

Democratic participation at the local level in post-communist states: Estonia, Latvia, Lithuania

Jüri Ruus

Introduction

Citizens can be involved in local politics in two main ways – through the ballot box and through direct participation in local affairs. It is vitally important to combine elements of representative and participatory democracy. Local authorities should take steps to increase the turnout at local elections by fostering more positive attitudes towards elites. One way of achieving this is to stimulate local dialogue between the people and their representatives. The emphasis in the current theory of local democracy is also moving increasingly in the direction of the need to respond to public expectations. It might, therefore, be assumed that a practice of encouraging a higher level of interest in politics among citizens – including welcoming citizens' initiatives – would have a cumulative effect in the long term. The current trend suggests that local government reform – in any country – is unlikely to be properly implemented without a more in-depth situation analysis than has been carried out to date.

The planners of administrative-territorial reform in the Baltic region should learn from the experiences of the Western European governments that have amalgamated first-level local government units. The practice of these countries would offer some guidelines to the Baltics in how to avoid widespread public discontent and unexpected results. The experience of the Western European countries and Scandinavia suggests that the success of administrative-territorial reform (and probably any other kind of reform) depends on the approval of those most affected by it. Non-consideration of public preferences will almost always result in failure. Although Scandinavian practice has shown that a voluntary component of amalgamation slows down the process, the Baltic governments should avoid the compulsory unification of municipalities if it wishes to avoid widespread public discontent. Baltic governments should try to find at least some level of agreement with the public over the most suitable and democratic form of implementation. The focus should be switched from hasty implementation of the reform towards a thorough consultation process with the public. Only in this way successful outcomes will be possible.

1 Estonia

1.1 Historical background

The first constitution (1920) allowed the popular initiative. 25,000 signatories were required to initiate a referendum process to propose a new law or to change an existing law passed by the Estonian Riigikogu (article 31). In practice, this happened only once: the law

on restoring religious instruction in secondary schools came into force after popular adoption in 1923 (,Yes'-votes: 71.7 percent; turnout: 66.2 percent).

Between 1919 and 1933, the average term of office of national governments was eight months. Political instability was greatly aggravated by the social effects of the Great Depression. Pressure for political reform grew, particularly from the right-wing conservative League of Freedom Fighters, an association of veterans of the War of Independence. In October 1933, their proposal for constitutional reform gained 72.7 percent of the votes in a referendum (turnout 77 percent). The following March, the acting president Konstantin Päts made use of the new authoritarian constitution to declare a state of emergency, close Parliament and disband the League of Freedom Fighters. A referendum on a new Constituent Assembly formally legalized his caretaker regime in 1936. He ruled by presidential decrees until 1938. After WWII, the Baltic countries were run for decades by a Soviet autocratic regime with little focus on democratic values as they are perceived in Western Europe. When the Baltic States were socialist republics of the former Soviet Union, local government was subordinated to the centralized administrative and bureaucratic structure. Its role was to implement the state plans for economic and social development in its area. The *nomenklatura* system (the „list“ of administrative positions that were considered to be crucial to the Soviet system) created top-down management designed to communicate planning directives and passively report compliance with them. Though residents formally elected local councils, in reality local government in the true democratic sense of the term did not exist during the Soviet period. At the local level, governance entirely served the central Soviet government level, and in the early 1990s all that had to change.

1.2 Regime change, legal conditions

Today, there are also provisions in the constitution for the kind of direct democracy represented by referendums. In the Estonian Constitution, the referendum is regarded as a complementary, but rather exceptional, feature of the traditional decision-making process. Since the recovery of independence in 1991, only two nationwide referendums (1992: new constitution; 2003; EU accession) have been held.

Compulsory Referendum and Public Initiative

A national referendum is obligatory in cases where a new law involves changes to the first chapter (General Provisions) or the last chapter (Changing the Constitution, Art. 15 of the basic law). A change to any of the general provisions (seven articles) necessitates an obligatory referendum. The general provisions establish the legal basis of Estonia as a democratic independent state.

There are some restrictions on the range of issues that may be referred to the citizens. As in other Baltic states, the constitution does not allow a referendum on issues relating to the budget, taxation, financial obligations of the state, ratification and denunciation of international treaties, the declaration or termination of a state of emergency, or national defence (Art. 106 of the Constitution). The following laws can be adopted or amended only by a majority of the full house of Parliament: the law on citizenship, the law on parliamentary

elections, the law on electing the president of the republic, referendum law (Art. 104 of the Constitution).

All citizens of Estonia have the right to elect the parliament (Riigikogu) and to participate in referendums (Art. 56). The right to initiate laws shall rest with: 1) members of parliament; 2) factions of the parliament; 3) parliamentary committees; 4) the government of the republic; 5) the President of the Republic (Art. 103). Article 161 of the constitution states: „The right to initiate amendments to the constitution shall rest with a minimum of one-fifth of the members of Parliament and with the President of the Republic.“ The constitution may be amended by a law which has been adopted by 1) a referendum; 2) two successive complements of the parliament (Art. 163). However, the Constitution of the Republic of Estonia Implementation Act (§ 8) states that „the right to initiate an amendment of the Constitution during the three years following the adoption of the Constitution by a referendum also rests, by way of public initiative, with no less than ten thousand citizens with the right to vote. A proposal to amend the constitution made by public initiative shall be entered on the agenda of the Riigikogu as a matter of urgency and shall be resolved pursuant to the procedure provided by paragraph one of this section.“

In order to put a proposed amendment of the constitution to referendum, the approval of a three-fifths majority of the full membership of parliament shall be mandatory. The referendum shall not be held earlier than three months from the time that such a resolution is adopted in the parliament (Art. 164). The law to amend the constitution shall be proclaimed by the President of the Republic and it shall enter into force on the date determined by the same law, but not earlier than three months after its proclamation (Art. 167).

1.3 Referendum Law

The referendum is regulated by a special Law on Referendums (1994, 2002),¹ according to this law it is up to the Riigikogu to decide whether a referendum will be held or not, the timing of such a referendum, as well as the question(s) to be posed. Thus, parliament has the right to put draft legislation or other national issues to a referendum.

1. Several drafts of the proposed legislation can be put to referendum simultaneously. The questions to be put to popular vote should have a clear content understandable to every citizen. However, the Supreme Court has a right to block the law by declaring the bill unconstitutional (Referendum Law, article 8).
2. The decision of the people shall be determined by the majority of those participating in the referendum (Referendum law, article 2).
3. A law which has been adopted by referendum shall be immediately proclaimed by the President of the Republic (Referendum Law, article 63).
4. Should the draft law which has been put to referendum not receive a majority of yes-votes, the President of the Republic shall declare early elections for the parliament (Referendum law, article 64). This has never happened so far.

¹ <http://wlex.lc.ee/test/?act=https://www.riigiteataja.ee/percent2Fert/percent2Fact.jsp/percent3Fid/percent3D12849907>

1.4 Regional and Local Level

Other laws regulating direct democracy:

Article 154 (Local Government Functions): All local issues shall be decided on and regulated by local government, which shall operate independently in accordance with the law. Obligations may be imposed upon local government in accordance with the law or in agreement with the local government. Expenses relating to the obligations imposed on the local government by law shall be covered by the national budget.

Article 157: A local government shall have an independent budget whose basis and drafting procedure shall be determined by law. A local government has the right, on the basis of law, to levy and collect taxes, and to impose duties.

Article 158 allows the boundaries of local government units to be altered by agreement between the respective governments involved.

Before 1993, Estonia had two real levels of local government: rural, town, and city municipalities on the first level, and 15 counties, together with six independent cities, on the second level. This was changed by the Local Government Organization Act 1993, which reduced the county governments to national authorities, changing their responsibilities and competences.

Currently, there are 246 local governments in Estonia – 42 towns and 204 rural municipalities. Estonia is divided into 15 administrative counties (*maakond*), some of which are named after their capitals (like Tartumaa), some after their geographical characteristics (like Läänemaa). Obviously, in terms of local policy and administration, counties and municipalities must work together instead of separately; an appropriate level of teamwork is advisable for well-functioning local government (www.estonica.org). As in many European states, the leaders of the counties, called governors, are not elected, but are appointed by central government. Nonetheless, the counties are concerned with local government. They have two main tasks: to represent their region and its special interests to the government; and to supervise the municipal governments to ensure that they adhere to national policy. Besides supervision, they interact with the municipalities in terms of regional planning, which cannot be done by the municipalities alone.

Thus, local governments derive their powers largely through representative democracy: every four years (before 2005 it was every three years), the voters elect the council and the council makes decisions on behalf of the people. In order to bring local government closer to the interests of the people, it has been seen to be necessary to introduce additional elements of participatory democracy. In fact, such elements do exist in the organisation of local government in Estonia; in certain circumstances people have the right to initiate the adoption, repeal or amendment of council legislation. According to the amended local municipality law, a public initiative is possible if one percent of the local municipal population, but not less than five local residents, raise an issue. The municipal council is obliged to debate the people's initiative no later than three months after it has been submitted. The initiative is non-binding. According to local government law, only territorial (boundary) changes require an obligatory consultation with the people. The law does not say that the

amalgamation of municipalities can be done only via a local referendum. In other words, the council is empowered to hold opinion polls on important issues.²

After regaining independence (since 1992), most of the Baltic political parties have not made any proposals concerning nationwide or local referendums. The only party to campaign for popular initiatives at the local level as binding decisions for municipal councils is the Estonian social-liberal Centre Party – and this only since 2004. The ones who seem to be most in favour of referendums in general and local referendums in particular in the Baltic states are politically either centrist or leftist (the Greens, for instance).

In February 2006, 25 members of the Estonian Parliament (out of a total of 101), most of them members of the Centre Party, proposed a bill that would allow 25,000 eligible citizens to initiate laws. The proposal was discussed in the cabinet council of the coalition government, but it was not supported by the governing parties. After the most recent parliamentary elections (March 2007), the newly composed parliament and coalition has not yet discussed initiative and referendum issues.

2 Latvia

2.1 *Emergence of the Structure of Local Governance in Latvia*

History: The development of the new local governance in Latvia was of great importance for the whole re-establishment of independence in the country. The transition to the current form of local government took place in three waves of reforms. The first wave of reforms was the measures taken to abolish the least useful of the Soviet structures. These measures can be described as ad hoc ones, made in the chaotic times of 1989-1990. In 1991 and 1992 laws were created to reduce the districts' control over the municipalities, the goals being democratisation and decentralisation. In general it can be said that self-governance was quite strong in Latvian municipalities at this time (Vilka, Pukis, Vanags 2006: 112).

In 1994, the second wave of reform started, with new laws introduced to clarify the decision-making authority and the functions of local government. The ad hoc situation had to be changed. Representative structures were implemented. The idea was to make the municipalities responsible for their own affairs – but this proved to be a difficult task, especially for the smaller ones.

In response to the problem of the smaller municipalities finding it difficult to govern themselves effectively, a third wave of reform started. This can be characterised in one word: amalgamation. The goal was to have no more than 100 rural and town municipalities (see King, Vanags, Vilka, McNabb 2004: 935-937).

At the national level in Latvia, a referendum is obligatory: firstly, in cases when the six articles of the constitution dealing with the fundamentals of the independent Latvian state are to be changed: if the Saeima adopts the law to amend these articles, an obligatory referendum must be held; secondly, in relation to accession to the EU and substantial changes to the terms of membership (the latter only if requested by over half of the parliamentary deputies (Art. 68); thirdly, if the President has suspended the proclamation of a law for up to two months, and at least 10 percent of the electorate have petitioned for a referendum on

² (<https://www.riigiteataja.ee/ert/act.jsp?id=1048161>)

this law (Art. 72); fourthly, if at least 10 percent of the electorate petition parliament with a ,fully elaborated draft of an amendment to the Constitution or of a law‘ (Art. 78).

A popular vote must also be held if the president proposes the dissolution of the Saeima (Art. 48). In practice, the president has never used this right, because in proposing the dissolution of the Saeima, he/she endangers his/her own position. Art. 50 of the Constitution states: „If in the referendum more than half of the votes are cast against the dissolution of the Saeima, then the President shall be deemed to be removed from office and the Saeima shall elect a new President to serve for the remaining term of office of the President so removed.“

As in other Baltic States, the constitution also establishes which questions a referendum may not address. „The budget and laws concerning loans, taxes, customs duties, railroad tariffs, military conscription, peace treaties, declaration of a state of emergency and its termination, mobilization and demobilization, as well as agreements with other nations may not be submitted to national referendum“ (Art. 73). (see also Auers 2006; Usacka 2001: 94-96).

2.2 Local Government Structure

Latvian local government currently has two levels. 530 municipalities, 7 cities and 53 towns, 444 parishes, 26 amalgamated local municipalities) operate at the lower territorial level. At the regional level there are 33 municipalities (26 counties and 7 cities). The municipalities at the first territorial level are governed by elected councils. The council will elect a chairman and in smaller municipalities these chairmen have vast influence. As in other Baltic states, the functions of the municipalities are, among other things, to provide education, municipal services and assure health care for their inhabitants (King, Vanags, Vilka and McNabb, 2004: 938).

The ULRGL association (Union of Local and Regional Governments in Latvia) represents the local and regional authorities in dealings with the national level. It was founded in 1991 and acts on a voluntary basis but it is an important association in Latvian governance, also promoting cooperation between different local and regional municipalities. Since the size of some municipalities is rather small, the ULRGL’s task of promoting and assisting cooperation is obviously very significant for the functioning of local government in Latvia. (cf. also Vilka, Pukis, Vanags 2006: 112, 133, 139).

As can be seen by this description of Latvian reforms, they were prompted by a variety of different motives and aims. If local governance can be seen as a mirror of democracy, it can be argued that the attitude towards democracy has changed during the period from independence until today. In fact, Latvia can still be described as a relatively decentralised country, but this decentralisation is not yet legally embedded in the constitution. The current trend seems to be for more and more decisions to be made at the national level. Even though this is supported by the Latvian population, it can be considered problematic from a democratic point of view (interviews).

2.3 Forms of Direct Democracy in Latvia

Latvia is one of the few countries in Europe in which the citizens have a full range of initiative and referendum rights which enable them to launch initiatives to amend the constitution, create a new law, or veto a decision by parliament.

However, the restrictions and the framework are relatively complicated and not very citizen-friendly. The biggest hurdle is the approval quorum, which makes it very difficult to get valid referendum decisions (see also Kaufmann, Waters 2004: 77).

The various forms of direct democracy (local referendum, public hearing, etc.) are not very popular in Latvia. As in other Baltic states there is no special law on the local referendum, but the political importance of acknowledging public opinion appears to be accepted by local elites, especially on the issue of territorial administrative reform. In some local governments — for example, in Riga — public hearings have been organized on the concept and plan for land use developments and the construction of large buildings.

The statutes of local government, formulated in accordance with the „Law on Local Governments“ and model statutes approved by the Cabinet of Ministers, determine the organization of the work of the council, which is conducted at its meetings and by standing committees. Council meetings must be convened at least once a month and must be open to the public. A decision can be adopted if the meeting is attended by more than one-half of the deputies. Unless the law stipulates other provisions, the decisions of the municipal councils must be approved by a simple majority of the deputies. The procedure for decision-making at the district level is as follows: if none of the deputies expresses an objection to a proposal, the decision is adopted without a vote; if any of the deputies objects to a proposal, a vote is taken. Decisions of the council must be made public to every resident in accordance with procedures set forth in the local government statutes (Vilka, Pukis, Vanags 2006: 136).

2.4 Public Participation in Decision-Making

There are several laws designed to guarantee transparency at the local level in Latvia. For example, residents of an administrative area have the right to attend local government council meetings. Residents participate in local government activities through open roundtable discussions and other meetings, sociological surveys, debates in newspapers and other forms of mass media, and participation in interest groups, advisory councils, etc. The public has a right to free access to the records of any decision by the council or audit commission, orders by the chair and the minutes of open meetings of the council. The meetings of the council must be held in venues suitable for accommodating residents, representatives of the media and officials of municipal and district institutions. The council chair, deputies and the executive director have open office hours at least once a week, during which residents may approach them with questions, concerns or proposals. Not only deputies, but also residents may be members of boards, commissions or working groups set up by the council. The laws of the Republic of Latvia provide the right for residents to establish and participate in social organizations and political parties, to lodge formal complaints and applications, to question the administrative documents of government institutions, etc. One such

law is „The Order for Reviewing Applications, Complaints and Proposals in State and Local Government Institutions“, passed by the Saeima on 27 October 1994.

Thus the office-holders are making efforts to make the policy-process in general more transparent and open. On the Latvian national government website, for example, there is information on how to take part in the political process (see www.gov.lv).

Openness and accountability

Openness and transparency are very important in a democratic society. Without that, citizens are not aware of what is decided upon and cannot therefore take part in the process by expressing their opinion in various ways. The extent of public participation in decision-making depends, to some extent, on access to information. The central government has proposed the creation of a state-supported program designed to inform inhabitants about territorial administrative reforms and other processes involving local governments. Proper information on what is going on in the political process is also crucial for accountability in a democracy. In Latvia much of this information comes from the ULRGL, which also has the task of providing citizens with information about the on-going policy-making processes at regional and municipal levels. Much of the information is available in clear websites. The availability of better information may have produced greater transparency, but at the same time, actual accountability has not in general improved considerably because of Latvia's continuing problem with corruption (see Jacobs 2004: 323).

Survey of influence/participation

In a Latvian survey of democracy at the local level, one of the questions presented to citizens asked in what way they felt that they were able to take part in the political process. The response revealed that people believed that the referendum was the main means of influencing decisions, with 68 percent of the respondents saying that voting in a referendum is a good way to influence decision-making. Second in importance came the media, at 52 percent. Only 22 percent thought political parties were a good way of influencing decisions. Movements, groups and associations (which can be understood as NGOs) are not seen as a good way to have influence at all, with only 13.5 percent stating that one can influence decision-making through associations. The findings show that the importance of different kinds of democratic mobilisation is rather unevenly acknowledged by people (see Vilka, Pukis, Vanags 2006: 142). As in other Baltic states, the politically active people are generally those from a higher socio-economic background.

3 Lithuania

3.1 History and Legal Provisions

The current system of regional and local government began while Lithuania was still part of the Union of Soviet Socialist Republics (USSR). Under *perestroika*, on 12 February 1990 the Supreme Council of the Lithuanian SSR instituted the „Law on the Foundation of Local Self-Government“, which created a two-tier system consisting of ten Counties at the first

level, with 44 Rural Local Governments and 12 Urban Local Governments as a second tier. The law also defined the principles of self-government. The origins of the system suggest its usefulness, since, like most pieces of Soviet legislation, the law seems great on paper, but it was created in an undemocratic atmosphere.

S. Kropas, a local government expert, enumerates the problems of this legislation:

(1) the absence of a coherent system of regional and local government; (2) undefined functions of central and local government; (3) the absence of a realistic financial basis for local government; (4) an imperfect system of internal administration in local government; (5) an unclear strategy of local government development; and (6) undefined rights of local government employees (see Beksta, Petkevicius 2000: 169).

Citizen participation is a key element in the understanding and practice of contemporary democracy. In Soviet times and even before – during the period of independence – there were no provisions for initiative and referendum (see also Kaufmann, Waters 2004: 86).

The Supreme Soviet of the Lithuanian Soviet Socialist Republic passed the first new law on referendums on 3 November 1989. Referendums played a significant role in the process of the restoration of Lithuanian statehood in 1990 and 1992. Lithuania became the leading country in Eastern and Central Europe for the number of national referendums held within a single country during a six-year period from 1991-1996, when ten national referendums (calculated as the number of individual referendum questions) were held. But before and since that period, only one referendum decision has been made – on joining the EU, in 2003. Since 1997, national referendums have become an instrument of party politics (interviews).

Because the initial Lithuanian referendum law was passed in the last days of the communist regime, during a period of political turmoil, it was designed only for decisions on nationwide issues. The law does not apply at regional or local levels.

The new referendum law of 2002 still has no provisions or legal framework for organizing regional and local referendums. Municipalities have made no attempts to introduce their own referendum bye-laws or to allow popular initiatives. In theory, it is possible to use the right of legislative initiative at regional and local levels, but it has never been employed since 1998, i.e. since the adoption of the law on the legislative initiative (interviews, see also Kaufmann, Waters 2004: 88).

After 1989, obligatory referendums required a high approval quorum (50 percent of the electorate). This resulted in most referendums being declared invalid: 7 out of 11. These earlier Lithuanian laws required that more than half of the registered electorate who participate would vote in support of a proposal in order for the result to be binding on the government. In 2002, this requirement was lowered to one third of all registered voters (or one third of the citizens having the right to vote), in the case of referendums on a transfer of national sovereignty. Thus, the new 2002 referendum law partially removed the turnout quorum for referendums on accession to international organisations where a transfer of national sovereignty is involved. This meant that the 2003 EU referendum was not threatened by too low a turnout.

Citizens also have the right of legislative initiative as a popular proposal. A draft law may be submitted to the Seimas by 50,000 citizens of the Republic of Lithuania (article 68). The Seimas must consider the draft law. The precise procedure for the submission of a draft law is regulated by the law on legislative initiatives of 22 October, 1998. Parliament decides on the organisation of referendums. Thus, all politically, economically and socially relevant issues may be subjected to referendum (Krupavicius 2006).

Article 147 of the constitution regulates the procedure for initiating an amendment to the constitution by referendum and states that a proposal must be submitted to the Seimas by either no less than one fourth of the members of the Seimas or by at least 300,000 voters.

So far, all referendums held have been obligatory and national.

3.2 Political Aspects of Lithuanian Local Government

In terms of local government politics, Lithuania is also distinct.

Chapter 10 of the Lithuanian constitution sets the rules for the governance of the local administrative units. The local governments have the right to draft and approve their own budgets, and levy local taxes. The Law on Local Self-Government defines the principles of local self-government as:

1) coordination of the interests of the municipality and state; 2) direct participation of the citizens in municipal council elections, polls, public meetings and petitions; 3) accountability of self-government institutions and officers to residents; 4) publishing of and response to public opinion; 5) law and order and social justice; 6) economic independence.³

The Law on Local Self-Government defines the municipality as the primary political unit of the Lithuanian local government system. Every four years (formerly three years, as in Estonia) municipal councils are elected „on the basis of universal, equal and direct suffrage by secret ballot by the residents of their administrative unit“. Council terms of office were increased for two reasons. First, „local government councils and administrations were unable to function effectively with such a short tenure in office. Second, the proportional system of representation conflicted with that of parliament, which is a mixed system“ (Beksta, Petkevicius 2000: 171, 177). The councils are responsible for informing citizens on the progress of their work, as well as appointing mayors and elders. The Law on Local Self-Government states: „The council must at least once a year provide information to the residents concerning the activities of the council and the institutions formed by it, shall correct the indicated shortcomings of its work, and implement constructive proposals“. This measure suggests that the council must demonstrate its accountability to the citizens explicitly at least once a year. The councils generally work under a general plan, which is created by the mayor. As in other Baltic states, they possess the power to form committees to enhance their ability to govern.

3.3 Public Participation and Forms of Direct Democracy

Thus, the constitution and laws do not provide for local and regional referendums. Local authorities may organize polls on decisions made by local governments, proposals to change the names of localities, the merging of local governments and other issues. The results of such polls are non-binding and only advisory in nature. As in other Baltic states, in some cases the law requires mandatory consultations with residents. Significantly, municipalities are required to consult citizens on significant matters such as the changing of place names, the Law on Territorial Administrative Units of the Republic of Lithuania and

³ Law on Local Self-Government in Lithuania. <http://www.litlex.lt/litlex/Eng/Frames/Laws/Documents/167.HTM>.

Their Boundaries being an example. This law states: „The names of residential areas shall be given and they shall be changed by the Government of the Republic of Lithuania on the proposal of the municipal council, taking into consideration the proposals of the local inhabitants“.⁴

A similar requirement is also included in the law on territorial planning, which indicates that the public must be able to see and discuss the planning documents. „In such cases, those organizing such projects are charged with calling public meetings to discuss the proposals“ (Beksta, Petkevicius 2000: 178-179).

The Law on Territorial Planning is also significant in terms of the problems it underscores. Although the law requires public hearings, citizens have in fact shown little interest in attending, unless they have a direct interest in the project (investors and specialists). General public opinion is rather inadequately represented. Non-governmental organisations, which should be the vehicles for the expression of local public interests and needs, are still in their infancy in Lithuania (see Beksta, Petkevicius 2000: 186).

The situation is better in respect of territorial administrative reform, where residents have expressed an overwhelming interest in municipal affairs. Although the significance of these polls should not be exaggerated, they are important for maintaining close relations between local government institutions and permanent residents (interviews).

According to the amendments to the law of local Self-Government in 1997, council meetings are open to the public. The residents – either individually or as a group – may come up with draft decisions for local government (see Structure and Operation of Local and Regional Democracy. Lithuania, Council of Europe 2006: 15).

The council's statutes establish the procedures for the participation of representatives of state institutions, enterprises, offices and organisations, as well as residents, at council meetings. Experts and public representatives may participate in the work of committees and commissions in accordance with procedures established by the council. The local authority may be controlled by the county governor and the members of the Seimas, who have the right to participate in and, with the consent of the council, take the floor at such meetings (Beksta, Petkevicius 2000: 187).

Public participation is a significant problem in any democracy. However, the onus for political participation falls on the citizen, not the government, and there is only so much a government can do in this regard. This reveals the infancy of Lithuanian democracy, which is a problem that only time and the proper development of NGOs can facilitate.

3.4 Problems of Lithuanian Local Government

Although many post-communist governments struggle with decentralization problems, one of the clearest problems with Lithuanian local government is the unwillingness of the central government and its ministries to cede further autonomy and ministerial functions to the municipalities.

In order to increase the political responsiveness and accountability of local governments to their citizens, there should be concrete changes in this direction. One possible reform

⁴ Law on Territorial Administrative Units of the Republic of Lithuania and Their Boundaries. <http://www.litlex.lt/litlex/Eng/Frames/Laws/Documents/163.HTM>.

would be to grant the governors more power to influence ministries to cede more power to local governments. Another option would be to establish a special commission at the central government level which would be charged with encouraging ministries to cede more functions. Allowing local governments more control over issues such as education would allow municipalities to demonstrate their capacity to provide their citizens with specialized attention that is otherwise lacking at the moment.

Another problem is the issue of elected officials within the municipal governments. For instance, as in other Baltic states, the mayor is responsible for appointing several important local administrators and advisors – but he himself is not elected by the public, but by the council. Such a situation seems to distance the population from their local government to too great an extent. Since the members of the board, the other executive power, are also not elected by the general population, it seems advisable to make at least one of these institutions more accessible to the citizens. Indeed, „the key factors driving reform are (1) increasing resident participation in managing local affairs, and (2) increasing access of residents to local government administrative institutions“ (Beksta, Petkevicius 2000: 201).

This is compelling for two reasons. On the one hand, this would be a move against the trend of administrative consolidation that has been popular in the 20th century in many democratic states. On the other hand, it would clearly be a monumental step in increasing the access of Lithuanians to their governments, and would definitely increase the transparency, openness and accountability of local government. Although Lithuania has clear problems in terms of local government, one must also applaud their successes. After all, positive reinforcement is always a good incentive for change.

4 Comparative aspects

4.1 *Municipalities and municipal size*

The lowest level of government is formed by the municipalities. Their main task is to represent the local population before the central government, making sure that their interests are not overlooked. As the Baltic States are unitary states, all/most taxes are raised at the national level. Nearly half of the budget of rural municipalities (including indirect support – as much as 70 percent in some areas) comes from the state. The budget funds are mainly used to maintain existing resources – to repair roads and buildings, fund the fire service and to pay the salaries of the people employed by the municipality. In unitary states, local governments are more mediators of state welfare rather than being separate economic and political powers.

The urban and rural municipalities vary greatly in terms of geographical area and population size; for many small villages it would not have been reasonable to create their own municipality, so they were combined into one rural municipality. Still, the differences in population are huge: the largest municipality (Tallinn) has about 400,000 inhabitants, while the island of Ruhnu has only 60 residents (see Table 1, for comparison see also appendix IV). The population size as well as the number of local governments differ from country to country; Tables 1 and 2 list the number and sizes of municipalities in the Baltic States.

Table 1: Number and size of municipalities in the Baltic States

	Estonia	Latvia	Lithuania
Smallest	65 (Ruhnu)	303	2,630
Largest	396,000 (Tallinn)	735,000 (Riga)	550,000 (Vilnius)
Average size of population (excluding the capitals)	3,900	3,000	49,000
Number (municipalities/ counties)	226 / 15	536 / 26	60 / 10

Table 2: Sizes and numbers of municipalities

Number of inhabitants of the municipality	Local government proportion by population size in percent			Population proportion within population range in percent		
	Estonia	Latvia	Lithuania	Estonia	Latvia	Lithuania
< 999	14	35	0	2	6	0
1,000 - 1,999	41	38	0	11	13	0
2,000 - 4,999	28	17	2	16	11	0.1
5,000 - 9,999	11	5	2	12	8	0.2
10,000 - 49,999	5	4	68	17	16	38
50,000 - 99,999	0.4	1	20	5	9	22
> 100,000	0.8	0.4	8	37	37	40

Municipalities according to share of population size and share within population range.

The differences are obvious: Lithuania seems to have a much more centralized approach to local government, while Estonia and Latvia are more similar to each other. Still, Latvia clearly has far more very small municipalities than Estonia, allowing better representation of individuals, but also creating more difficulties for administration by decentralizing it to a high degree.

Especially in Estonia, the constitution allows local governments "to form unions and joint agencies with other local governments" (Constitution of Estonia, art. 159).

It is noteworthy that according to the 1996 statistical data only nine local authority areas had populations under 30,000. In twenty-four local authorities the number was 30-50,000; in thirteen, 50-70,000; in five, 70-100,000; with a further five having more than 100,000. The size of municipal territories varies from 9 square kilometres in the urban local authority of Visaginas to 2,412 square kilometres in the rural authority of Varena. Generally, however, there are only four local governments (out of forty-four) with areas of less than one thousand square kilometres. In comparison with many other European countries, Lithuanian local government areas seem to be among the largest. Residents are inconvenienced by having to travel long distance to local government centres in order to obtain various documents or arrange consultations. An alternative solution, however, would be to increase the competence of neighbourhoods. It is a point of debate as to whether changing the institutional structure will achieve the goals stated (Beksta, Petkevicius 2000: 178-179).

However, the idea of increasing the number of local authorities – thus decreasing their size – seems to be a sensible one.

4.2 *Local Referendums and Public Initiatives in Practice*

The first time that the institution of local referendums was fixed by law in Estonia was in May 1927, when the Law on Alcoholic Beverages stated that if 10 percent of the citizens entitled to vote requested a referendum, then a local referendum would be held to decide whether there should be a ban on the sale of alcoholic beverages. In June 1929, for example, in Tudulinna county 343 votes were cast in favour of closing a local shop selling alcoholic beverages, with 283 votes against.

However, there were no local referendums during the period 1993-1999. Since the reinstatement of independence there have been several local referendums, mostly concerning the administrative-territorial division of counties and mergers of municipalities, but also – in some districts of large cities – in relation to the construction of new roads, land reform, and the removal of the WWII Tõnismäe monument from Tallinn City to an outlying area. In 2004, citizens came up with an initiative to reduce parking fees in Tallinn. Citizens were able to sign the petition online (at <http://rahvaalgatus.zzz.ee/pages/front.php>) and the initiative secured more than the required 4,000 signatures, which forced the city council to discuss the issue.

Another local referendum on the night-time sale of alcohol in Tallinn took place in May 2004. In total 21,688 inhabitants, or five percent of the population of the city, participated in the local referendum, with 64 percent in favour of limiting the sale of alcohol during the night-time and 36 percent against (Postimees, 11.05.2004).

The Tallinn City government created a public opinion-polling centre in 2002. The main idea behind the institution was to sample public opinion in as broadly-based a way as possible on the burning issues facing the city (Postimees, 16.04.2002). One of the issues which was decided by local referendum was the question of whether to create a park or allow building development in Harju street. Public opinion (87 percent) was strongly in favour of creating a green area in the centre of the city. Altogether 7,630 people took part in the vote – 2.4 percent of the eligible city voters (Postimees, 01.07.2005).

The issue of the location of the Freedom Statue in Tallinn was also decided in a local referendum: 5,090 people turned out to vote (1.5 percent of the eligible electorate) (Postimees, 31.01.2005). In 2007-2008 the proposed location and the design of the Freedom War Victory Statue caused a lot of lively debate in the media and the Internet. 12,000 people voted, of which 7,407 were against the statue in its proposed form. The authorities have not yet made a final decision. More than 6,000 signatures were given, mostly from big cities, in an attempt to „freeze“ the unreasonably high salaries of Estonian members of parliament (Postimees, 14.03.08).

In a Lithuanian questionnaire, 43.9 percent were in favour of building a new nuclear power station, 29.85 were against, and 26.3 percent were undecided (Respublica, 4 September 2007). Some of the politicians and NGOs are pushing for referendums on the Ignalina power station, the aim being to delay the closure of the second Ignalina reactor, slated for December 2009 (The Baltic Times, Feb. 2008). The authorities have not yet made a final decision.

Over the last five years, thousands of signatures have been collected in all three states in the attempt to stop new construction on unsuitable sites in the Baltic capitals of Tallinn, Riga and Vilnius. Protests have been voiced against the felling of trees in the very heart of the capital cities. In Vilnius, disabled people organized a rally and thousands of participants

handed a petition to the government demanding equal rights and an end to employment discrimination (Respublica 21 September 2007). In all three Baltic states there have been many demonstrations, with thousands of signatures gathered, against the low state pension and the meagre salaries of civil servants, but in many cases the local authorities did not take the protests into account in their decision-making (Postimees, 19 March 2007; Respublica, 11 Sept. 2007).

An Estonian survey carried out among local municipal leaders showed that a majority (62%) believed public meetings to be the best way to communicate with people. This means was valued much more highly in smaller municipalities (population 1-3,000) than in larger ones (over 5,000). The survey thus demonstrated a high correlation between municipal size and the importance of public meetings. In the big municipalities, respondents argued against public meetings, citing the organizational difficulties of arranging such meetings. In answer to the question as to whether local municipal leaders were interested in listening to the opinion of local inhabitants, 75 percent responded positively. However, only 21 percent of the leaders of local municipalities placed a high importance on local referendums, citing as negative arguments the time-consuming procedure and high organisational costs. 66 percent of the respondents thought that ongoing administrative reform of local municipalities would facilitate the inclusion of people in local decision-making. 77 percent of those questioned considered people to be too passive in their communication with office-holders. Several reasons for people's inactivity were quoted, the primary one being that the previous political regime relied heavily on the notion that the state should take care of everything; people are not yet used to the idea that active participation and intervention can bring them any benefits. Only 34 percent of the respondents said that they had carried out a local referendum to determine the opinion of local people on proposed mergers of municipalities (Ausmees 2005: 54-68.). Two-thirds had not: here, indeed, elitist decision-making is clearly visible.

4.3 *Political Participation and Citizenship*

If local authorities are a mirror of democracy it is vital to look at political participation at the local level in the Baltic States. It would be fair to conclude that good conditions for political participation at the local level indicate a satisfactory democratic situation in a region as a whole.

In order to participate effectively in a democracy – in, for example, actual policy-making – one has to have legal rights to do so. In all the Baltic states, possession of citizenship is essential for participation in nationwide elections and referendums. Every Latvian citizen, and citizens of any European Union country living in Latvia, can take part in *national* elections. In terms of the right to vote and run for *local* elections, citizenship is crucial, especially in Latvia, but also in Estonia. The rules are as follows: all Latvian citizens and any citizen of a European Union country living in Latvia can take part in the elections to the municipal councils (website of the Latvian Ministry of Regional Development and Local Government). Since many residents do not possess formal citizenship, there exists, as in Estonia, the potential for ethnic divisiveness, which also has a territorial character: for example, ethnic Russians living in Latvia and in Estonia are not fully integrated, but instead live in rather concentrated areas (see Table 3).

Table 3: Number of Municipalities by Percentage of Minorities in Latvia

Group	Number of municipalities	percentage
Above 50 percent	57	10
31- 50 percent	87	16
10- 30 percent	257	46
Below 10 percent	157	28
total	558	100 percent

Source: The State of Local Democracy in Central Europe, 2002: 117-118.

Estonia has a somewhat more liberal approach than Latvia, since it allows permanent residents (defined as someone, who has lived in the country for five or more years) to vote in local elections, though they do not have the right to stand for election. The Minister for Social Integration in Latvia, O. Kastens, stressed the importance of wide debates on such issues: „We need the referendum to find out what people think“ (Baltic Times, 27 Sept.-3 October, 2007). Lithuania has a different approach from Estonia and Latvia when it comes to the issue of citizenship and the right to participate in local elections. All permanent residents in Lithuania are allowed to vote and run in elections to local councils. Although Lithuanian local government has its shortcomings – as in all post-Soviet democracies – the issue of multicultural government is clearly more advanced in Lithuanian legislation. Although Lithuanian is the national language, and therefore the language of local government, there are provisions for ensuring that minorities are not excluded from the political process. As in Estonia, in regions where a certain minority group constitutes a significant share of the population, public administrators, in addition to the Lithuanian language, must be prepared to use the language spoken by the local minority population (see also Nørgaard, Hindsgaul, Johannsen, Willumsen 1996: 185).

In addition, there are provisions for the education of significant minorities in their own language. The President of the Parliamentary Assembly of the Council of Europe, René van der Linden, gave a most positive assessment of the three Baltic States and even said that Lithuania should serve as an example to its neighbours (Baltic Times, 27 Sept-3 Oct., 2007).

Nevertheless, there are also problems in Lithuania in connection with national minorities. For instance, in ethnic minority dominated areas, „local administrations have attempted to close existing Lithuanian schools, thus limiting the access of the Lithuanian population to education. Laws and regulations on the use of the Lithuanian language are sometimes ignored“ (see Beksta, Petkevicius 2000: 187). In the long run, the situation might lead to fewer regional cleavages in the country, since different marginal ethnic groups tend to live in certain parts of the country. Latvia and Estonia, on the other hand, have an ongoing debate about ethnic participation issues, often related to specific regions of the two countries.

4.4 Modern Technology, E-Inclusion

Estonia has gone further than Latvia or Lithuania in its efforts to open up the political process to the eyes of its citizens. This is very clear if one looks at the development of e-democracy in the country over the last few years.

A well-developed information society facilitates the work of local authorities and contributes considerably to the development of democracy. In Estonia, which is famous for its rapid development of information technology, local authorities are required to publish any important information about their municipalities on a website. This is set out in the Public Information Act.

In recent years, there have been mostly positive developments regarding direct democracy developments. For instance, the Estonian Civil Society Concept has been worked out by the Representative Council of NGO Roundtable and accepted by Estonian Parliament in 2002. The concept regulates generally the relations between public authority and civic initiative. In many local councils the representatives of the citizen associations are members of regular council and expert committees.

In 2006, more than half of Estonians (15-74 years old) use Internet. E-voting was for the first time used in local elections 2005 and in 2007 (March) nationwide parliamentary elections. The country is holding the sixth place among the most frequent internet users. Survey among local politicians of five different CEE countries (Bulgaria, Poland, Slovakia, Hungary, and Estonia) being conducted by the Tocqueville Research Center in 2003 has shown that Estonian council members and mayors are very well used to the so-called new technologies of e-mail and Internet: "three out of four local elected representatives use the Internet and three out of five send and receive email regularly" (Soós, Kiss 2003: 15)

Also, E-government in Estonia is mainly supported by the central portal www.eesti.ee; from there, Estonian citizens have access to most public services, including also those of local governments.

Besides local e-plebiscites (referendums) and internet sites for letters and opinions in local municipalities (also exists in Latvia and Lithuania) exist on national level special electronic sites TOM (Today I decide), which is the main instrument of e-participation as well as THEMIS (<http://www.lc.ee/themis>), the main instrument of people's legal initiative. Research shows that 10 percent of the ideas of citizens, inhabitants of the country are being acknowledged and put into practice by government, ministries or parliament. In the former case, although public intervention has been so far considerable, however, many say that there are problems of competence – many of the proposed ideas have often no connection to the actual laws under discussion (interviews).

The 2005 E-government readiness index assesses the e-readiness of the member states of the United Nations according to a qualitative composite index of e-readiness based on website assessment, telecommunications infrastructure and human resource endowment. Lithuania is ranked 40th in the world (index 0.5786, Table 4).

Table 4: E-government readiness index in the Baltic States

Country	index	world ranking
Estonia	0.7347	19
Latvia	0.6050	32
Lithuania	0.5786	40

Source: UN Global E-Readiness Report, 2005: 27-29.

It is the fundamental instrument to show the willingness of the parliament to deal with the topic of participation in the information society. In the E-participation index 2005 Lithuania is ranked at 37 (index 0.1111, Table 5). Recently Lithuanian parliament has voted down

amendments to election laws that would have legalized Internet voting, and rejected the possibility of revising them (The Baltic Times, 24-30 January 2008).

Table 5: E-participation index in the Baltic States

Country	index	world ranking
Estonia	0.6190	9
Latvia	0.1746	33
Lithuania	0.1111	37

Source: UN Global E-Readiness Report, 2005: 239-244.

In both categories, Latvia and Lithuania lag considerably behind compared to Estonia. However, all the Baltic States show a positive cumulative trend.

5 Conclusions

If the local authorities are the mirror of democracy in a society, then it is fair to say that democracy is changing. The Baltic States have managed to create a structure for local and regional governance that works, but which needs further development. Nowadays, the emphasis in the theory of democracy is moving increasingly in the direction of responding to public expectations. Therefore, it might be assumed that the practice of giving greater weight to citizens' preferences and opinions will continue also during the implementation and consolidation phases of local government reform.

So far, there is little provision for local referendums in the legislation of the Baltic States. Local authorities may organize polls as an expedient for specific decisions made by local government, such as changing place names, merging local authorities and other important issues. Any citizen with the right to vote and who is a permanent resident in the territory of the respective government can take part in the poll. Council meetings are open to the public. Local residents may participate and take the floor in sittings. The biggest problem here is the weakness of civil society and passivity of citizens. Many local residents do not yet realise the fundamental importance of their involvement in public affairs. Clearly this has to do with the political socialization in the previous communist regimes (where the state took care of everything), as well as generally non resident-friendly legal provisions for direct democracy in the Baltic States. In fact, the only state which offers legal recognition for popular initiatives is Estonia.

What is striking is the diversity in the number of local municipalities for such a relatively small region. The pattern across the three states varies considerably. Lithuania clearly has the biggest and the most centralized system of local government, but it has a lot of work to do to bring forward the information society, for instance in relation to E-participation.

Local referendums have been carried out to solve many problems the municipalities face: the merger of municipalities, construction of new roads, provision of green areas etc. Popular votes are always advisory and their result is non-binding on local councils, which make the final decision. Although the results of the polls are non-binding, they are, however, taken into account in many cases by local governments. It seems that of the many aspects of local democracy outlined by contemporary academics which have been empha-

sized in the different government documents from the Baltic region, and also during the debates in parliament and in the media, only three of them – self-determination, public participation and the capacity to act – have been steadily dominating both the published documents and the debates.

Last but not least, since the Baltic States joined the European Union in 2004, they should also fulfil the EU requirements relating to local government, as well as the European Charter for Local Self-Government. In this context, the Baltic States should be flexible and prepared to adopt new legislation. Here, the reform work of consolidating the municipalities gives hope for the Baltics to find ways towards an efficient and committed citizen-oriented local government structure.

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Appendices

Appendix I: Ranking of Strategic Goals by Local Representatives in Estonia and Poland / percent). Survey in 2002

Poland

	1 most important	2	3	4 least important
Maintain order	62.2	19.5	11.5	4.6
Give people more say	23.2	27.0	32.3	15.3
Fight inflation	14.1	29.8	22.4	30.7
Protect freedom of speech	8.6	21.7	26.6	40.1

Estonia

	1 most important	2	3	4 least important
Maintain order	57.3	23.7	11.5	2.6
Give people more say	21.3	27.0	37.3	9.0
Fight inflation	8.6	28.2	23.7	34.1
Protect freedom of speech	7.8	16.1	22.0	48.3

Source: Faces of Local Democracy, Comparative papers from Central and Eastern Europe (2005) ed. by Gabor Soos, Violetta Zentai, Open Society Institute, Budapest: 225.

Appendix II: Legal Provisions of Referendums in the Baltic States: National level

	Lithuania	Latvia	Estonia
Outcome	Binding	Binding	Binding
Origin	Popular initiative	Popular initiative	Parliament
Criteria for adoption	At least 50 % of the electorate support the proposal	At least 50 % of the electorate support the proposal, at least half the number of voters who participated in the previous national elections	majority of participants in the voting

In Lithuania and Latvia: both participation and approval quorums

Appendix III: Referendums in Modern Latvia

Year	Purpose	Turnout (%)	For %	Against %	Spoiled %
1991	Latvian independence	1,666,128 (87.6)	73.7	24.79	1.6
1998	Citizenship	928,040 (69.2)	45.0	52.5	2.5
1999	Pensions	339,879 (24.1)	94.2	5.3	0.5
2003	EU membership	1,010,467 (72.5)	67.0	32.3	0.8

Source: Latvian Electoral Commission (2006).

Appendix IV: Population Size in the Municipalities of Nordic Countries

	Under 1,000	1,000-5,000	5,001-10,000	10,001-50,000	50,001-100,000	Over 100,000		
Percent							Total	Average size
Norway	5.3	50.3	21	20.6	1.6	1.2	433	10,500
Finland	5.1	46.3	25	20.4	1.8	1.4	432	12,100
Denmark	0	5.9	41.7	46.1	4.8	1.5	271	19,900
Sweden	0	4.5	21	59.7	10.7	4.1	290	31,100

Source: V. Trasberg „Local Government reforms“, Tartu University, Powerpoint Presentation, 03.04.2007 (unpublished).