public. However, it is also pointed out that all detailed information must be provided only if consultation has taken place and measures have been taken to inform the public.

*Evita Prokopova*²³

An examination of annotations submitted to the Meeting of State Secretaries shows that in the majority of cases ministries choose to write in the annotation that consultations have not taken place. If consultations have taken place, ministries only list the organizations. If all requirements of the instruction were fulfilled in regard to the amount of detail that must be provided, the annotations would have to be supplemented with a great deal of additional information. This is possibly why the responsible officials have

²³ Prokopova, Evita. "NVO iesaistīšana paliks brīvprātīga [NGO involvement will remain voluntary]." *Diena*, December 17, 2001.

a reserved attitude toward consultation. In some cases, it is indicated in part VI of the annotation that consultation of the business community – of individual companies and not the organizations that represent a specific industry – has taken place.

It is clear that the rules for filling out part VI of the annotation do not encourage ministries to take a sufficiently serious approach to consultations and to a description of these consultations in the annotation. The ministries that choose to consult organizations subject themselves to great amount of paperwork that involves putting together and elaborating all proposals that have been submitted. On the other hand, if consultation has not taken place, ministries are not even required to explain why. This could be one of the reasons why ministries are not particularly enthusiastic about organizing the consultation process and describing their efforts in the annotation. Another reason: in the interviews that were carried out during the course of this study, ministry officials pointed out that, even if consultations are organized, there is little response from organizations, and few proposals are submitted that are relevant to the issue at hand. This is why officials frequently see no practical purpose to consultation. It should also be kept in mind that the ministries are only yet learning to work with the annotation mechanism.

3. Conclusions

Latvia's legislation anticipates the participation of both non-governmental organizations and the general public in formulating government policy. In some areas, the law sets out the principles (environmental protection) or the mechanisms (agriculture, economy) for participation of public and non-governmental organizations in drafting policy documents and laws. In other areas (education) participation is not regulated by law, but provided for in policy documents.

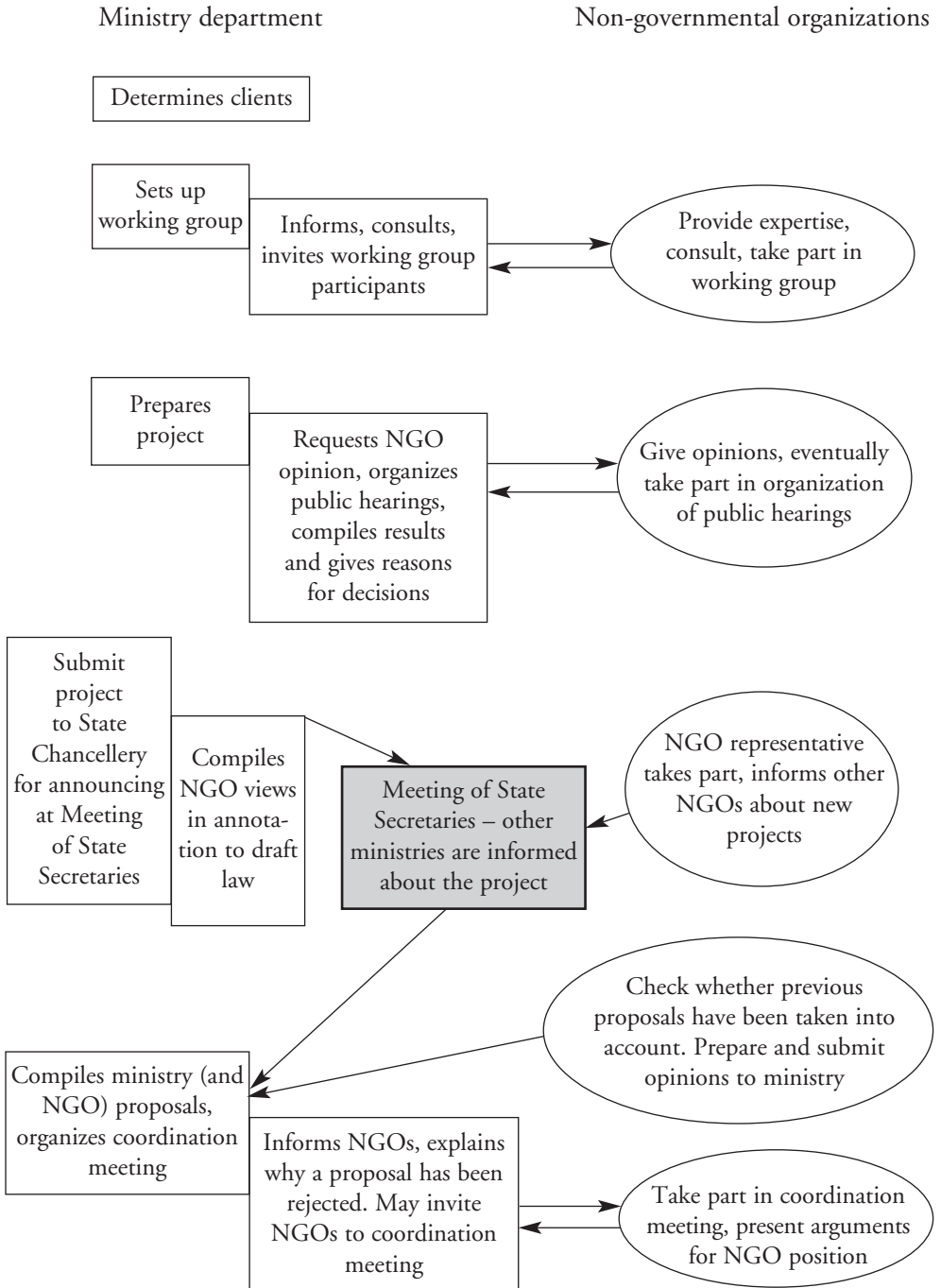
Ministry bylaws (February 2003) anticipate information of the public, but not participation in formulating policy.

The instrument that prompts ministry officials to consult non-governmental organizations before policy documents are submitted to the State Chancellery is the annotation that must be attached to draft laws and some Cabinet regulations. This is a new mechanism, which, for the first time, demands that ministries cooperate with non-governmental organizations and account for the way in which this is done. On the other hand, this is a fairly weak instrument inasmuch as it allows ministries to abstain from cooperation without providing legitimate reasons for doing so.

The following diagram illustrates NGO opportunities for cooperation in the drafting stage of policy documents and laws.²⁴

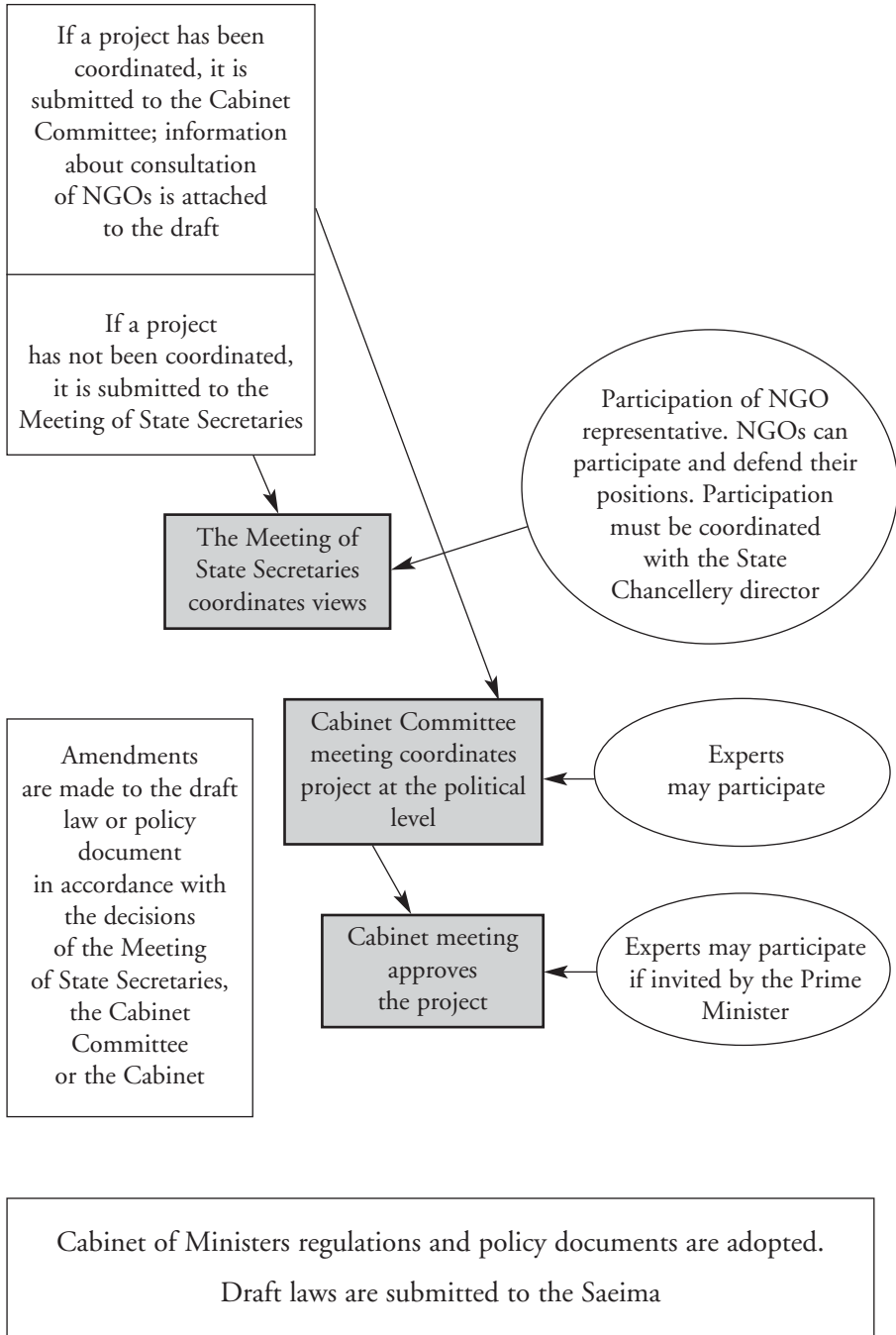
²⁴ Diagram prepared by the author as part of the State Chancellery and UNDP Project No. LAT/02/001.

The course taken by draft laws and policy documents, and opportunities to influence these at different stages



Ministry department

Non-governmental organizations



GOVERNMENT PRACTICE

1. Drafting and delivery of participation policy

At the executive level, the State Chancellery is in charge of some of the questions related to the participation of non-governmental organizations. The Chancellery's Department for Policy Coordination is seeking to improve the policymaking process on the basis of present-day policymaking principles. It is working on the introduction of a standard policymaking system and coordination of cooperation between government institutions in the drafting and implementation of sectoral and intersectoral policies.²⁵

The State Chancellery's Communication Department, on the other hand, is the link between the Prime Minister, the Cabinet, the State Chancellery and the public. It distributes official information about the work of the Prime Minister, the Cabinet and the State Chancellery either directly or through the media, registers public echo, and seeks to involve the public in the decision-making process.²⁶

To some degree, promoting the participation of non-governmental organizations is also the task of the Secretariat of the Special Assignments Minister for Integration Affairs. This institution's bylaw anticipates the formulation and implementation of a government policy for development of a civil society.

²⁵ State Chancellery 2001 Annual Report.
<http://www.mk.gov.lv/site/Publikac/vk%202001%20proj.doc> (last accessed on March 12, 2003).

²⁶ State Chancellery 2001 Annual Report.
<http://www.mk.gov.lv/site/Publikac/vk%202001%20proj.doc> (last accessed on March 12, 2003).

2. Responsibility for NGO involvement in drafting policy documents and legislation at the ministry level²⁷

At the ministerial level, the minister or the senior officials are responsible for choosing and implementing the participation mechanism for planning and formulating policy. The ministry's policy or legal department makes recommendations for setting up working groups that will prepare draft laws and policy documents and hold consultations during this process. At the same time, the ministry's communication department is responsible for explaining a policy to the public and sounding out public opinion before the policy is implemented.

Responsibility for cooperation with non-governmental organizations at different stages in the policymaking process is not clearly defined by the law. At some ministries, the public relations departments have been charged with "promoting cooperation" with non-governmental organizations.

During the course of this study, the author approached ministry state secretaries and asked them to recommend ministry officials for interviews on policymaking cooperation with non-governmental organizations. Three of the ministries recommended communication and public relations department officials. (In one case, the official invited another official from the legal department to take part in the interview.) At two of the ministries, the state secretaries also recommended legal department officials as interview partners; at six ministries, policy department officials. One ministry recommended interviews with officials from four different departments, since each one had different experience with cooperation.

The interviews showed that:

- 1) direct responsibility for NGO involvement in the drafting of policy documents or laws lies with the ministry official who is responsible for preparation of the document at the ministry's policy-planning or legal department;
- 2) the majority of the ministries do not have a common, clearly formulated policy (instruction, guidelines) for involving NGOs in the various stages of policy planning, either at the departmental or ministerial level;

²⁷ The 2nd section is partly based on the author's "Situation Report on the Involvement of Non-governmental Organizations and the Public in Policymaking" that was prepared as part of the State Chancellery and UNDP Project No. LAT/02/001.

- 3) there are extremely different approaches and methods for involving the public – from a completely decentralized approach to a structured and centralized approach (cooperation and advisory councils).

The goals of NGO involvement are unclear. To some extent, they go hand in hand with the specifics of the departments represented by the interviewed officials. Public relations and communication departments are practically not involved in organizing cooperation during the preparatory stages of policy documents and draft laws. These officials are primarily responsible for informing the public through NGOs about the ministry's decisions or policies when these have already been adopted. Although communication is a two-way process, communication departments usually do not collect information about the possible impact of a planned policy or law on different interest groups and do not make this available to the policy-planning and legal departments. The policy-planning and legal departments, on the other hand, cooperate with NGOs during the drafting stage of policy documents and laws in order to obtain the views of different social groups on the issue at hand and assess the potential impact of the planned legislation on these groups. Ministry officials value the practical experience of public organizations higher than their ability to formulate proposals in legal terminology. The officials at these departments are responsible for filling out the annotations – which means that they are also responsible for consulting NGOs. The officials who were interviewed had not cooperated with the communication departments in organizing such consultations.

3. Council participation in policy drafting²⁸

One of the instruments for involving the public in policymaking is the advisory council. It is the author's opinion that the council must meet the following criteria if it is to effectively fulfil its purpose:

- transparency and information in regard to the council's agenda, to make it possible for interested groups to express their desire to participate;
- opportunities for the representatives of different population groups to consult with these groups before a decision is taken, as well as a mechanism for reporting back to these groups;

²⁸ The 3rd section is partly based on the author's "Situation Report on the Involvement of Non-governmental Organizations and the Public in Policymaking" that was prepared as part of the State Chancellery and UNDP Project No. LAT/02/001.

- representation of all interest groups that are seriously affected;
- functions of the council: consultation on decisions and policy documents/draft laws before a decision is made;
- analysis of the quintessence of the council's recommendations before a decision is made;
- reporting back to the council on the final decision and the reasons for the decision;
- the process for setting up a council, rotation, transparency.

The Basic Guidelines on Government Communication Policy (2001)²⁹ anticipate clarification of the status and the rights and obligations of ministry advisory and cooperation councils, as well as the rights and obligations of public administration institutions to consider and/or observe the decisions of the advisory councils.

Current practice in regard to filling out the annotations indicates that the councils are not sufficiently involved in preparing policy documents and draft legislation. The exceptions: the National Council for Trilateral Cooperation (Ministry of Welfare), the Council for the National Economy (Ministry of Economics), the Council for Cooperation between Agricultural Organizations (Ministry of Agriculture). It must be pointed out that the participation of these councils in the coordination of policy documents has been stipulated in laws covering these sectors.

The Ministry of Agriculture has a **Council for Cooperation between Agricultural Organizations (CCAO)**. Forty-three NGO representatives meet at least once a month. The meetings are open to the public. CCAO was established by organizations that felt a need for such a council. Each organization contributed its views on what it would like to see in the CCAO bylaw.

The activities of CCAO are financed by government subsidies from the Ministry of Agriculture, which cover the costs of running the CCAO bureau in Riga and a similar bureau in Brussels (this bureau is co-financed

²⁹ Basic Guidelines on Government Communication Policy (2001). <http://www.mk.gov.lv/site/New%Folder/files/Dazadi/pamatnostadnes.doc> (last accessed on June 20, 2003).

by the Farmers' Federation). CCAO budget expenses are made up of office expenses, purchase of office equipment, staff salaries, travel expenses of member organizations attending CCAO meetings, costs of educational projects, and other travel expenses. Budget funds can also be used for covering legal or advertising expenses, should this be necessary.

The ministry is interested in supporting the work of the council because it provides an effective mechanism for establishing and coordinating the views of various groups before making a decision. The ministry also feels that all organizations that wish to participate should be given an opportunity to do so, regardless of the financial means at their disposal.

CCAO members regularly receive information about policy documents and draft laws prepared by the ministry. Member organizations can submit their proposals or participate in working groups. Ministry officials claim that all policy documents and draft laws are coordinated with CCAO before they are announced at the Meeting of State Secretaries. Questions are discussed until a consensus is reached.

CCAO member organizations are also invited to give their comments on the draft laws or policy documents prepared by other ministries if these can have an impact on farmers.

Each month, CCAO mails out an average of 60–70 draft laws and regulations with a request for comments. At meetings, only those are discussed on which the views of CCAO members differ from those of the ministry.

Although CCAO meetings are open to the public, they have so far not been attended by representatives of other sectors such as environmental or consumer protection NGOs.

*Interview with Rita Sile, head of the CCAO secretariat.*³⁰

³⁰ Information taken from the author's "Situation Report on the Involvement of Non-governmental Organizations and the Public in Policymaking" that was prepared as part of the State Chancellery and UNDP Project No. LAT/02/001.

According to the Transparency International Latvia (*Delna*) study “The Involvement of Public Organizations in Councils,”³¹ there are about 90 different councils at the ministries. Some of them – supervisory councils – are usually not involved in preparing and debating policy documents and draft laws. The others – the consulting and coordinating councils, whose goals are to make sure that policy makers and implementers consult with those who work in the sector and with experts – can serve as a resource for evaluating a policy before it is adopted and for involving non-governmental organizations. A number of public representatives are usually involved in these councils. Coordination councils coordinate concrete projects with the goal of reaching a joint position.

However, after an analysis of the functions and the work of advisory and supervisory councils, the authors of the study have come to the conclusion that the possibilities for the public to influence policymaking through its representatives are rather limited:

- Representatives of public organizations participate in only some of the councils.
- Only some of the representatives of public organizations express and defend the interests of their organizations in the council. Some “public representatives” work on the council in an individual capacity, as experts, and express their personal views at council meetings.
- In practice, hardly any of the councils allow full-fledged participation of organizations that are not on the council (the mechanism for admission is determined by the council’s bylaw). NGOs or other public representatives may participate either if they are invited to do so, or at their own initiative. However, such persons have practically no access to information about coming council meetings or the items on the agenda of these meetings.

A debatable question is whether the presence of public representatives on advisory or coordination councils can be considered an adequate mechanism for ensuring that consultations with various interest groups will actually take place. In view of the way that the work of the councils is organized (access to information only shortly before council meetings) public representatives can really only take part in the function of experts – without coordinating their views with those of the group that they represent. The

³¹ Transparency International Latvia (*Delna*). “Lēmumu pieņemšanas atklātība un funkciju deleģēšana nevalstiskajam sektoram konsultatīvajās padomēs [Decision making transparency and delegation of functions to the non-governmental sector in advisory councils].” Rīga (2002).

members of organizations who were interviewed by Transparency International Latvia (*Delna*) claimed, however, that they do not object to this situation since they trust their representative and believe that his or her views will represent the interests of the organization. They felt that it was enough if the representative reported back on his contribution to the work of the council.

The councils that work effectively in the policy drafting stage are the Council for Cooperation between Agricultural Organizations (CCAO), the National Council for Trilateral Cooperation, the Council for the National Economy (although the representatives of small and medium businesses complain that the interests of small and medium companies are not represented in the latter two councils). These three councils review almost all policy-planning documents. CCAO has also resolved the question of opportunities for public representatives to coordinate their views with those of their organization.

4. Assessment of NGO and ministry cooperation

The interviews that were conducted with ministry officials during the course of this study and the survey of non-governmental organizations show that both sides generally find cooperation to be satisfactory or good.

Seven ministry officials feel that non-governmental organizations have contributed valuable proposals and say that an important factor is NGO competence and ability to point out mistakes and inaccuracies. Two ministry officials feel that NGOs have not provided any valuable input. One of the ministries feels that it works mainly with draft legislation that does not have to be coordinated with non-governmental organizations.

Of the organizations that were questioned, 46% had taken part in preparing draft legislation, but 54% had not. The NGOs that had cooperated with ministries were asked to give their assessment of this cooperation. Thirteen of these NGOs felt that cooperation had been good or very good, and just as many others felt that it had been satisfactory. Nine of the NGOs that had cooperated with ministries said that cooperation had been bad or very bad. Sixteen organizations refrained from making an assessment.

When explaining their reasons for a negative assessment, the organizations mentioned several significant factors. Cooperation is considered to be negative if the ministry has failed to take the views of the NGO into account. Although the organization has examined the project prepared by the ministry and submitted its views, these have not been taken into account, and the organization has received no explanation for this.

From the NGO questionnaire:

“From the draft law that the working group had painstakingly prepared (more than a year’s work), everything that was important and essential was deleted, the wording was changed, and as a result the law, at least Chapter [...], no longer makes any sense.”

“The proposals that we had submitted were not passed on.”

“Despite the fact that attention was drawn to experience in other countries (Scandinavia), a law was adopted that is ineffective as far as improving public health is concerned.”

Several of the organizations feel that consultation is purely formal and that their views do not play a significant role in the making of policy decisions.

From the NGO questionnaire:

“Those who prepare the draft laws and also the institutions that subsequently deal with them, including the Saeima committees, very rarely pay attention to the views and proposals of public organizations.”

(professional association)

A number of organizations feel that the interests of the ministries differ from those of the organizations, which is why cooperation is unsatisfactory.

From the NGO questionnaire:

“The priority of government institutions is the coordination of legislation with EU requirements, not with the actual situation in this country, and that is why our proposals are not always taken into account.”

During focus-group discussions, the organizations acknowledged that cooperation with concrete ministry officials who were already known to the organization was extremely important. If “our man” at the ministry leaves, contacts are lost and cooperation must start over again from the beginning.

In cases where cooperation has been assessed as good, ministries have either sent officials who have been able to answer all relevant questions, or the proposals of NGOs have been taken into account, or there has been productive feedback.

From the NGO questionnaire:

“You can always wish for things to be even better, but, in any case, the questions that came up were discussed in a pleasant, unconstrained atmosphere.”

“We got what we wanted.”

“The majority of the proposals that were made have been included in the laws.”

“There is always productive feedback.”

“The experts at this department of the ministry are well aware of the role and importance of public organizations.”

An important aspect in cooperation between ministries and NGOs is initiative. Nine of the 11 ministries that were interviewed felt that both sides should be initiators; three ministries said that NGO initiative was also very important, and three others underlined that the question of which side should be the first to approach the other depended on the situation. None of the ministries named themselves as the sole initiator of cooperation.

34% of the NGOs that were questioned do not cooperate with ministries. The reasons for this were said to be a passive attitude on the part of the ministries, an absence of information about the ministries, and lack of finances.

It is clear that one of the main reasons that prevent organizations from participating is lack of feedback. Organizations are dissatisfied that their input is ignored, that cooperation with the ministries does not go beyond seminars or working groups, and that they do not know what has happened to their proposals – whether they have been taken into account or rejected, and the reasons for this. This is why organizations do not believe in their ability to have a real influence on policy documents or the wording of draft laws, and adopt a reserved attitude. It is true, however, that ministry officials also lose “control” over their projects once these reach the Saeima and are debated at the political level. This is why public organizations should seek forms of cooperation with the Saeima committees and follow the information that is available on the homepages of both the Cabinet and the Saeima.

5. Ministry resources

Currently, the information that ministries have about the non-governmental sector is widely dispersed. During the course of the study, it became clear that two departments of the same ministry are often concurrently creating databases on public organizations, and that information exchange and experience sharing is inadequate.

The interviews with ministry officials and the focus-group discussions showed that some of the information can be found in **ministry archives**. This is where the applications and proposals submitted by public organizations are filed away after the ministry has responded to the submissions. The majority of the ministries claimed that such information is stored in their archives. However, when asked how a ministry goes about contacting NGOs, the majority of the officials said that this is done with the help of telephone directories. None of the questioned NGOs, on the other hand, could recall a case where they had been invited to discuss any of their earlier proposals when the issue in question had finally been included in the ministry's agenda.

Information about NGOs that are interested in the work of the ministries can also be found in **ministry chancelleries**. Here, all incoming mail is registered, and the addresses of the senders and the content of the letters recorded. This is also a little-used source of information about NGOs that are active in a specific sector.

Furthermore, information about NGO activities, their competence – or, as the case may be, their incompetence – also collects in the **experience of public officials** and individual ministry departments. Non-governmental organizations mentioned in the survey that cooperation with ministries is hampered by the fact that, when ministry employees leave, cooperation must be renewed from point zero. This means that ministry employees do not share their experience and take little advantage of other employees as sources of information about potential partners for cooperation.

The ministry survey and the focus-group discussions showed that at the majority of the ministries no specific resources are planned or allocated for consultation of non-governmental organizations. The one exception is the allocation of budget funds for the work of the advisory councils. Some of the ministry officials mentioned that consultation takes place within the framework of their administration budgets and that the available resources were sufficient. Financial resources that are intended for seminars and conferences on policy-planning programs may also be used for consultation of NGOs.

NON-GOVERNMENTAL ORGANIZATIONS AS PARTNERS – REPRESENTATION AND RESOURCES FOR PARTICIPATION

The previous section examined ministry practice and readiness to involve non-governmental organizations in policymaking, to hear and take into account NGO views on policy documents and draft legislation. Now it is time to take a look at the other partner. Are Latvia's non-governmental organizations ready to take advantage of the opportunities offered by the government? What participation resources do they have at their disposal?

1. Representation of public opinion

Can the involvement of non-governmental organizations in policymaking be considered involvement of the public and, if so, to what extent? Conversations with ministry officials and analysis of publications in the press revealed two trends. The one extreme is the inclination to use the terms “representative of a non-governmental organization” and “public representative” as synonyms. Some ministry officials feel that public participation is guaranteed, for example, by the participation of NGO representatives on various councils or in the Meeting of State Secretaries. The other extreme is to say that non-governmental organizations represent the interests of only small groups of people, or even the views of only one individual expert. The majority of the ministry officials who were interviewed for this study, however, found that the representatives of public organizations speak in the name of their organizations, and also that they express the views of an expert. The organizations themselves were more frequently inclined to believe that they could a priori be considered to be the spokespersons of society at large.

Non-governmental organizations acquire their legitimacy from two sources. They may represent the views of their members – in this case, the size of the membership and the question of how democratically decisions are made within the organization is important. A union of local governments or a professional association, for example, will be authorized to voice the views of all its members. But even here, the views of the member organizations may differ on individual issues.

In their comments on the Employers' Confederacy's views on social taxes, a number of companies did not support the views of their umbrella organization: "Basically, you could say that the leadership of the Employers' Confederacy has started to lobby the Latvian government, because at the last meeting of the National Council for Trilateral Cooperation, where decisions were made about redistribution of social tax payments, the Confederation's views were practically identical with the position of government leader Andris Bērziņš. Furthermore, it is well known that most of the business community does not support the views of this organization in this question."

*Edmunds Grandavs*³²

Public organizations can substantiate the legitimacy of their views with theoretical and practical experience in their field of work. For example, on the issue of street children, an organization that may not have many members, but firsthand experience in working with street children can, nevertheless, be a competent discussion partner. Similarly, an environmental organization does not have to have a large membership to competently analyze questions that involve protection of the environment.

The number of people in Latvia who have joined non-governmental organizations is not very high. Studies indicate that it could be approximately 6–12% of Latvia's population. Participation in public organizations is lower among resident non-citizens – about 9%. It must be kept in mind that this includes not only cultural organizations, but also groups that engage in leisure activities and sports organizations. Usually, only two types of organizations are actively involved in policymaking – professional associations and special-interest groups – those whose mission is, for example, environmental protection, the protection of children's rights and the rights of other underprivileged groups, or consumer protection. Other groups get involved in policymaking spontaneously – when their vital interests are affected or when they are specially invited to contribute their views. There are no accurate statistics in Latvia on the number of such organizations.

According to the Enterprise Registry, at the beginning of 2003 there were more than 6,000 registered public organizations and their associations in Latvia. Only 60% of these had submitted annual reports on their activities in 2002 by the specified deadline. It is therefore realistic to assume that only about 3,600 NGOs are actually active.

³² Grandavs, Edmunds. "Kam ir izdevīga plānotā socnodokļa pārdale [Who will profit from the planned redistribution of social taxes]?" *Dienas bizness*, February 14, 2002.

In 2002, as part of this study, 600 randomly selected organizations were sent questionnaires and asked to answer questions about their experience in cooperating with ministries. A total of 111 organizations responded. Of these, 44% had participated in drafting laws, but 80% said that they were interested in such cooperation. It can be assumed that the organizations that did not fill out the questionnaire and return their answers (the questionnaire was sent together with a stamped envelope) had no experience with cooperation or interest in such issues.

In June 2002, the most active and experienced organizations responded to an invitation from the State Chancellery and the NGO Centre to take part in monitoring the policy and legislative projects that are dealt with at the Meeting of State Secretaries. In January 2003, there were 56 organizations that regularly received the drafts of such documents; by June, there were 103. A number of these NGOs represent several organizations and operate as coalitions. However, the organizations are not actively taking advantage of this mechanism. Only some have submitted proposals and expressed a desire to take part at meetings and make a case for their position.

In 2000, the NGO Centre asked ministries to name the non-governmental organizations with which they cooperate when drafting laws. The total number of organizations named by the ministries did not exceed 70. The majority of the organizations were professional associations.

A very approximate calculation based on these facts suggests that the number of non-governmental organizations that are interested and actively participate in the policy-making process is small – around 200. Only up to 12% of the population has joined public organizations and only a small percentage of these have made participation in policymaking their goal.

This means that the government must consider greater support for the development of a civil society in order to activate the population in regard to the protection of its interests. On the other hand, this also indicates that, in Latvia's situation, it is not enough to consult a number of non-governmental organizations to be able to say that public opinion has been established.

2. NGO resources for participation

In order to draw conclusions about the capacity of this group of organizations to take part in the policymaking process as competent and equal partners, it is necessary to examine the participation resources at their disposal. These are: access to technologies (the technical means to receive and distribute information); knowledge (about the policy-making process, access to information); money (to pay the fees of experts and lawyers,

cover communication, transportation and rental costs); time (to meet, discuss issues, attend seminars and working groups, study information material, prepare opinions); and the conviction that it is possible to influence decisions. So far, we have examined the participation resources that depend on the government – the legislative framework and the readiness of ministries to cooperate. The following will examine the aspects that characterize the capacity of the organizations themselves.

2.1. Access to technologies

The majority of the ministries that were questioned during the course of the study named the homepages of the ministries and the State Chancellery as the most important sources of information available to NGOs on projects that have been planned by the ministries. 81% of the organizations that were questioned said that they have access to the Internet (at home, at the office, at work, at the organization's office, at the NGO Centre, at friends' homes, at local government offices). Nevertheless, a comparatively small number of organizations use the Internet as a form of cooperation with ministries and a source of information about the work of the ministries.

The organizations (especially those that are not located in Riga) say that they have dial-up access to the Internet (at the organization's office, at home, at work or at local government offices). This is an expensive means of communication, which does not allow spending much time searching for and studying the information that can be found on the Internet. At the same time, the organizations would like to receive short and concise information by e-mail, with links to available websites. This type of information makes it easier to plan where and when information can be examined or printed out.

One of the technology resources available to public organizations is the NGO Centre in Riga and the regional centres in Daugavpils, Jēkabpils, Preiļi, Rēzekne, Madona, Alūksne, Valmiera, Cēsis, Liepāja, Kuldīga, Ventspils, Jelgava, Talsi and Tukums. The NGO Centre offers a weekly newsletter with the latest information on issues related to the non-governmental sector, including information on policymaking that affects the interests of the whole sector. In addition, on Mondays and Wednesdays, the Centre provides structured information on the work of the Meeting of State Secretaries to make it possible for organizations to mobilize when issues that affect their areas of interest are discussed. During conversations with organizations that receive this information, it was mentioned that organizations tend to open and print out only those documents that pertain to their area of activity, which allows them to save on resources.

In addition to systematizing and distributing the latest information, the Regional NGO Support Centres also offer organizations the opportunity to open mailboxes, work on the Internet and print out information for a certain fee.

The conclusion is that the majority of the organizations that wish to cooperate with the ministries are able to receive information by e-mail. They also have opportunities to access the Internet and print out information. However, taking advantage of these opportunities requires both time and financial resources.

2.2. Knowledge of the policymaking process and legal expertise

Not all non-governmental organizations are equally well informed about the policymaking process. The ministry officials who were questioned for this study had had both positive and negative experience with cooperation. Several ministries said that the organizations (professional associations) were knowledgeable, active participants in working groups and advisory councils, and well informed about ministry routine. Some of the public interest organizations were also described as well-informed partners. The majority of ministry officials admitted that the organizations had contributed valuable proposals and details to their projects.

It was also pointed out that the capacity of organizations increases during cooperation. Members of the organization gradually become acquainted with decision-making processes, the work of the ministry, the officials, and in the long run become increasingly competent.

Some of the ministries had encountered an unprofessional attitude on the part of the organizations. Sometimes, NGOs will take part in a working group, appear to agree with the decisions that are made, and then publicly express an opposing view. In other cases, organizations do not take part during drafting of the project and then protest when a law has already been adopted.³³ Almost all of the ministries that were interviewed were willing to hold open-house days to inform people about policymaking practice and the day-to-day work of the ministry.

The organizations themselves have also had different kinds of experience with participation and are frequently skeptical about their ability to influence ministry decisions. Among the reasons mentioned by organizations for their failure to cooperate with ministries was: "The ministries are very far from us, and the Riga organization cooperates with them, but we have close cooperation with the local government." Another organization said that it had only been working for less than a year. Yet another claimed that

³³ This kind of behavior on the part of NGOs does not necessarily stem from a lack of information about opportunities for constructive participation. Some organizations disagree in principle with the position of a ministry on a specific issue and therefore refuse to participate.

it had no information about draft laws, amendments to laws, or working groups, and that trying to get this information from the ministry was hopeless. Many of the organizations underlined that they do not believe that their proposals will have any effect and consequently do not even try to take advantage of participation opportunities. In some cases, ministry answers to proposals indicated that the ministry had not even read the information that had been submitted.

In December 2002 and January 2003, as part of a joint State Chancellery and UNDP project, training courses were held to teach non-governmental organizations about the policymaking process (90 participants) and negotiating skills (50 participants). A total of 35 organizations in Riga and 60 others throughout the country were trained. The majority of the organizations that were not based in Riga noted that they basically cooperate with local governments, claiming that policies made in Riga had little impact on them. Other organizations said that decision makers in Riga showed little consideration for their views.

An important question is whether organizations are able to involve the necessary experts – lawyers and policy analysts – to assess the impact of draft laws and policy documents on their areas of interest and formulate the right proposals. Information about the financial resources available to the organizations and the number of paid employees (see below) suggests that the majority of the organizations have little chances of involving such experts. Legal firms are also not interested in providing pro bono services because this type of voluntary work cannot be written off as a donation. Furthermore, pro bono consultations are only possible outside of working hours, which means that law firms may find it difficult to react to sudden, unpredicted needs of public organizations.

2.3. Financial resources

The financial resources of non-governmental organizations in Latvia come from various sources. According to a survey carried out among users of the NGO Centre, membership fees are collected by almost half of the organizations. 19% are financed by the business community, 18% mention private donations, 13% have received funds from the local government, and 8%, from the government. Even less financing comes from local foundations and from revenue-generating activities of the organizations themselves. 18% of the organizations say that they also receive money from foreign donors.³⁴

³⁴ NGO Centre. The NGO Sector in Latvia 2000/2001. Riga (2002).

For the purposes of this study, it is important to establish where the financial resources for participation in policymaking are obtained. The concrete expenses for effective participation in policy planning are: administrative expenses (communication with ministries and members, transportation costs, rents), the expenses of the organization's leader (for representing the organization's views), the costs of hiring experts for policy analyses and formulation of views (lawyers, policy analysts).

In this section, the author examines the traditional sources of financing available to non-governmental organizations – international funds, company donations, membership fees, private donations, and allocations from the national budget – in order to determine the extent to which these resources can be directly diverted to participation in policymaking.

In the past decade, the activities of non-governmental organizations that involve protection of interests have been financed mainly by **international organizations**. From 1997 to 1999, Soros Foundation – Latvia (SFL) in cooperation with the United Nations Development Program (UNDP) supported a major project to promote development of the non-governmental infrastructure – create a sound basis for the NGO Centre and establish regional NGO centres. SFL also developed a special program – competitions for core funding – which gave organizations the necessary independence to carry out their programs, including the protection of interests. The Queen Juliana Foundation has contributed a lot to supporting the work of many organizations that deal with social issues. In 1999, the Baltic-American Partnership Program was launched in Latvia. This program provides special support for the work of interest-protection coalitions. An analysis of the organizations that have received these grants shows that they are NGOs that serve public interests.³⁵

Opportunities to receive funding for interest protection from the European Union must also be examined separately. One of the sources is the EU ACCESS program that is administered by the Regional Environment Centre, but overseen by the Ministry of Finance. It is difficult to take advantage of these funds for participation in policy planning because they are intended for precisely defined projects that must be planned long before they are actually carried out. However, active participation in policymaking often (at least until now) requires quick reaction to sudden ministry requests for the views of non-governmental organizations on concrete draft laws, or invitations to seminars or working group meetings. The organizations themselves admit that getting financing from foreign donors is extremely complicated, and with each year that passes these opportunities diminish.

³⁵ Soros Foundation – Latvia 2001 Annual Report. <http://web142.deac.lv/index.php/lv/?id=64&tid=7&pid=122&date=2001> (last accessed on June 20, 2003).

Deputy Lujāns, in a parliamentary debate on a draft law:

“At present, we cannot support the Transparency International Latvia (*Delna*) proposal, particularly because this is a public organization whose original capital is unknown and rather dubious.”

*Saeima June 20/21 session*³⁶

Sometimes, interest-protection organizations that receive foreign funding are required to prove that they are independent in their decisions and that they are acting in the interests of society or of specific groups in Latvia, and not in the interests of their foreign donors.

In Latvia, **corporate donations** are traditionally common in areas such as sports, culture and social aid.³⁷ These are areas that guarantee companies good publicity. Like international funding, corporate donations for participation in policy planning can also be regarded with suspicion. Corporate business interests should be protected through professional organizations and their consortia (for example, the Employers' Confederacy). In accordance with Latvia's legislation, corporate donations to professional organizations are legitimate expenses, and therefore a means to support corporate interests.

It is a different matter if a company donates to a public benefit organization. In this case, it is necessary to clearly indicate the organization's source of income to avoid suspicions that there could be private interests hiding behind public interests. Non-governmental organizations, too, must realize that financial dependence on corporate donations for participation in policy planning casts doubt on their neutrality.

The **membership fees** of the majority of public organizations are symbolic. Here, there is a distinct difference between professional or special-interest associations and public benefit organizations.³⁸ Professional and special-interest associations are concerned with achieving a positive legal basis for development of their specific sector and have

³⁶ “Saeimā: 2001. gada 20.–21. jūnija sēde [Saeima: the June 20–21 session].” *Latvijas Vēstnesis*, June 27, 2001.

³⁷ Ministry of Finance report on donations for a review of proposed amendments to the Law on Prevention of the Misuse of Government and Local Government Funds and Property at the June 2, 2003 Cabinet Committee meeting. Unpublished.

³⁸ The term “public benefit organization” is used for a non-governmental organization that concerns itself with protection of the interests of society at large or specific underprivileged social groups. These organizations deal with issues such as the environment, children, drug prevention, youth policy, etc.

been established to promote the private (including financial) interests of their members. Since the members privately benefit from the work of their organization, they are motivated to pay sufficiently high membership fees to allow the organization not only to employ experts and lawyers, but also to create an infrastructure for effective protection of their interests. If the member of a special-interest association is an entrepreneur, the membership fee is not taxed.

In public benefit organizations, whose members have joined to defend interests that are important to society at large, this motivation is different, and members are also frequently unable to pay membership fees high enough to cover the costs of administration and effective participation. The survey of NGO Centre users showed that the majority of the organizations (44%) have 10–30 members; 14% have less than 10 members. Only 5% have more than 500 members. There are only a few professional associations among the users of the NGO Centre, which suggests that these figures give a fairly accurate picture of the situation in public benefit organizations. The small number of members is another indication that membership fees cannot provide sufficient financial resources for effective participation.

As already pointed out, 18% of the organizations name **private donations** as their source of income. This is a good and legitimate source of financing, particularly for public participation, and should be explored further. There is no accurate information on how large a share of private donations is used for protection of interests. There is some media coverage of fund-raising campaigns that seek donations for dealing with social problems. Hardly any examples can be found where private individuals have donated money for the defense of public interests.

Currently, there is no common approach in Latvia to NGO financing from the **national budget**. Since 2000, a number of public organizations have been receiving core funding for running costs from the Ministry of Agriculture subsidy budget. In addition, the ministry also pays the expenses of the Council for Cooperation between Agricultural Organizations (CCAO).³⁹ At the same time, the ministry does not influence the decisions of either CCAO or its member organizations. A ministry official mentioned in his interview that the ministry's motivation for covering the administrative expenses of agricultural producers' organizations is to give different sectors equal opportunities to participate in the dialogue, regardless of their profitability at the given moment.

³⁹ CCAO is a forum for involving organizations that represent different farming sectors in policy making and implementation.

The focus-group discussions that were held with representatives of ministries and non-governmental organizations showed that neither side would object if government financing for promotion of participation were granted in two ways: 1) direct financing for the maintenance of neutral participation structures, for example, advisory councils and other mechanisms; 2) opportunities to take part in grant competitions to qualify for core funding. If this mechanism were applied, ministries would not be able to influence the actual work of an organization (as in the case of the Ministry of Agriculture, which finances CCAO and its member organizations). However, some organizations did protest that, if financing is received from a ministry, the views of the organization are “bought,” and the organization is no longer objective in its presentation of the views of its interest group.

This mechanism does not rule out other government support mechanisms that are intended for other goals – delegation of functions, or government contracts for the implementation of specific policies, or provision of services.

Questions that remain open are whether such funding mechanisms should be confined to the ministries and how to ensure that funding is available to representatives of different interest groups (CCAO, for example, is a mechanism for incorporating producer interests in policy planning; however, neither consumer nor environmental interests are represented). A prospective funding mechanism for promoting the participation of non-governmental organizations could be the distribution of budget funds for covering the administrative costs of organizations on a competitive basis through the programs of the Foundation for the Integration of Society.

2.4. Time

The majority of Latvia’s non-governmental organizations operate without a single paid employee (68%). The organizations’ goals are achieved by volunteers working in their spare time. 14% of the organizations have one paid employee, and 10% have 2–3.⁴⁰

In December 2002, a seminar was held for organizations that follow the work of the Meeting of State Secretaries in order to examine the effectiveness of this participation mechanism. The organizations (with a few exceptions) agreed that it is difficult to mobilize resources for the preparation of a good report in the time that is given. Many also find it difficult to regularly (twice a week) study the material on draft laws that is

⁴⁰ NGO Centre. *The NGO Sector in Latvia 2000/2001*. Riga (2002).

prepared by the NGO Centre. Several organizations mentioned that, ever since ministries have been required to inform the Meeting of State Secretaries about consultations that have taken place during the preparation of a draft law, the organizations receive such a huge amount of information that it is difficult to analyze it and give a well-prepared answer in the given time. As a result, many ministry requests remain unanswered. Sometimes, ministries allow such a short time for preparing an answer that organizations are unable to coordinate views with their members.

3. Conclusions

After analyzing the information on the participation resources of non-governmental organizations, it is possible to conclude that:

- 1) The **technologies** available to non-governmental organizations allow them to receive brief information by e-mail. For work with longer documents on the Internet or for printouts, they must frequently use the services of the NGO Centre or other institutions.
- 2) The level of **knowledge** about the policymaking process and participation opportunities differs from organization to organization. Professional organizations are better informed than organizations concerned with the protection of public interests.
- 3) Sources of **funding** for the participation of non-governmental organizations in policymaking are declining (foreign financing). In some ways, professional associations are in a better position to obtain funding (membership fees, ministry financing) than public benefit organizations.
- 4) The majority of organizations cannot afford paid employees or the services of experts. For this reason, they are usually unable to mobilize resources in the short **time** that is given for carrying out unplanned but time-consuming tasks.

The following factors should be taken into account when planning public participation mechanisms.

- 1) The appropriate channels must be chosen for exchange of information. It cannot automatically be assumed that all organizations actively follow the information that is published on ministry or Cabinet homepages. The choice of information channels should take into account the technologies available to the organizations.
- 2) Ministries should not rely solely on the organizations that actively follow the work of the ministries. Sometimes, a proactive approach is necessary to ensure the participation of groups that have fewer participation resources.

- 3) Sufficient time must be allowed for organizations to prepare their views on a draft law or policy document.
- 4) Involvement of the public must be carried out systematically. Ministries must give organizations the opportunity to acquaint themselves with ministry agendas and consultation schedules. This would give organizations the time to find the necessary funds and to cooperate with related organizations in distributing tasks and coordinating views.
- 5) Involvement of the public should not begin only when a policy document or draft law has already been prepared and submitted to the State Chancellery. Cooperation must begin at an earlier stage – when a ministry is starting work on a project.
- 6) It is necessary to seek solutions for the funding of participation in infrastructures, consultation mechanisms and running costs of public benefit organizations.
- 7) Non-governmental organizations must make their views known in a concise and timely manner within the public policy guidelines. It is important for consultation to be thorough. But it is also important that consultation not be conducted at the expense of efficient public administration.

The purpose of this study has been to help professionalize the mechanisms of consultation in Latvia so that they might meet both objectives – public involvement and efficient public administration.

RECOMMENDATIONS

1. Legislation

1.1. Laws covering specific areas

An analysis of legislation in Latvia shows that there are no standard principles for regulating public participation at the policy drafting stage. In those areas in which public participation is strictly regulated, it is also more active. It is therefore necessary to consider amendment of legislation in other areas as well to include provisions for the involvement of public and non-governmental organizations in formulating policy.

1.2. Amendments to the Instruction on Rules for Filling out Annotations to Draft Legislation

Documents that require an annotation

At present, in cases where Cabinet regulations have no fiscal impact, but their implementation seriously affects the interests of specific population groups, an annotation may be attached either at the initiative of the ministry or at the request of the voting members of the Meeting of State Secretaries.

To promote the involvement of non-governmental organizations and the public at the drafting stage of projects in cases where the law or regulation will affect society at large or a specific population group, annotations should be required for such documents as well. For this reason, Clause 3 of the Instruction should be supplemented with a new clause specifying that annotations must also be attached to Cabinet regulations that affect **public interests**.

Justification of failure to consult NGOs

The Instruction on Rules for Filling out Annotations to Draft Legislation currently does not ask for elaboration of reasons why non-governmental organizations have not been consulted. In accordance with the Standing Orders of the Cabinet of Ministers,

the Meeting of State Secretaries is entitled to propose such consultations or public hearings.⁴¹ An examination of annotations to draft legislation shows that ministries usually fill in this column with the remark that consultation has not taken place. In some cases, consultation has not actually been necessary, but in others, where it would have been desirable, officials have chosen to take the easy way out and disregard the requirement.

In order to encourage ministries to seriously consider the need for consultation, it would be advisable to amend the instruction to include the requirement that ministries must justify their failure to consult NGOs. This would:

- 1) simplify possible debates about this question at the Meeting of State Secretaries;
- 2) show that a ministry has genuinely considered its decision regarding consultation;
- 3) encourage ministry officials to assess the need for consultation more seriously.

2. Government practice

Latvia's participation policymakers have found that decisions on more extensive public involvement should be left to the ministries. Although laws and regulations do not make involvement a requirement, they do encourage ministry officials to make it a practice. Since both formal and informal consultation requires resources, the responsible officials and consultation partners should carefully consider in which cases consultation really is necessary and which methods to apply. They should also evaluate and plan the resources at the disposal of the ministry.

Involvement methods, classified by intensity of the NGO contribution:

Information: one-way communication in which the government unilaterally informs the public about the work of the ministry.

Consultation: the opportunity to establish public views on concrete plans and their alternatives. Consultation lets ministries know which of their proposals is more acceptable to certain parts of the population and why.

⁴¹ Standing Orders of the Cabinet of Ministers. *Latvijas Vēstnesis*, March 15, 2002; with amendments, November 7, 2002.

Active participation: includes hearing and considering public views on alternative options before decisions are made, as well as support for NGO initiatives.⁴²

The choice of the time and the methods for public involvement should demonstrate a balance between effectiveness and quality. It is not always necessary to involve the general public or specific groups at all stages. However, it is necessary to clearly understand the reasons for a decision to involve NGOs at a certain policy stage and the choice of concrete methods. In either case, information about participation opportunities must be publicly accessible.

2.1. Information required for effective participation

Regardless of the type of document that must be prepared, what potential partners need first of all is **information about organizational questions**:

- 1) when will work on the project be started (ministry agendas);
- 2) has public involvement been planned and in what form (where will what type of information be available and to whom, what consultations have been planned, what are the opportunities for active participation);
- 3) what are the criteria for choosing partners (if any);
- 4) where, to whom, in what form and when can a public organization (or individual, or expert) declare its interest and prove its expertise (if such is required)?

The next category of information that partners need is **basic information** about why a document is being prepared: reference to a Government Declaration, policy documents, as well as eventual studies and statistical data on the issue.

The third category of information is the **draft document** itself. A ministry can choose to make a document available to specific partners for input during its various stages of development, or release the document for public debate.

⁴² Citizens as Partners: Information, Consultation and Active Participation in Policymaking. OECD, PUMA (2001).

When publishing a document, it is important to indicate its stage of development at the time of publication, to whom and by when views and comments must be submitted, and when and where a summary of the comments and a copy of the final version of the document will be available.

2.2. Consultation during drafting of policy documents and legislation

For a number of reasons, consultation of NGOs is more effective in the early stages of policy planning, especially during the preparation of basic policy guidelines and framework documents. 1) It is at these stages that policy problems are analyzed. Different parts of society may have different views on a problem. 2) Various alternative solutions must be considered and evaluated. Different solutions will have different impacts on different target groups. 3) It is possible to involve a broad spectrum of society in discussions about basic principles (whereas, legal knowledge and expertise are required to analyze and comment on draft legislation).

Consultations with NGOs are recommended:⁴³

1. if it is likely that the implementation of a policy will produce both winners and losers; if the issue affects an influential (active, well-represented) part of society or the exact opposite – disadvantaged groups;
2. if the issue affects a significant part of the population;
3. if the quintessence of the problem and its impact on specific groups is unclear;
4. if consultation can help to find alternative solutions to the problem;
5. if the consequences of a planned policy are not clearly predictable;
6. if the cooperation of affected groups will be necessary for implementation of a policy;
7. if opposition to the implementation of a policy can be expected.

⁴³ These recommendations are based on the author's "Guidelines for the Involvement of a Civil Society in Ministry Policymaking" that was prepared as part of the State Chancellery and UNDP Project No. LAT/02/001.

Consultations are not necessarily needed:

1. if an issue is of little importance and will not significantly affect different parts of society;
2. if the impact of a policy on different parts of society is clearly predictable.

If consultations are not considered necessary, it would be advisable to explain why. The reasons should be included in the annotation to a draft law.

In cases where a project must be prepared urgently, the authors must decide whether coordination with NGOs is necessary. If a ministry has a group of partners with whom it cooperates regularly, in exceptional cases it is possible to request and receive feedback from organizations very quickly. However, such cases should remain the exception and not regular practice.

Type and description of policy documents and legislation, appropriate methods of NGO involvement

Type of draft document	Description	Method of NGO involvement
<p>Basic guidelines analyze a problem that has appeared on the policy agenda, formulate the policy goal and the course to be taken, possible results and further action.</p> <p>Programs and plans. These policy-planning documents prescribe concrete tasks that must be carried out in accordance with the basic policy guidelines. They also determine the responsible institutions and set a timeframe for implementation of plans.</p>	<p>Ministries must find out as much as possible about the problem itself and how it affects different parts of society. Discussions must take place at this stage about possible courses of action and their impact on society at large or individual groups. Policy courses that must be explored further must be chosen.</p> <p>The basic guidelines must be a concise document, easily understood by both the public and politicians, without technical or legal terminology.</p> <p>During the preparation of these documents, ministries must be informed about the resources available to the public for implementation of the chosen policy in order to find the best solutions.</p>	<p>1) Information about preparation of the document and participation opportunities</p> <p>2) Consultations about the project</p> <p>3) Active NGO participation in the working group</p> <p>4) Support for pilot projects</p> <p>1) Exchange of information during the drafting stage</p> <p>2) Programs and plans must be accessible after they are adopted</p>

<p>A framework document is prepared: 1) if there are several alternative solutions to a problem, which are not defined in the basic guidelines; 2) if agreement is required on the content of a law or regulation.</p>	<p>The framework document must include a comparative analysis of the advantages and disadvantages of each proposed solution.</p>	<p>Consultations about the project</p>
<p>Legislation (legal documents): draft laws or Cabinet regulations.</p>	<p>In accordance with Latvia’s legal system, the principles that are set out in basic policy guidelines or framework documents are codified in legal terminology. However, laws and regulations often address more complex issues than policy documents and can affect different parts of society in different ways. The annotation mechanism demands consultation during the drafting stage of laws and regulations.</p>	<p>1) Information about participation opportunities 2) Consultations</p>

Involvement of non-governmental organizations in preparing basic policy guidelines⁴⁴

Basic guidelines analyze a problem that has appeared on the policy agenda, formulate policy goals and courses of action, possible results, and further action. It is at this stage that the participation of various groups or NGOs is most effective because it can provide a great deal of information not only about the quintessence of the problem, but also about the way in which it affects various parts of society. In this *ex ante* stage of policy assessment, discussions should take place about possible courses of action and their impact on society and its individual groups.

The ministries determine which population groups are directly or indirectly affected by a policy problem, which groups could be the winners and which, the losers. Ministries also analyze whether a policy is expected to receive public support or opposition.

⁴⁴ The recommendations in this section are based on the author’s “Guidelines for the Involvement of a Civil Society in Ministry Policymaking” that was prepared as part of the State Chancellery and UNDP Project No. LAT/02/001.

At this stage of policymaking, the most effective way of involving non-governmental organizations is **consultation**. Adequate information about the current situation and the impact of possible courses of action on various population groups makes it possible to formulate policy alternatives and choose the most appropriate one. The analysis of NGO participation resources shows clearly that only a few of the organizations are able to analyze draft legislation once work on it is completed. However, during the drafting stage, they can provide relevant input to the discussion about principles and criteria of the planned policy.

Public opinion polls should also be carried out at this stage and, if such have been planned, debates, focus-group discussions, brainstorming sessions.

Involvement of non-governmental organizations in preparing programs and plans⁴⁵

The policy-drafting process also includes the preparation of **programs** and, if necessary, **plans**. These policy-planning documents prescribe concrete tasks that must be carried out in accordance with the basic policy guidelines, determine the institutions responsible for carrying out these tasks, and the timeframe for implementation of the plans.

At this stage, partners can be chosen from among the organizations that have participated at different levels during preparation of the policy guidelines. However, the dynamic nature of the non-governmental sector in Latvia should also be taken into account. (Each month, the Enterprise Registry registers up to 15 new public organizations. The financial situation of organizations can also change: an organization that has been “ailing” for years may be able to attract significant resources and, as a result, competent experts.) This is why it could be expedient to develop an open cooperation policy and involve new partners as well.

Since a program is often prepared even a year or more after the guidelines, it is possible that the circumstances of groups that are affected by a policy have undergone significant changes (under the impact of another policy, market fluctuations, or other outside factors). That is why at this stage, too, it is important to keep partners informed, or even to consult them.

⁴⁵ These recommendations are based on the author’s “Guidelines for the Involvement of a Civil Society in Ministry Policymaking” that was prepared as part of the State Chancellery and UNDP Project No. LAT/02/001.

During the preparation of programs (and plans), partners can also be a good source of feedback on whether or not initiatives or pilot projects have proved to be successful, and on the experience of civil societies in other countries in dealing with similar problems. The involvement of non-governmental organizations at this stage can also provide information about eventual resources for a subsequent delegation of functions, which could reduce the costs and increase the efficiency of policy implementation and procurement of services at later stages of the program.

Involvement of non-governmental organizations in preparing framework documents⁴⁶

In cases where there are several possible alternatives to resolution of a problem, and these are not set out in the policy guidelines, or if agreement is required as to the content of a law or regulation, a **framework document** is prepared. The framework document must include a comparative analysis of the pros and cons of each of the proposed solutions. At this stage, it would also be expedient to involve NGOs if any of the alternative solutions can affect various population groups. This must be elaborated in the framework document. It should be kept in mind that different solutions can have different effects on the different groups that are involved. The partners at this stage will most likely be the same ones as in the previous policy-planning stages. Here, too, an open process has more advantages than a closed one.

At this stage, the most effective way of establishing the impact of different courses of action on different groups is informal consultation. Partners can provide the information required for an assessment of the impact of different alternatives either over the telephone or by e-mail. Consultation will be more effective if cooperation in the earlier policy-planning stages has been effective. However, this should not exclude the possibility of working with new partners.

It is possible that aside from the courses of action that are proposed by the ministry there are also other, alternative solutions. Consultations can encourage the contribution of such solutions by the partners and their inclusion in the policy-planning document.

⁴⁶ These recommendations are based on the author's "Guidelines for the Involvement of a Civil Society in Ministry Policymaking" that was prepared as part of the State Chancellery and UNDP Project No. LAT/02/001.

Consultation of NGOs during the preparation of draft legislation⁴⁷

If legislation is based on the same criteria and principles that have been agreed on in the previous stages of policy planning, it may not be necessary to consult non-governmental organizations at this stage.

Depending on the impact that a law or regulation may have on different parts of society, it could be wise to involve NGOs both in preparation of the documents and in public consultation. However, the accent should be placed on the earlier stages of policy planning. At this stage, it is important that organizations “check” to see whether the law or regulation incorporates the principles that have been agreed on for the guidelines or the framework document. Organizations can also recommend substantial changes or bring attention to discrepancies or inaccuracies in the document before it is approved by the ministry for submission to the State Chancellery.

This is the approach that is applied by the Ministry of Agriculture in its cooperation with CCAO. The members of this organization receive all major draft laws before the ministry submits them to the Meeting of State Secretaries. If any of the CCAO member organizations has a concrete proposal in regard to a law, this is discussed at a CCAO meeting. As a result, projects that are released for coordination with the other ministries have already been coordinated with the partners. A similar approach is taken by the National Council for Trilateral Cooperation and the Council for the National Economy.

2.3. Active participation in drafting policy documents and legislation

Many ministries take advantage of the opportunity to involve representatives of non-governmental organizations as experts in the preparation of policy documents and legislation. Non-governmental organizations may be included in the working groups that prepare these documents. In this way, the ministries not only gain access to the know-how of the non-governmental sector, they also promote public participation in the decision-making process and reduce the possibility of criticism or opposition in the following stages of policy implementation. Even here, ministries should make sure that as many interests as possible are represented in the working groups.

⁴⁷ These recommendations are based on the author’s “Guidelines for the Involvement of a Civil Society in Ministry Policymaking” that was prepared as part of the State Chancellery and UNDP Project No. LAT/02/001.

Sometimes, the representatives of public organizations will be interested in participating without reimbursement. If the project that is being prepared is extremely complicated, and participation requires a great deal of time, the question of compensation for the expenses of such organizations or experts should be considered (for example, travel expenses, the costs of preparing materials and the time spent at meetings).

2.4. Functions of ministry officials in developing interactive policy

The situation analysis shows that ministries do not have a clear chain of responsibility for cooperation with non-governmental organizations in the policy drafting stage. Ministry communication departments are better equipped with information about the attitudes of different population groups to ministry policy and frequently cooperate with non-governmental organizations in distributing and explaining information to the public. These officials are well informed about the work of the ministry and current developments in all of its departments. Furthermore, communication department officials have good knowledge of communication methods and tools. These are resources that are also necessary for planning and organizing consultations with non-governmental organizations.

The communication department should be armed with information about these groups – are they influential, organized, easy to contact, will they be interested in cooperation, and do they have the necessary participation resources? It is possible that one or the other of the affected groups may be difficult to contact. In order to get an idea of the group's possible reaction to a planned policy, it may be necessary to take a proactive approach, seeking out representatives of the group or their experts on the issue at hand.

When setting up a plan of action for a policy document or a new law, the responsible official (policy or legal department) must quickly determine the policy's potential circle of clients – groups that will be affected by the planned policy. The next step is to decide whether or not the concrete project requires consultation. The expediency of public involvement can best be assessed by the ministry official who is in charge of the concrete policy sector. This official will have information not only about a specific policy problem, but also about the resources that are available for dealing with it.

A communication department official could assume the functions of the consultation coordinator who oversees whether or not consultation takes place in accordance with previously established criteria, sets up a ministry consultation homepage and also makes sure that the central consultation directory is supplied with the latest information (from supervisory and subordinate institutions as well).

2.5. Systematization of information on NGOs

The surveys of non-governmental organizations and ministries show that information about non-governmental organizations and their proposals accumulates in various departments of one ministry. As a result, when a new project is launched, information that is already available cannot be optimally put to use.

However, in order to determine whether an organization is an appropriate partner, a ministry must be informed about:

- the organization's expertise in a specific area;
- whether the organization and the individuals who represent the organization or group have a consultation mechanism, or whether the representatives can make decisions independently;
- the extent to which a group trusts its representatives.

In order to improve **institutional memory** and save on the resources of both ministries and non-governmental organizations, each ministry should create a common database on the ministry's cooperation with NGOs. The communication department could be charged with setting up the database, but it could be supplemented and used by all departments. The technological solution could be an intranet.

Example:

Name of NGO	Contact person(s)	Contact information	Areas of competence	Remarks on cooperation experience (proposals submitted, their quality)

Information about organizations that have shown interest in cooperation at their own initiative can also be entered in the database.

A database would make it possible to:

- 1) compile in a single source all information about a ministry's cooperation with organizations;
- 2) quickly find partners for cooperation when consultation is necessary in the process of preparing policy documents or laws;

- 3) find earlier proposals submitted by organizations when a concrete policy finally comes up on the ministry's agenda.

The communication department should be placed in charge of creation and maintenance of the database, since this is the department that usually maintains contacts between the ministry and the public, as well as internal communication between the ministry's departments.

The introduction of e-administration will require new tools such as consultation management programs. The database can be used to carry out functions such as:

- 1) distribution of information (online, per fax; for printing information and envelopes);
- 2) preparation of questionnaires;
- 3) analysis of responses (including processing of answers with the help of scanners);
- 4) systematization of information and analysis of respondents.

2.6. Supplementation of information on ministry homepages

Ministries say that their homepages are basically the main channel for involving the public. This is undoubtedly one of the most convenient communication channels, but should not be seen as the only instrument for exchanging information with non-governmental organizations in the policy-drafting stage. Particularly complex policy documents require additional explanations and the presence of discussion partners to establish an informed opinion about a concrete project. Furthermore, only a few of the ministries (for example, the Ministry of Environmental Protection and the Ministry of Justice) currently use their homepages for consultation on draft legislation. The majority of the homepages contain only laws and policy documents that are already in force.

Ministry agendas

Information on how ministries intend to go about carrying out the tasks outlined in the Government Declaration, yearly agendas with timeframes for specific tasks, as well as information about the officials who are in charge of these tasks, are particularly important for productive NGO participation in the drafting and implementation of policies. Such information makes it possible for organizations to announce their interest in participation at an early stage.

So far, only a few of the ministries have been publishing their agendas on the Internet. One of these is the Ministry of Environmental Protection (before 2003, the Ministry of Environmental Protection and Regional Development).⁴⁸

The ministry's agenda shows which policy documents and new laws the ministry has scheduled for the coming year. It has the following sections:

- Compliance with the Government Declaration
- Name of the project
- Purpose of the project
- Possible cooperation with other ministries, institutions
- Scheduled beginning
- Timelines
- Date of submission to the Cabinet
- Executors
- Notes on execution
- Comments

Timely publication of agendas on ministry homepages should be made standard practice.

Publication of consultation timetables on ministry homepages

In order to plan effective participation, NGOs also need the following information:

- 1) which population groups will the project in question affect;
- 2) whether and which type of consultation is anticipated during preparation of the project;
- 3) whether and which forms of active participation are possible;
- 4) where and to whom should interest in participation be expressed.

One of the possibilities is to add such information to the ministry's agenda. The other, to create a separate information block on scheduled consultations with NGOs, opportunities for active participation, and planned public hearings.

⁴⁸ http://www.varam.gov.lv/varam/Lric_plans.htm (last accessed on June 20, 2003).

Mailing lists and information coordination

Mailing lists or opportunities to sign up for information about the work of a ministry have not yet been widely introduced in Latvia. One example is the Ministry of Justice, which has made it possible to sign up for information on the work of the ministry by submitting an e-mail address. The ministry keeps all those who have shown such interest informed via e-mail. This type of approach lets organizations save on resources and access the ministry's homepage only when they know that it contains information that concerns them.

However, not all organizations will be interested in receiving comprehensive information about the work of the ministry. The introduction of e-administration will make it possible to classify information by content. One approach, which would be convenient for non-governmental organizations, could be to give policy documents and draft legislation code words that indicate the target group or area that a planned policy will affect. For example: children, families, the environment, etc. This type of classification is already being used for the participation of non-governmental organizations at the Meeting of State Secretaries. The interested organizations have defined their areas of interest, and the representative of the NGO Centre accordingly groups the projects that are scheduled for review at the Meeting of State Secretaries.

Code words should be designated for projects at the time when the responsible official at a policy department determines the circle of policy clients (those affected by a policy). A step in the right direction is the State Chancellery's plan to work out a classifier for policy topics, according to which the sector affected by a project will have to be indicated when the project is submitted to the Meeting of State Secretaries.⁴⁹ This will also make it easier for non-governmental organizations to understand which of the issues to be reviewed by the government concern them.

Improvements in the amount and quality of the information available on a ministry's homepage can be achieved either by stimulating ministry initiative on the presumption that the ministries are ready and willing to engage in a dialogue with the public, or by making the necessary amendments to the Cabinet Instruction on Rules for Publication of Information on the Internet by Government Institutions.⁵⁰

⁴⁹ Interview with State Chancellery consultant Baiba Pētersone, April 2003.

⁵⁰ Cabinet of Ministers December 4, 2001 Instruction, Rules for Publication of Information on the Internet by Government Institutions. *Latvijas Vēstnesis*, December 6, 2001.

2.7. Centralized timetable for consultations and public hearings

In view of the fact that non-governmental organizations do not always have easy access to the Internet, a centralized consultation timetable that is published on the Cabinet of Ministers' homepage would help organizations to significantly save on resources. A centralized timetable would also prevent doubling in cases where similar issues must be debated, or where several ministries must reach the same target groups.

2.8. Government funding for protection of interests

As previously pointed out in the analysis of the resources of non-governmental organizations, these are limited. The biggest problem is finding money for the protection of interests if these interests are not simply a "cover" for the interests of private individuals or businesses. It is unwise to rely solely on foreign donors inasmuch as their continued presence in Latvia will probably be of short duration. It should also be kept in mind that European Union funds will be available to Latvia's organizations only if they are able to obtain matching grants from domestic sources.

The following is an outline of projected government expenditures for the support of non-governmental organizations, which would be enough to cover organizations' minimum needs for active participation and safeguard the independence of organizations' views.

Possible government funding for protection of public interests

1. Core funding for the running costs of interest-protection organizations to foster policymaking cooperation: 100,000 lats available each year through grant competitions. Such support could be organized in two ways:

- 1) Each ministry appropriates 10–20 thousand lats per year to be distributed through grant competitions to organizations that are concerned with the protection of interests in the ministry's area of interest.
- 2) The Foundation for the Integration of Society appropriates 100,000 lats to be distributed through grant competitions to interest-protection organizations independently of areas of interest.

2. Support for information coordination in cooperation with the State Chancellery to ensure sector participation at the Meeting of State Secretaries. For the delegation of such functions, 17,664 lats would be appropriated each year to be distributed through grant competitions. This sum is made up of the following:

Policy analysis expert (500 lats × 12 months)	6,000 lats
Communications expenses (30 lats × 12 months)	360 lats
Legal services (100 lats × 12 months)	1,200 lats
Regional support (50 lats × 13 regional centers × 12 months)	7,800 lats
Subtotal:	15,360 lats
Administrative expenses (15%)	2,304 lats
Total	17,664 lats

The total amount of government funding needed for the protection of public interests is 117,664 lats.

With a few organizational changes and effective use of ministry and NGO resources, it is possible to improve NGO participation in the formulation of policy and drafting of policy documents and legislation. The government's financial support would also help organizations to consolidate their participation resources and to become not only full-fledged interlocutors in the making of Latvia's policies, but also allies in the protection of Latvia's interests in the European Union.

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