



Summary of views from discussions and surveys

"TODAY'S EXPERIENCE FOR MORE ACTIVE PUBLIC PARTICIPATION TOMORROW"

October - November 2020

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INTRODUCTION

The year 2020 is marked by intensive policy planning for the next seven years, likewise, the work on administrative-territorial reform has been completed, therefore work has begun on the development of new laws and policy guidelines and plans, which in turn marks changes in public participation processes. The most important documents are the new Law on Local Governments, the Guidelines for a Cohesive and Active Society and their Implementation Plan, the State Chancellery's Guidelines for Public Administration, which also include the basic principles for meaningful public participation. As civil society now has and will have the opportunity to participate in commenting on regulatory enactments and the new concepts, with the aim of improving and developing them based on the needs of end consumers - citizens, the **Civic Alliance - Latvia intends to learn about the current experience of the participation of the representatives of the public at a municipal and national level and to establish their vision of conceptually different matters**, for example, should the residents' boards provided for by the Law on Local Governments should be elected by the residents or appointed by the local government deputies.

Talks / focus groups "Today's experience for more active public participation tomorrow" took place in 5 stages:

- October 21 in Kurzeme region;
- October 22 in Latgale region;
- October 27 in Vidzeme region;
- October 28 in Riga region;
- October 30 in Zemgale region.

In addition to the discussion, from October 23 to November 6, the Civic Alliance - Latvia conducted a survey to identify assessments of current public participation practices, obtain suggestions for the necessary improvements, and gather opinions (anonymously).

MAIN RESULTS

Prerequisites for public participation identified as a result of discussions and survey:

- 1) the information, primarily, is accessible, comprehensible and timely;
- 2) there is two-way communication;
- 3) the methods of information and participation are different and apply to all groups of the society;
- 4) local governments are open and their activities are transparent regarding public involvement and the use of funding;
- 5) objective information closely related to the support of independent media, and the municipality does not interfere in the field of media;
- 6) a mutual desire to cooperate, listen and engage so that public participation is meaningful rather than formal;
- 7) a space for public participation and active civil society;
- 8) the capacity of civil society organizations has been strengthened so that they can mobilize citizens to participate, seek out and gather citizens' views, while educating

them about the issues at stake, as well as representing the public interests before the decision-makers;

- 9) civic education of all involved parties and age groups (state, local government, society, including civil society) is required.

VALUE PREREQUISITES

Attitude

The participants to the discussion point out that, regardless of the legal framework for public participation and information, it may not achieve its inherent aim without a change in understanding and attitudes about the role of public participation and civil society. It is pointed out that as soon as there is a real interest by the public administration, public participation and trust in the administration will increase, as well as people's mood about what is happening in the country will improve. At the same time, the participants to the discussion, but more specifically, the respondents to the survey, pointed out that civil society itself must take co-responsibility for what is happening in the country, so a change of attitude is necessary in the society as a whole.

When evaluating the experience of public participation so far, the assessment is mostly critical, which is based on negative previous experience, and it is indicated that:

- ✓ public participation is implemented formally and strictly in accordance with the procedures specified in regulatory enactments, and not in a meaningful way - in essence and with the desire to find out and listen to the opinions and needs of the population. In addition, participants point out that interest in listening to public opinion is shown by the politicians only during the pre-election period;
- ✓ public opinion has no real influence on decision-making and existing participation mechanisms are not binding on decision-makers and the public administration is taking advantage of it;
- ✓ representatives of civil society are not seen as equal interlocutors;
- ✓ part of the society is indifferent to what is happening in their neighborhoods and in the country.

Knowledge

As stated by the participants to the discussion, an important factor in promoting public participation is knowledge of civil society, the role of the individual both in the state-building and in smaller processes, such as the adoption of legislation and public participation, therefore civic education is needed, not only for students, but for all age and social groups. Less often, knowledge, as a precondition for public participation, appears in the results of the survey, where the role of the education system in educating the public on issues of public participation is indicated.

In discussions with the public, it becomes clear that it is important to promote:

- ✓ the discussion of public participation in educational institutions;
- ✓ the population's understanding of the work and functions of various public administrations, including local governments;
- ✓ educating the public about the importance of participation;

- ✓ awareness of the officials and politicians about the work of associations and foundations, community formation, citizen involvement and participation;
- ✓ educating communities, active citizens, leaders who can provide support to society;
- ✓ critical thinking and understanding of fake news in the public.

Cooperation

The issue of attitudes is closely linked to cooperation and dialogue, without turning public participation into one-way communication from the public administration, which in turn reduces public motivation to engage and participate.

The participants point to the following important elements of co-operation to address the common goals of the public:

- ✓ the interest of all parties in establishing cooperation;
- ✓ cooperation in a broader sense - civil society, associations and foundations, entrepreneurs, local government and state institutions, or to seek to strengthen formats where all parties involved meet;
- ✓ cooperation is based on a format in which dialogue is established;
- ✓ the need for co-ordinating co-operation organizations - from non-governmental organizations and officials responsible for the local government / state institution.

Motivation and belief in the ability to influence decisions

Given the less positive experiences so far, the participants of the discussions and the respondents to the survey point out the need to restore citizens' confidence that they can influence decisions and that it makes sense to invest their time and energy in public participation processes.

There are several proposals to ensure that residents and associations can also form municipal agendas, i.e. regular residents' / municipal meetings are ensured to discuss issues raised by residents, and the council's agenda is also formed from proposals submitted by residents. It is important that questions are always answered.

Belief in the ability to influence decisions is closely linked to improving participatory mechanisms by making community-led initiatives and proposals binding on public administration. It is very clear from the discussions and the results of the questionnaire that people are disappointed with the existing mechanisms, as they are all of a purely consultative nature and do not provide control over the elected officials and their activities.

An additional recommendation to increase public motivation to participate and restore faith in the ability to influence decisions is to promote public participation through positive examples that show exactly how the public has solved some of the issues and problems brought up by the citizens through their involvement.

PRACTICAL PRECONDITIONS

Civil society space

Participants to the discussion and respondents to the survey point out that there is currently a lack of a platform (virtual or physical) in many places, especially at a municipal level, where people can initiate new initiatives, suggest or address issues that are relevant to them, and monitor their progress.

Similarly, proposals are often made to develop physical spaces to promote the functioning of civil society, to organize informal meetings, to establish cross-sectoral cooperation.

It is important to mention that in both formats of opinion polling, people are afraid to express their opinion at the municipal level for fear of “political retaliation”, therefore, it is necessary to find solutions for anonymous public participation, as well as platforms where people can express their opinion freely, including to report dishonest behavior by local authorities, while maintaining the credibility of the source of the information. Such a solution could cover a range of issues that are not covered by the Whistleblowing Law.

Representation of interests

Participants to the discussion assign an important role to the local opinion leaders, local agents who could mainly mobilize the population for participation, however, they mainly consider associations as the representatives of the public opinion, who:

- ✓ promote an active civil society;
- ✓ inform and educate the public on issues important to it, including “interpreting” legally complex texts into a simpler language (complex regulatory acts, such as regulations, amendments to the laws, adopted decisions and their impact);
- ✓ seek the views of the general public and represent them to decision-makers.

At the same time, it is pointed out that the problem of capacity of the civil society organizations needs to be addressed, i.e. these types of activities are resource-intensive and therefore need state and / or municipal support to provide this function of a bridge between the public and the public administration. Organizations' efforts to attract more and more members should also be supported. It is important that the state and local governments do not try to influence the independence of the organization with the granting of support.

Despite the view that it is important to significantly strengthen the representation capacity of associations in order to ensure greater representation of public views and needs in public administration, participants agreed that the views of each citizen are important and that mechanisms need to be put in place to ensure participation, including also on the Draft Legislation Portal¹. It is possible to introduce (differentiate) a "weight" or different access options to the portal, but this should not be a choice for officials to give or restrict the opportunity to speak.

Participation methods and tools

The participants to the discussions emphasize the need to maintain / implement diversity in terms of public participation and information, without concentrating on a single platform or method. Most importantly, the state should not go too far into digitalisation, thus excluding from participation and access to information a large part of the society that, for various reasons, does not or cannot use digital solutions on a daily basis.

The interlocutors point to the need to introduce a public participation mechanism where everyone is given the opportunity to participate and express their views in the most convenient way available to them - in person, with digital tools, in writing, etc. And the chosen method

¹ Unified draft legislation development and approval portal (TAP portal); <https://www.mk.gov.lv/lv/content/vienotais-tiesibu-aktu-projektu-izstrades-un-saskanosanas-portals-tap-portals>

should not affect whether the opinion will be taken into account. The opportunity to express oneself in different ways is especially important, because as generations change, so do habits, namely, the generation Z who are currently entering the labor market mostly uses digital solutions. For this generation, everyday life has merged with modern technologies, in their socialization and upbringing processes, the technologies can be seen as one of the most important aspects².

Public participation tools must be easily accessible and easy to use. One of the digital examples is the smartphone app, where the citizen receives the latest information in a brief and concise way and can make quick votes and express his or her opinion.

As mentioned above, given that there is still a fear of local criticism at local level for fear of consequences and political retaliation, the negotiators point to the need to create tools that ensure anonymity.

The discussions and the survey reveal that there are currently a number of significant shortcomings in the tools for public participation:

- ✓ there is no possibility to initiate initiatives and amendments to regulatory enactments at the local government level;
- ✓ there is no possibility to recall elected members (at all levels);
- ✓ citizens' initiatives and suggestions are not binding on decision-makers;
- ✓ the legal framework does not stipulate the need to involve the public at an early stage of initiatives or draft legislation - public participation is mandatory for an developed draft.

The participants of the discussions point out that consultative institutions at the national and local government level are a good tool for public participation, however, their effectiveness is largely determined by the attitude of public administration and their understanding of the meaning of such institutions. It is pointed out that the public administration tends to use such advisory councils to legitimize its ideas or to put on the agenda issues that are formally represented but do not provide discussion and harmonize views, but refer to these institutions as consultative partners in the subsequent process.

Proposals to change the advisory council and other advisory institutions from advisory functions to policy makers and decision-making institutions appear in the answers of the respondents to the survey much more often than in the discussions. This is in line with the general problem expressed by the participants to the discussions and the respondents of the survey - that public participation is not binding on decision-makers. The respondents to the survey repeatedly call for the introduction of local government referendums so that the public has at least one legal instrument binding on the local government.

Feedback

In both the survey and the discussions, the lack of feedback is very commonly noted aspect, which reduces the motivation to participate and it is pointed out that the provision of feedback is one of the preconditions for quality public participation. In the conversation, the participants suggest that the feedback:

- ✓ must ensure the traceability of the proposals made by citizens after the end of the public consultation;

² Gen Z in labor market: <https://lpva.lv/articles/316/z-paaudze-darba-tirgu>

- ✓ must be provided for each complaint, suggestion and initiative of public importance or initiated by the public;
- ✓ must include information on whether, how and why the proposal has / has not been taken into account;
- ✓ must be substantive, not a formal reply that the application has been forwarded to another authority;
- ✓ must be provided in a language that people can understand, without complicated and normative terminology.

OPEN AND TRANSPARENT MUNICIPALITIES

When discussing the matters of public participation and awareness, the participants to the discussion and respondents to the survey emphasized the problem of closed and secretive local governments, therefore, we have singled out the issues of good local governance.

Transparency

According to the participants to the discussions, it is necessary to promote:

- ✓ transparency of decision-making processes;
- ✓ public access to documents, including open data;
- ✓ access to information (more on this in the section "Access to information").

Control mechanisms

The discussions and the survey clearly show that the population is interested in the activities of the local governments, including local government spending and conflicts of interest, however, very limited information is available to the population, and there are no control mechanisms that allow the public to:

- ✓ request full information on the results, usefulness, efficiency of the implemented initiatives;
- ✓ get acquainted with the reports of the deputies regarding the fulfillment of the promises given to the residents, the work performed for the benefit of the society;
- ✓ recall deputies;
- ✓ eradicate corruption.

Access to information

With regard to access to information, it is necessary to distinguish the content of information from communication channels, which in turn affects what are the most successful channels for communicating information to the public.

In the discussions and the survey, the most important information channels on the opportunities for public participation mentioned are:

- ✓ social networks of the local governments;
- ✓ the "Public Participation" section of the website;
- ✓ printed publications issued by the local government.

At the same time, it is pointed out that there is an urgent need to promote a free local and regional press, which should be linked to support for independent journalism. Situations where municipalities act as news agencies need to be avoided. The current changes in the legal framework do not solve the problem, as local governments not only issue informative reports, but also use other communication networks, including social networks, not only to inform the public about the work of the local government, but to popularize the political parties in power. In turn, residents would like to find information on the activities of local governments, local government expenditures, possible conflicts of interest and other information that is useful for the public to monitor the activities of local governments:

- ✓ on the local government website;
- ✓ on the social accounts of the local government;
- ✓ in the municipal newsletter.

It is important to note that the discussions resulted in a number of conclusions that should be taken into account:

- ✓ social networks, media, printed publications of the local governments can be considered to be communication channels, but the section “Public Participation” of the website of the local government works as a repository / platform, where all the necessary information is available in one place;
- ✓ the information must be easily accessible, transparent and timely;
- ✓ it is necessary to provide different channels of communication, according to the target group and its habits, and in a language appropriate to the target group;
- ✓ the information must be objective and politically neutral;
- ✓ information channels should be seen in a broader sense - meetings with residents, participation of local government representatives in informal events, etc .;
- ✓ informative publications of active non-governmental organizations should be promoted.

In the discussions and the survey, the respondents point out that it is important to promote changes in the content of local government websites, which should not be considered to be a news portal, but an important resource for informing the public and reviewing and controlling the activities of the local government, therefore the following should be ensured:

- ✓ availability of minutes of council meetings;
- ✓ information on significant decisions and their explanations;
- ✓ information on the expected changes and their impact on the target groups;
- ✓ opportunities and methods of public participation (easy-to-understand information);
- ✓ an overview of the allocation, use, usefulness of the funding, information on the results achieved (the proposal has been mentioned many times, as such information is not currently available).

Additional questions were asked about potential conceptually different approaches in the new Law on Local Governments (hereinafter - the Draft Law), which is related to the collective application and residents' boards.

Collective application

The Draft Law provides that a certain number of Latvian citizens who have reached the age of 16 on the day of submission of the application and whose place of residence has been

registered in the administrative territory of the municipality have the right to submit a collective application to the municipal council on issues within its competence. The collective application, if it complies with the requirements specified in the Draft Law, must be considered at a local government council meeting.

During the discussions and the survey, it was asked whether the people agree that the collective application should be signed only by citizens from 16 years of age registered in the respective municipal administrative territory, or should the law provide the right to initiate and sign collective applications to all residents interested in the life of the municipality - registered residents, employees, students, residents with lease agreements, holders of property located in the territory of the municipality, citizens of EU countries residing in the territory of the municipality.

The answers provided show that **80% of the respondents believe that the right to initiate and sign collective applications should be provided for all residents interested in the life of the municipality.** In discussions with the respondents who wanted to maintain the current concept, they raised concerns about the impact of “external forces” on the citizens’ views, as well as the risk that a person who is not registered in the municipality might initiate or sign for an initiative that is unfavorable to the local community due to lack of local patriotism.

Residents’ boards

The type of public participation envisaged in the Draft Law - Residents' boards - is essentially the "eyes, ears, feelings" of the residents of the municipality about the work of the municipality, performance of its functions, necessary improvements, etc. The Residents' board in the municipality acts as a consultative collective structure that ensures the representation of the interests of the residents of the territorial units (parishes and cities) of the municipality. In essence, the Residents' board advises the local government on issues that affect the interests of the residents of the respective territorial unit, or conveys to the local government the opinion of the residents on these issues, thus bringing decision-makers closer to the residents of the local government. At the same time, there is also a tool for submitting the opinion of the residents to the council - the right of the Residents' board to submit draft decisions for consideration at the council meeting. The submitted draft decisions at the council meeting are considered mandatory, which means that the council is not left with the option to exclude the specific decision from the agenda of the council meeting and it must decide on the further progress of the issue.

Discussion questions were:

- ✓ who and how elects the Residents' board (residents' meeting or the council)?
- ✓ should there be a remuneration for the work on the Residents' council?
- ✓ should the Residents' boards be formed only in the territorial units (towns, parishes) or also the administrative center of the municipality (for example, Saldus) or municipalities of the state cities (for example, Riga), where it is not intended to create such public representation according to the Draft Law?

90% of respondents indicated that the Residents’ board should be elected by the residents' meeting and not by the council. This would ensure that these individuals are community-led representatives, not politically appointed representatives. In the survey, one of the respondents indicates that, in addition, it should be determined that the representation of the public cannot be exercised by the deputy of the previous term. Boards appointed by

residents are already working in practice, as one example is the board of Kolka village in Dundaga municipality³, which is elected by the population and acts as a bridge between the population and the municipality administration.

It is important to mention that the discussions and the survey also show skepticism about Residents' boards as an institute, as the proposed concept essentially duplicates existing public participation mechanisms, as well as there are concerns whether there will be active citizens in all areas to be elected to such boards. There is also a risk whether the board representative will be an active advocate of the interests of the population and not just a popular person. The latter risk is closely linked to the discussion on possible remuneration:

- ✓ if it is a representative of interests who will be given an important function to summarize the needs of the population, to represent the interests of the population, to prepare draft decisions for the council, then such an official will not be able to act on a voluntary basis for a long time;
- ✓ if it is more of a "title of an honorary citizen", then remuneration for the performance of the duties of such a position is not necessary. At the same time, in this case, the responsibilities and functions need to be substantially reviewed.

Regarding the question whether the Residents' boards should be formed only in the territorial units of the municipality (towns, parishes), or in the administrative center of the municipality (for example, Saldus) and municipalities of state cities (for example, Riga), in **80% of cases the answer was that the boards should be everywhere**, regardless of the size of the area. This is particularly important as the current electoral system does not provide for a "quota system" where deputies are elected from each administrative unit to represent the interests of the citizens of each administrative unit. In Riga, these could be neighborhood boards.

CONCLUSIONS

The results of the discussions and the survey confirm that there is a crisis of trust in Latvia and there is a very low level of civic participation, which can be explained by people's disbelief that they can influence the processes in the state and local government. Distrust is also closely linked to a lack of information about civil society, public administration processes and the role of the individual in them.

A strong, active and knowledgeable civil society is a precondition for citizens to trust and want to work together, and to foster a sense of belonging to the state and faith in their ability to influence decisions, so new policy planning documents and regulatory enactments must reinforce a favorable legal and financial environment for the development of the civic society, civic dialogue and civic activities. At the same time, the following should be put into practice:

- ✓ strategic communication on the role of civil society and public participation in a democratic state, with the aim of raising public awareness, ownership and reducing the crisis of confidence;

³ Website of Kolka parish, Dundaga municipality, <http://www.kolka.lv/?tag=ciema-valde>

- ✓ promoting public participating in pursuit of common goals by providing a platform for civil society representatives to exchange views and agree on joint action to represent interests;
- ✓ bridging the gap between public administration and the public by promoting the exchange of information and views, as well as a constructive and meaningful (including - binding the public administration) dialogue on current challenges and possible solutions .



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