

## Looking for Civil Participation in the Baltic States: Non-Governmental Sector

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*Civil society could be expressed by itself in a large variety of forms: individual initiatives through social movements, associations, non-governmental organizations, societies and other organizations. "Civil society is the location from where legitimacy must be obtained if one is to talk of a democratic political system" [4, p. 25]. It is impossible to determine one model or one discourse for civil society, as well as the definition of civil society is not unique either. Taking into consideration the differentiation of "concepts" of civil society, the development of civil society in the article in a way is seen through NGOs - as a relation among public component in the Baltic countries. The aim of the article is to provide empirical insights, which contrast with the normative assumptions that often underlie the "new civil society participation" literature and discourse of policy-makers, in particular in terms of participation. The Dahl criteria for democracy: decision making processes, freedom of expression, access to information and right to freedom of association have been chosen aiming at evaluation of civil participation. The criteria have determined the structure of the article in the context of theoretical analysis. The analysis is also based on comparative method, and it involves three Baltic States: Lithuania, Latvia, and Estonia.*

**Keywords:** *Baltic States, democracy, civil society, non-governmental organizations.*

**Pagrindinės sąvokos:** *Baltijos šalys, demokratija, pilietinė visuomenė, nevyriausybinių organizacijų.*

### Introduction

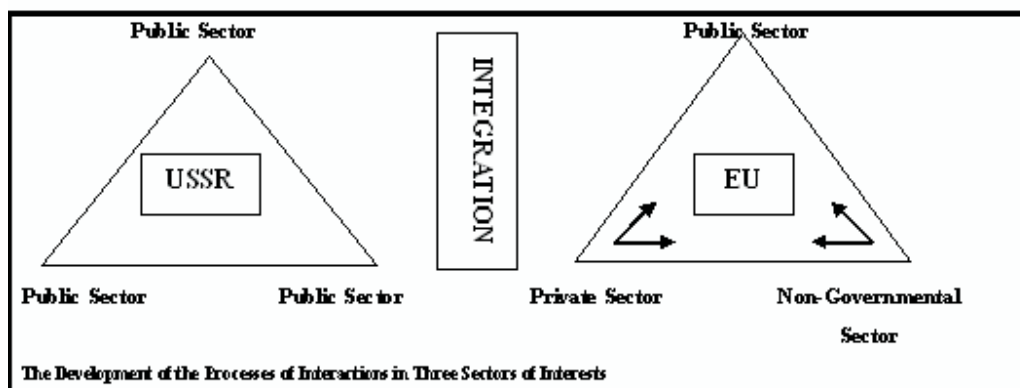
The popularity of the concept of democracy in the Baltic States goes hand in hand with the identification of changes in governance and civil society. Identifying changes in civil society is a risky task. They maybe discovered as "changes" simply because of the reason that the end of the twentieth century saw the appearance of new conceptual meanings by Kaldor M., Habermas J., Fowler A. Still, one should be acknowledge that the emergence of new concepts of civil society does not necessarily imply the disappearance of old ones, the same as the emergence of new modes of democracy does not imply the disappearance of old ones. Nevertheless, despite the difficulties to define precisely "new modes" in governance and civil society, and to distinguish them from "old modes", there is a widespread agreement among such different scholars as political scientists, lawyers, public administration specialists that policy making in the

Baltic countries has changed importantly over the last fifteen years. One of the most common changes in all three countries is characterized by appearance of a multitude of actors: public, private and non-governmental, involving all relevant stakeholders. Often implicitly, but sometimes explicitly this argument is linked with a normative democratic claim that praises participation and/or representation of civil society.

In fact, such participatory nature would be welcome in the governance of Baltic countries, which often lacks, or is weak in terms of, traditional accountability and representation.

This article will argue that the enhancement of non-governmental sector does not necessarily imply "more" of civil participation. The civil society is seen not as a sector, but as a relationship among sectors (public, private and non-governmental sectors) and between them and citizens, in which all are actively engaged in the decision-making.

The aim of the article is not to provide a



Picture No. 1. The Development of the Processes of Interactions in Three Sectors of Interests [6]

normative framework to conceptualize the legitimacy of participation and/or representation, but to provide empirical insights, which contrast with the normative assumptions that often underlie the “new civil society participation” literature and discourse of policy-makers, in particular in terms of participation.

The Dahl criteria for democracy: decision making processes, freedom of expression, access to information, right to freedom of association, have been chosen aiming at evaluation of civil participation. The following criteria also help to construct the structure of the article in the context of theoretical analysis.

The analysis is based on comparative method, and it involves three Baltic States: Lithuania, Latvia, and Estonia. It relies on the analysis of empirical data, local researches, official and working documents. In the last decade scant research has been done, and the only source of such type of information in the Baltic States could be Departments of Statistics and in some particular cases, for example, financing or service provisions – Information and Support Centers in Estonia, Latvia and Lithuania. The main literal source for accomplishing the tasks of the article is a relatively unknown US government report, which was made in the year of 2002 contributing to the survival and growth of non-governmental organizations of Central and Eastern Europe. Still for definitional clarification, which in few cases seems to be theoretically common, the scientific investigations of the scholars from Eastern and Western Europe: J.Forbrig, A. Croissant, S. Puškorius, A. Kucikas are used as well.

### The Civil Right to Freedom of Association

One of the major features of open civil society – the abundance of non-governmental organizations, which spread their ideas, seek to improve the welfare of the society and represent the interests of different civil groups. As far as right to freedom of association is concerned, it should be emphasized that the establishment of non-governmental institutions is based on volunteerism system, i.e. civil participation system.

The integration of the Baltic States into the European Union brought a new approach to the development of non-governmental sector, in the context of democracy, market economy, liberalization of politics, revival of civil society (see picture No.1).

Non-governmental sectors do not exist in administrative space as such; they rather are a part of the political context in the Baltic countries. The transition processes in all three countries started to make more positive inroads in the communication of non-governmental organizations with local and central governments.

The development of the state „status” influences the development of the society, what is truly shown in the Picture No. 1. It shows that the public sector, i.e. state was dominating in the soviet society, and the citizens had only limited freedom. The third sector was realised as a mean of the state, because non-governmental organizations were established, financed and coordinated by the state. Already during the period of integration and later on the states influence to the society decreased, and as shown in the Picture No. 1 the private initiative appeared. Such civil initiative in a way provoked the emergence of three sectors. Non-governmental sector in Lithuania continues to grow rapidly (during the

Soviet times there was nearly 50 of them), now consisting of about 12 000 associations. However, it is difficult to measure the growth in this sector as many organizations became inactive after a short time for example, about 3000-4000 of the registered non-governmental organizations are not active [9]. The Latvian non-governmental sector remains rather diversified. The Latvian state protects nongovernmental organizations (NGOs) and encourages their activities. The number of NGOs registered with the Ministry of Justice is over 7,000 and rising. Each year public attention in Estonia step by step is driven away from business and economic growth to civil concerns. So, civil society has an opportunity to play a key role in developing and bringing solutions for the problems they are interested. At present there are 17 775 registered non-governmental organizations in Estonia.

Legal environment of non-governmental countries remains sufficient in the Baltic countries. The legal environment regulating non-governmental sector in Lithuania appeared in 2002. This law allows individuals to designate 2% of their income taxes to a selected NGO or public institution. This action promises to be an important new revenue source for NGOs and civil society; it is a new way of participation. The new law brings also the environmental changes in the sector; it is becoming more democratic and non-bureaucratic.

The Latvian situation seems to be different, non-governmental sector in Latvia has been governed by Law on Public organizations and Associations since 1992. The law has allowed non-governmental organizations to register easily and be protected from state interference or control, however, the weakness of the law was income and tax benefits. In 2003, many of the laws affecting NGO activities were in the process of being changed or amended to collect more taxes and eliminate perceived abuses. One of the key proposals aims to reduce significantly the tax advantages for donors from 85 percents of the value of donations to approximately half of that amount. It appears to be a "non-profit" law for non-governmental organizations.

Estonian NGOs benefit from fairly favorable legislation that ensures them independence from the state, freedom of speech, and the right to generate revenue, however the financial aid is rather limited and it depends upon whether organization appears on the list of the Ministry of Finance at the end of the year or not.

The organizational capacity of most of the

non-governmental organizations seems to be similar in the Baltic countries. The level of organizational capacity varies greatly between well-established larger organizations, and smaller groups. However, the majority of organizations have a defined mission and target group, while most groups have a short-term operational activities, only a few of the larger organizations have a longer-term strategic plan.

Most associations lack a clearly defined management structure and distribution of tasks between the management and employees. Few associations in the Baltic States (for example Citizens Advice Centers in Vilnius, Riga and Tallinn) employ full-time paid staff. The structure of more-established organizations is more transparent (for example Youth Associations in Lithuania, Latvia and Estonia), while in smaller organizations, it is more typical for everyone to do everything. The resources of many associations do not allow them to have basic modern office equipment, still most of non-governmental organizations continue to operate by utilizing other resources, including public internet access sites, other organizations' equipment, and personal computers.

Many non-governmental organizations are striving to become more professional in their operations. However, most institutions are understaffed, lack the financial resources necessary to acquire additional human resources, especially those situated outside Vilnius, Riga and Tallinn. Furthermore, many non-governmental organizations have a very limited understanding of how to involve citizens or effectively utilize volunteers in the delivery of their projects and services.

The financial viability of non-governmental sector effectively emerged after the independence of the Baltic States. As it was mentioned above the financial sources are first of all the public institutions and citizens themselves. Still in Estonia and Latvia such sources of funding is not very effective. The vast majority of funding for the non-governmental sector in the Baltic States comes from foreign donors. The impact of international support for non-governmental organizations in the Baltic States in the context of democratization of civil society is a starting point closing the gate behind the soviet paradigm of civil society. International assistance in this case is understood as an object of new approach to civil participation in the Baltic States and as a transferee of democratic traditions in the public sector. However, in our days the op-

portunities to receive foreign grants continue to decrease.

The right to freedom of association finds protection in the constitutions of all Baltic States by guaranteeing the right to associate or not, i.e. no one may be compelled to belong to an association. Although the right to freedom of association is recognized in the countries, its implementation varies. Latvia for example, adopted the minimalist-non-interference- approach whereas Lithuania has adopted a substantial number of legislative acts. It should be mentioned that the rules protecting the right to freedom of association should secure the NGOs rather than restrict them or set up obstacles to their activities. Moreover, “freedom of association is effective only where it goes hand-in-hand with legislative measures facilitating its exercise and respecting the value of NGOs’ contribution to society” [10]. Such freedom for association first of all enhances the effective participation of citizens in democratization processes of their countries through decision-making as such.

A basis for the establishment of non-governmental organization in Estonia is provided in the Estonian Constitution of 1992. Paragraph 48 guarantees the right to form such associations: “Everyone has the right to form non-profit undertakings and unions.” According to the Law on non-profit organizations, which entered into force on 1 October 1996, a non-governmental organization is “a voluntary association of persons whose main activities cannot be the pursuit of profit through economic activity.”

The Lithuanian Constitution in Article 35 contains the following: “Citizens shall be guaranteed the right to freely form societies, political parties, and associations, provided that the aims and activities therefore do not contradict the Constitution and laws. No person can be forced to belong to any society, political party, or association.” [9].

However, the situation differs in Latvia. The Constitutional Law on the Rights and Obligations of a Citizen and a Person adopted on 10 December 1991 in Latvia contains the following provision in Article 31: “All people have the right to form public organizations and to participate in their activities, if the goals and practical actions of such organizations are not contrary to law”[10]. The main legislation regulating NGOs is the Law on Social Organizations and their Associations of 15 December 1992: “Composition: (Section 1) A public organization can be

founded by ten or more persons who have reached the age of 18 and who unite themselves so that through joint action and on the basis of equality they can reach a goal which has neither the purpose nor character of profit generation”.

On this basis the conclusion could be made that NGO in Estonia and Lithuania can be established by at least two persons who can be both legal and natural persons. Such statement proves that even a single citizen can participate in the decision-making. Still, the legislative rule in Latvia limits the participation of civil society, as on the general ground it is rather difficult to find ten individuals seeking to represent their own interests or the interest of an individual group of civil society on the official and open “stage”.

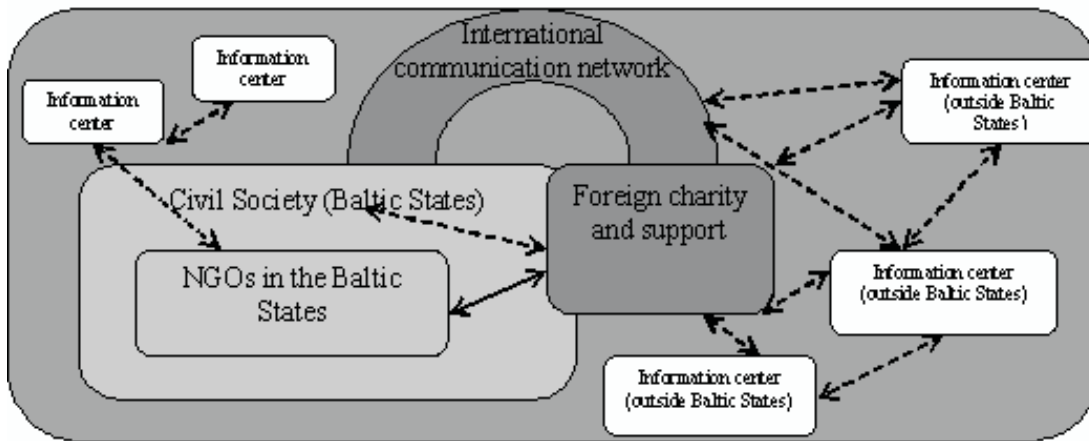
NGOs throughout Baltic States have developed into significant forces in their countries. Non-governmental sector fully enjoying the right to freedom of association fulfills critical functions in terms of representing citizen interests to the government, monitoring government actions, and supplementing or replacing defunct government services.

### **The Access to Information and Freedom of Expression**

The constitutions in the Baltic countries establish that each person is free to receive information. It is not just a declarative norm of the constitutions, but one of the basic requirements for existence of a legal, democratic state. Paradoxically enough, but these are the government bodies themselves that are striving for closeness to civil society. Why is that so? and who decides what information is “redundant”.

To exercise the right for information, it is not enough just to declare it and to establish the principles of openness in statutory and legal acts [7]. In all Baltic countries access to information is regulated by various statutory and legal acts: national, regional and local. The general rule is that state information resources in the countries are open and available to the public and only in exceptional cases information can be made secret.

The differences appear in the Baltic States regarding laws on access to information, for example, what information is available for the public, what is defined as a “secret”, or not public information (due to security or trade competition reasons), etc. However, from the point of the



Picture No. 2. **Information network in the Baltic States**

democratic functions of non-governmental organizations, stated by Grugel, availability and easy access to information are of the most importance for the functioning and development of NGOs and, furthermore, the existence of an open civil society promotes the development of the democracy [5]. The issues of access to information do not only concern information regarding public funding or the rights and obligations of non-governmental sector for effective functioning. It is also an issue concerning information on the whole decision-making process. Despite the fact that every country has regulations on the decision-making process, it appears to be that authorities should be more active in the dissemination of information [2] (see picture No.2).

Picture No. 2 shows the network of information spread and information access. The especial attention is paid to NGO information centers that implicitly contribute to civil society development. According to D.L Brown and A. Kalegaonkar, information centers are called civil society support organizations the aim of which is to strengthen civil society [1]. It is worth mentioning, that the information centers are established not only in the major cities of the Baltic States but also in smaller towns. Such geographical distribution encourages NGOs activities and also development of civil participation.

However, despite the well-known democratic basis on information access, the realistic situation in the Baltic States does not appear to be equal. For example “Around 50% of NGOs in Latvia do not have an Internet connection and 90% of those having a connection do not have an ADSL broadband connection. It is a paradox that 90% of the information published

can only be obtained from the Internet” [11]. In Lithuania and Estonia the situation itself seems to be more positive: there is a wide use of the Internet, where most of the relevant information is available, as a tool for the dissemination of information, still sometimes the target information is insufficient and limited for access.

Access to information is important for non-governmental organization: it allows them to enhance the civil participation. Despite the fact that Estonia, Latvia and Lithuania have regulations governing access to information, it appears from the different meetings that authorities could be more active in the dissemination of information. Thanks to new technologies such as the Internet, easy access to information and the ability to store, manage and disseminate information, non-governmental institutions have gained power to mobilize public opinion and bring civil society “deeper” into the circle of decision makers. Unfortunately as the information is in nowadays mostly published on the Internet, smaller NGOs, which do not have access to this technology, cannot access the necessary information, and also the Baltic society itself is not yet so far technologically developed (around 42 % of Baltic States’ citizens), so the location of the information on the internet is also problematic for civil society itself [8].

In all Baltic countries the public information acts ensure that the public and every individual has the opportunity to access information intended for public use, based on the principles of a democratic and social rule of law and an open society, and to create opportunities for the public to monitor the performance of public duties and, furthermore, right of freedom of expression is given to each citizen.

Despite the positive impact non-governmental sector has on the civil society of Baltic States, the general public image is rather poor. Still, seeking to increase public understanding of the sector and foster a more positive public image, NGOs use contemporary information technologies. In Estonia, there is a monthly insert to the newspaper and a separate television show that covers non-governmental organizations. Similarly, Lithuanian National Radio airs a weekly radio show called “The Third Way” [10].

The members of non-governmental organizations are mostly citizens, and this is one of the major reasons why NGOs generally have a good reputation and trust in the civil society. This context of citizens’ membership proves the need of non-governmental sector. They represent not only interests of different groups of civil society, their existence allows citizens to participate and influence decision makers by spreading the information and accessing it.

### **Participation of NGOs in the Decision Making Processes**

Critical problems cut across national territorial jurisdictions and are being debated by a variety of civic associations in a widening public space. The influence of civil society in the management of state changes, in turn, could never have reached their present breadth and scope without the rise of citizen action. The growth of private action for the public good is a recent, massive, almost universal phenomenon of contemporary society.

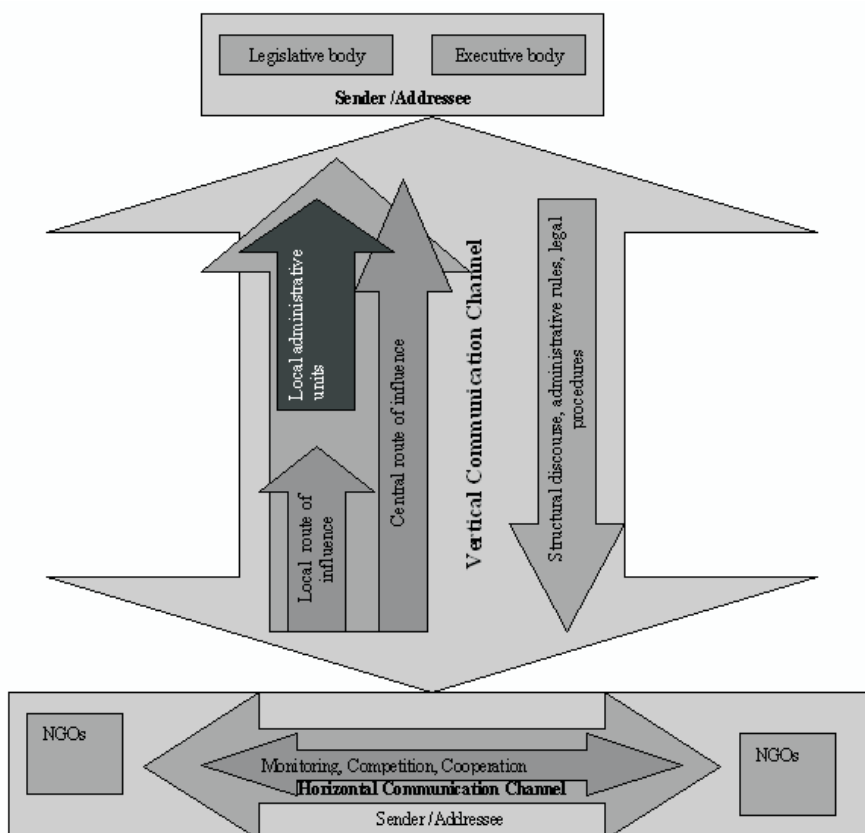
In all Baltic States it is possible for non-governmental organisations to participate in decision-making process. In Estonia, for example, The Government Regulation No. 160 provides that, whenever necessary, the draft law shall be sent to the institutions concerned. However, this obligation is not guaranteed by any specific sanction. In Latvia, the similar process of participation is enhanced. Lithuania is also not an exception on this issue; general legal provisions regulate the possibilities of civil society to participate in decision-making [10]. Information regarding legislation draft programs, projects and etc. is disseminated to NGOs through non-governmental organisations’ information centres in all Baltic countries. Furthermore, all complaints, communications, petitions and etc. from the civil sector are considered by the state institutions, which establish even internal procedures for considering such communications if necessary.

While analysing the possibilities of participation of non-governmental organizations in the process of decision making in the Baltic States the major following processes could be distinguished:

- participating in consultative boards;
- signing agreements on cooperation;
- participating in work groups;
- participating in meetings;
- elaborating own initiatives;
- writing letters and organising meetings with decision makers;
- initiating and participating in public discussions.

The level of cooperation among central or local authorities and non-governmental sector varies from sector to sector depending on the development of civil organisations in a particular field or geographical region on the one hand and on political willingness and the experience on the other. However, it is worth mentioning, that the cooperation between local authorities and NGOs in the Baltic States are more open and effective than that between central authorities and NGOs. One of the possibilities of NGOs participation in the decision-making is the participation as such in different work groups. From the first sight, it seems to be an easy function for NGOs to bring it into action; still it is not an easy task for non-governmental representatives to participate in such meeting, because NGOs in the Baltic countries lack experience, human (NGOs in the Baltic States are based on volunteerism) and financial resources. Furthermore, the influential importance of non-governmental organisations often depends on the “size” and personal contacts of the institution with the governmental authorities. After all, the activeness of NGOs could not be excluded, in all Baltic States active NGOs do lobbying and have greater influence, despite the fact that non-governmental institutions are often seen as “trouble makers” by politicians, the governmental authorities have already brought the traditions of “round table” into reality.

Public, transparent and effective activities of NGOs in the Baltic countries serve as one of the major features indicating liberal democratic civil society [3]. Therefore, it is of crucial importance to create and improve representation and communication systems of NGOs. The common feature of intercommunication system in the context of decision-making in all Baltic countries could be defined as vertical communication channel and horizontal communication channel (see



Picture No. 3. NGOs Communication Influence System

picture No. 3). The effective functioning of the channels in a state guarantees the civil participation through NGOs, at the same time strengthening the development of democratic values and “new modes” of participation and/or representation.

It seems to appear in the context of interest communication that NGOs are not equally invited to take part in the process, depending on which level the decision-making process is initiated (local, regional, national, European or international). It could be also stated that the participation of civil society in the decision-making is mostly active on the local level. The multi-participation in the decision-making shows first of all the “cleanness” of democratic traditions in any country.

Despite the emergence of democratic traditions in the Baltic States, the major problems of incorporating civil society into the processes of participation remain. There has been no effective devolution of powers to the local level, where in such case the cooperation of NGOs and governmental sector could be more effective; the positive attitude of governments in the Baltic countries towards NGOs is usually drawn on the

paper; the governments seek to support financially those organizations which appear to be in the sector of their interest. For example, On June 1, 2002, the Latvian government officially allowed NGO representatives to participate in the preparation of state policies by attending meetings of the state secretaries in the Chancellery. However, at the first meeting on June 6, 2002—where seven important projects were to be discussed—government representatives were astonished that not a single one of the 54 NGOs that had expressed interest actually showed up [10]. This could reflect the poor organization of groups not only in Latvia, but in Estonia and Lithuania as well, also a dearth of permanent staff and paid leaders, or preliminary glitches in communicating this “new opportunity”.

Nevertheless, various ministries and parliamentary committees in the Baltic States consult different non-governmental groups.

According to N. Muiznieks, Minister for Special Assignments for Society Integration Affairs (Latvia) public participation in the civic life of the country in general is not popular in the Baltic States. Still, participation does not necessarily increase influence. The following example of one of the Baltic countries could find its counter part in others. About 60 percent of parliamentary deputies and government department directors in Latvia have claimed that professional associations had little or no impact on decision-making. An overwhelming 90 percent have said the same about other types of NGOs. Most deputies do not believe that cooperation with NGOs is a useful mean of improving the quality of decisions, according to reports in *Diena* (Latvian Daily Newspaper) [10].

It is not always the fault of government concerning the lack of cooperation, sometimes it appears to be that governmental institutions are open to non-governmental sector, but due to the lack of professionalism of NGOs sector, access

to information and recourses, the cooperation system in the Baltic States is regressing.

## Conclusions

The appropriate paradigm of democratization in the twenty first century is a paradigm of partnership and politics of collaboration; it could be called “new governance”, where collaboration, not individual action, by the different sectors is the optimal way for achieving the progress. While analysing the literature on civil society, it seems that in this definite meaning as such “civil society” is a *relation* but not a separate unit.

The empirical analyses proves that NGOs in the Baltic States are not well prepared yet to act as an agent of civil society on local, national or even international level. Taking into consideration the data, it could be assumed that NGOs capacity will be improved, however, their internal governance and external influence is far from ideal one. One of the solutions in the democratic system could be the emendment of legal act and the emergence of multilevel governance, where the starting initiative would be civil society actors.

The situation in the Baltic States is naturally comprised of positive tendencies as well like the need for social democratization and participation of citizens. NGOs could play a vital role in facilitating social democratization and citizen participation, however the increasing quantity of NGOs could not imply “more” civil participation.

In many cases, NGOs seem to be not genuine agents of civil society, but “creations” of governments, politics or individuals, seeking to employ them for enhancing their own power and interests.

The article allows in a way to conclude how non-governmental sector has had an impact on democratic civil participation in the Baltic States. In that case it probably raises the theoretical dis-

ussion on different outcomes in the Baltic States, still the development of civil society and the role of non-governmental sectors are the components of governance that should be further analyzed before bringing the final conclusions.

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### Pilietinės visuomenės apraiškos Baltijos šalyse: nevyriausybines organizacijos

Santrauka

Pilietinė visuomenė gali pasireikšti įvairiomis formomis: individų iniciatyvumu per socialinius judėjimus, asociacijas, nevyriausybines organizacijas, bendruomenes ir kitas organizacijas. „Demokratinės politinės sistemos kontekste Pilietinė visuomenė yra legitimumo branduolys“ [4, p. 25]. Pažymėtina, kad išskirti vieną pilietinės visuomenės modelį arba diskursą yra sudėtinga, kaip ir pateikti vieną bendrą pilietinės visuomenės apibrėžimą. Atsižvelgiant į pilietinės visuomenės „konceptijos“ įvairovę, straipsnyje kaip viena iš pilietinės visuomenės apraiškų



analizuojamas nevyriausybinių organizacijų sektorius. Čia jis suvokiamas kaip viešųjų komponentų (angl. *public components*) ryšys. Straipsnyje pateikiama empirinė analizė, kurios rezultatai matomi kaip kontrastas bendram pilietinės visuomenės suvokimui, pateikiamam daugelyje „naujos pilietinės visuomenės dalyvavimą“ tiriančioje literatūroje, taip pat politinių sprendimų priėmėjų praktiniam diskursui. Straipsnyje vertinant piliečių dalyvavimą remiamasi Dahlo demokratijos kriterijais: sprendimų priėmimo procesu, informacijos prieiga, teise burtis į asociacijas. Pasirinkti vertinimo kriterijai nulemia ir straipsnio struktūrą teorinės analizės kontekste. Straipsnyje taikomas komperatyvinis metodas. Lyginamos trys Baltijos šalys: Estija, Latvija ir Lietuva.

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Straipsnis pateiktas redakcijai 2006 m. gegužės mėn.; recenzuotas; parengtas spausdinti 2006 m. rugsėjo mėn.