

STRATEGIC ANALYSIS BRIEFS

ASSESSMENT OF DEMOCRATIZATION DYNAMICS OF LATVIA'S SOCIETY

JURIS ROZENVALDS
University of Latvia

Democracy is one of the most popular and one of the most controversial terms in modern politics. Moreover, the intensity of discussions about democracy issues has increased in the past few years as a result of the collapse of the “realist socialism” system and the falling of the bipolar world order into the abyss of history. Democracy is not an “all-or-nothing” state of affairs, there are various democracy gradations, and democracy ideals in different societies may be implemented in different ways, depending on the peculiarities of historical development, culture traditions and other factors. That is why in our modern world the question of assessing the democracy level and the dynamics of democratization processes has both scientific and practical importance. Over the last few years, a series of research has been done in Latvia on selected aspects of democratization process, yet so far no assessment has been conducted to cover all the main aspects of democratization.

The methodology of the *International Institute for Democracy and Electoral Assistance* (IDEA) was used as the basis for the assessment of democratization pace of the Latvian society. Two main qualities set apart the IDEA method from others – it includes the broadest range of issues and emphasizes qualitative assessment versus quantitative indicators. The origins of this method are traced to the method of *Democracy Audit*, which was developed at the University of Essex in Great Britain and used for the assessment of democratization process in Great Britain and Sweden. Later, within the framework of the international *State of Democracy* project, the methodology was improved, expanded and since the mid-90s of the 20th century it has been used to assess the state of democracy in several countries, including Bangladesh, El Salvador, Italy, Kenya, Malawi, New Zealand, Peru, South Korea, Georgia, etc.

Three assumptions are at its core:

1) democratization is an uninterrupted and never-ending process. Societies with democracy traditions established long ago and societies that have stepped on the democratic development path recently are engaged in a similar endeavour; they share similar values and similar problems. The latter, however, may be more acute in some countries than others;

2) the idea of democracy is a common one; its implementation degree can be determined by several criteria of general applicability, no matter how much the countries may differ in their development level or cultural traditions;

3) the best assessors of the condition of democracy are the people of the particular country, and the chief purpose of democracy assessment is to facilitate discussion about the issues of democracy and thereby promote the process of democratization.

The IDEA method is based on a comparatively broad understanding of democracy. Two main democracy principles are singled out – **popular control** and **political equality**. These principles are realized in three interrelated areas:

1) a guaranteed framework of equal citizen rights, including, primarily, the freedoms of expression, association and assembly, access to justice and the rule of law, the basic economic and social rights to enable citizens to exercise the aforementioned freedoms;

2) free and fair elections to provide the means for popular choice; an administration, based on representation and accountability, which alongside the elections involve other procedures to ensure a true accountability of the elected and non-elected officials to the public;

3) a developed, democratic civic society which includes free and pluralistic mass media, consultative processes and other forums that ensure popular political participation and encourage the government responsiveness to public opinion, and promote a more effective delivery of public services.

The method used in this Assessment involved answers to more than 70 questions about various areas of social life, which, according to the above-mentioned understanding of democracy, were grouped in three large sections.

The Section 1 of the Assessment *Citizenship, Law and Rights* includes questions about the political nationhood and citizenship (Chapter 1), the rule of law (Chapter 2), civil and political rights (Chapter 3), as well as economic and social rights (Chapter 4).

The Section 2 of the Assessment – *Representative and Accountable Government* is dedicated to issues of free and fair elections (Chapter 5), the role of political parties in a democracy (Chapter 6), government effectiveness and accountability (Chapter 7), civilian control of the military and police (Chapter 8), and minimizing corruption (Chapter 9).

The Section 3 of the Assessment – *Civil Society and Popular Participation* looks at the issues of media role in a democratic society (Chapter 10), political participation (Chapter 11), government responsiveness (Chapter 12), and the decentralization of public administration (Chapter 13).

Considering the ever-increasing influence of international factors on the democracy development, the Assessment has provided for a separate chapter dedicated to the international dimensions of democracy, which deals with questions of external factor influence on government politics and government support for democracy development abroad (Chapter 14).

In order to carry out the project, a group of researchers was created to include experts of the respective fields, who are well known in Latvia (see Table 1). At least two experts worked on each chapter of the Assessment, preparing independently the answers to the questions posed within their respective chapters, and which later became the basis for preparing the joint report.

Table 1

Chapters of the Assessment	Experts
1. Nationhood and Identity	Ilze Brands-Kehris, Ilvija Pūce
2. The Rule of Law and Access to Justice	Gita Feldhūne, Arturs Kuēš
3. Civil and Political Rights	Ilze Brands-Kehris, Ilvija Pūce
4. Economic and Social Rights	Feliciana Rajevska, Alfs Vanags
5. Free and Fair Elections	Jānis Ikstens, Andris Runcis
6. Democratic Role of Political Parties	Daunis Auers, Jānis Ikstens
7. Government Effectiveness and Accountability	Marija Golubeva, Iveta Reinholde
8. Civilian Control of the Military and Police	Īirts Valdis Kristovskis, Anhelita Kamenska
9. Minimizing Corruption	Lolita Ēigāne, Rasma Kārklīda
Chapters of the Assessment	Experts
10. The Media in a Democratic Society	Sergejs Kruks, Ilze Ģulmane
11. Political Participation	Zinta Miežaine, Māra Šimane,

12. Government Responsiveness	Viktors Makarovs
13. Decentralization	Dace Jansone, Inga Vilka
14. International Dimensions of Democracy	Dace Jansone, Inga Vilka
	Paneta Ozoliņa, Ineta Ziemele

In addition to the assessments provided by the experts, a public opinion survey by the Baltic Institute of Social Sciences (headed by Brigita Zepa), was carried out within the project framework and based on the assessment questions. Direct interviews at the place of residence of the respondents was the method used for the public opinion survey. The selection method of the research was a multi-stage accidental stratified selection, which represented the total population of Latvia, aged between 15 and 74 years. The survey was carried out by selecting 104 survey points in proportion to the number of people in all regions of Latvia. The selection size – 1002 respondents. There were 80 interviewers. The survey period: September 30 – October 21, 2004.

The issue of assessment criteria is highly significant when making qualitative-oriented assessments. The Assessment of Democratization Dynamics of Latvia's Society, according to the suggestions made in the handbook¹ published as a part of the international democracy assessment network, combined both "internal" and "external" criteria. In this case, the "internal" criteria are understood as the "system of coordinates", created within the society itself, which consists of the comparison with the country's past, the hopes of the population associated with public institutions and procedures, as well as the goals and tasks set by the government for the improvement of the administrative process. As said before, the goal of the project was not just to give an original 'snapshot' of the current state of democracy in Latvia, but to outline the development trends as well. That is why in their chapters the experts provide a dynamics assessment of the democratization processes, based on the time period of 1999 to 2004, addressing also longer periods of time when necessary.

A comparison with other countries which implement with good results a successful and internationally recognized policy in the respective areas, as well as criteria defined in the documents of international organizations were used as a basis for the "external" criteria.

In no way should this Assessment be seen as a purely academic enterprise – its main goal is to provide the broader society and people professionally involved in politics with an insight into the problems of Latvian democracy development, and to attract the public interest to the issues that so far have not been given adequate attention. For that reason, at the end of each chapter the experts give their assessment of the issues discussed on a five-degree scale of evaluation – from "very high" to "very low" – and present a summary, describing their view of the greatest achievement and the most serious problem within the scope of the discussed questions, as well as suggest measures to improve the situation.

In their responses to the IDEA questions the experts achieved the following results:

1. NATIONHOOD AND IDENTITY

Is there public agreement on a common citizenship without discrimination?

Best Feature

The constitutional foundations of the Latvian state, as defined in the Constitution (Satversme), provides all inhabitants of Latvia with the preconditions for the creation of a common national identity and an understanding of citizenship which is open to all the people of Latvia and which ensures active individual involvement in social processes. Alongside gradual liberalization of the legislation on citizenship and consistent implementation of human rights standards, this would provide a stable basis for further democracy development.

Most Serious Problem

The most serious problem is the disproportionately large number of Latvia's permanent residents without a

citizenship (neither Latvian, nor that of other states) and the entailed restrictions on non-citizen political participation.

Suggested Improvement

Facilitate the naturalization. To this purpose, amend regulations regarding the registration of non-citizen and stateless children as citizens. Establish that the registration of newborn children is automatic, that the children born in Latvia after reaching legal age may be given citizenship in the order of registration.

2. THE RULE OF LAW AND ACCESS TO JUSTICE

Are state and society consistently subject to the law?

Best Feature

Administrative courts begin to operate. A draft-law on compensations to persons for losses resulting from the state and local government actions is developed; adoption of a draft-law on state guaranteed legal assistance, which, if provided with adequate funding for the implementation of the law, will give any individual an opportunity to exercise the right to justice regardless of their financial conditions.

Most Serious Problem

The financial and institutional dependence of the judiciary upon the executive, and the prolonged court proceedings, especially in criminal proceedings, considering the extended adoption of the Criminal Procedure Law.

Suggested Improvement

First, ensure independent representation of the judiciary in its relations with other powers by creating the Judicial Council or by developing some other mechanism, and the financial and organizational independence of the courts from the executive power. Second, ensure unhindered access to court decisions to every person. Third, provide the necessary funding for the implementation of the Law on Legal Assistance and ensure the rights of every person to an effective defence in criminal cases within the currently existing system as well.

3. CIVIL AND POLITICAL RIGHTS

Are civil and political rights equally guaranteed for all?

Best Feature

During the past ten years there has been an increase in the ability of the government and state authorities to take criticism directed against them neutrally, as well as to get involved in a constructive dialogue to discuss and find solutions in areas requiring improvements (at the legislation level as well).

Most Serious Problem

The most serious problem is the high level of violence in the society and the insufficient government interest to identify and solve this problem. The violent crime level is high; also, the use of force by the police is inadequately high. The problem of human trafficking continues to exist, and there is a lack of government interest in the domestic violence. The state assistance to victim rehabilitation institutions and programmes is highly insufficient.

Suggested Improvement

Establish independent supervisory institutions for the state repressive authorities, and strengthen an independent ombudsman institution. To minimize the legal nihilism and to increase the public trust in the state system, it is necessary that the state human rights institutions have not just a broad theoretical mandate and declarative comprehensive tasks, but both a true financial and political independence as well.

4. ECONOMIC AND SOCIAL RIGHTS

Are economic and social rights equally guaranteed for all?

The experts conclude that there is a significant personal income inequality in Latvia, income, employment and unemployment differences between the regions, as well as a large number of socially excluded people. The Gini Coefficient in Latvia has increased considerably from 0.25 in 1991 to 0.30 in 1996 and to 0.36 in 2003. The real GDP at constant prices in Riga is more than twice that of Latgale, and the registered unemployment level in Latgale is approximately 3.5 times greater than the unemployment level in Riga. Therefore, as the experience suggests, despite the fact that Latvia in general has developed quite successfully over the past years, a significant portion of the population has not benefited from this growth.

Best Feature

The legislation alignment and the creation of institutions in the field of social protection, as well as the minimization of the long-term unemployment proportion in the total unemployment from 58% in 2000 to 41% in 2003 along with the decrease of the total unemployment level.

Most Serious Problem

The health situation of the population, which the Latvian government has described as unsatisfactory in the Joint Memorandum on Social Inclusion of Latvia (2003) after judging the life expectancy and mortality indicators. The high level of mortality among the people of the working age is alarming. A decrease of the proportion of funding for social protection in the GDP has a negative impact on the population life standard and health situation.

Suggested Improvement

1) In 2003, the total tax burden (% of the GDP) was 29.1%, which is the second lowest among the EU countries (EU-25 – 41.5%). This points to the need to increase the divisible portion of the GDP for social needs. Recommend increasing the GDP portion for health care in the state budget, especially for the implementation of preventive health measures for children and youth, as well as for the accessibility of health services;

2) the Ministry of Education and Science should strictly follow up on the realization of the Law on Compulsory Primary Education with regard to all adolescents aged up to 18 years and should start a transition to a compulsory secondary education, which is the foundation for creation of a knowledge-based society;

3) the alignment of the wage system in general and consistent implementation of the adopted regulatory enactments (Cabinet regulations) regarding the minimum wage, because currently the proportion of the so-called working poor is disproportionately high;

4) in accordance with the current legislation, a systematic increase of the amount of the state social security benefit is not provided for. In 2005, the benefit amounts to 35 lats. It is recommended that the benefit be linked to the subsistence cost of living or the minimum wage, and/or to determine the regularity (cycle) of reviewing its amount;

5) to allocate state funding for the housing fund development and do not leave this sphere only to local governments and private sector.

5. FREE AND FAIR ELECTIONS

Do elections give the people control over governments and their policies?

Best Feature

In contrast to the developed democracies where a trend of decreasing election participation appears, Latvia maintains sufficiently high and stable voter participation in the national (Saeima) elections.

Most Serious Problem

The opportunities for placement of extensive political advertising and assuring publicity depend on the financial resources available to each political party. Since these resources most often are concentrated within the hands of few parties, often already elected to Saeima, one can hardly talk about equal political competition among parties.

Suggested Improvement

Considering the incredible role of the mass media in the modern political communication (not just during the election campaigns), the most effective ways to provide the parties with an equal access to the public communications channels should be searched for, thereby improving the communication with the voters.

6. DEMOCRATIC ROLE OF POLITICAL PARTIES

Does the party system assist the working of democracy?

Best Feature

In 2002 reacting to public pressure, the Saeima adopted amendments to legislation banning contributions to political parties by legal persons and decreasing the maximum amount of contributions per year. In 2003, limits were set on party spending during pre-election campaigns.

Most Serious Problem

Despite the amendments made by the Saeima to the legislation regulating party activities and the efforts of the non-governmental organizations to monitor the flow of political organizations financial resources during pre-election campaigns, the party financial dependence on narrow interests still prevails. Some of the causes of such a situation are associated with the rapid increase in the preelection campaign expenses, the steep economic stratification of the society, the low level of trust in parties and the potential benefits from close ties with influential political parties. The other problem is the small number of members in Latvia's parties. In Latvia, this indicator is one of the lowest in Europe, despite the fact that over the past decades the number of party members has decreased in almost all developed European democracies.

Suggested Improvement

A controversial, yet purposeful and easily administrated improvement for decreasing party dependence on financial resources and generous contributions would be the limitation of paid political advertising in one or more mass media. At the same time, however, the provision of free airtime in public mass media to the registered

candidate lists should be expanded and improved.

7. GOVERNMENT EFFECTIVENESS AND ACCOUNTABILITY

**Is government accountable to the people
and their representatives?**

Best Feature

The drafting and adoption of legislation regulating public administration (Public Administration Structure Law, Public Agencies Law, Administrative Procedure Law); the establishment of a policy analysis and coordination unit within the State Chancellery.

Most Serious Problem

The lack of continuity of political will to implement the public administration reform and absence of interest in public administration among the politicians.

Suggested Improvement

A consolidation of public demand for continuity in the work of politicians and public administration is required. The effectiveness and democratic control of the public administration depends directly on the involvement of the civil society into a demanding client. Therefore, it is the strength and capacity of the civil society that will influence to a great extent the ulterior direction of change in this area.

It is essential to continue the use of expertise resources available through the international organizations and to cooperate more closely with the architects of state administration reform policy in other EU countries, to preserve the quality and speed of the changes adequate to the overall EU level.

8. CIVILIAN CONTROL OF THE MILITARY AND POLICE

Are the military and police forces under civilian control?

Best Feature

A regulatory foundation has been created to ensure civilian control over the armed forces. The regulatory foundation to strengthen the police and government security services accountability is being improved. The ethnic composition of Latvian police has aligned itself according to the ethnic composition of the citizens, although a disproportionately large representation of national minorities among the police officers continues to exist. The competence and legality of the government security institutions is increasing.

Most Serious Problem

Qualitative civilian control over the armed forces is hindered by the insufficient preparation of the people carrying out the controlling. Insufficient opportunities to use in practice the judicial guarantees against threats to individual freedom by the police or government security institutions provided in the regulatory enactments. The small proportion of national minorities, especially Russians, in the National Armed Forces.

Suggested Improvement

To improve the responsibilities of senior government officials and individual institutions regarding the civilian control of the armed forces. To strengthen the capacity of the police internal and external monitoring mechanisms. To take steps to increase the representation of national minorities in the National Armed Forces, and to facilitate their participation in the soon to be established professional army. To facilitate the increase of the proportion of women in senior police positions. To ensure work of a motivated personnel and a system for stimulating the motivation within the police, prosecutor's office and security institutions.

9. MINIMIZING CORRUPTION

Are public officials free from corruption?

Best Feature

- 1) The increase of NGO and selected media influence in raising corruption awareness;
- 2) the establishment and expansion of the Corruption Prevention and Combating Bureau activities;
- 3) the initial implementation of the Party Financing Law and the new draft.

Most Serious Problem

The involvement of high-level politicians in corruptive deals; the previous inability of the law enforcement institutions to battle and prevent these activities.

Suggested Improvement

- 1) Effective control of personal income declarations;
- 2) promotion of legislation interpretation in accordance with its spirit instead of letter and grammar;
- 3) Corruption Prevention and Combating Bureau, NGO and media should be encouraged to describe more extensively the actual achievements in the anti-corruption fight, as it is a part of an effective prevention;
- 4) new, high-quality research is required: representative surveys, use of focus groups, analyses of media and public discourse.

10. THE MEDIA IN A DEMOCRATIC SOCIETY

Do the media operate in a way that sustains democratic values?

Best Feature

An aligned legislation and media diversity.

Most Serious Problem

- 1) A contrast between the two spaces of information, a lack of dialogue between them, which facilitates neither a democratic discussion in the public sphere, nor a development of an integrated civil society;
- 2) public electronic media dependence on government funding;
- 3) lack of information on media owners;
- 4) lack of a civic organization that would investigate individual complaints about violations of journalist ethics against a person, and would monitor the adherence to the legislation;
- 5) weakness of the analytic and investigative journalism;
- 6) difficulties of existence faced by specialized and qualitative publications in the conditions of

commercialization and small media market;

7) lack of common understanding about the role of journalism and its role in a democratic society.

Suggested Improvement

- 1) To promote the introduction of electronic media subscription fees;
- 2) to de-politicize the National Radio and Television Council;
- 3) to create a self-regulating journalist organization;
- 4) to develop and adopt common professional standards (code of ethics), acceptable to all journalists;
- 5) to create a civic organization that would investigate individual complaints about violations of journalist ethics against a person.

11. POLITICAL PARTICIPATION

Is there full citizen participation in public life? Best Feature

Considering the comparatively slow and uneven public activity and increase in participation, the best are the following features:

- 1) growing population trust in the possibility of changing something in their own lives and the life of the society;
- 2) the first steps of the state policy toward consolidation of the civic society and implementation of gender equality, as well as the involvement of society in shaping this policy.

Most Serious Problem

The very low proportion of the population who get involved in voluntary activities within their geographic communities and in areas of the public good – environmental protection, health facilitation, social assistance, democracy promotion. The lack of “independent” funding for the promotion of democracy.

Suggested Improvement

To approve and implement the “Program for Strengthening the Civic Society 2005–2009” and implement the “Programme for Gender Equality Implementation 2005–2006” measures to increase the capacity of both the population and non-governmental organizations, as well as to ensure the state and local government openness.

12. GOVERNMENT RESPONSIVENESS

Is government responsive to the concerns of its citizens?

Best Feature

The legislative enactments provide for comparatively numerous opportunities of participation in public administration activities on different levels. These opportunities are being increasingly explained to people.

Most Serious Problem

The people still lack sufficient knowledge about public administration, including the local governments. Not always is the information provided in a comprehensible and clear form.

Suggested Improvement

The option of recognizing the organization of local referenda within the legislation should be considered. An ombudsman service should be established.

13. DECENTRALIZATION

**Are decisions taken at the level of government
which is most appropriate for the people affected?**

Best Feature

By implementing reforms of public administration and local governments, the decentralization of public administration functions has been put in effect, handing over a series of functions from the central government to the local governments.

Most Serious Problem

Latvia has low financial autonomy of the local governments. The financial resources of the local governments are insufficient to carry out all mandatory permanent functions. In Latvia, the local government taxes are not defined, and there is a large proportion of earmarked subsidies in the local government budget revenues.

Suggested Improvement

It is necessary to increase the financial autonomy and revenue base of the local governments.

14. INTERNATIONAL DIMENSIONS OF DEMOCRACY

**Are the country's external relations conducted in accordance
with democratic norms, and is it itself free from external subordination?**

Best Feature

Latvia has joined the EU and NATO, which has decreased the negative influence of external factors upon the domestic political process and has increased Latvia's options to make use of the opportunities provided by the membership in the union of the strongest and most developed countries.

Most Serious Problem

Latvia has not developed a mid-term and long-term foreign policy, considering the new opportunities provided by the EU and NATO membership. The "defence" posture still dominates when operating in the international organizations instead of a purposeful promulgation and protection of interests that is based on an all-around analysis of situation and processes. The international law as a means for implementation and regulation of international politics is underestimated.

Suggested Improvement

- 1) To begin regular parliamentary debate on Latvia's foreign policy;
- 2) foreign policy is not the responsibility of the Ministry of Foreign Affairs alone. A successful state action in the international arena can be carried out only by maintaining a regular coordination between the sectoral ministries;
- 3) conducting academic research on state activities in the international environment;

- 4) the development and implementation of training programmes in international law for state officials;
- 5) to give greater attention to the coordination of public administration activities in crisis situations;
- 6) use of unified standards to support democracy abroad.

The full text of the Assessment of Democratization Dynamics of Latvia's Society as well as the materials from the public opinion survey, carried out within the framework of the project, will be published in a separate book in Latvian and in English.