



The Advent of Participation in Public Policy

Introduction

The extent of public participation in politics and policy-making has already been evaluated in the 1996 and 1998 **Human Development Reports** on Latvia. These **Reports** analyse the various forms of participation and the obstacles that delay it. In this new **Report**, which focuses on public policy, participation is examined as a component of policy-making. In contrast to previous **Reports**, participation will be evaluated here from the perspective of the public, the individual and everyday practice.

In the previous Chapters we have described the phenomenon known as closed policy-making. One of its pre-conditions is the passivity of the public. Closed policy-making flourishes in conditions when a country's inhabitants display little interest in public policy, are not familiar with its mechanisms and do not believe that they can influence policy-making. The myth that politics is a closed process promotes a practice of non-participation, which itself promotes the establishment of closed policy-making processes. In order for the public to break this cycle, it must actively demand the practice of open policy-making that is geared to serve the broadest possible range of interests. It must also declare its own priorities and seek ways to realize them.

The main task of this Chapter is to analyse successful, open and responsible policy-making examples, as well as the participation strategies, mechanisms and resources used to realize them. In 2000 the authors of this **Report** conducted research regarding public policy and participation. Their findings show that only 5-7% of Latvia's inhabitants are actively involved in policy-making. Active involvement in this Chapter is referred to by the term "participation." In analysing participation, this Chapter initially focuses on two issues – the participation arena (or space) that is institutionalized by law, and the type of participation taking place in this arena.

The mass media have a significant role to play in the formulation of open public policy. They must monitor the transparency of the policy-making

process, and report on both the good deeds and the misdeeds of those in public office. As an integral part of civil society, the mass media should also enlarge the public arena, and create not only a public forum for discussion, but also initiate these discussions and advance the interests of society. However, in order for the media to honourably fulfil this role, its journalists, editors and publishers must be conscious of this calling and be worthy of the public's trust.

The public arena as the central domain of participation

During the Soviet period, State institutions dominated the formation of the political and public arenas. With the restoration of independence, the public regained the opportunity to become a new political agent. On the one hand, individuals and groups have made use of this opportunity and have acquired new knowledge and skills in order to become involved in the public policy process. On the other hand, the public has entered a political arena in which a specific division of authority and political traditions had become entrenched over a period lasting several decades. The totalitarian, centralized Soviet State had generated perceptions regarding authority in the public arena that endure to this day, and that have been manifest in the overly assertive activities of more than one State representative.

The task of the new participants in the public arena – interest groups, professional associations, NGOs, socio-economic strata and other emerging participants from civil society – has been not only to declare their presence in the public policy process and to establish new traditions of co-operation, but also to break from previous traditions and to forge better ones. Business interests have emerged as the most powerful participants in the public arena. As has been noted in the previous

two Chapters, these interests are dominated by a narrow circle of people, and may at times differ diametrically from those of the public at large. The interests of business leaders are so closely associated with public policy at the national level that this Report considers the participation of influential business leaders to be a crucial component of State policy.

The participation of the public is possible through the interplay of three factors. Firstly, participation requires an appropriate legal and institutional environment, which encompasses both the opportunities for participation guaranteed by law and the existing participation practice. Secondly, in order for people to make use of these opportunities, they must possess the relevant desire, abilities and knowledge. Thirdly, the participation of the public must be supported by the State and receive the appropriate financing.

Legal framework of the public arena

A solid legal framework has been established for Latvian citizens to participate in the public policy process. In addition to the first two Articles of the Constitution, which institutionalize the democratic foundations of the country and the sovereignty of the people, a new Chapter on Fundamental Human Rights (Chapter 8) came into force in 1998. This Chapter gave increased legal rights for both citizens and non-citizens to participate in political activities.

The *Law On Local Governments* stipulates that local government council meetings are open to those living or working within a given territory, and that the minutes of council meetings and the texts of adopted decisions are to be made publicly available.

The adoption of the *Freedom of Information Law* in 1998 has made it easier for the public to obtain information on adopted decisions and signed agreements. Even though the *Freedom of Information Law* encapsulates norms already included in other regulatory enactments, it has given the public a unified overview of its rights to seek and obtain information.

The law ensures an arena for the realization of stable co-operative practices between State structures and the public, and allows for the expression

of public interests. These forms of co-operation are defined in the 1998 Cabinet regulations *On the Delegation of State Administrative Functions to Authorized Institutions*. Under these regulations, the executive body of a State institution is entitled to entrust State administrative functions to NGOs or individuals.

Access to information in the country is gradually improving. Draft regulatory enactments and amendment proposals are accessible on the government's and the *Saeima's* Internet home pages (www.mk.gov.lv, www.saeima.lv). The availability of electronic versions of such draft documents to any member of the public provides opportunities to follow and influence their adoption procedures. While Internet resources are available to a comparatively small part of the population, they have the potential to strengthen links between the public and State institutions and to promote the transparency of the public policy process.

Politically active participants stated in the **Report's** survey that they are satisfied with the participation opportunities offered in Latvia's regulatory enactments, but acknowledged that difficulties arise in applying these rights in practice. Latvia's regulatory enactments set the scene for the functioning of a civil society, but personal experience and perceptions sometimes bear out that the public policy process is closed and that many inhabitants are excluded from it.

Important policy issues and those associated with the acquisition of considerable material resources are frequently decided outside of the public arena. This has created a gap between those who wield power and the public's understanding of fairness (see the analyses in Chapters 1 and 2). Representatives of the country's administrative institutions are perceived pay little attention to the interests of the public, as revealed by a fragment from an interview with a representative of a non-governmental organization (NGO):

"What complicates things is that you personally do not suffer. It is the city, or in a sense, the common good that suffers. You cannot submit a claim [in court] if you have not been injured. [There needs to be] a means for the public to litigate with the Riga City Council. When we investigate State and local government matters, [we are told], what's it to you? You do not live there and you are not the direct recipients of the service. When we inquire how [State structures] are working, – [we are told to] leave it alone." (NGO representative)



However, politically active inhabitants are breaking more frequently into the public arena, which is dominated by State institutions. They are interpreting the public interest in a language understandable to the members of the public arena. In the case that follows – the construction of a parking garage on Basteja bulvāris in Riga – the public interest and benefit does not seem to have appeared as a criterion for the evaluation of the project. Representatives of the public presented legal arguments on the public's right to defend the city's natural environment and its so-called Green Zone. Riga City Council representatives and the entrepreneur involved dismissed the alleged non-conformity of their interests with those expressed by representatives of the public as a “political assignment” (or “commission”), thus not calling the public's right to represent its interests into question, but rather the true motivations of the garage's opponents. The representation of the public interest in this case was limited to one public discussion, as formally required by law. Very few people participated in this discussion, which ultimately did not serve as a mechanism to hear out and reconcile differing interests.

The methods of influence available to the public are frequently not effective enough for people to realize their interests in a meaningful manner. The *Freedom of Information Law* does not resolve situations that arise when a State institution fails to issue requested information. It is possible to initiate court proceedings against withholders of information, and in cases where the activities of a State institution affect the public interest. The power of the courts in democratic countries is an important instrument for realizing the public interest and deciding on issues of importance to the public. However, NGOs in Latvia assess the defence of the public interest in courts as an expensive, time-consuming and often ineffective procedure. Rarely could any of the surveyed NGO representatives name a case where the wider interests of society gained the upper hand following a court case. Research indicates that the public has little trust in the country's judicial system. In a survey conducted by the *Delna* branch of Transparency International in 2000 regarding corruption, nearly half (48%) of respondents considered court representatives to be either “very dishonest” or “fairly dishonest.” Nearly a third (32%) of respondents who had been involved in court cases indicated that they had to pay additional (unofficial) fees or make use of unof-

ficial channels (personal contacts, services in return for services) to further their interests.

However, there have also been positive experiences in court cases. The Ogre Tenant's Society has successfully used the courts as a means to defend low-income families. Court judgments have forced local governments to review and co-ordinate public utility tariffs, and many low-income families have been saved the fate of being evicted from their places of residence.

The enshrinement of people's rights in the laws of the land is not sufficient for the public interest to be realized. State institutions must feel the need to hear the views of the public and to obtain its support. They must also educate the public and create new opportunities for co-operation. One way of ensuring that the public uses its rights more fully is by actively encouraging its participation. A practice of such mutual co-operation exists with many smaller Latvian local governments. We will look at such targeted strategies later in relation to the Ventspils Programme for the Integration of Society. Another way to increase the public's decision-making capacity is through public pressure itself, which forces those in power to take note of the public's interests.

Public participation resources

The public arena (or public space) is formed by representatives of society and their associations in all of their various forms. Such activities as singing in a choir, acting in a theatre or partaking in a knitting group, while superficially not associated with politics, also have an important role in the formation of the public arena, public networks and skills development. These skills and networks can be mobilized by the participants of the activities referred to in order to defend their interests if necessary. Within such groups, manifestations of small-scale democracy (or “home democracy”) are expressed. Together with everyday concerns, the policy process can be discussed, and people's interests can be defined and formulated.

The high level of public activity at the end of the 1980s and in January 1991 was a significant factor that led to the reestablishment of Latvia's independence. Once Latvia recovered its sovereignty, this activity collapsed and did not grow into a broad movement of political or non-governmental organi-

zations. It would be difficult to maintain such sustained wide-scale public activities as during Latvia's struggle for independence in any country. The basis for the activity of that period was a pervasive feeling of enthusiasm and hope that could not be sustained for long. For the greater part of the population, Latvia's independence struggle turned out to be a once-only and spontaneous process of participation. Only a small minority continued the activities that they undertook, either as representatives of the structures of a reborn country or as participants in non-governmental and sectoral organizations.

One can mention a number of causes for the fall in public participation. Firstly, public passivity has deep roots in Latvia. Since the Soviet period, passive resistance was a conscious form of protest against the policies of the day. This is indirectly shown in the effectiveness of spontaneous protests in Latvia, which are provoked not only by the unwillingness of the country's administrative institutions to listen to public demands, but also by the inability of the public to seek other channels of participation.

Secondly, public activity depends upon people's ability to take responsibility both for their action and inaction. In the participation research conducted for this **Report**, the public mentions irresponsibility as a characteristic feature of all State structures. In the secret adoption of decisions, the responsibility for them also becomes secret and opaque. The lack of responsible policy-making impedes the development of the country, and does not permit the formulation of a sequential and goal-oriented public policy. Irresponsible policy-making is an example and an excuse for a cynical public attitude against State institutions. It gives rise to justifications for not paying taxes and corruption, thus denigrating the idea of the public good.

Thirdly, many people do not participate in political activity because they do not believe that they can influence the policy process. Irresponsible and closed policy-making makes for a passive society with low self-esteem. On the other hand, it is also the end product of a passive society. The public consistently places all the active forms of public influence in last place among a range of options available, even though representatives of State and local government institutions evaluate some of these forms (such as political activity by sectoral organizations and NGOs) a little more highly. Both the public and representatives of State and local government institutions consider NGOs and initiative groups to have the least influence in policy-making.

Fourthly, the majority of the public is living under varying conditions of economic hardship. A number of studies have determined that most people are preoccupied with ensuring a means of subsistence for themselves and their families. In combating their everyday problems, they feel that they do not have the time and the energy to become involved in the resolution of issues affecting the whole of society.

The study for this **Report** on public policy and participation reveals that publicly active respondents are slightly better educated and substantially better informed about policy-making processes than their more passive counterparts. They also evaluate their material circumstances and capacity to act more positively.

Publicly active persons live in the same environment and see the country's political processes in the same light as passive persons. They also consider, for the most part, that decisions taken in Latvia do not serve the interests of the majority of the country's inhabitants. Even though their outlook is substantially more optimistic, they also see the dominant political model as one of closed policy-making, in which the public does not play a significant role. On average, an overwhelming majority (about 83%) of inhabitants do not believe that any initiative of theirs can influence the views of the country's policy-makers. In contrast, slightly less than half (48%)

of publicly active respondents (those who would actually try to contact the relevant policy-makers following the adoption of an unsatisfactory decision) felt this way.

While the political environment does influence the level of public participation, it does not determine whether the public will opt for participation. In a more detailed analysis of the causes that give rise to participation, we can see three factors:

- Motivation for participation (drives);
- Support of institutions and like-minded persons;
- Knowledge and ability to participate.

Motivation for participation

Research cites a sense of duty and caring for fellow human beings as the most important drives for involvement in public activity. Similar motivations are cited among NGO leaders and volunteers seeking to influence and take part in policy-making (see Information 3.1).



Support of institutions and like-minded persons

An important sustainer of motivation for participation is membership in an official or unofficial group in which ideas are listened to, discussed and realized. While not all participants of organizations or interest groups are equally active, joint activity provides inspiration and support for other activity. The opportunity to become socially active and to spend one's free time in an interesting manner is itself a drive for public activity. A membership group collectivizes individual views and transforms them into public or interest group views, creating an opportunity to involve individuals in the public policy process.

Local governments have an important maintenance and support function for public activities. Thus, for example, in the parish of Īslīce public activities are organized by the chairperson of the parish council herself, who also gathers the youth of the parish to concerts, lectures and discussions. Similarly, public activity in the district of Preiļi is expressed through the local government in cooperation with local cultural and educational institutions.

Both Latvians and non-Latvians are equally active in NGOs, which are most frequently open by their nature, and in which nearly anyone can partic-

ipate. Information regarding NGOs and their activities is freely available on the home page of the Non-governmental Organization Centre www.ngo.org.lv. Even though none of the organizations surveyed by the authors of this **Report** acknowledged that their circle of participants was restricted, in practice each organization includes a particular circle of like-minded persons. A certain selection criterion lies in the commonality of interests and inclinations of an organization's members. Education, ethnicity, age, sex or profession may also play a role.

Knowledge and ability to participate

Data acquired in researching public policy and participation reveals that respondents' level of knowledge of the policy-making process is closely correlated with their level of participation in policy-making. Only about 8% of respondents believe that they fully understand the policy-making processes in Latvia. Another 22% "tend to disagree" with the notion that they might have limited knowledge about the decision-making process. NGOs, in which the buds of civil society are being formed, are a significant school of democracy.

Members of public interest organizations acknowledge that work skills can be acquired main-

Information 3.1

Stories of motivation for participation

"I became involved [in the public movement] in 1996, when an intensive racket involving the forced evacuation of motor vehicles was occurring. The window at my workplace looked out onto a lot where illegally parked cars had been impounded. I myself was not a victim. Unfortunately, here most people become involved only after they themselves have become victims, not when the victims are others. I understood that in this city an open, sordid form of villainy was occurring, and that it was being carried out by an institution allegedly created for ensuring the public order. I understood that the process could be influenced. From a passive person I became an activist. In each party the majority of people are passive. Not everybody works actively. So I moved to the active minority. One needs to overcome oneself. Many people believe that they cannot influence anything. They lack the experience. I am the same type of person as they are, but once one understands that one can influence things ..." (NGO representative)

"In this country there is a large bureaucracy and a lack of funds. One needs to be bold and to be driven by a sense of indignation if one wants to reach one's goals. Material security is not as significant as experience and contacts. If necessary, the evening and night hours [can be devoted to public activities]. I know that the project will be ready without my help. But what if some mistakes occur? Will I later think that things could have been different? I have often asked myself why have I taken this on." (NGO representative)

ly through experience. The representatives of Latvia's older NGOs acquired their initial skills in such a manner. A network for the further transfer of knowledge and skills has developed with the active participation of numerous NGOs. Training is organized and co-ordinated by the Non-governmental Organization Centre, the Latvian Adult Education Union (*laca@parks.lv*) and other organizations.

The establishment of Latvian NGOs has been, and continues to be supported by foreign NGOs and foundations. Many of the NGOs that were established in the first half of the 1990s drew their inspiration from the activities of émigrē Latvians, who are mentioned to have contributed with a positive attitude towards life, an ingrained understanding of democracy and its forms, and skills in the formulation and presentation of views.

NGOs with long-term work experience indicate that the quality of their activities has improved tremendously. Initially their activities were mainly associated with the provision of information and education. Their main focus has now turned to influencing policies and defending various interests. This new direction requires a continuing upgrade of skills in such areas as:

- The ability to express one's views and to co-ordinate them with those of like-minded persons;
- The establishment of contacts with like-minded persons and participation in collective activities;
- The initiation and management of collective activities;
- Co-operation with the mass media and with State authorities;
- The preparation of information and the attraction of support for one's cause;
- The ability to engage in self-evaluation.
- The foundations of public activity are formed by both knowledge and skills, and by the ability to use this knowledge.

At present public interest groups still lack the ability to mobilize people into collective action. One issue that always arises when the interests of State authorities clash with the public interest as expressed by NGOs, concerns the rights of each party to represent the public interest. The legitimacy of State authority is also based on this precept.

Organizations representing specific public or professional group interests are in the strongest position compared to other interest groups. Their representative legitimacy is a potent instrument for ensuring that their views will be taken into account in the policy-making process.

Organizations established for the resolution of concrete issues or the popularization of an idea or viewpoint are in a less advantageous position. For example, one group of professionals that does not represent any particular segment of society works within the *Delna* branch of Transparency International. *Delna* has declared itself as a defender of the public interest and is often mentioned in this **Report**. It acts as an intermediary by hearing complaints from the public and conducting subsequent research. One of its ongoing tasks is to activate society and to gain public support for its work – in other words, to continually increase its degree of public legitimacy.

Financial resources for participation

Freedom of association is guaranteed to Latvia's inhabitants by the country's Constitution. Nevertheless, the stable and long-term association of people requires financial resources. There is a widespread perception among the Latvian public of NGOs as volunteer organizations that do not require considerable funding. This is not so in reality. While the activities of many organizations are indeed conducted by volunteers, funding is necessary for the implementation of projects. Environmental activists, for example, voluntarily take part in protest activities, but require resources for the preparation of their informative materials.

In order for NGOs to conduct truly independent operations, they require stable funding to cover administrative expenses and the rental of office space. The lack of funding for such needs is mentioned in more than one interview, as in the following quote from an NGO representative:

"The lack of resources is one of the most serious obstacles to the formal organization [of interest groups]. (...) One can find people with energy and motivation, but they need to be available when the State is available – during working hours. (...) Consultations with a lawyer cannot be conducted on Sundays. An organization must have resources in order to become actively involved." (NGO representative)

The activities of most Latvian NGOs subside soon after their foundation because they are unable to attract volunteers and ensure the necessary funding. According to data from Latvia's Non-



governmental Organization Centre, of the more than 4500 NGOs registered in Latvia by 1999, only a small proportion (about 15%) receive funding exceeding 5000 lats (8000 USD) per year. About 23 to 33 per cent of NGOs receive 500 lats or less per year.

Financial regulations regarding association in official organizations are not particularly favourable to the activities of public interest groups. Firstly, public activity is not distinguished from various other activities. The same financial requirements are applied to both profit and non-profit organizations. The *Law on Non-profit Organizations* provides for the granting of non-profit status to both profit undertakings (companies), and non-profit (public) organizations. Similarly, the *Law on Public Organizations* permits public (non-profit) organizations to engage in profit-seeking activities.

Secondly, the use of financial means for public pursuits is impeded by the imposition of taxes on the financial activities of public interest organizations, including on donations received. Latvia lacks a comprehensive law on the operation of foundations or funds, which are compelled to register as

non-profit organizations. For example, the parents of schoolchildren who establish a school support foundation as a public organization will be forced to pay taxes twice, since this organization will operate with donated funds from which taxes will have already once been paid.

Activity can be qualified in one of two ways: either as entrepreneurial (or profit-seeking activity, which is defined in the *Commercial Law* as commercial activity), or as economic activity that is either non-profit or takes place only once. Neither current regulatory enactments nor the already adopted *Commercial Law* provide any tax or other relief.

The third obstacle hindering NGO operations lies in fund-raising difficulties. While the tradition of donating to public activity is developing slowly in Latvia, there is currently no law that regulates government tax policies regarding the financing of NGOs. Existing regulatory enactments do not provide equal rebate criteria for all organizations. In 1998 the *Law On the Income Tax of Enterprises* was amended, according to which public, cultural, educational, scientific, religious, sports, charitable, health and environmental protection organizations

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Our wealth lies in our people

My country and my people have often had to start over from scratch. The people of our time have felt this directly and painfully, and therefore I can only admire their faith in goodness, their ceaseless desire to work and their ability to look towards the future with hope.

I am proud of my compatriots; of those whose accomplishments have surpassed day-to-day expectations and who shine like stars because of it, as well as of those who I have passed by without seeing the true meaning of their existence. Through our work at *Baltā māja* we become involved with people's destinies, both directly and indirectly. One can draw great strength and motivation from these destinies. It comes for free and does not cost one santim.

Our wealth is in our people. Their good deeds and their good will are the key to building our tomorrow. I have many builders of our tomorrow around me: invalids, pensioners, the unemployed, businessmen, single people and families. These are more or less successful people who help each other morally and materially. They support education, culture, social welfare and sports; they create and cultivate business. All of them search for and find pleasure in the small things of life: working together on cultural events, educating themselves, doing honest work, and taking part in community projects whose significance and influence will only be appreciated after many years.

As long as there are those who need help, people will be capable of doing good deeds. Not by dividing up state funds and giving away what is left over, but by listening carefully, looking deeply, empathizing and looking for common solutions. Over the past four years, *Baltā māja* has come across thousands of people like that all over Latvia. Is that not reason enough to be proud?

and foundations could receive a tax rebate amounting to 90% of donated funds. However, this rebate does not apply to all organizations with a specific type of activity or goal, but only to those that have made it onto a list that is approved by the Ministry of Finance. Income tax is also imposed on financial donations. Four organizations have managed to obtain this special status: the Soros Foundation – Latvia, the Latvian Culture Foundation, the Latvian Children's Foundation and the Latvian Educational Foundation. Only the first of these is not a State foundation.

According to Non-governmental Organization Centre data, 80% of the funding received by Latvian NGOs is obtained from abroad. However, even international support has been irregular and restricted, as international donors do not always have a concentrated and organized approach to the support of organizations or activity sectors. The financial basis of Latvian NGOs is usually not varied, as most organizations rely upon only one or two main sources for their funding. Latvia has few financially stable NGOs and most must rely on support for a succession of specific projects.

Research regarding corporate donations in Latvia shows that donations by private entrepreneurs form nearly a quarter (24%) of NGO budgets. These donations are often in the form of goods, premises or transport. They are mainly motivated by support for the aims of a particular organization (usually in regard to social services), and may stem from the philosophical and value system of the company itself, which may be inclined to the provision of a specific type of assistance.

Donors usually support individual events and activities. Therefore, organizations with long-term goals focusing on the defence of broad public interests (such as "watch-dog" organizations) find it harder to attract local resources. These organizations require long-term financial support, as the goals of these organizations are not achievable in the short term.

Currently Latvian public interest organizations operate mainly with the assistance of foreign funding. During the next few years, foreign-based funding for the consolidation of a civil society in Latvia will be reduced by such international donors as the Soros Foundation – Latvia and the United Nations Development Programme. This funding will be replaced in part, but not fully, by funds from the European Union and the Baltic-American Partnership Foundation. Thus any tax breaks offered to

local donors by Latvian legislation will become significant, along with funding from the State budget for the activities of NGOs. An important source of NGO funding may also come from local governments, which, according to data from the Baltic-American Partnership Programme, currently allocate an average of not more than 0.5 to 1.5% of their budgets for the support of NGOs.

The media in the public arena

The media have a dual role in policy-making. The easiest and most visible assignment is to act as a watchdog, uncovering corruption, incompetence and negligence in the State administration. A second, more complicated task is to present society with a broad and multifaceted overview of events, giving citizens the opportunity to participate fully in the process of democratic governance. This second task, which is inevitably connected with the need, the duty and the responsibility to participate in setting the political agenda, requires both higher journalistic standards and greater trust in the media on the part of society and its institutions.

The past years have shown that the Latvian media perform their watchdog role with gusto. Hardly a day passes without some story appearing in a newspaper or on TV about suspicious dealings in the State administration. As in any democratic society, some of the stories dug up by the press result in the resignation of the implicated politician or civil servant, some influence the outcome of elections, but others have no tangible results. In the last few years there have been a number of occasions when information discovered by the press or TV has led to the resignation of State or municipal officials. Nevertheless, those cases when media coverage does not have any results sometimes leave a deeper impression and can lead to a feeling of powerlessness. Such cases simply underline the fact that the media are only one part of a functioning society. The media will not have the necessary impact in the absence of influential non-governmental organizations and the effective working of the judicial and executive branches of government.

Even if the media were completely effective as watchdogs, they would still have a limited role in the formation of public policy. They could point to



mistakes and deficiencies in the policies pursued by the government and State administration, but they could not assume a fully active role in developing and implementing new policies.

The media represent civil society, not the power of the State, and their mission is to serve society. On the one hand this is a passive role, with the media acting as a conduit, generating opportunities for diverse opinions to be expressed and to become known. On the other hand, this is also an active role. The media must act as the eyes and ears of society, constantly trying to discover and understand the truth about issues that are important to society. They must scrutinize both what is happening in society itself and the actions of government and State institutions. As has already been noted in Chapter 2 of this **Report**, the media have a great deal of influence in setting the policy agenda.

This means more than simply being a watchdog. If that is their only goal, then the media risk acquiring the reputation of “being interested only in scandals.” The media must also generate debate on topics of general political, economic and social importance. The press is especially suited for developing such discussions, because, in contrast to the electronic media, the printed media are more suited for the exposition of complicated arguments and the development of the kind of extended, multifaceted debates that lie at the core of participatory democracy.

There have been a number of occasions during the last ten years when the press has actively worked to influence the policy agenda and to promote public debate. For instance, in 1992, when the Latvian Parliament (still known at the time as the Supreme Council) was drafting a new election law, the press sparked a public discussion on the proposal to limit the number of parties that could be elected to the soon-to-be-renewed *Saeima* by setting a minimum percentage of the vote that a party would have to obtain in order to gain representation in Parliament.

Remembering the problems that Latvian democracy faced in the interwar period, when a large number of parties with only one or two deputies threatened the *Saeima* with paralysis, the press argued that society should consider whether to set a threshold which would not allow parties receiving less than four or five percent of the vote to get into Parliament. Although a number of smaller parties objected, the Supreme Council decided as a result of these debates to set a threshold of

four percent. Although this may not have been a panacea for Latvian democracy, it has significantly contributed to the structure of the party system, giving voters a relatively clear political choice when they vote in elections to the *Saeima*.

There have been other cases when the press has addressed important issues. For instance, the business newspapers *Dienas Bizness* and *Biznes & Baltija* have initiated a wide-ranging debate on the recently adopted *Commercial Law*. It is too early to say what the results of these discussions will be, but they demonstrate a commendable desire to get involved in the formation of public policy.

Nevertheless, in spite of these examples, Latvian journalists in general do not sufficiently appreciate the fact that their vocation includes active support for public participation in the formation of public policy. The situation is, in a sense, paradoxical. On the one hand, both society and journalists themselves have an exaggerated sense of the media's ability to solve a variety of specific, everyday problems. On the other hand, neither journalists nor society sufficiently appreciate the ethical and social responsibility incumbent on the media.

Soviet conceptions about the role of the media in society are still very much alive. The phrase “the fourth power” has gained widespread currency all over Eastern Europe when speaking of the media. Unfortunately, it creates a skewed perception of the media's place in society and of their ability to affect the course of events. “The fourth power” (*“ceturtā vara”*) is clearly an imprecise translation of a two-hundred-year-old English phrase, “the Fourth Estate,” which was coined by the famous English politician Edmund Burke. The French Revolution, which began with the summoning of the Estates-General, helped to popularize the idea that Parliament represents three estates: the nobility, the clergy and the “Third Estate”, i.e. all the rest. During a debate at Westminster Burke is reported to have directed the attention of his fellow parliamentarians to the press gallery and said that there sits a fourth estate, more important than all of them.

In its essence every “estate” is part of a broader society. Estates are social groups, not administrative institutions. The concept of three “powers” carries a completely different meaning. Emerging from the eighteenth-century political philosopher Montesquieu's theories on the proper ordering of the State, it gives each of the three “powers” or branch-

es of government – the legislative, the executive and the judicial – a definite place in the constitution of a law-based State. These branches of government wield power in a literal sense, since they make decisions, laws, decrees or verdicts that are binding on others.

The media do not wield such power. Their strength lies elsewhere, in the fundamentally different yet no less important ability to address, influence and convince the participants of the policy process. But the media do not have the final say in the decision-making process and their opinions are not binding on others.

Thus, the term “the fourth power” is largely an atavism. In the Soviet system, where all the media belonged to the State and every public utterance had to reflect official State policies, any public criticism – even if it was uttered by a journalist – carried the weight of an official condemnation. When this power was not used for purposes of political persecution, many people without any other means of affecting events saw it as a means of solving a variety of every-day problems.

As a number of qualitative and quantitative studies show, many people still think that the media, especially the press, do play or should play this role even now. Approximately 40% of Latvia's inhabitants say that “writing letters to newspapers” or “meeting journalists” are a very effective or fairly effective means of affecting policy. As a means of participating effectively in politics, these methods are outscored only by participation in elections and referendums. They are considered to be the most effective of all the forms of participation in which citizens present reasoned arguments to convince State officials or their fellow citizens of the correctness of their views. Nevertheless, these methods are not as effective as they were in Soviet times, as can be seen from this excerpt from a focus group discussion on the chances for effectively fighting corruption:

“... God forbid, if somebody wrote to a newspaper back then. We had this conflict in our communal apartment. The guy responsible for our apartment came and said – fix it yourself for your own money! ... All the renters got together and decided to write to the newspaper Pravda. We wrote a letter, and a correspondent came. A half-hour later the building supervisor ran over and changed everything himself.

- And now?

- You can write what you want! So what! You can throw whatever dirt you want at them, they'll just wipe it off.”

During the Soviet period the media could on occasion serve as something of an ombudsman, helping average people solve their every-day problems. The media were influential thanks to the fear that any publicly expressed criticism aroused in the strictly controlled Soviet “public arena.” In a democratic State both the role of the media and the mechanisms through which society influences events are completely different. There is a functioning administrative and judicial system, and daily conflicts between landlords and renters are not played out on the pages of the country's most influential newspapers.

Confusing the term “the fourth estate” with “the fourth power,” people reinforce this misleading view of the real role of the media in a democratic society. Imagining that the media's power is comparable to that of the legislative or executive branches of government, society can get the impression that problems can be solved simply by publicizing them. If a problem is not immediately resolved after a newspaper article or a TV newscast, people can start feeling helpless. Sometimes they blame the media for the lack of results. In this way the term “the fourth power” not only reflects, but also reinforces false conceptions about the ways in which citizens can actually affect the political process.

Unfortunately, Latvian journalists themselves are not united in their views on the values and standards that should guide them in their work. Just five years ago there was a lively debate in the Latvian press about whether journalists may take money from the people they write about and whether paid advertisements should be clearly distinguished from editorial material. Even now a columnist for one prominent newspaper defines the standard by which journalists should be judged as the ability “to present reality ... in a complete and multi-faceted way, to be an honest mediator between the reader and this reality,” while a columnist for another well-known newspaper says: “I find the pseudoneutrality of Latvian journalism revolting. It's better to let everyone know who the journalist is supporting and then let them draw their own conclusions, rather than have the journalist try to fool everyone with his ‘objectivity,’ but really be advertising his favourite party.”

Latvian journalistic codes of ethics can provide some insight into the system of values of the Latvian media. Perhaps they do not always reflect the actual behaviour of the journalists, but at least they affirm their ideals and give society a point of reference for evaluating these journalists' work (see Information 3.2). A wide-ranging debate about jour-



nalistic ethics arose in Latvia after the municipal elections in the spring of 2001. As a result, a number of publications and electronic media signed a code of professional ethics, thereby joining the ranks of those media that already had written codes of ethics. It is to be hoped that active discussions about questions of ethics will continue and thus help to diminish the problems that have existed up until now and that are outlined in this **Report**.

This is especially important because without such ethical principles the media are unable to fulfil the role of the “Fourth Estate” in the policy system. These principles must be generally accepted and publicly declared in order to serve as an effective basis for media activity and for the public’s evaluation of the work of the media.

It is important for the media to be ready to play the role of the “the Fourth Estate,” but it is almost

equally important for the other participants in the political system to perceive the media as something more than simply a hindrance or a weapon in political struggles.

As the surveys done for this **Report** demonstrate, the opinions of *Saeima* deputies, civil servants, the leaders of municipal governments and the population as a whole differ to a certain extent on the influence, honesty and competence of the media. For instance, when asked: “*Who influences the adoption of important decisions in Latvia, and to what extent?*” nearly three-quarters (72%) of *Saeima* deputies – whose work is under constant scrutiny by newspaper, radio and TV journalists – answer that the media affect important decisions “to a great extent” or “to a significant extent.” In contrast, only 42% of the population as a whole and of municipal government leaders believe that the media has such significant influence (see Table 3.1).

Information 3.2

Journalists’ codes of ethics

The spring of 2001 witnessed a fruitful debate on journalistic ethics in Latvia. A study on hidden political advertising that came out soon after the March municipal elections caused quite a stir. Partly in answer to this study, a number of prominent media (including *Neatkarīgā Rīta Avīze* and the leading Russian-language newspaper *Čhas*) jointly signed the Professional Code of Ethics of Latvian Press, TV, and Radio Journalists. This code now joins others that were worked out in the first half of the 1990s by the Latvian Union of Journalists (LUJ), the News Division of Latvian Television (LTV) and the newspaper *Diena*.

The newly adopted code and the older ones adopted by the LUJ, LTV and *Diena* all aim to ensure that the information provided by journalists is complete and truthful. “A journalist’s main goal is to ensure that society receives accurate information.” (LUJ) “Journalists must not represent any interests other than society’s right to know the truth about events that it finds important or interesting.” (*Diena*) “The information that journalists communicate must be believable, objective and complete.” (LTV) “The media must reflect the truth, as far as this is possible. The interests of the readers/listeners/viewers are more important than the interests of the owners, the sources of information or the advertisers.” (Professional Code of Ethics of Latvian Press, TV, and Radio Journalists). The LTV and *Diena* codes demonstrate a commitment to preventing journalists from becoming involved in real or seeming conflicts of interest and to strictly separating editorial materials from advertising. These codes are clear and detailed, stating, for instance, that journalists are not allowed to “broadcast materials in order to gain some hidden material benefit, to accept gifts, or to include hidden advertising in broadcasts” (LTV) and that “journalists and their employers must conduct their personal lives in such a way as to avoid real and potential conflicts of interest.” (*Diena*) These principles are also reflected, in less detail, in the other codes: “An author’s text must not imitate advertising.” (LUJ) “Editors and journalists must be objective and must not use the content of articles or radio or TV broadcasts in their personal interest. (Professional Code of Ethics of Latvian Press, TV, and Radio Journalists)

A written, publicly available code of ethics creates a reference point that allows society to evaluate the work of the media. It is much more effective in stimulating quality work than references to unwritten “universal ethical norms” or to confidential clauses in a journalist’s contract. Journalists themselves and society at large must use these publicly declared principles as a means of improving the work of the media.