Constituents of Transparency in Public Administration
with Reference to Empirical Findings from Estonia

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The President:

Prof. Ernst Mohr, PhD
Meinen Eltern
Preface

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Düsseldorf, July 2007

Susan I. Liem
## Contents

**PREFACE**

**ABBREVIATIONS**

**LIST OF FIGURES**

**LIST OF TABLES**

**ABSTRACT**

### I INTRODUCTION

1. Problem statement
2. Objective
3. Structure and methodology of the thesis
4. Terminology

### II TRANSPARENCY: THE FOUNDATIONS

1. Transparency: boon...
   1.1 The legal basis
      1.1.1 The principle of democracy
      1.1.2 The principle of the rule of law
      1.1.3 A basis for a claim?
      1.1.4 International law
   1.2 Functions of transparency
      1.2.1 Legal certainty and equal protection
      1.2.2 Control
      1.2.3 Information
      1.2.4 Legitimacy
      1.2.5 Trust
   1.3 ...or bane?
      1.3.1 Conflict of principles
      1.3.2 Objections against transparency
   1.4 Interim assessment

### III TRANSPARENCY IN PUBLIC ADMINISTRATION

1. Administrative transparency in the literature
   1.1 Transparency and publicity
      1.1.1 Two historical examples
      1.1.2 The legal perspective
      1.1.3 The perspective of political communication
   1.2 Transparency and accountability
      1.2.1 The perspective of new public management
      1.2.2 Accountability and governance
      1.2.3 The paradox of accountability
   1.3 Transparency and participation (the perspective of governance)
   1.4 Transparency and ICTs
   1.5 Five perspectives on transparency
   1.6 A conceptual framework for transparency in public administration by OTENYO/ LIND
III.2  POSITIONING IN THE LITERATURE 60

III.3  AN APPROACH TO THE CONCEPTUALISATION OF ADMINISTRATIVE TRANSPARENCY 61

III.3.1  The citizen as a yardstick of administrative transparency 61

III.3.1.1  Justification 61

III.3.1.2  Objections against the citizen as a yardstick 63

III.3.2  A framework for transparency 67

III.3.2.1  The legal framework 68

III.3.2.1.1  Administrative procedures laws 69

III.3.2.1.2  Freedom of information law 70

III.3.2.1.3  Other norms 71

III.3.2.1.4  Limitations 71

III.3.2.2  Transparency as based on information 73

III.3.2.2.1  Sources of administrative information 74

III.3.2.2.2  Selection of information 76

III.3.2.2.3  Information qualities 76

III.3.2.3  Transparency as an act of communication 79

III.3.2.3.1  Patterns of communication 80

III.3.2.3.2  Limitations 85

III.3.2.3.3  Receiver capacity and segmentation 86

III.3.2.4  Transparency in the context of information and communication 87

III.4  INTERIM ASSESSMENT 90

IV  TRANSPARENCY IN (POST-)COMMUNISM 91

IV.1  TRANSPARENCY AND THE SOCIALIST SYSTEM 91

IV.1.1  Bureaucracy under socialist rule 91

IV.1.2  Legal certainty: “Not applicable” 92

IV.1.3  Public control: “Don’t want” 94

IV.1.4  Information: “Don’t want” 95

IV.1.5  Legitimacy: “Don’t need” 97

IV.1.6  The perversion of transparency 98

IV.2  THE PROCESS OF TRANSITION 99

IV.2.1  The changing role of the state during transition 99

IV.2.2  Public administration reform 101

IV.2.2.1  Administrative reform not among the priorities 101

IV.2.2.2  Early efforts as a rejection of the previous model 103

IV.2.2.3  Lack of capacity 103

IV.2.2.4  Questionable transfer of NPM to transitional countries 104

IV.2.2.5  Transparency in transition 105

IV.3  ESTONIA 109

IV.3.1  Background information 109

IV.3.2  Estonian public administration 111

IV.3.2.1  The structure and reform of public administration 111

IV.3.2.2  Transparency in public administration 113

IV.3.3  Public law concerning transparency 115

IV.3.3.1  Local Government Organisation Act 116

IV.3.3.2  Public Information Act 116

IV.3.3.3  Administrative Procedure Act 117

IV.3.3.4  Planning Act 118

IV.3.3.5  Environmental Impact Assessment and Environmental Management System Act 119

IV.4  INTERIM ASSESSMENT 119
V  EMPIRICAL PART 120

V.1  OBJECTIVE 120

V.2  METHODOLOGY 120

V.2.1  Research approach and theoretical orientation 120
V.2.2  Research design 122
V.2.3  The stakeholders 125
V.2.4  Data selection 126
V.2.4.1  The country 126
V.2.4.2  The sample 127
V.2.5  Data collection 131
V.2.6  Data processing 134

V.3  RESULTS 135

V.3.1  Provision of information 136

V.3.1.1  Accessibility 136
V.3.1.1.1  Conditions of access 138
V.3.1.1.2  Assistance 139
V.3.1.1.3  Documentation 141
V.3.1.1.4  Exemptions 144
V.3.1.1.5  Responsibilities 148
V.3.1.1.6  Responsiveness 150
V.3.1.1.7  Discussion I: The accessibility of information 155

V.3.1.2  Transmission 162

V.3.1.2.1  Media 163
V.3.1.2.1.1  Newspapers and other print media 163
V.3.1.2.1.2  Internet 164
V.3.1.2.1.3  Bulletin boards 165
V.3.1.2.1.4  Radio 165
V.3.1.2.1.5  Seminars, regular conventions, round tables 166
V.3.1.2.1.6  Personal contact 168
V.3.1.2.1.7  Other 169
V.3.1.2.2  Distribution channels 169
V.3.1.2.2.1  Territorially 169
V.3.1.2.2.2  Addressee related 171

V.3.1.2.3  Reception by stakeholders 174
V.3.1.2.3.1  From the perspective of local governments 174
V.3.1.2.3.2  From the perspective of the stakeholders 177
V.3.1.2.4  Discussion II: The transmission of information 191

V.3.1.3  Timing 197

V.3.1.3.1  Functionally 198
V.3.1.3.2  Organisationally 201
V.3.1.3.3  Discussion III: Timing 202

V.3.1.4  Content 203

V.3.1.4.1  Generation of information (results reporting) 204
V.3.1.4.2  Selection of information 207
V.3.1.4.3  Presentation and informational value 209
V.3.1.4.4  Stakeholders’ need for information 212
V.3.1.4.5  Discussion IV: The content of information 214

V.3.2  Transparency of processes 217

V.3.2.1  Transparency of administrative (internal) processes and tracking of applications 218
V.3.2.2  Transparency of decision making 223

V.3.2.2.1  Making a decision 223
V.3.2.2 Giving reasons 228
V.3.2.2.2 Development plan 230
V.3.2.2.3 Administrative proceedings 232
V.3.2.2.3.1 Other inputs 235
V.3.2.2.3 Discussion V: The transparency of processes 236
V.3.2.2.3.2 Processing of inputs 230
V.3.2.2.3.3 Other inputs 235
V.3.3 Context factors 242
V.3.3.1 Lack of capacity 242
V.3.3.2 Elections and other political influence factors 244
V.3.3.3 Personal connections and underlying interests 247
V.3.3.4 Stereotypes 249
V.3.3.4.1 About interest groups 249
V.3.3.4.2 About citizens 251
V.3.3.4.3 About decision-makers 252
V.3.3.5 Discussion VI: Context factors 253
V.3.3.5 Discussion V: The transparency of processes 236
V.4 INTERIM ASSESSMENT 257
VI GENERAL DISCUSSION 258
VI.1 CONTRASTING THE RESULTS WITH THE FRAMEWORK 258
VI.1.1 The legal framework 258
VI.1.2 Transparency as based on information 259
VI.1.3 Transparency as an act of communication 261
VI.1.4 Context-related aspects of transparency 263
VI.2 A MODEL OF ADMINISTRATIVE TRANSPARENCY 267
VI.3 IMPLICATIONS 273
VI.4 CONCLUSIONS 276
APPENDIX 281
THE QUESTIONNAIRE FOR LOCAL GOVERNMENTS 281
THE QUESTIONNAIRE FOR NGOs (AND COMPANIES) 283
REFERENCES 285
Abbreviations

acquis acquis communautaire
BC before Christ
cf. compare
CIS Commonwealth of Independent States
EC Commission of the European Communities
ECHR European Convention on Human Rights
ed., eds. editor, editors
e.g. for example
EIA Environmental Impact Assessment
esp. especially
EU European Union
f., ff. and following
fn. footnote
FOI freedom of information
ibid. ibidem
ICT information and communication technology
i.e. id est
IT information technology
LGI Local Government and Public Service Reform Initiative
marg. margin number
mill. million
no. number
NPM New Public Management
OECD Organisation for Economic Co-operation and Development
OSI Open Society Institute
p., pp. page, pages
par. paragraph
PPP public-private partnership
resp. respectively
SIGMA Support for Improvement in Governance and Management in Central and Eastern European Countries (a joint initiative of the OECD and EU)
SWOT Strengths Weaknesses Opportunities Threats
UK United Kingdom
USA United States of America
VVDSRl Veröffentlichungen der Vereinigung der Deutschen Staatsrechtslehrer
List of Figures

Figure 1: Contributors to and functions of administrative transparency 57
Figure 2: “The changing faces and phases of transparency reforms in government” 58
Figure 3: Transparency in the context of information and communication 88
Figure 4a, 4b: Intransparency as deficiencies in information and communication 89
Figure 5: The research design 125
Figure 6: The stakeholders of public administration 126
Figure 7: The sample (local governments and their stakeholders) 130
Figure 8: Adapted research design 133
Figure 9: Hypothetical relationship between the content of information and its availability 269
Figure 10: Reduction in intransparency 271
Figure 11: The ‘white box’ of public administration 277

List of Tables

Table 1: “Three models of public administration” 45
Table 2: Definitions of transparency 53
Table 3: Five perspectives on administrative transparency 55
Table 4: Characteristics of four models of public relations by GRUNIG and HUNT 83
Table 5: The four models of public relations in an administrative context 83
Table 6: The sample (local governments) 130
Table 7: The sample (the stakeholders) 130
Table 8: Constituents of transparency 257
Abstract

Transparency in public administration serves various purposes. Transparent administrative action ensures legal certainty because decisions become more predictable. By means of transparency, citizens are informed about administrative action and organisation, and are provided with some sort of control: the administration becomes directly accountable towards citizens. To a certain extent, administrative transparency may compensate for a lack of democratic legitimation and enhance the legitimacy of public administration. If the latter has nothing to conceal, the trustworthiness of the institution is also strengthened.

Five major fields can be identified that contribute to the concept of administrative transparency, namely law, political communication, public management, electronic government and governance. Each of these fields puts emphasis on different reasons for intransparency in public administration and suggests respective remedies. This thesis explores administrative transparency from the perspective of the citizen. In this sense, transparency provides citizens with information about administrative services, processes and organisation. Information and communication form a common basis for different views on administrative transparency.

Based on the literature and the interviews I conducted, various constituents of administrative transparency can be derived. First, access to public information has to be granted. However, information must also be accessible in practice (e.g., well documented, not exempted from publication), it has to be transmitted in such a way that it can be received (e.g., the media used must ensure it is understandable; distribution channels must be accessible) and must be provided in time. Second, various criteria for the content of information must hold so that transparency can be achieved (e.g., true, complete, structured, understandable language). It appears that, depending on the kind of information, its availability varies. Third, there should be a certain awareness on the part of citizens so that the administration can be transparent to them (the information must reach them). The interviews showed that this awareness was greater for active citizens who were involved in two-way communication processes with the administration. Personal rather than one-way (esp. impersonal) communication also proved to be more effective in imparting information to citizens. An open dialogue between administration and citizens seems to be essential for administrative transparency.

In view of the variety of stakeholders of the administration, a segmentation according to their abilities and needs for information would stand to reason to achieve greater transparency. This could be best implemented as part of a strategic management concept.
I Introduction

I.1 Problem statement

Transparency is a concept applied to and required for a variety of different contexts, be it in politics, business or in social systems. References to transparency from all kinds of disciplines necessitate a clarification of its meaning for a given context. In contrast to what it tries to achieve as a concept, its meaning often remains vague.

In the following, the focus will be on the context of public administration. It appears that even within a given context, transparency may be difficult to grasp. A number of related concepts exist whose boundaries are not always clear, such as accountability, publicity and openness. Also, transparency is sometimes considered to be almost synonymous with other concepts (e.g., access to information), which would actually make it redundant.

Although transparency is often demanded as an important feature, the concept of transparency itself has rarely been the subject of analysis. This has been observed by OTENYO and LIND who note that the “contemporary application of the concept transparency in public administration is generally taken for granted” (OTENYO/ LIND 2004: 288). It is “is frequently used but not analysed” (OTENYO/ LIND 2004: 303). The imprecise meaning of transparency and its connection with related concepts constitute one problem area that deserves closer attention.

The second problem area is linked to the first. When transparency is analysed, it is often done on a rather abstract level. This may be due to the lack of generally valid definitions or concepts: since there is no universal approach to its definition, the meaning of transparency for a given context usually needs to be defined anew every time. This is often done by describing rather abstract principles and conditions for an organisation, mostly neglecting the effect on the (potential) addressees of transparency.

The two problem areas need to be seen in context. Transparency may not only vary according to disciplines; the meaning and role of administrative transparency may also depend on a specific context. The third problem area therefore refers to context factors that may be of relevance to administrative transparency.

I.2 Objective

The general objective of this thesis is to identify the factors that may have an impact on the transparency of public administration towards citizens. Based on these factors, an organisational concept for administrative transparency is to be derived.
For the first problem area, the theoretical concepts on which administrative transparency is based have to be clarified. Transparency will be contrasted with related concepts in order to determine its meaning for the context of the thesis.

At the core of the second problem area lies the interplay between the administration and its stakeholders. Transparency will be considered on a practical level, which requires taking into account the perspective of the administration and its stakeholders.

Of particular interest for the third problem area is the role transparency may play during transition, as well as its role under a different system. The analysis of context factors will be based mainly on the literature, but also on the perspectives of the different actors.

The three problem areas can be broken down into five working hypotheses or general questions that also structure the thesis, as follows:

Q1. What are the underlying principles of administrative transparency?

In view of the multiple facets of transparency, there is a need to identify common principles and the underlying rationale of transparency. This leads to different purposes or functions transparency is expected to serve. Of particular interest are the reasons why transparency could play an important role in a context of transition. This will be analysed with respect to control and trust.

Q2. What are the roots of administrative transparency?

Administrative transparency has to be seen in the context of several theoretical concepts, all of which contribute to its meaning. Hence these contributions should be specified first. Only then will it be possible to position transparency within the framework of this thesis and to make an approach to the conceptualisation of transparency which is needed for the empirical part.

Q3. To what extent is transparency dependent on the political system?

In order to explore its dependence on the context, transparency will shortly be analysed in an extreme situation, namely, an undemocratic system. Moreover, the role of transparency during transition has to be analysed to understand its dependence on the political context.

Q4. How is transparency put into practice? On what factors does its implementation depend?

Whereas the general questions 1-3 deal with problem areas one and three, this question draws attention to problem area two. It is a guiding question for the empirical analysis, exploring in particular whether the efforts to promote transparency made by the administration and the needs of the stakeholders are congruent.
Q5. How can the results be integrated into a model of administrative transparency?

The final objective will be to develop a model based on the results of the empirical analysis and to determine the meaning of administrative transparency and identify its implications.

I.3 Structure and methodology of the thesis

In Chapter II, the legal bases of transparency will be covered to identify the rationale behind transparency and to explain why the citizen may have a right to transparency of administrative action. Two major legal principles, of democracy and of the rule of law, will be described with respect to transparency. This normative basis of transparency is complemented with considerations of the different functions it has. They may explain why the demand for transparency has become so popular. However, transparency may also conflict with other interests of the administration, which will briefly be covered as well. The functions of transparency will be used to analyse the dependence of transparency on its context in Chapter IV. If its functions are unwanted, transparency will become meaningless.

Chapter III presents an overview of the literature on administrative transparency. Five perspectives on transparency are identified, which are connected with the functions it serves. Based on various aspects of the literature, an approach to the conceptualisation of transparency is developed that emphasises the importance of law, information and communication for administrative transparency and explains why the citizens’ perspective is taken as a point of reference. This understanding of transparency will be the basis for the empirical study.

Chapter IV, in which the transitional stage is analysed, refers back to Chapters II and III and lays the groundwork for the empirical part. It focuses on administrative transparency in the context of communism and post-communism and presents the situation of Estonia.

The results of the study are presented in Chapter V. Here it is described on a practical level how transparency may be furthered or hindered. The analysis of the results is twofold: First, four general factors are identified that may influence transparency (accessibility, transmission, timing and content). Second, as a cross section of the four factors, the analysis describes transparency in one part of the administration (administrative processes).

The final chapter is dedicated to an overall discussion of the results as well as to the development of a model of administrative transparency.
I.4 Terminology

The word derives from the Medieval Latin ‘transparere’ (to show through). The term ‘transparency’ has several meanings; two groups of meaning can be distinguished: The first group refers to the basic meaning of being transparent which is “the property of transmitting light without appreciable scattering so that bodies lying beyond are seen clearly.” Synonyms are pellucid or diaphanous.

The second refers to the figurative sense of ‘transparent’: “free from pretense or deceit” (in the sense of “frank, open, candid, ingenuous”), “easily detected or seen through” and “readily understood” (in the sense of “manifest, evident, obvious, clear”). Transparency, then, is “the quality of something (...) that makes it easy to understand,” or even “of something, such as an excuse or a lie, that allows somebody to see the truth easily.”

Consequently, in the context of administration, one can only speak metaphorically of ‘transparency’ – which already implies an imprecise and rather vague use of this term, making it necessary to explain it for a given context.

Something else can be noted. The meaning of ‘transparency’ obviously originates from a technical, material context where a given object becomes visible so that the term deals with the (rather technical) question of how to make something existing perceptible. In a figurative sense, the same applies to the ‘truth’: “to see the truth easily”; making it evident or obvious means that its existence is taken for granted. Transparency could thus be considered to originate from a positivist conception. As will be seen later, this is not the case for the context of administrative transparency which also depends on the way the administration is perceived.

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2 See fn. 1.
3 See fn. 1; SIMPSON/WEINER (1989): ‘transparent’.
5 See also PARK (2000).
II  Transparency: The foundations

This chapter deals with the relevance of transparency for public administration. It introduces the subject of transparency, delivers the motives for a closer examination of the subject, and explores important normative aspects underlying the concept of transparency (Q1; p. 2).

Section II.1 clarifies the legal foundations of transparency and its possible basis for a claim, before turning to the various functions transparency may have in the context of public administration. If transparency is considered a principle of law, it would actually be an end in itself (normative argumentation). If not, it still serves worthy purposes that would justify its consideration (functional argumentation). Since the objective is to identify some fundamental principles linked to transparency in law, the argumentation will not be based on a freedom of information act or on a specific legal system, though legal norms of the German constitution will be cited to illustrate this. The main arguments of the juristic discourse will be presented; for more details, reference will be made to the jurisprudential literature.

In section II.2 a closer look will be taken at potential conflicts arising from and objections against transparency. Thus, whereas section II.1 argues for the transparency of public administration, section II.2 argues against it.

II.1  Transparency: Boon...

II.1.1  The legal basis

The basis for a claim is either an agreement (e.g., under private law) or a legal regulation. Since the relationship between citizens and public administration is (in principle) not based on contracts, the following will discuss legal norms or principles on which the claim for transparency may be based.

In law, transparency mainly refers to freedom of information, i.e., to free access to public information. In many countries, freedom of information is guaranteed by law and may even be part of the constitution.

If such legal norms exist, the basis for a claim is obvious. In order to illustrate the substance of transparency as a legal principle, the following will elaborate on a context where relevant constitutional provisions, or a formally enacted law, did not exist for a

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6 A public-private partnership could be a relation between citizen and local government based on a contract. However, such special relations do not change or restrict the underlying basic question. At most, they add a contractual claim for the citizens involved in the contract.
long time, as was the case in Germany. As a consequence, there were deliberations as to how the principle of transparency might be derived from other principles of the law. Such fundamental principles would underscore calls for transparency.

BRÖHMER (2004) looks at the roots of transparency and examines the question of whether a principle of transparency can be derived from the constitution. Consequently, he does not only consider administrative transparency but the transparency of all three powers: of the legislature, the executive and the judiciary. For example, the legislative procedure has to be traceable and transparent, as do judicial proceedings; and the distribution of power and competences between national, regional and local levels should be clear (BRÖHMER 2004: 34f).

Although his points of reference are the German constitution and later the European Union legal system, his reasoning reveals some fundamental connections between transparency and the law. Following BRÖHMER, articles from the German Basic Law will be quoted to illustrate the general principles and their rootedness in law.

In search of transparency as a constitutional principle, BRÖHMER identifies two major principles of law on which he bases his reasoning: the democratic principle and the rule of law. He completes his reasoning by taking into account international law. His argumentation will largely be adopted for the considerations following below.

II.1.1.1 The principle of democracy

This principle implies the necessity of transparency for various contexts listed in the constitution, for example for elections and the party system. The contexts relevant to public administration will be discussed below.

The democratic principle is intimately connected with the sovereignty of the people. It must always be possible to trace the exertion of power back to the people. Democratic legitimation may happen in steps, but the chain of democratic legitimation must not be interrupted. (BRÖHMER 2004: 38f., 42 referring to supreme court practice)

For Germany, this principle is laid down in Article 20 (1) and (2) of the constitution.

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7 In Germany, a federal Freedom of Information Act entered into force on 1 January 2006; but is not very far-reaching (e.g., drafts and notes are exempted from publication) and implemented rather haltingly (BANISAR 2006: 50).
8 BRÖHMER derives from the constitution two other aspects of transparency which are of less relevance here: transparency and the judiciary, and transparency and the federal state (i.e., co-operation between the national and regional levels and transparent financial compensation).
9 Below, most references are made at the end of a paragraph for better legibility.
10 For more details, see BRÖHMER (2004: 38-145).
11 The following quotations refer to the English version of the Grundgesetz, the “Basic Law For the Federal Republic of Germany”.
“Article 20

[Basic institutional principles; defense of the constitutional order]

(1) The Federal Republic of Germany is a democratic and social federal state.

(2) All state authority is derived from the people. It shall be exercised by the people through elections and other votes and through specific legislative, executive, and judicial bodies.”

One link between democracy and transparency is constituted by the fact that the connection between state authority and the people must always be evident. In a representative democracy, democratic legitimation is confined to the election of a parliament and sometimes also of the president: all other government bodies are legitimated directly or indirectly by, and thus dependent on, parliament, which in this sense is positioned between the people and the governing authority. Here the problem with transparency is obvious: Though comprehensible in theory, democratic legitimation is difficult to trace back in practice, especially the more links there are. And the more indirect legitimation is, the less its legitimating effect, and the more intransparent it becomes. The control through the sovereignty of the people is thus abstract and difficult to retrace. (BRÖHMER 2004: 39, 42)

BRÖHMER (2004: 42) therefore considers constitutional requirements for democratic legitimation as the constitutional precepts of transparency.

Administrative bodies suffer from a lack of direct democratic legitimation. The legitimation of governmental decisions is based upon the sovereignty of the people only if these decisions are taken by representative, i.e., democratic bodies – and this is not the case for public administration (MASTRONARDI 1998: 65). Administrative action is legitimated only indirectly, through the delegation of competences from democratic bodies. MASTRONARDI points out this problem, which arises from the fact that only the top civilian administrator is accountable to parliament. He concludes that the hierarchical structuring of public administration (with corresponding authority of the head of the administration) is a democratic requirement. (MASTRONARDI 1998: 65)

Putting it slightly differently, BRÖHMER (2004: 42) speaks of “direct parliamentary legitimation” of the executive and underlines the importance of the principle of legality to which public administration must adhere. This principle links it to the legislature and guarantees the democratic legitimation of public administration (HÄFELIN/MÜLLER 2002: marg. 376).

BRÖHMER and MASTRONARDI emphasise different aspects of administrative bodies. However, in both cases, there is a strong need for making transparent (at least to
parliament) the way in which the administration carries out the instructions issued by
democratic bodies.

Another possibility to strengthen the democratic legitimation of administrative action
would be to let the public participate in administrative decision-making processes. As
BRÖHMER observes, on the one hand, citizen participation means direct democratic
legitimation and thus more transparent legitimation (administrative action can easily be
traced back to the people). On the other hand, it is questionable whether the will of the
people can be realised; those citizens who are best organised are most likely to be
successful in pursuing their particularistic interests. However, such an exertion of power
by interest groups is not at all transparent to the general public. (BRÖHMER 2004: 49)

The constitution provides for equality regarding participation in the political process
(elections), which is also essential for democratic legitimation (BRÖHMER 2004: 40).
Equality is not only required for elections, but also for appointment to a public office:
there have to be equal opportunities for all citizens corresponding to an applicant’s
qualifications (BRÖHMER 2004: 40).12 BRÖHMER argues that this equality can only be
guaranteed if the respective procedure is made transparent, for example by publicising the
reasons for an appointment (BRÖHMER 2004: 94). BRÖHMER argues from the perspective
of the applicant, highlighting judicial remedies in case an application is rejected
(BRÖHMER 2004: 94ff.).

Yet there is another aspect to it, especially when shifting the focus onto the general
public. It should be noted in this context that transparency as understood in this thesis
will always refer to the perspective of the citizens, i.e., of the general public. Citizens’
motives for demanding transparency in the filling of public positions are different (though
aiming at the same objective): primarily, they want to be assured that the administration
complies with constitutional law, and that nepotism and favouritism are curbed.

As BRÖHMER notes, the democratic participation of citizens is not limited to elections.
Between elections, public opinion and political institutions are interrelated in a dynamic
process. Whereas political leaders have to steer public opinion and be receptive to it, it is
“the task of the public to observe, steer and control the political process.” In order to
fulfil this task, the public needs to be informed about the exertion of political power.
(BRÖHMER 2004: 39f.)

KLOEPFER (2003b: 19) underscores that a transparent administration is essential for a
democracy, as does WÜRTEMBERGER (1996: 81) who emphasises that an informed

12 Article 33 (2) of the German constitution: “Every German shall be equally eligible for any public office according
to his aptitude, qualifications, and professional achievements.”
citizenry is a prerequisite for democracy and pluralism.\textsuperscript{13} Public relations are important for
the formation of public opinion. A better informed public with citizens cognizant of their
rights and duties also increases the effectiveness of the political system (BRÖHMER 2004: 138f.). Of course, the question arises as to the boundary between information on one side
and propaganda on the other, with the latter only aiming at influencing the people and
49).

As a result, administrative transparency is supported by the democratic principle in several
ways. Most importantly, the democratic principle requires all state authority to be
accountable to the people so that the strict nondisclosure of administrative information
cannot be justified (MASING 2004: 379, 395). However, an individual and enforceable
right of public access and the possible design of such a right do not directly result from
the democratic principle (MASING 2004: 379).

\textbf{II.1.1.2 The principle of the rule of law}

The rule of law “is binding on every State authority and hence also on the Executive”
(JELLINEK 1987: 23): “[A]ll administrative authority should be grounded in and defined
by law” (GALLIGAN 1997: 12). This principle is, for example, reflected in the general
subjection to the law,\textsuperscript{14} the certainty of the law\textsuperscript{15} and the legality of the administration. Of
the various elements of this principle,\textsuperscript{16} the element of legality (in connection with legal
certainty) is of particular importance here. Article 20 (3) of the German constitution
requires all state authority to be based on a legal foundation.

“Article 20

(3) The legislature shall be bound by constitutional order, the executive and the
judiciary by law and justice.”

This article establishes a boundary between the competences of the legislature and those
of the executive (BRÖHMER 2004: 148). Wherever the subjection to the law holds, the
constitution has made a fundamental decision “in favour of the more transparent
legislative procedure and against the less transparent administrative procedure”
(BRÖHMER 2004: 149). As can be seen from the public debates that take place in

\textsuperscript{13} See also BRÖHMER (2004: 138 with further references), VESTING (2001: 226), MAEDER (1983: 18f.).
\textsuperscript{14} See JELLINEK (1987: 23): The general subjection to the law means that “State action is only legitimate in certain
fundamental areas, if it is authorized by formal law.”
\textsuperscript{15} The principle of legal certainty has been accepted as an essential element of the rule of law (HOFMANN 2004:
marg. 89 referring to supreme court practice).
parliament, the legislative procedure is more oriented towards publicity\(^\text{17}\) than is the administrative procedure.

The principle of legality means that “all administrative and executive authorities are created by law and have only such powers and duties as are conferred on them by law” (GALLIGAN 1997: 14). The administration must fulfil the legal requirements and shall not violate the law, and the administration must be authorised “by statute when undertaking Administrative Acts which impose a burden” (JELLINEK ET AL. 1987: 25).\(^\text{18}\) The principle of legality serves several functions, one of them being legal certainty (HÄFELIN/MÜLLER 2002: marg. 372).\(^\text{19}\)

If administrative authorities are bound by the law, their action becomes foreseeable (HÄFELIN/MÜLLER 2002: marg. 372; MAUNZ/ZIPPELJUS 1994: §13 I 1). Legal certainty requires administrative action to be predictable and calculable (MAUNZ/ZIPPELIUS 1994: §13 III 5). It “shall guarantee to the citizen that he can anticipate possible State actions affecting him and act accordingly” (JELLINEK et al. 1987: 25). The citizen “must be able to be confident that any activity of his, within current law, will be recognized with all the fundamentally associated legal consequences. For the citizen, legal certainty means primarily confidence in the law” (JELLINEK et al. 1987: 25). To the extent that administrative action becomes calculable, legal certainty increases transparency with respect to time (BRÖHMER 2004: 186ff.).

Legal certainty also means that legal norms have to be clearly defined, understandable and practicable so that they can be followed (KÜNG 1986: 396). In other words, administrative action and its basis need to be transparent.

II.1.1.3 A basis for a claim?

Until recently, Germany was one of the few industrial countries adhering to a tradition of secrecy in public administration, without a federal law guaranteeing public access to documents (ANGELOV 2000: 24 with further references, 33).\(^\text{20}\)

In his doctoral thesis, ANGELOV has analysed the legal basis for a claim regarding access to information with respect to Germany. His analysis focuses on the citizen’s right to actively gather information from the executive authority. ANGELOV bases his

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\(^{17}\) For a distinction between ‘publicity’ and ‘transparency’, see III.1.1.

\(^{18}\) All three components of the principle of legality are described by HOHMANN (2004: marg. 84). Usually, the focus is on two components (no violation of the law; legal basis for administrative action): see, e.g., HÄFELIN/MÜLLER (2002: marg. 368ff.); MAUNZ/ZIPPELIUS (1994: §13 III 4); SCHNAPP (2001: marg. 46).

\(^{19}\) For a definition of legal certainty, see, e.g., BRÖHMER (2004: 159ff.); HÄFELIN/MÜLLER (2002: marg. 628); MAUNZ/ZIPPELJUS (1994: §13 III 5).

\(^{20}\) See fn. 7.
considerations on constitutional law, especially on the freedom of information mentioned in Article 5 (1) and on the democratic principle which has already been discussed above.

Article 5 (1) of the constitution concerns the freedom of expression; one part of it is referred to as freedom of information: “Every person shall have the right freely […] to inform himself without hindrance from generally accessible sources.” However, according to prevailing opinion, information from public authorities does not belong to “generally accessible sources” (ANGELOV 2000: 40f. with further references and a reference to the established case law; GRÖSCHNER 2004: 348). Nevertheless, freedom of expression is considered valuable only if information needed for forming an apposite opinion is accessible (ANGELOV 2000: 35 with further references). Freedom of information is therefore a precondition for the freedom of expression; the former is generally considered an independent basic right, not just an element of the latter (ANGELOV 2000: 36 with further references). However, although recognising the need for a right of access to documents in Germany, MASING states regarding the German constitution that it does not establish a specific right of public access (see also II.1.1.1).

II.1.1.4 International law

ECHR 10 (1) grants freedom of expression and the right to receive information freely. However, the convention does not constitute an enforceable right of access to public information (HEITSCH 2003: 18f.).

In the European Union, Regulation No. 1049/ 2001 grants access to documents of the European Parliament, the Commission and the Council. It entered into force on 3 December 2001. GRÖSCHNER (2004: 350f.) criticises that the European Union takes an inconsistent position on administrative transparency. He also supposes that the democratic deficit of its institutions will be enhanced if it is reduced to a mere ‘transparency deficit’ (GRÖSCHNER 2004: 350), in disregard of the fundamental lack of democratic legitimation of European Union institutions.

Environmental law has given a strong impetus to administrative transparency on a European level (GRÖSCHNER 2004: 348). Of particular importance is the Aarhus Convention of 1998. This entered into force on 30 October 2001 and by 2005 was

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22 Article 5 (1) of the German constitution: “Every person shall have the right freely to express and disseminate his opinions in speech, writing, and pictures and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship.”
23 See also LODGE (1994).
signed by 39 countries world-wide. It regulates public access to environmental information, public participation and possibilities for taking legal action. It describes, for example, the necessity to inform the public about existing information – and to do so in time, and to explain how this information can be accessed. It clarifies what kind of information should be published (e.g., relevant facts and their analysis, explanatory material, information on the performance of public functions, registers, etc.) and states the need for dissemination mechanisms and the need for assistance.

II.1.2 Functions of transparency

Transparency serves several purposes; it provides the public with information and control, is conducive to legal certainty and contributes to the credibility of public administration. As such, it also strengthens the latter’s legitimacy. Where appropriate, the functions of transparency will be examined below in a transition context in order to analyse the role transparency could play for transitional countries.

Administrative transparency is based on information from the public administration. This may be illustrated by the four characteristics of information as identified by MAEDER (1983); they are similar to what will be considered the functions of transparency: Information is a prerequisite for exercising political rights, for a functioning democracy and for trust in government (secrecy leads to mistrust), and is needed to control the government (MAEDER 1983: 10f., 18f.).

Transparency is examined as one possibility to serve the purposes in question. It is neither presumed to be the only one, nor to be sufficient to fulfil these purposes.

II.1.2.1 Legal certainty and equal protection

Legal certainty and equal protection both belong to the principle of the legality (HÄFELIN/MÜLLER 2002: marg. 371). The principle of legal certainty has already been described above. It encompasses the predictability, the calculability and the constancy of the law (HÄFELIN/MÜLLER 2002: marg. 628). The wording and content of legal regulations must be unambiguous and consistent so that the persons concerned are able to rely on it and to act accordingly. The principle of legal certainty thus contributes to transparency in public administration; put the other way around, the administrative authority contributes to legal certainty if its decision making is transparent and understandable, and the legislative basis for its decisions is well communicated and explained. Transparency makes it possible to better anticipate administrative action and hence supports legal certainty.
Equal protection ensures that an individual is treated the same as other individuals in like circumstances (HÄFELIN/ MÜLLER 2002: 373). If administrative action and decision making are made transparent and understandable, unequal treatment is easier to control.

II.1.2.2 Control

In the Weberian bureaucracy, it is in the competence of parliament to exercise control over the administration. WEBER emphasises the importance and necessity of parliamentary control, which shall guarantee the publicity of the administration (WEBER 2002: 856). Parliament as an independent control institution can hold powerful officials accountable in public (WEBER 2002: 865).

In this case, the administration is only indirectly answerable to the citizen. The transparency of the administration concerns mainly politicians. If information such as performance data and results are publicised, the administration becomes more directly accountable to citizens. Moreover, parliament cannot control administrative action in such detail and usually has to rely on more aggregate information.

Transparency makes it possible to better control the performance of the administration.\(^{25}\) A control effect may already result from making information available on principle, irrespective of whether the information has been requested or not (BURKERT 1999: 306). ROHDE-LIEBENAU (2003), who served on the board of Transparency International Deutschland for several years, strongly suggests a positive relationship between transparency (as free access to information) and less corruption in public administration.\(^{26}\) In this sense, transparency may also enhance the neutrality of the civil service – the main problem challenging neutrality being corruption (ZILLER 1998: 142). Transparency (in terms of publication of performance data and evaluations) is also considered a counterweight to increased administrative autonomy as demanded by the New Public Management (OECD 1995: 37). It “constitutes a watch on government, an assurance of the public’s value for money” (CAIDEN 1998: 46).

It is obvious that transparency cannot replace parliamentary control; transparency can only be complementary to it. But the public shares responsibility for the control of the administration (GRÖSCHNER 2004: 362f.), and transparency would allow for control by the public (MAEDER 1983: 15). “The people, the ultimate sovereign in a popular


\(^{26}\) Cf. SCHAPPPE (2003: 43), who is critical of a direct relationship between free access to information and lower levels of corruption. CARDONA (1998: 12) writes somewhat conciliatorily that “openness and transparency (...) reduce the likelihood of maladministration and corruption” and thus serve the public interest.
government, must (...) have a control over the officers who execute their will, as well as over those who express it” (Goodnow 1900: 97f. in Lynn 2003: 21).27

Referring to the situation in Germany, where (in 2000) no free access to public information existed, BANNER (2000) calls attention to the lack of transparency for citizens and insufficient institutional control mechanisms: the separation of powers and parliamentary opposition “do provide some checks and balances and an amount of transparency, but these are frequently countered by the proneness of the ‘political-administrative complex’ to limit mutual controls and to seek arrangements behind closed doors which benefit those in power but disregard the transparency and accountability interests of the citizens at large or ‘civil society’.” BANNER suggests various measures to advance transparency and accountability, such as the introduction of competition and benchmarking, and of reporting systems.28

Parliamentary control is thus insufficient to ensure the administration’s accountability to citizens – even if a functioning parliament exists. OFER remarks that transitional countries lack the tradition and the knowledge to build up democratic institutions and to make a parliament work (Ofer 2001: 141).

In transitional countries, parliament has not yet achieved the same stability as in mature democracies and lacks the capacity to fulfil all tasks assigned to it adequately. In a study of three transitional countries at the end of the 1990s, NUNBERG states that “institutional checks to ensure administrative accountability and transparency – an indispensable component of an advanced administrative system – have not been established” (Nunberg 2000: 12). In principle, transparency towards the public would therefore be of even greater significance if institutional control is not (yet) effective.

Early reform efforts concentrated on the construction of the private sector and financial institutions, whereas “the balance between executive and legislature remains fluid, and in particular the functions and capacity of the latter are still relatively unformed” (Caiden 1998: 45). The lack of capacity is aggravated by the fact that parliament has to deal with a series of different problems regarding transition so that in view of this overload a single issue (e.g., control of the administration) may be given too little consideration.

Moreover, confidence in parliamentary control may be shaken since trust in governmental institutions is generally low due to past experiences and an uncertain future (see II.1.2.5). Providing the public with some kind of control, transparency could compensate for this deficit to a certain extent and support efforts to regain confidence.

28 As will be seen later, this corresponds to the perspective of NPM on transparency.
Transparency could serve as an important control mechanism in transitional countries, though it is questionable whether measures concerning the transparency of the administration are practicable in such an early stage (see also IV.2.2.4). CAIDEN describes the dilemma with respect to performance measurement and evaluation in the public sector of transitional countries. The introduction of such measures “may be regarded as a critical contribution to building up a professional public service and the development of viable government institutions, or it may be regarded as an extra burden on already overburdened staffs, and a diversion from more urgent issues. It may be seen as an essential requirement for the construction of an effective and democratic public sector, or as a development which should come later, after basic structures are in place” (CAIDEN 1998: 45f.).

II.1.2.3 Information

In case of administrative transparency, citizens are provided with plenty of information. Below, the role such information may play in the political context will be elaborated on. Information enlightens citizens. As mentioned, an informed, critical citizenry is a prerequisite for democracy. Therefore, the ‘enlightenment’ of citizens is already a goal in itself.

As early as 1792, Wilhelm VON HUMBOLDT, a freethinker of the Age of Enlightenment, has argued for clear limits of state influence. According to him, the state can enlighten\(^{29}\) (or inform) citizens through legislation, by issuing orders, setting incentives or issuing recommendations. In any case, the result of what the state thinks is best for the citizen would already be included (VON HUMBOLDT 1991: 33).

This, however, is far from being “the best way” to enlighten people: according to HUMBOLDT, the best way would be to only present people with all possible solutions to a problem so that they may select the one which is most appropriate to them (to “only prepare” them), “or even better”, to only provide people with all necessary information about a problem in order to let them find a solution themselves (VON HUMBOLDT 1991: 33).\(^{30}\) However, as HUMBOLDT remarks, the state can only indirectly make use of this “method” by granting freedom to its citizens (so that they can learn and make experiences themselves); conversely, orders from the state involve coercion and make people passive so they may get used to expecting help (VON HUMBOLDT 1991: 32f.).

\(^{29}\) ‘Belehren’ in German means to teach, to instruct, to inform, to enlighten. In fact, the last two meanings fit best into the context of HUMBOLDT’s treatise and his time (“the state” rather informs than teaches “the citizens”).

\(^{30}\) “[Der beste Weg des Lehrens] besteht unstreitig darin, gleichsam alle mögliche Auflösungen des Problems vorzulegen, um den Menschen nur vorzubereiten, die schicklichste selbst zu wählen, oder noch besser, diese Auflösung selbst nur aus der gebühren Darstellung aller Hindernisse zu erfinden” (VON HUMBOLDT 1991: 33).
Enlightenment as a goal in itself: HUMBOLDT goes further than that; he emphasises the fact that information enables citizens to become active because it makes them think. If citizens are not presented with a ready solution, they are required to form their own opinion and to think for themselves. Provided with sufficient information, citizens can then find solutions to problems and make decisions by themselves. Of course, HUMBOLDT did not expect the state to let people participate in its decision making based on the information provided. But information as basis for participation can be considered a logical step further in the empowerment of citizens as demanded by HUMBOLDT.

Information thus enlightens citizens and enables them to participate actively. When citizens do so, they are also more interested “in the structure and condition of the whole service as if he/she is only playing a passive role as consumer of certain services” (REICHARD 1998: 505). Hence the effect of information may reinforce itself. Moreover, if better informed citizens take part more actively in the political process, then also the administration receives information that may contribute to improved decision making (SCHUPPERT 1980: 280).

Information enlightens citizens – but one could ask why does it need to be information coming from the administration? Maybe other information could similarly (or even better) enlighten citizens and induce them to become active. First, as mentioned earlier, administrative transparency is not the only way to contribute to the purposes discussed. Second, ‘enlightenment’ is the one effect that is directly linked to information – the other functions of administrative transparency (legal certainty, control, trust, legitimacy) are also dependent on information from the administration. And third, “public information is created or ordered by us, the citizens; hence we (...) have a right to know what is going on.”31 LENK ET AL. even speak of the citizen’s “incapacitation” if he or she does not know “what is happening to him” or her: administration as a “black box” makes the citizen dependent, whereas more information will encourage him or her to participate actively (LENK ET AL. 1990: 7, 9f.).

II.1.2.4 Legitimacy

Some theorists link the legitimacy of government directly to the existence of democratic procedures (HOPF 2002: 405 with further references). However, as described above, public administration lacks (direct) democratic legitimation. The administration is only indirectly democratically legitimated through its accountability towards parliament and its adherence to formally enacted laws; its legitimacy is derived primarily from the principle

31 This is the first of six principles that had been developed as a basis for the Estonian Public Information Act, see TALLO (2004: 105).
of legality. BEETHAM also recognises “legal validity as an important aspect of legitimacy” but states that “it cannot by any means exhaust it” (BEETHAM 1991: 4).

Transparency can be considered another source of legitimacy for public administration, compensating at least in part for the lack of democratic legitimation. In its ruling, the Court of First Instance of the European Communities refers to the preamble to Regulation No. 1049/2001, which states that “[o]penness enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system. Openness contributes to strengthening the principles of democracy and respect for fundamental rights (…)”.

Since ‘openness’ here mainly refers to public access to documents, it may be considered a synonym for transparency. Moreover, the European Commission has explicitly acknowledged the importance of transparency for “the legitimacy of any modern administration.”

The quotation from the ruling also stresses the importance of transparency for public participation and for a democracy. Transparency is a prerequisite for participation in the decision-making process, and public participation (as part of “social capital”) can be considered an indicator for the democratisation of a society (PUTNAM 1993). DOWLEY and SILVER are critical about the relationship between public participation and democracy; it may hold for mature democracies yet “in plural societies undergoing transition, interest in politics and high levels of participation (…) may in fact signal the ethnic polarization of society” owing to an “ethnic mobilization and countermobilization” (DOWLEY/ SILVER 2002: 96). They base their analysis on correlations between levels of democratisation and social capital.

These findings do not restrict the legitimising effect of transparency in principle. Transparency strengthens the “rationality of political discourse” and the “acceptance of

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32 In Weber’s typology of legitimate authority, this corresponds to the “rational-legal authority” according to which authority is based on “the belief in legality” (WEBER 2002: 124, ANSELL 2001: 8705; for a critical discussion of this definition, cf. HABERMAS 1998: 541ff.; BEETHAM 1991: 8ff.). – However, legitimacy is also considered an “elusive quality” because it partly depends on opinion: it is based on the “conviction (…) that action issues from rightful authority” and “that it does not violate a legal or moral norm. Ultimately, however, legitimacy is rooted in opinion” (TUCKER/ HENDRICKSON 2004). Also ANSELL (2001: 8706) calls it “a vexing concept”. It “suggests a static property”, but institutions are also “constantly striving to shore up their claims for legitimacy”. In contrast, “legitimation is a process of explaining and justifying the validity of an institutional order” (ANSELL 2001: 8706 with further reference); it implies a “more active” process “by which legitimacy is created and maintained” (ANSELL 2001: 8706).

33 BEETHAM (1991: 15-20) identifies three “dimensions of legitimacy”: conformity to established rules (legal validity), justifiability of these rules in terms of beliefs shared by both dominant and subordinate, and the expression of consent by the subordinate through actions (legitimation).

34 62003A0084, Case T-84/03, par. 2 (2).


36 See also BEETHAM ET AL. (2002): Political participation as part of an “assessment framework” for democracy; e.g., p. 16.
political decisions” because citizens are better informed (KLOEPFER 2003b: 19); transparency paves the way for public participation by improving the conditions based on which participation may take place. It increases the acceptance of administrative action because decisions become more acceptable if the decision-making process is transparent (WÜRZENBERGER 1996: 70).37 HAUBNER describes how citizens may become involved in a transparent budgeting procedure (through information, consultation) and underlines that this does not amount to direct democracy; the final decision remains in the competence of the council (HAUBNER 2001: 25f.). But still, greater awareness and acceptance are generated by opening up the process and explaining decisions (HAUBNER 2001: 25). In a stage of transition where rules and procedures are still being defined, it is especially important that administrative action can be legitimised; transparency could then contribute to reducing uncertainty about administrative action and may in part compensate for the lack of experience with the newly designed institutions.

Therefore, transparency may strengthen the legitimacy of the administration in several ways. It may refer to the transparency of legal norms that underlie administrative action (legal certainty). It provides the citizen with information and thus makes the administration “open to public scrutiny and accountable for its work”38 (control). It enhances the democratic legitimacy of the administration because it opens up the administration for the public in principle.

In so far as transparency supports the realisation of the will of the sovereign through public participation, it also strengthens the democratic legitimation of public administration (see above, BRÖHMER 2004: 49). If transparency leads to a better understanding as to how (well) the administration functions, it increases the acceptance of administrative decisions.

But the rules on which administrative action is based also need justification,39 and here transparency may also contribute to the legitimacy of legal norms. HABERMAS discusses different approaches to the legitimacy of law: Kant derives the “general principle of law” from the moral principle (HABERMAS 1998: 130), whereas Rousseau concentrates on the democratic procedure as the foundation of law (HABERMAS 1998: 131f.). Yet according to HABERMAS, procedural requirements for formal laws do not automatically ensure legitimacy of their content; it is the underlying discourse which ensures “rational acceptability” of such norms (HABERMAS 1998: 133). The emphasis, then, is on “what each and every one will recognize in consensus as a universal norm” and not any longer,

37 See also PARTSCH (2002: 24f.); GENTOT (1995: 6). – WÜRZENBERGER considers transparency as one factor among others to help administrative decisions gain acceptance (others are, e.g., rationality and professionalism).
as is the case concerning Kant’s moral principle, on what an individual considers to be a general law (Habermas in COHEN 1988: 209).}

Though it may be difficult to assume this for the case of real communication, an important prerequisite for discourse is that arguments can be put forward in an unhindered and undistorted way (SARCINELLI 1998: 258). By providing undistorted information and enlightening citizens and officials alike, transparency is conducive to an open discourse and thus to reaching “a rational consensus through the force of the better argument” (JACOBSON/KOLLURI 1999: 272).

II.1.2.5 Trust

Trust is a phenomenon difficult to capture, and the literature deals with its importance for society and democracy and with its possible determinants.41 Trust in government is “a necessary condition for both civil society and democracy” (ROSE 1994: 18), but the desirability of unreserved trust in government has also been questioned.42

Generally, trust among citizens (as, e.g., shown in networks and associations) and towards institutions can be distinguished (BENTELE 1998: 308 with reference to BENTELE 1994). Obviously, in the context of administrative transparency, trust in governmental institutions is of primary interest.43 According to BENTELE (1994: 145), transparency of institutions and of their communication behaviour (open dialogue) is conducive to public trust in political institutions. SAXER (2004: 20) emphasises the importance of transparency (of information disseminated by public authorities) for trust, and OFFE (2001: 269) names the “lack of transparency of the democratic political process” as one reason for a deficit of trust in political elites.44

Although the importance of transparency for trust in government may thus be assumed, it is difficult to find clear determinants for trust in government since such trust seems to

41 On trust and democracy, see, e.g., TILLY (2005: 125-161), LOVELL (2001: 29f), WARREN (1999a). PUTNAM (1993: 170f., 185) considers trust “an essential component of social capital” which is required for co-operation; according to him, social capital is essential for democracy (other “features” of social capital are: “social norms and networks”). On the importance of trust and its potential to substitute for formal systems of checks and balances and regulations, see BOVAIRD (2005: 223f.); cf. OFFE (1999: 65-76). From the perspective of the OECD, see BERTÓK (2000).
42 See, e.g., HARDIN (1999: 23) who refers to “the core understandings of liberalism (…) that citizens should distrust and be wary of government”, BOUCKAERT/ VAN DE WALLE (2003: 333f.): high levels of trust may also “facilitate repressive government”, and “[a]uthoritarian rulers often enjoy an apparently high level of public trust”, WARREN (1999b: 310): distrust is also essential to democracy.
43 Cf. also HARDIN (1999) according to whom the concept of trust in government is principally flawed (“citizens cannot know enough of what they must to be able to trust government”; HARDIN 1999: 23).
44 The original (English) version of this article does not mention ‘transparency’ as such but instead speaks of limited “opportunities for direct observation of political elite actors by mass publics” (OFFE 1999: 61).
depend on a variety of factors. BOUCKAERT and VAN DE WALLE (2003) state that the linkages between trust and ‘good governance’ are not clear: Levels of trust in government do not necessarily reflect government’s actions because trust can be influenced by culture and current events, by societal and psychological factors – that are hardly dependent on government at all. Moreover, “factors determining trust in government (...) may differ over time” (BOUCKAERT/ VAN DE WALLE 2003: 334).

But trust can be generated if interests are identified and eventually harmonised, making actions predictable (BOUCKAERT/ VAN DE WALLE 2003: 335). Although the authors refer here to the potential of participation to generate trust, the same can be said for transparency which could also clarify interests and increase the predictability of administrative action. In addition, the authors conceptualise transparency even as a “trust concept,” i.e., a concept that can be used to measure trust (BOUCKAERT/ VAN DE WALLE 2003: 337, 339). Certainty is also referred to as a “trust concept” by BOUCKAERT and VAN DE WALLE (2003: 339). Certainty (being a subjective phenomenon like trust) may partially be translated into concepts of information and communication (BOUCKAERT/ VAN DE WALLE 2003: 337). People seek, give and exchange information to reduce uncertainty (HEATH/ BRYANT 2000: 132).45

ARMSTRONG believes that “[t]he integrity, transparency and accountability of public administration are a prerequisite to and underpin public trust” (ARMSTRONG 2005: 2f.). Hence the functions of transparency – (legal) certainty, information, control (or accountability) – can also be considered to be at least supportive of generating trust in government. But again, the relationship is not a mechanical one. For example, as DANDO and SWIFT (2003) underline, transparency (in the sense of disclosure and reporting systems) does not necessarily result in greater trust if the information disclosed is not trusted (they call this the “credibility gap”).46

As regards countries in transition, the prevalence of distrust has often been pointed out and analysed.47 Reasons given to explain this situation are manifold. OFFE mentions the lack of a “widely known and firmly established set of entrenched institutional patterns (...) through which trust could possibly be generalized” (OFFE 1999: 78). According to OFFE, “trust is a belief built upon perceptions or images of the characteristics of others,” and it is also based on “past experience” (OFFE 1999: 49f.). But the newly created institutions “had very little chance so far to prove themselves in their normalizing and formative function, as well as in their capacity to guide and constrain the office holders” (OFFE

45 See also III.3.1.2 no. 2.
46 See also III.3.2.2.3.
47 See, e.g., LOVELL (2001); SZTOMPKA (1995); ROSE (1994).
1999: 78). Therefore, experience could not contribute to create a trustworthy image. Instead, corruption was pervasive, competences were not clear, and in some positions the old cadres were still present (OFFE 1999: 78). Moreover, political statements and decisions were often contradictory and disputed; sometimes decisions were ignored by local authorities or made against their will (SZTOMPKA 1995: 271). The unpredictable political situation hindered the formation of trust.

The alienation of people was further exacerbated by the fact that building relations to the media proved difficult and information to the public was insufficient; there were attempts to maintain secrecy and to control the media (SZTOMPKA 1995: 271).

Trust may indirectly be strengthened through reliable control and supervisory mechanisms (SZTOMPKA 1995: 259). But during the transition process, such mechanisms were still in a nascent state. Those responsible to enforce the law (e.g., the police, the courts) were perceived as inefficient, corrupt and weak (SZTOMPKA 1995: 270). The law itself was inconsistent, underwent frequent changes and was arbitrarily interpreted (SZTOMPKA 1995: 269f.). Legal certainty was not guaranteed.

Administrative inefficiencies and financial imbalances (that were due to a developing financial sector) also led to a deterioration of public service provision (OFER 2001: 144f.). In general, insufficient service provision undermines the citizens’ confidence in the problem-solving capacity of the administration (MARGIES 2002: 6).

Not only are institutional weaknesses cited as an explanation for widespread distrust but also factors linked to the personal level. High levels of distrust seem to be coupled with great hopes of citizens in government (MILLER/ LISTHAUG 1999: 216; SZTOMPKA 1995: 271): distrust develops if expectations are not fulfilled (SZTOMPKA 1995: 260). This is increased by a feeling of general uncertainty that is considered a consequence of widespread unemployment, inflation, increased criminality and abuse of office (SZTOMPKA 1995: 269). Distrust in government has also been regarded as a communist legacy.48 CAIDEN (1998: 36) refers to the “identification of government with the previous abuses of communist regimes” as a reason for the disillusion and the drop in confidence in government.

Obviously, transitional countries have to struggle with high levels of distrust in government. In view of the diversity of reasons, it is evident that there can be no monocausal cure.

48 See, e.g., LOVELL (2001: 32f.), ROSE (1994: 18ff.). “Legacies are by definition determinants of present outcomes that stem from the (distant) past, such as inherited endowments of actors with material resources, mentalities, and traditions” (ELSTER ET AL. 1998: 293).
Nevertheless, various aspects illustrate the role transparency could play in facilitating trust in government. CAIDEN stresses the point that “restoration of public trust may only be achieved by an honest demonstration by governments that their activities contribute to the common good” (CAIDEN 1998: 36). Such a demonstration would include that information about the performance of government is disclosed and disseminated. To a certain extent, transparency of activities may help to overcome communist legacies. A direct “demonstration” is more likely to convince citizens of the differences to the former regime than mere explanations by politicians likely to remind citizens of the propaganda of previous regimes.

To restore trust, SZTOMPKA (1995: 272f.) also makes reference to the need for transparency: he stresses the importance of predictability of administrative action, of greater transparency and openness, and the necessity to combat secrecy in government. For these purposes, the rule of law and the efficiency of the executive and the courts need to be strengthened. The media must be independent and relations with them have to be built up. Independent statistics offices have to be set up, and public opinion needs to be taken into account. (These are only a few of several measures described by SZTOMPKA as rebuilding trust). LOVELL (2001: 34-36) emphasises the need for “transparent governance” and accountability towards the citizens to ensure trust and economic progress.

Enhanced transparency provides the basis for decision making and lowers uncertainty. It enlightens on risks and provides realistic information to adjust expectations. Certainty, control and information have been described above as being conducive to trust and based on transparency. Since these are especially important in a context of change, transparency would also be particularly relevant in such a situation.

However, in transitional countries, institutional weaknesses are likely to affect administrative capacities for implementing transparency in public administration. The question whether a ‘political culture’ is a prerequisite or consequence of democracy remains unclear (LOVELL 2001: 29). The same can be said for transparency which supports democratisation but is hardly possible without a certain democratic stability; both are interdependent.

Transparency initiated by the administration is clearly a top-down approach. ROSE puts forward the point that “[t]he construction of trustworthy institutions is more likely to happen from the bottom up than from the top down” (ROSE 1994: 29). OFFE (1999: 79f.,
85) compares the “somewhat heroic” top-down approach taken by SZTOMPKA (1995)\textsuperscript{49} with the communal approach taken by ROSE (1994), and leaves this argument open. Whether transparency is more or less effective than a bottom-up approach cannot be decided here, either. In any case, a top-down approach is more feasible for the administration since it starts from the administration itself.

\textsuperscript{49} LOVELL (2001) also follows a top-down approach, concentrating on the importance of leadership during transition and the role “spirited actors” may play.
II.2 ...Or bane?

Since transparency in this study is mainly discussed as a desirable quality, it is important to at least briefly focus attention on the negative impact it may have or is suspected of having on the administration. This section does not enter into particulars but is confined to discussing some fundamental problem areas and to giving an overview of some of the objections brought forward against transparency.

The literature also lists information that is usually exempted from publication, such as information concerning public security, foreign policy, industrial or trade secrets, and the privacy of citizens.\(^{50}\) These exemptions are not discussed in detail because they are principally undisputed (though national variations do occur).\(^{51}\)

II.2.1 Conflict of principles

Tension exists between transparency and the rule of law as far as the right of privacy and personal data are concerned. Personal data from citizens are exempted from publication. But questions also arise as to the privacy of officials. The publication of individual performance data of officials would be an intrusion of privacy. However, the more responsibility and influence an official possesses, the more interesting such data could be for the general public. The problem is then to determine what aggregate level for such data should be desirable.

Transparency may also be in conflict with the democratic principle. As mentioned, transparency does not necessarily strengthen the democratic legitimation of the administration. On the one hand, organised groups with particularistic or short-term interests may be put in a position to benefit most from an increase in transparency. On the other hand, there could be a danger involved in an overemphasis of representation that “may reduce local politics to ‘talk shops’” (Baldersheim/Illner 1996: 197).

Even so, a certain amount of information from the authorities (about decisions, intentions, etc.) is required for opinion-forming and the formation of a political will and a functioning democracy (Bröhmer 2004: 138). Transparency through public relations, however, may influence this process to an extent where opinion forming is jeopardised


\(^{51}\) Often when the transparency of public administration is discussed, mention is made of the citizens’ rights of privacy, and of the fact that personal data (such as information on taxes and health) should not be accessible. Yet such rights have not once been contested. So one could ask why discussions about making the administration transparent, i.e., how the administration works and functions, sometimes end up with discussing the citizens’ data (even though such data is collected by the administration in fulfilling its duties). It seems as if there is always a danger or temptation to make the citizen transparent instead of the administration.
(BRÖHMER 2004: 139). In turn, since transparency “does not guarantee a favorable press,” as BOVENS observes, “there is no absolute commensurate relationship between transparency and legitimacy” (BOVENS 2005: 195). “Increased transparency may thus turn public accountability into a politics of scandal and decrease the legitimacy of governance” (BOVENS 2005: 195).

Another essential question is whether citizens may have a (negative) right “not to be informed” – in analogy to considerations concerning a “right not to listen” and a “right to be left alone.” FENCHEL basically answers this question in the affirmative: being part of the opinion-forming process, the decision about how informed one wants to be should also be free (FENCHEL 1997: 128). Regarding information from the government, FENCHEL states that the “decision to make use of the information offered to him has in principle to be left to the citizen” himself (FENCHEL 1997: 195). Even if this could be guaranteed, the question still arises whether in case of high levels of transparency citizens can remain passive without putting the representation of their interests at risk, although they may prefer being represented by parties (if so, elections would lose some of their significance). On the other hand, transparency could be particularly important for citizens who do not participate directly because then they are at least cognizant of what is going on and are in a position to exercise some kind of public control.

Lastly, an administration may strive to do justice to the individual situation of someone addressing it for an administrative decision; however, the more differentiated its decision making becomes, the more intransparent it is (BRÖHMER 2004: 1999).

### II.2.2 Objections against transparency

A major objection against transparency is that it may entail a reduction in administrative efficiency: delays will occur if information for the general public and public participation become part of administrative procedures; respective provisions could make these procedures rather more bureaucratic instead of bringing them closer to the citizen (VON HEYL/PRÁTORIUS 1980: 272; DE VRIES 2000). BOVENS also describes various “dysfunctions” that public accountability may reveal in connection with transparency; if both are overemphasised, decisions may become inefficient and suboptimal, and “[t]oo rigorous democratic control (...) will turn agencies into rule-obsessed bureaucracies” (BOVENS 2005: 194 with further references). Administrative action is expected to become more complex and less efficient (MAEDER 1983: 15). It “costs time and money” to provide easy access to information (OSBORNE 2004: 293). OSBORNE argues that

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52 See FENCHEL (1997: 101-111) who discusses judgments made by the Supreme Court of the United States.
Transparency “may lead to a better product but it reduces productivity” (Osborne 2004: 293). Transparency would make administrative action more effective but less efficient.

By contrast, the counterargument refers to the social costs and delays that may be caused in case of protest against an administrative decision (Würtenberger 1996: 50-60). Moreover, the striving for acceptance and consensus “belongs to the essentials [Essentialia] of the modern state” (Würtenberger 1996: 54). A better flow of information between the public and the administration is also believed to lead to a more efficient administration (Rohde-Liebenau 2003: 120). In addition, Redelfs and Leif (2004: 23) underline that going by experience, the fear of an incoming flood of requests and related overwork is unfounded.  

Transparency has also been discussed with respect to the effectiveness of public administration. Feldman emphasises an increase in effectiveness: freedom of information and the “requirements of procedural fairness and rationality impose a discipline which is likely to enhance the quality of decision making and administrative action” (Feldman 2003: 284). But the effectiveness of public administration may be hampered by a ‘rule of transparency’. This is believed to impede the functioning of the administration: to ensure “qualitatively sound” and coherent policies, it is necessary “that policy makers can work relatively undisturbed” (De Vries 2000: 331). The administration may get “caught in a web of players” if everyone “tries to influence the direction of ‘new’ developments”; as a consequence, the administration may lose control and cannot introduce and defend innovative policies (De Vries 2000: 332).

By the same token, a fully transparent administration would not be desirable because it may be counterproductive to certain tasks (e.g., unannounced controls), and its ability to judge and its decision making may be hindered (Kloepfer 2003b: 28). The decision-making process needs to be protected from external interference (Jestaedt 2001: 96). La Porte et al. mention that openness may be considered a danger because it may reduce the administration’s “organisational latitude in carrying out its mission in the context of tight resources and bureaucratic conflict” (La Porte et al. 2002: 414 with further references). On an international level, Finel and Lord analyse what effects an increase in available information may have on the relationship between states. They conclude that information may “undermine behind-the-scenes efforts at negotiated settlements” (Finel/ Lord 1999: 335f.).

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53 See also Partsch (2002: 23f.).

KLOEPFER gives examples of legal provisions that exempt information from publication where it concerns the process of will formation (KLOEPFER 2003b: 28). However, such provisions may leave ample room for interpretation and may restrict transparency considerably. Schoch (2002: 164f.) points to the difficulty in finding a balance between the interests of the administration and the right of free access.

But it is unlikely that any external influence from interest groups or lobbyists can be avoided; the disclosure of (at least some) related information would then mean only to extend the circle of knowledgeable persons (besides those working for the administration).

It has also been argued that too much information may obscure administrative action, “making it difficult to know what is significant” (Florini 1999: 9); Florini speaks of a “white noise effect” of transparency (Florini 1999: 9). Citizens may be perceived to be unable to deal with this complexity, and an information overload would lead to “frustration” and “weariness” instead of increased political activity (Burkert 1999: 307). Burkert, however, criticises a paternalistic attitude towards citizens that questions their capacity to process information.

Transparency could also lead to a change in behaviour and the development of avoidance strategies; for example, the obligation to publicise minutes of meetings could entail more informal consultations. Reichard (1998: 500) points to the problem that performance measurement aimed at increasing transparency may induce employees to forge the data if they expect their workplaces to be in danger. Transparency could then create an ‘atmosfear’ of control, with a crippling effect on productivity.

Another argument against public access to information is that citizens do not make use of such rights very frequently. But a right does not need to be justified by its utilization; basic rights are not to be confused “with a bestseller list” (Burkert 1999: 306). Redeufs and Leif (2004: 24) argue similarly, adding that a right is a value in itself.
II.3 Interim assessment

Transparency in public administration is often considered to be ‘demand driven’: The need for transparency is explained or justified by an increased demand for information, and governments “respond” to this demand; they deliver the information requested. From the perspective of the administration, transparency is thus often characterised as a pull factor. In view of the various purposes transparency may serve, it should also be treated as a push factor; the administration needs to actively strive for transparency. It does not only raise awareness and is conducive to an informed citizenry, as described above; McIvor et al. (2002: 171) suggest that an increase in transparency “is likely to facilitate the culture change” within public sector organisations, too. The principle of transparency seems concrete enough for the public administration to address the issue of transparency – within the legal system – also in cases where no explicit regulations have been laid down. With regard to the citizen as its “owner” (Kang 2005: 170 with reference to Thompson 1975), public administration needs to pursue a respective policy as proactively as possible. The following chapters deal with various factors the administration has to consider if transparency is to be achieved.

Whereas the focus of this analysis is on transparency as a desirable characteristic of public administration, its downside should also be kept in mind. Moreover, transparency cannot be sufficient to completely fulfil the various functions described, but has to be considered complementary to other efforts.

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55 See, e.g., Osborne (2004: 293): “Increased transparency is a necessary response to a more educated and more informed public and a less secure world”; Caddy/ Vergez (2001: 19): There is a need to “[r]espond to calls for greater government transparency and accountability”; Armstrong (2005: 3): “Globalization has made possible a rapid diffusion of ideas and practices, enabling the public to demand higher standards of integrity, transparency, accountability in the public sector”; Florini (1999: 1f., 3, 28): there is a “rising clamor for transparency” because of globalisation and the spread of democracy; pressure is needed “to induce disclosure”. On the “demand” and the “supply” side of information/ of transparency, see Mitchell (1998) and Reichard (1998: 502f).
III Transparency in public administration

It is difficult to find a comprehensive meaning for the term “transparency” in the literature. As PARK (2000) notes, it is a term “widely used, but its meaning has been poorly discussed”. The term is used and explained in different contexts, and the various perspectives involved emphasise different aspects of it.

Below, the meaning of administrative transparency will be discussed from different perspectives (Q2; p. 2), namely, the perspective of law, political communication, public management, governance and e-government. Moreover, examples from international organisations will be included. Based on the different understandings of transparency, a preliminary notion of transparency is developed.

III.1 Administrative transparency in the literature

Transparency often appears paired with other catchwords which makes it more difficult to identify its meaning. For this reason, three catchwords (publicity, accountability, participation) have been selected and are contrasted with transparency. In addition, one section is dedicated to transparency and the use of ICT.

III.1.1 Transparency and publicity

GRÖSCHNER calls transparency “the younger sister of publicity” and underlines their close relationship (GRÖSCHNER 2004: 346). Yet he also makes a distinction between them: whereas publicity goes back to political discussions and decision making in public (he mentions the Athenian agora and the Roman forum), (modern) transparency demands for diaphanous (transparent) public administration that grants public access to information and allows for control by the public. According to him, transparency is legitimated by the rule of law, publicity by democracy (GRÖSCHNER 2004: 346). However, both terms are not always clearly distinguished and often used in a similar sense and context.

Two historical examples focusing on the publicity of public administration will be contrasted with each other to illustrate the range with which transparency (in connection with publicity) has been treated.

III.1.1.1 Two historical examples

In the classic bureaucratic system, the bureaucracy holds a powerful position, due to the expert knowledge of permanent, professional bureaucrats. In order to retain and augment
this power and superiority, it adheres to the instrument of secrecy.\textsuperscript{56} The bureaucracy usually operates behind close doors and seeks to avoid criticism. Information about its work as well as its knowledge is kept secret. (WEBER 2002: 572)\textsuperscript{57}

WEBER even ascribes a certain fanaticism to the bureaucracy when it defends its “official secrets” for no objective reasons (an objective reason would be, e.g., the protection of state interests), but only to maintain its power (WEBER 2002: 573, 855).\textsuperscript{58}

WEBER thus acknowledges that bureaucratic power may become problematic. As a consequence, in the terminology of WEBER, (forced) publicity (\textit{Publizität}) of the bureaucracy is required to control and restrict its power (WEBER 2002: 856). However, in the Weberian context, it is within the responsibility and competence of the parliament and its commissions to demand this publicity and to control the administration (WEBER 2002: 851-857). Hence it is, so to speak, a kind of indirect or ‘representative’ transparency.

The Weberian perspective suggests a connection between the demand for publicity (or transparency) and a strong bureaucracy: the more powerful a bureaucracy, the greater the necessity for control mechanisms, and with that for publicity. But it also suggests that the more powerful a bureaucracy is, the more inclined it seems to retain and reinforce this power and to defend itself against such control mechanisms.

Contrastingly, in the Athenian democracy publicity was a pervasive trait. “Publication was a prerequisite for democracy, so the Athenians had to display everything they could in public” (HANSEN 1991: 11). The documents in the state archive that contained copies of every public document were available to any citizen on request (HANSEN 1991: 11 with further references). “Everything had to be publicized, either orally or in writing” (HANSEN 1991: 311); the assemblies were held not only for decision making but also to inform the citizens.

The major institutions of Athens, the Court, the Assembly and the Council, were all manned by citizens\textsuperscript{59} and open for an audience; and decisions (laws, decrees) “were recorded on stone and set up all over the place in Athens” (HANSEN 1991: 311). Public

\textsuperscript{56} More recently, in the context of electronic governance, SNELLEN shows that this attitude is not necessarily an antiquated one: “However, opposition to the transparency of the workings of politics and public bureaucracies is massive. Knowledge is power, and the ‘ownership’ of knowledge is seen as an important power base” (SNELLEN 2002: 193).


\textsuperscript{59} Citizens formed only one part of Athenian society; metics, slaves and women were excluded from political life (HANSEN 1991: 62, 88). This restriction will not be considered further.
participation in political discussions and in decision making was a positive value and an end in itself (HANSEN 1991: 314), publication was a matter of course. According to GRÖSCHNER, the Athenian democracy of the fifth and fourth centuries BC developed the “first political culture of publicity in Old Europe” (GRÖSCHNER 2004: 352).

Those responsible for the implementation of the decisions taken by the Assembly and the Court were the magistrates (the archai) or state officials who were also chosen from among the citizens; they had only very limited powers and were under close control (HANSEN 1991: 225f.). They did not have any decision-making power but only administrative competence (HANSEN 1991: 228). “The Athenians, like the citizens of other democracies, were keen to limit the powers of magistrates” (HANSEN 1991: 269). Strict constraints kept the administration from assuming a life of its own, from becoming an independent, superior power with a lack of democratic legitimation.

The magistrates were inspected regularly during their tenure and could be impeached at any time by any citizen (HANSEN 1991: 220f.; DEMANDT 1995: 222f.). At the end of a term, they were held personally accountable; their accounts were examined by inspectors and advocates, and subsequently the magistrates were even summoned before a court of 501 jurors where any citizen could bring an accusation (HANSEN 1991: 222; DEMANDT 1995: 223). Most of the magistrates were selected by lot and only for a very short tenure of a maximum of one year; moreover, the same person could not hold the same office twice, “ensuring that no one could ever get to know any branch of the administration properly” (HANSEN 1991: 230, 232, 244). There was no hierarchy and no professional bureaucracy (DEMANDT 1995: 222).

DEMANDT considers the executive a weak point in this democratic system because a professional civil service could work more successfully than civil servants with an amateur status (DEMANDT 1995: 230).

Yet this weakness is apparently coupled with greater publicity and a high degree of participation among the citizens. Strict controls, selection by lot and frequent rotations did not only aim at limiting the powers of magistrates and obviating corruption but also at meeting “the desire to get everybody to serve as magistrates by turns” (HANSEN 1991: 236). Since, in principle, any citizen could become a magistrate and the magistrates were held accountable in public, it is difficult to conceive of secrecy as a rule (even though information from this rather weak administration was obviously less crucial for citizens than information from (and participation in) the Assembly, the Court and the Council.)

Publication and free access to information are basic to a transparent administration. In that respect, the Weberian bureaucracy and the administration in Athens represent two extreme examples, with the former observing as much secrecy towards the public as
possible and the latter allowing any citizen to become part of the administration and to participate directly in the political decision-making process.

III.1.1.2 The legal perspective

The legal roots of transparency have already been discussed in II.1.1. When treating transparency in the context of public administration, jurisprudence mostly refers to the informational aspect of transparency, i.e., the right of free access to, of editing and of publishing information. In some cases, free access and transparency are also used synonymously. CARDONA (1998: 11) underlines the importance of transparency “for the rule of law, equality before the law, and accountability”. Although the conduct of the administration “should be transparent and open (...) public authorities tend to declare matters as confidential more frequently than it is really necessary” (CARDONA 1998: 12).

An early example of freedom of information legislation in modern history can be found in Sweden which introduced free access to official documents as part of a freedom of press act in 1766 and where freedom of information is part of the constitution (CADDY/VERGEZ 2001: 29, 246; HEITSCH 2003: 35f.; ANGELOV 2000: 124, 126). More recently, Finland (1951), the USA (1966) and Norway (1970) were forerunners in adoption of FOI legislation.

There is a clear trend of adopting FOI legislation, which has recently gathered pace (CADDY/VERGEZ 2001: 29). Granting access to information in principle is considered a manifestation of a democratic polity, whereas the “monopolisation” of information and secrecy are considered dated strategies (SCHERCH 2002: 156).

III.1.1.3 The perspective of political communication

Another meaning of publicity focuses on taking into regard public opinion. As KLOEPFER points out, transparency can be achieved through public relations, through competence in working with the media (KLOEPFER 2003b: 16). Public authorities have to make use of various media to transmit information to the public. BRÖHMER has emphasised the importance of public opinion and an informed public for a functioning democracy (see II.1.1.1). This leads to the perspective of political communication that discusses transparency in the context of media relations and public opinion.

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61 For example KROGER (2002: 832): “transparency is usually ensured by FOIA”, BANNER (2000): “(...) transparency (or access of citizens to government information)”. See also MAUZ/ZIPPELIUS (1994: §13 I 1) who consider governmental transparency and publicity as a further development of the constitutional state.
Publicity can therefore be understood in two ways: It may not only refer to the openness of public administration in the sense of a legal requirement, but may also be seen in a context of public relations and political communication.

Definitions of political communication (DONGES/ JARREN 2005: 362f. with further references) and public administrative communication (CZERWICK 1998: 489; GARNETT 1997: 3) vary. Broadly speaking, political communication deals with mass communication and its relevance for democracy; the “three integral coordinates of the communication system” are “political actors, the media, and the public” (PFETSCH/ESSER 2004b: 12). The field may be defined as “purposeful communication about politics”, including communication of “political actors for the purpose of achieving specific objectives” as well as communication “addressed to these actors by non-politicians” and “about these actors” in the media (McNair in DONGES/ JARREN 2005: 363). As GOLDER (2004: 53) observes, public authorities regard communication mainly in connection with forming public opinion, and “their communication is political communication”. Therefore, political communication is originally not focused on making the administration transparent but on communicating with the public, for example through press offices or in election campaigns (GARNETT 1997: 4). Communication is explicitly “purposeful” (see above), representatives of the government communicate political goals and try to influence public opinion (JARREN 2005: 46).

In contrast, state communication or public administrative communication rather conveys information that is relevant to the transparency of public administration. According to a definition by NEURONI and ZIELMANN (2004: 4f.), state communication comprises all information and communication processes emanating from government or administration, during all stages of the policy cycle (initiation, estimation, formulation, decision and implementation). By means of state communication, the general public shall be “enlightened and integrated” and be given the possibility to participate; state communication makes governmental action transparent to gain trust and acceptance (NEURONI/ ZIELMANN 2004: 5, 8). Transparency is considered an “important duty” of government (NEURONI/ ZIELMANN 2004: 8).

Although administrative transparency in this context is obviously of greater import than it is for political communication in general, communication about policies is still in the foreground of discussions. Less attention is paid to information that would aim at

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64 NEURONI and ZIELMANN (2004: 4) suggest that state communication (“Staatskommunikation”) is most probably a subfield of political communication. JARREN (2005: 29, 36, 45) uses state communication and communication of public administration synonymously; this use of the terms is followed here.
65 See also SAXER (2004: 21) who states that informing the public is implicitly part of fulfilling public tasks.
ensuring the accountability of public administration. In earlier definitions of public administrative communication, the transparency of the administration itself is hardly considered at all. For example, GRÖSCHNER (1990: 622) lists the following information which is issued by the administration through public relations: objective information about policies, educational information (e.g. on health risks) and general recommendations, as well as concrete warnings. Similarly, CZERWICK (1998: 492) considers relations with the media and public relations most important among various forms of public administrative communication with actors external to the administration. But in contrast to GRÖSCHNER (1990), he believes that the function of public relations also aims at influencing public opinion. He distinguishes public relations from an information policy which imparts facts, educational information, warnings and consultations (e.g. advice on services). But here, too, information about the administration itself is not mentioned. From this perspective, the permission to inspect documents during administrative procedures is quoted as a positive example for less secrecy and an increased openness towards citizens (CZERWICK 1998: 491), and thus not as a matter of course.

Also according to JARREN (2005: 47), communication of public administration concerns mainly information about services, warnings as well as information linked to the fulfilment of public duties, such as in planning. He points out that any information and communication influences opinions, attitudes, and even behaviour; information cannot be completely objective (JARREN 2005: 49f.). Consequently, he lays down seven principles for state communication (continuity, transparency, truth, correctness, objectivity, responsibility, commensurability). Transparency is thus not directly seen in relation to the administrative organisation but as a quality of communication, and communication is, in turn, understood as a means to achieve certain goals which are in the interest of the organisation (e.g., influencing risk behaviour).

OPITZ notes that government and administration increasingly participate in the process of will formation and the forming of public opinion (OPITZ 2004: 54), and SAXER points to the importance of public information for an unobstructed functioning of the media (SAXER 2004: 20).

But the focus of public administrative communication has widened, as NEURONI/ ZIELMANN (2004) have shown. It may also include communication about the administration itself, its performance and decision making. For example, SAXER (2004: 19) emphasises that an active information policy of public authorities would meet the demand for transparency of administrative action. According to him, governmental decision making is “prepared, steered, implemented and justified” by communicating with
the public, and communication contributes to the acceptance of decisions (SAXER 2004: 19). OPITZ points to the fact that increased state communication strengthens transparency of governmental activities, owing to improved accountability and control of public authorities because of self-reporting and more objective information (OPITZ 2004: 59f).

Transparency in the context of public administrative communication can be illustrated by recent initiatives from the European Commission. It has launched several initiatives to strengthen its relations with the public and improve communication. One of the motives of the Commission is to respond to its critics and to improve public opinion of this institution: In 2005, a respective “internal action plan” was adopted and a “White Paper” has been published to reach out to and involve citizens. The “Plan-D for Democracy, Dialogue and Debate” was initiated with the intention to restore confidence and stimulate debate; it emphasises the necessity to involve the mass media and the Internet. The emphasis here is therefore on communication and public participation.

The formation of public opinion is an important motive for such communication. It remains to be seen how effective this initiative will be to enhance the accountability of the Commission and whether the stakeholders involved will have a real influence.

III.1.2 Transparency and accountability

When transparency of public administration is discussed, the literature does not only deal with the conditions, limits and consequences of public access to information and the way this is communicated to the public but also with the question which information may contribute to transparency. The perspective of public management (specifically new public management, NPM) underlines the importance of accountability-related information for transparency, which adds another dimension to administrative transparency.

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68 NPM can be considered “a modern development within the public management tradition” (UN 2005: 9f). Below, public management and NPM will not be considered separately. Since NPM is more specific than public management, its position vis-à-vis transparency can be identified more accurately.
III.1.2.1 The perspective of new public management

NPM underlines the importance of an efficient, results-oriented, responsive and accountable public administration. It makes use of various managerial techniques from the private sector and suggests exposing the administration at least partly to competitive pressures. The development of NPM was seen as a response to various “bureaucratic dysfunctions”, such as a lack of accountability and low “transparency regarding costs and results” (JANN 1997: 86). The movement peaked in the mid-1990s, but with its many facets remains a driving force for public administration reforms (be it under different names) – and since then, many aspects of NPM have been keenly disputed (e.g., does a legislative basis exist for a principle of efficiency, can the citizen be perceived as a customer, how much market is desirable, etc.). Based on the discussions and practical experiences, NPM has been adapted and further developed, yet its basic ideas (such as results orientation, responsiveness, accountability) remain.

Within the framework of NPM, transparency has been discussed under several aspects, for example with regard to the organisational structure of the administration and to the introduction of market mechanisms in the public sector (SCHEDLER/ PROELLER 2003: 163). Transparency has also been related to responsiveness and customer orientation in general. For example, it has been considered a component of “responsive service delivery” (SHAND/ ARNBERG 1996: 18 with reference to OECD 1987). Accessibility is distinguished from transparency but considered part of responsive administration (SHAND/ ARNBERG 1996: 18; OECD 1987: 21f.; see also Table 2).

However, in public management, transparency has predominantly been treated under the aspect of control and as a possible answer to the question of how to ensure the accountability of the administration (JANN 1997: 96). For that reason, JANN even calls transparency “[t]he central underlying theme – or even implicit ‘theory’ – of NSM”. Transparency is not primarily directed towards the citizen: JANN lists a number of typical public management topics all of which ultimately aim at “making inter- or intra-organisational relationships more transparent” (JANN 1997: 96); he names “cost-

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71 See, e.g., BUDAUS (1995: 55f.) on the creation of transparency through decentralised administrative structures.
73 SHAND and ARNBERG most probably refer to OECD (1987: 21) where transparency is not mentioned but “comprehensibility” is described similarly.
74 NSM stands for ‘Neues Steuerungsmodell’ and is the German equivalent of New Public Management (see JANN 1997).
accounting, contracting out, performance related pay, controlling, interagency comparison, competition or even product- or customer-orientation” (JANN 1997: 96).

Interestingly, although the author considers transparency of core importance, he does not offer an explicit definition of it in his article. Referring to JANN (1997), REICHARD also considers “increased transparency” as “one of the major goals of NPM reforms (...). The whole NPM logic of output-oriented and decentralised steering is expected to increase transparency of public activities” (REICHARD 1998: 501).

Transparency is considered a “meta-goal” – it is required for “rational decisions and actions” (REICHARD 1998: 501). Accordingly, seen from this perspective, transparency is mainly considered a means to achieve something else (especially organisational effectiveness); transparency is regarded less as a normative requirement or an end in itself than as an instrument to serve certain purposes.

Transparency plays an important role for accountability. Results (or output) orientation requires clear definitions of measurable objectives so that the fulfilment of these objectives can be controlled and people can be held accountable for it. A lack of transparency obscures the achievements and makes it difficult to attribute the results to persons. Accountability is “understood as answerability to performance” (ROMZEK 2000: 2) or, more exactly, as referring “to the obligation on the part of public officials to report on the usage of public resources and answerability for failing to meet stated performance objectives” (ARMSTRONG 2005: 1). This answerability can only be achieved if the fulfilment of objectives can be measured, i.e., if performance data are collected and results reporting are in place. Transparency has therefore not only been seen as coupled with accountability but has also been a major issue of, or served as a point of reference in, performance measurement.

Thus, transparency, accountability and performance are obviously related. For example, REICHARD (1998) analyses the impact of performance management on transparency and accountability. In order to “hold public officials to account for their actions” (as is KONDO’S definition of accountability, 2002: 7), adequate information about these actions (or the performance) needs to be provided. ARMSTRONG (2005: 1) equally underlines this close relationship, but turns it around: “Transparency without accountability becomes meaningless”. (KONDO and ARMSTRONG both understand transparency as availability or accessibility of information.)

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The concept of accountability is originally linked to accounting (BOVENS 2005: 182) but “has moved far beyond its bookkeeping origins” (BOVENS 2005: 183). Actually being a traditional public service value, accountability has “become relatively more important” (KERNAGHAN 2000: 96) during the last decades, and its meaning has altered, in line with the development of NPM: There is now a “relatively greater focus on accountability for results than for process” (KERNAGHAN 2000: 95f.). KERNAGHAN even states that a “persuasive argument can be made that accountability is the dominant value in contemporary public administration. (...) it has taken on new life and new importance in the context of recent reforms” (KERNAGHAN 2000: 97).

The statement demonstrates the difficulty in always clearly distinguishing between accountability and transparency: KERNAGHAN and JANN both emphasise results orientation and the importance of accountability; but whereas the former sees accountability as the core, the latter, as mentioned, considers transparency the “central underlying theme”.

So obviously, not only transparency but also accountability is a “particularly contentious concept” (GODDARD 2005: 191), a “multifaceted and complex concept” (WALL/MARTIN 2003: 492) used “as a synonym for many loosely defined political desiderata, such as transparency (...)” (BOVENS 2005: 183f). ROMZEK has noticed an “increased attention to performance measurement to make accountability more transparent” (ROMZEK 2000: 1 with further references), in which case transparency would be a quality of accountability; but she also points to the broad use of the term ‘accountability’ by underlining the fact that it has become “a popular theoretical stance” to be in favour of accountability (ROMZEK 2000: 1).

Both, transparency and accountability, were originally rather technical requirements but then developed into concepts of more general applicability (and, in the meantime, became more ambiguous), in the public sector as well as in the private sector. Given the managerial focus of NPM, it is worthwhile to shortly look into the meaning of transparency for the private sector as well.

In the corporate context, too, transparency is often used but badly defined (BESSIRE 2005: 425). BESSIRE takes a critical view of transparency, arguing that transparency in the corporate context relies on a conception of man as a calculating and an opportunistic individual (BESSIRE 2005: 430). The concept is based on the assumption that increased transparency reduces information asymmetries and “prevent[s] agents from adopting opportunistic behaviours since it is supposed to facilitate surveillance and control” (BESSIRE 2005: 426).
Financial transparency (through accounting, controlling, auditing) has always played a major role for companies. But as the huge amount of literature about corporate governance and disclosure shows, the scope of transparency has widened and includes more than purely financial considerations. Standard&Poor’s, for example, have developed a “Transparency&Disclosure” score, based on information about first, ownership structure and investor relations, second, financial transparency and information disclosure, and third, board management structure and process (PATEL ET AL. 2002: 326). Transparency is clearly not only required from within the company anymore; it is also strongly demanded by investors and stakeholders.

Similar to the corporate context, public management has treated transparency as an internal requirement at times, either as part of a (mainly internal) control mechanism – for example as cost transparency (SCHEDLER/ PROELLER 2003: 205) – or as a major objective of a management information system (ÖSZE 2000: 152). But increasingly, external stakeholders and their demand for more information were also taken into regard.

Furthermore, there was a similar development regarding the kind of information disclosed. For example, in the UK early reform initiatives focused on financial transparency, namely the Financial Management Initiative (1981-1985) and the Next Steps Initiative (1985-1992); with the Citizen’s Charter in 1990, the focus widened and information about results, service standards and performance targets had to be published as well (WALL/ MARTIN 2003: 495).

Service indicators to measure performance and subsequent publication of the results have been introduced “against the backdrop of the New Public Management (NPM) movement” (WALL/ MARTIN 2003: 496). The introduction of performance indicators aimed at making the “administration more transparent” and enhancing “the public sector’s accountability to parliament and taxpayer” (WALL/ MARTIN 2003: 497). WALL and MARTIN mention a range of possible “key performance indicators” (WALL/ MARTIN 2003: 497 with reference to OECD 1994).

This is not to say that internal control or the disclosure of financial information are always an early form of or even a prerequisite for transparency of the (whole) administration. The above description only illustrates, as a tendency, in which areas transparency was

77 On corporate governance and transparency, see BESSIRE (2005: 425f.). On corporate social disclosure and responsibility, see, e.g., O’Dwyer (2002), Warhurst (2005: 154). See also the International Financial Reporting Standards (IFRS) set up in 2004 that are supposed to enhance “clarity and disclosure” (FT 29.09.2004); on the IFRS, see Epstein/Mirza (2006).

78 This initiative pushed forward the development of semi-autonomous agencies that had to publish “commercial-style accounts” and were formally audited (WALL/ MARTIN 2003: 495).

respected early and names possible elements or characteristics of such a development towards greater transparency – namely the addressees (internal/external stakeholders) and the kind of information to be published (financial/non-financial information).

As soon as additional data are created, for example by way of performance reporting, there are calls to make them also accessible to the public. The publication of performance data can be seen as a major step to enhance the transparency of the administration. According to BOVENS, this is also what constitutes ‘public’ accountability – the “account giving is done in public, i.e. it is open or at least accessible to the citizens” (BOVENS 2005: 183).

REICHARD also emphasises that evaluating performance is not enough: “results of performance measurement need publicity” (REICHARD 1998: 499). But apparently it depends on the administrative context whether this has been the case or not: whereas such results were widely published in the UK and the USA, “publicity of results only played a marginal role in the German program” (REICHARD 1998: 499f.).

III.1.2.2 Accountability and governance

As the previous discussion has shown, transparency is often seen in the context of control, accountability and performance. Closely related to this triad are efforts to fight corruption; sometimes transparency is mainly understood and intended as a means to fight corruption, especially in connection with developing, emerging or transitional countries. “Calls for more transparency and more accountability are made when seeking to check corruption and improve governance” (OSBORNE 2004: 292). This perspective on transparency is also supported by an international non-governmental organisation, Transparency International, that regularly publishes country rankings and corruption indices.

The European Commission takes a similar approach to transparency: it has launched an initiative to improve the transparency of its institutions. In the wake of an orientation debate held on 18 May 2005, various working groups from within the Commission cleared the ground for a possible launch of a Green Paper on transparency. Issues of

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80 See HALACHMI (2004: 5 with further references) “about the many reasons” for performance measurement and subsequent publication of the results; WASHINGTON (1997) on how to communicate budget information to the public.

81 See, e.g., WALL/MARTIN (2003), MELKERS/WILLOUGHBY (2005).

82 See, e.g., TANZI (2002: 37): “In many countries, the lack of transparency in rules, laws, and processes creates a fertile ground for corruption”; OSBORNE (2004); on the Baltics and CIS countries, see WOLF/GÜRGEN (2002: 542f). See also the approach of OTENYO/LIND (2004) that is discussed in III.1.6.


particular importance in this early stage were the “[p]ublication of beneficiaries of Community funds”, “[d]eterrence of fraud through blacklisting of fraudsters”, “sound relations with lobbyists (through registration and the respect of a code of conduct)”, “professional ethics of holders of public office”, and a “register of the Commissioners’ correspondence”.85

Although also referring to public involvement and free access to information, this initiative addresses issues of accountability for the use of funds. It aims at regulating relations with major stakeholders in order to prevent corruption. The Green Paper was published on 3 May 2006, followed by an almost four-month period of public consultation. A special website86 was created informing about the beneficiaries of various projects and programmes. Moreover, it is planned to improve the digital register of documents and their online availability, and to review legislation on access to documents (for this review, feedback from stakeholders will be included). Relations to lobbyists are specified and various rules defined to make the former more transparent. Consultation and feedback are still emphasised, though, and accountability towards citizens and external scrutiny remain important objectives.87

The initiative can be seen as a reaction to criticism concerning obscure influence of lobbyists and to calls for greater accountability; it signals the Commission’s awareness of these problems and is an attempt to make policies transparent to stakeholders and involve them in a dialogue. However, the initiative does not include the transparency of its own organisation (e.g., who makes decisions inside the bureaucracy, performance reporting by the administrative organisation itself). It also reminds one of GRÖSCHNER’S concern that an emphasis on transparency may neglect the fundamental democratic deficit of the European Union (see II.1.1.4).

The consideration of corruption adds an ethical component to the analysis of transparency and relates transparency to governance. This can partly be attributed to the ambiguity of accountability which “is widely viewed as both an ethical value and a democratic one” (KERNAGHAN 2000: 97). Accountability is relevant for the context of management as well as for governance. Apart from improving performance, public accountability also “functions to enhance the integrity of public governance” and to safeguard against corruption (BOVENS 2005: 193). For ARMSTRONG, “the threads of integrity, transparency and accountability knit together to uphold all public administration and, ultimately, governance reforms”, whereas a lack of these three values will lead “to

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corruption and misconduct” (ARMSTRONG 2005: 8f). Integrity is the basis for the other two, all three are “co-dependent” (ARMSTRONG 2005: 8f).

In an OECD study on ethics measures in the public sector, transparency is understood as “disclosure of personal financial interest in the public service”; a conflict of interests regulation (the disclosure of conflicts between private interests and public duties) shall contribute to the transparency of the decision-making process (BERTÓK 2000: 26, 49). Importantly, however, this information is mostly “exclusive to internal official use” and remains confidential; it is part of an internal control mechanism for corruption prevention, and only in some cases the public is granted access to or informed directly about it (BERTÓK 2000: 51, 57).

In addition, HUNT (1995: 15) considers openness “itself an ethical issue” – for the decision whether to publish data or to keep it secret is based on “ethical judgements”.

### III.1.2.3 The paradox of accountability

Public accountability, integrity and transparency are considered central for good governance. Before discussing transparency in the context of governance in more detail, it is well worth noting that transparency has also been discussed in a negative sense in the context of public management: NPM measures have at times been blamed for reducing the transparency of public administration. For example, ROBERTS (2000) turns his attention to the negative impact that NPM reforms such as contracting out and the marketisation of information may have on the effectiveness of FOI laws. With reference to control in the context of corporate governance, BESSIRE (2005) generally calls attention to a resulting “generalised amorality” and the “exclusion of ethics” from a concept of transparency based on disciplining managers through (impersonal) mechanisms of sanctions and incentives. HAQUE puts forward that public-private partnerships and transactions as well as increased managerial freedom in the public sector may diminish the transparency and accountability of the public sector, blurring responsibilities and making it more difficult for the general public to control such activities (HAQUE 2001: 71).

As regards managerial autonomy in the public sector, both theses sound plausible – an increase in accountability due to increased personal responsibility (as suggested by NPM), as well as diminished accountability and control (despite clear and measurable objectives) because of increased discretion. The reason for this lies probably in what HARMON (1995:

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88 See, e.g., also GODDARD (2005); BOVENS (2005: 183): “[A]ccountability has become a symbol for good governance, both in the public and in the private sector”; PALLOT (2001: 646); KONDO (2002: 9); UN (2005: 13); CIBORRA (2005: 261): “Better accountability and improved transparency are the characteristics of good governance”.

89 See also III.3.2.1.4 no. 4.
163) calls the “rationalist conception of accountability” which leads to the “paradox of accountability”: “If public servants are accountable solely for the effective achievement of purposes mandated by political authority, then as mere instruments of that authority they bear no personal responsibility as moral agents for the products of their actions. If, on the other hand, public servants, actively participate in determining public purposes, their accountability is compromised and political authority is undermined” (HARMON 1995: 163f.). Therefore, while NPM focuses on the first part of this paradox, trying to take measures against the mere instrumentalisation of public servants and giving them greater responsibility, its critics focus on its second part.

According to HARMON, the (rationalist) concept of governmental accountability in general (being accountable for the fulfilment of objectives that are clearly stated in advance by someone else) is actually flawed and as such cannot be realised. The paradox is based on the underlying rationalist assumption that a dichotomy exists between ends and means (HARMON 195: 172), in consequence of which the public servant, when accomplishing organisational objectives effectively and efficiently, would act “morally neutral” (HARMON 1995: 180f).

HARMON suggests a restatement of this paradox; instead of a “separation of thought (and judgment) from action” accountability is understood as dialogue: public servants “are held accountable (...) through a continuing dialogue with citizens, colleagues, and elected officials” (HARMON 1995: 187, 191, 195). The social process public servants are engaged in is emphasised, as is the “emergent character of social action in which accountability is evident in the public servant’s commitment and even submission to the social processes that are constitutive of practices” (HARMON 1995: 196). Accountability is made possible through dialogue, but only if public servants ‘submit’ themselves to these social processes – they need to be open for this dialogue and for acting accordingly. If they were to take it as a formality, and their action was to be defined in advance (it is not “emergent”), accountability could not be ensured.

Transparency would be a driving force for such an open dialogue between the administration and the public because only if accurate information about the administration is available, can an open dialogue on it take place. It would create the basis for a “continuing dialogue” and thus for accountability. Transparency would therefore be supportive of accountability, both according to this conception and the rationalist concept of accountability.

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90 See also HUNT (1995: 14) about the ethical dilemma resulting for the civil servant: A “dilemma arises, in particular, if an official is required to do something ‘for reasons of state’ but feels that the activities he is required to undertake are morally wrong.”
III.1.3 Transparency and participation (the perspective of governance)

The literature about public governance underlines the importance of transparency for an active, critical civil society and as a precondition for public participation. As the discussion about transparency and accountability has shown, there is no clear-cut line between public management and public governance (e.g., when accountability turns into ‘public accountability’). Moreover, ‘governance’ is a particularly broad term, “a catch-all word that entered common usage during the 1990s” (UN 2005: 13).91 One could say that the focus has shifted from (rather narrowly defined) managerial aspects to the consideration of institutions and their contexts. The “set of principles and practices” captured by governance is “[b]roader and more inclusive” (UN 2005: 13) than that of NPM. Governance emphasises the importance of interaction between state, private sector and civil society, and of an open, responsive and accountable government (UN 2005: 13) that allows for public involvement and participation. “Governance models thus tend to focus more on incorporating and including citizens in all their stakeholder roles rather than simply satisfying customers, a theme that echoes the notion of ‘creating public value’” (UN 2005: 13).

In its World Public Sector Report 2005, the UN distinguish between three models of public administration and assign transparency to the third model (Table 1). Some elements in this categorisation may be debatable (e.g., ‘output’ in the first model or ‘professionalism’ in the second92), yet the distinction between (classic) public administration, public management and governance is generally accepted, although concrete descriptions may vary.

Following this categorisation, transparency is seen in connection with public participation and a responsive government, and again also with accountability (there is no explicit definition given for transparency). From this perspective, if transparency occurs in public administration and public management (e.g., certain measures taking into account transparency), it is actually an element of “governance” and thus part of the overlap between the three.93 Similarly, BOVAIRD (2005: 220) mentions transparency (and also accountability) among the “key elements” of “public governance principles”.94

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91 See also BOVAIRD (2005: 217): Governance “is still a contested concept, both in theory and in practice. Even its meaning is still the subject of hot debate”.
92 Professionalism is also distinctive of the Weberian bureaucracy which comes closest to the first model.
93 UN (2005: 7):”In some measure, they are chronological, yet they overlap in both historical time and substance”.
94 At least in this context, the exact meaning of ‘transparency’ is not evident since BOVAIRD (2004: 225) mentions “the enactment of legislation on transparency, freedom of information, anti-corruption measures and the
Table 1: “Three models of public administration”

<table>
<thead>
<tr>
<th>Citizen-state relationship</th>
<th>Public administration</th>
<th>Public management</th>
<th>Responsive governance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountability of senior officials</td>
<td>Politicians</td>
<td>Customers</td>
<td>Citizens and stakeholders</td>
</tr>
<tr>
<td>Guiding principles</td>
<td>Compliance with rules and regulations</td>
<td>Efficiency and results</td>
<td>Accountability, transparency and participation</td>
</tr>
<tr>
<td>Criteria for success</td>
<td>Output</td>
<td>Outcome</td>
<td>Process</td>
</tr>
<tr>
<td>Key attribute</td>
<td>Impartiality</td>
<td>Professionalism</td>
<td>Responsiveness</td>
</tr>
</tbody>
</table>

*Source: UN (2005: 7)*

This shift from NPM towards governance (and a shift in the meaning of transparency) can also be recognised in the stance taken by the OECD. The comparative survey of “Public Management Developments” (OECD 1990) focuses essentially on various elements of NPM (e.g., client orientation, results orientation and accountability, monitoring and evaluation). Improved communication with citizens and simplified administrative processes are part of the measures to enhance service quality and client satisfaction (OECD 1990: 10). An awareness for dealing with information is found mainly in the context of information technology, without direct reference to free access to information (OECD 1990: 14). Transparency is thus seen in the context of clear, efficient processes that facilitate administrative action and help to better meet customer needs. The OECD report “Governance in Transition” from 1995 still focuses on the different “tools of public sector management” (OECD 1995: 17); however, the necessity for reforms is now explained with more demanding citizens and changing context conditions that are briefly analysed. Transparency is understood as “transparency of operations and decision-making” (OECD 1995: 8), and the report demands “a new relationship between government and a better-educated and informed society, involving, among other things, greater transparency and participation” (OECD 1995: 22). Measures to create transparency, such as “public reporting and audit” shall help to compensate for democratic deficits (OECD 1995: 37). Then, in 2001, this aspect becomes central. Increasingly, demands for more “transparency, accountability and participation” have made it imperative to inform and involve the public early and to “strengthen public trust in government” (CADDY/ VERGEZ 2001: 19f.). Only if the citizens understand and support government policies, can governments implement these policies effectively; “[g]overnment-citizen relations is a core element of good governance” (CADDY/ VERGEZ 2001: 20); as a consequence, increased information, consultation and participation is...
required. In 2002, transparency is explicitly defined as “a key element of good governance” and as “openness about policy intentions, formulation and implementation” (OECD 2002: 195).

Thus, managerial aspects remain important but are seen in a wider (social, political, economic) context. PALLOT refers to both when she analyses for local governments in New Zealand how long-term financial planning (as part of a financial management reform) contributes to governance and transparency (PALLOT 2001: 646). She refers to a definition of governance where the latter “implicitly guarantees the civil and human rights needed for participation and the information flows that enable the members of society to make their choices” (PALLOT 2001: 646 with reference to Premchand 1993: 16). Governance is again brought forward together with public participation. Transparency, “or openness”, is considered a “characteristic of governance” and “refers to the availability of information to the public on the transactions of the government and the transparency of decision-making processes” (PALLOT 2001: 646). The disclosure of information (in this case about certain council plans and activities and especially the respective costs) thus gives “the public full opportunity to participate in debate and decision-making on these matters” (PALLOT 2001: 647).

DE VRIES (2000: 329f.) similarly suggests that co-operation between “policy-makers and the target groups” tends to lead to policies of a better quality, owing to the influx of information from different sides, and that the “transparency of the policy is (...) enhanced and therefore its controllability and accountability. As such, public participation is a strong form of ‘checks and balances’”.

Thus, the line of argument works in either direction. Public participation leads to more transparency (here: of policy decisions) which, in turn, ensures control and accountability of the administration – public participation is thus a form of “checks and balances” (DE VRIES 2000: 330). Alternatively, transparency (as free access to administrative information) is a necessary precondition for public participation; citizens must be sufficiently informed so that they can make valuable contributions in the course of the participatory process.

Public participation is of focal importance in the current discussion about governance, yet calls for more participation are not new and do not mark the end of a development (as the three models of public administration in Table 1 may suggest). For example,

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96 See, e.g., CADDY/VERIEZ (2001: 28): “Access to information is also a prerequisite for action by citizens” and respective laws “are a basic building block for enhancing government transparency and accountability”. See also II.1.2.3.
interactions between citizens and administration in Germany have increasingly been under scrutiny since the 1970s (BOGUMIL/KISSLER 1995: 33). The discussion addressed questions concerning the involvement of citizens and the tasks of the administration. The aforementioned aspect of participation, i.e., the creation of a transparent administration that is accountable towards the citizens, was given less attention then. There was an extensive discussion about public participation in the 1970s and early 1980s, but the ideas were hardly put into practice (VON HEYL/PRÄTORIUS 1980: 269, 272). Although structural changes were intended, what happened was that often only aspects of service quality (such as friendly personnel) were taken into regard in practice (HOFFMANN-RIEM 1980b: 15). The objectives were predominantly intended to achieve a better representation of persons affected by administrative decisions and a better balancing of private and public interests, as well as to inform the citizens and to increase efficiency in planning (VON HEYL/PRÄTORIUS 1980: 261).

Only later did the emphasis shift to the current understanding of participation and transparency. For example, while VON HEYL and PRÄTORIUS (1980: 265) complain that, in contrast to other participative mechanisms, the democratisation of financial planning and budgeting has hardly been considered, twenty years later HAUBNER describes for the local level what participative, transparent budgeting could look like: based on information, consultation and the giving of reasons for the decisions taken (HAUBNER 2001: 25f).

In view of the repeated invocation of transparency in connection with governance, the question arises whether a relationship between both can be shown. ISLAM (2006), in a comparative quantitative analysis, develops an indicator each for transparency and for access to information and comes to the conclusion that “countries with better information flows as measured by these indices also govern better” (ISLAM 2006: 121). Both are “positively related to the quality of governance” (ISLAM 2006: 153). Yet for the analysis, transparency and access to information need to be definitively defined,97 and the results have to be read in the light of these rather narrow definitions. ISLAM also calls attention to related problems of the analysis, such as the disregard of the quality of

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97 Interestingly, ISLAM (2006) distinguishes between transparency and access to information. The first indicator (“transparency index”) measures the frequency and “the timeliness of economic data published by government” (pp. 121, 123) – according to the author, economic data can be considered “a proxy for other kinds of data” (p. 124). The data is defined as ‘available’ if it has been published on the Internet, in “The World Development Indicators” by the World Bank or in the “International Financial Statistics” by the IMF (p. 128). The second indicator (“access to information index”) reflects the “overall legislative environment for transparency” and considers whether and since when FOI legislation has been adopted (pp. 121, 131ff). Governance (as dependent variable) refers mainly to “economic governance” (p. 127) or institutional quality and is measured by several subjective composite indicators that also include corruption and bureaucratic quality (pp. 139f). Thus governance is explicitly not understood as a political term and does not refer to public participation.
information published or of the actual implementation of access rights; and the inclusion of other than economic data is only suggested for future analysis (ISLAM 2006: 154).

III.1.4 Transparency and ICTs

Transparency is frequently referred to when the use of information and communication technology (ICT) in public administration is discussed. In line with the technological development, early efforts concerning the introduction of ICTs concentrated on automation and data processing within the administration. But even then, transparency and participation played an important role: For example, ICT applications were supposed to enable an intermediary (from within the administration) to give better information to the citizen and thereby enhance the transparency of the administration.\(^{98}\) Since then, the focus has considerably widened, and growing attention has been paid to the direct interface between citizen and administration.

McIVOR ET AL. (2002), for example, deal with the question of how Internet technologies may enhance transparency and improve the responsiveness of public sector organisations towards citizens’ needs.

The introduction and use of ICTs in the public sector and the ensuing administrative reforms are the subject of electronic government, or e-government.\(^{99}\) The term ‘e-government’ is used in manifold ways (SCHEDLER/PROELLER 2003: 241). It cannot always be distinguished from some other newly introduced terms (especially in the context of participation via electronic devices), such as e-governance, e-democracy, e-consultation or teledemocracy.\(^{100}\) E-government is considered in relation to public management as well as to governance, as described below.

Basically, e-government refers to the use of ICTs for internal administrative processes and activities as well as for electronic service delivery and to electronic democracy and public participation (SCHEDLER/PROELLER 2003: 245).\(^{101}\) In this way, e-government furthers the interaction between government and its stakeholders and assists in organising the

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\(^{98}\) See LENK ET AL. (1990).


\(^{101}\) As the fourth core element of e-government, SCHEDLER/PROELLER (2003: 245f.) mention the use of ICTs to support the co-operation between (public and private) service providers (“Electronic Production Networks”). This element is of less relevance here since the relationship between the core administration and the citizen is at the centre of attention.
various processes the administration is involved in. In order to fully exploit the potential of ICTs, the restructuring or reviewing of processes and tasks of the administration is required.

Supporting a similarly comprehensive definition, LENK (2006: 322) draws attention to the fact that a rather narrow understanding of e-government still prevails: e-government is almost exclusively related to the use of the Internet where (at best) as many citizens as possible use it to conduct all transactions with the administration electronically. As a consequence, he refers to e-governance as the further development of such a narrow understanding (LENK 2006: 326). CHADWICK distinguishes between e-government and e-democracy and subsequently undertakes to link the two, “given that democratization is one facet of e-government and is of course at the root of e-democracy itself” (CHADWICK 2003: 450). He understands e-government as characterised by a “dominant managerial discourse of cost cutting and efficiency” and related to administrative reforms (CHADWICK 2003: 444). This conception of e-government is thus developed against the background of NPM.

Whereas e-government is mostly advocated by “public administration scholars, public policy analysts, and public management specialists”, e-democracy is treated by “political communication specialists, social movement scholars, and democratic theorists” (CHADWICK 2003: 444). According to the first group, e-government is a new step in administrative reform and has a managerial focus; e-democracy, by contrast, deals with the democratisation of administration based on the use of ICTs. E-democracy may be defined as being “associated with efforts to broaden political participation by enabling citizens to connect with one another and with their representatives via new information and communication technologies” (CHADWICK 2003: 448, referring to the U.K. Hansard Society 2003). In emphasising participation, consultation and deliberation, e-democracy is obviously related to governance and contributes to “collaborative information sharing” and “building social capital” (CHADWICK 2003: 448f.).

As a consequence, e-government (in a wider sense) draws on ideas from both, NPM and governance. Generally, transparency is brought forward in connection with the perspectives discussed earlier rather than with respect to characteristics of ICTs. From a legal perspective, for example, e-government may increase transparency by facilitating access to administrative data (KLOEPFER 2003b: 16). As KLOEPFER rightly remarks though, the introduction of information technology alone is no guarantee for more

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102 See also CIBORRA (2005: 261 with further reference) who defines e-government as “information and communication technology (ICT) applied to ordering” various kinds of processes such as the relationship between citizens and the administration and the related re-engineering of internal activities.
transparency: Administrative transparency is only enforceable if a right of access to information has been granted by law (KLOEPFER 2003b: 16).

Regarding NPM and governance, the use of ICTs is discussed as to their respective purposes and how it may contribute to transparency. Depending on the administrative culture of a country, the postulates of NPM have been implemented differently. Based on this notion, RODRÍGUEZ BOLÍVAR ET AL. (2006) analyse the differences in digital financial reporting among three sets of countries. They consider information transparency as a key for the accountability of public entities, and ICTs may be used “to achieve increased transparency in public information”; the change induced by new technologies may “help to meet the objectives of NPM and may comprise the best means of disclosing public information and of achieving information transparency” (RODRÍGUEZ BOLÍVAR ET AL. 2006: 270).

For SNELLEN (2002: 183), NPM and the introduction of ICTs are “two of the most important developments in modern public administration”. Regarding transparency, he puts the emphasis on control systems that play “an ever increasing role in the transparency and accountability of governmental institutions (...) through performance indicators and benchmarking” (SNELLEN 2002: 184). Through the use of monitoring technologies, the performance of public services is “becoming more and more transparent” (SNELLEN 2002: 186).

Likewise, LENK states that ICTs allow for monitoring and evaluating implementation processes; the use of ICTs may enable citizens (“the participants in the democratic process”) to follow up the implementation of decisions and enhance the transparency of the administration (LENK 2006: 330). This aspect emphasises the potential of ICTs to strengthen good governance.

LA PORTE ET AL. (2002: 412) suggest that in addition to NPM and governance another conception has emerged which can be “broadly described as ‘citizen empowerment’”, meaning that citizens get direct access to officials and to government information. This conception is “often related to innovations in information technology” (ibid.). They call this “the concept of governmental openness”, characterised by “the extent to which an organisation provides comprehensive information about its attributes and maintains

104 Cf. Table 2: The UN describes empowerment as characteristic of responsive governance.
timely communications with its various publics” (LA PORTE ET AL. 2002: 413, 415 with reference to Demchak et al. 2000).105

Their conception actually resembles transparency (or openness) as it has been defined against the backdrop of governance.106 Yet it differs in so far as the authors aim at measuring this openness by trying to assess what they consider to be “the two components of openness”, namely “Web site transparency” and “Web site interactivity” (LA PORTE ET AL. 2002: 415 with reference to Demchak et al. 2000).107 The conception is therefore a rather technical one; the terms ‘transparency’ or even ‘organisational transparency’ (p. 417) are reserved for five features referring to Web sites (p. 415f.), namely: “[o]wnership” of the site, “[c]ontact information” provided, “[o]rganizational or operational information” provided, “[c]itizen consequences” (presentation of information tailored to citizens’ needs), and “[f]reshness” (updated information).

In brief, the three perspectives of law, public management and governance remain relevant for the use of ICTs, which means that not only transparency, but also electronic government can be looked at from these different perspectives.

With respect to the important contribution of ICTs to administrative transparency, a substantive limitation has to be made. For ICTs to be of any value to citizens, the latter must have access to this technology and need to be computer literate. If that is not the case, certain groups of citizens may be excluded. The ‘digital divide’ may deepen if these groups are not addressed otherwise and if “efforts are too one-sidedly directed at the realization of e-government” instead of also improving access (SNELLEN 2002: 197).108 Besides, ICTs alone cannot achieve transparency: Although the “technologies that facilitate such transparency are growing rapidly in scope and precision”, “the promises of the information society will depend, to a large extent, on the willingness of governments and public services to make their activities, considerations and the data on which they are based, and the results achieved, transparent” (SNELLEN 2002: 197). ICTs therefore may provide the tools to achieve more transparency but not its underlying rationale.

III.1.5 Five perspectives on transparency

With his definition of transparency, BERTOK gives a short summary of most of the issues that have been addressed in the above overview: “Transparency is seen both as an

106 See above, p. 46.
107 See fn. 105.
108 On the digital divide and e-governance, see also NORRIS (2001: 112-131).
instrument for ensuring accountability and combating corruption, while in some cases its main reason is to promote democratic participation by informing and involving citizens” (BERTÓK 2000: 72).

Obviously, the various perspectives on administrative transparency that have been identified – law, political communication, NPM, governance and electronic government – are overlapping. KEANE (1998: 157ff.) treats publicity (in the sense of a ‘public sphere’ and media relations) in connection with civil society and thus with governance. Accountability is an important concept of both public management and governance, as it originates from a managerial, financial understanding, but is also considered (as public accountability) a “hallmark of modern democratic governance” (BOVENS 2005: 183).

Even though the fight against corruption is an essential element of governance (BERTÓK ET AL. 2002: 37 with reference to a Communiqué of the OECD Council, 17.05.2001), it also has a managerial aspect regarding the concrete measures needed to prevent corruption. It is probable that the multitude of links with governance is not least due to the broadness of this term.

Despite the overlaps, the distinction is mentioned here to illustrate the varying emphases (publicity, accountability, participation) placed on transparency. Since in pursuance of transparency, one comes across these three key words repeatedly, it seemed reasonable to also consider them individually. It goes without saying that this cannot be a definitive breakdown of transparency.

Table 2 recapitulates a few definitions of transparency in public administration. Though often coming from different backgrounds, these definitions also share common features. It is mainly the emphasis – and the terminology – that varies. What the OECD in 1987 calls ‘comprehensibility’ can be regarded a description of transparency (see below). Whereas transparency is sometimes basically defined as free access to information, SHAND/ ARNBERG (1996: 18) distinguish between transparency and accessibility. Transparency and openness are sometimes regarded as synonyms (OECD 2002: 195; PALLOT 2001: 646); instead, for BANNER (2000) “the ideal of transparency and accountability” is “often referred to by the term open government”. In contrast, KONDO (2002: 7) draws a clear distinction between openness, transparency and accountability.

Consequently, the definitions of transparency overlap as well (especially access to information is virtually part of all definitions), and the subdivisions made in the table can only be rudimentary. It is hardly possible to find an unambiguous definition of administrative transparency.
<table>
<thead>
<tr>
<th>Source</th>
<th>Reference</th>
<th>Date</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park</td>
<td>(2000)</td>
<td>2000</td>
<td>“Administrative transparency refers to the possibility or state in which information pertaining to government affairs can be freely circulated to citizens.”</td>
</tr>
<tr>
<td>Masing</td>
<td>(2003: 435)</td>
<td>2003</td>
<td>“Transparency as access to information:” “Transparency however is only one step. It is the beginning of communication.”</td>
</tr>
<tr>
<td>Armstrong</td>
<td>(2005: 1)</td>
<td>2005</td>
<td>“Transparency refers to unfettered access by the public to timely and reliable information on decisions and performance in the public sector.”</td>
</tr>
</tbody>
</table>

**Public management (customer orientation, accountability)**

<table>
<thead>
<tr>
<th>Source</th>
<th>Reference</th>
<th>Date</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>OECD</td>
<td>(1987: 21)</td>
<td>1987</td>
<td>“Comprehensibility of the administrative system: (...) Clients (...) simply do not, and perhaps cannot, understand how the bureaucracy works and, therefore, have great difficulty dealing with it. This aspect of responsiveness can be addressed by improving information, making procedures easier for clients or reorganising administration to simplify its structures. Perhaps most importantly, if clients do not know who is responsible for what, then they cannot hold anyone responsible and will not know whom to address to obtain a service or make a complaint. A main aim in improving the comprehensibility of the administration is to ensure clear and open lines of accountability and control.”</td>
</tr>
<tr>
<td>Shand/ Amberg</td>
<td>(1996: 18 with ref. to OECD 1987)</td>
<td>1996</td>
<td>Transparency and accessibility as “components of responsive service delivery”: “Transparency – clients should know how the administration works, what the constraints on actions of public servants are, who is responsible for what and what remedies are available if things go wrong.” “Accessibility – clients should have easy physical access to administration at convenient hours and be offered information in plain language.”</td>
</tr>
<tr>
<td>Jann</td>
<td>(1997: 96)</td>
<td>1997</td>
<td>“The central underlying theme – or even implicit ‘theory’ – of NSM is transparency.”</td>
</tr>
<tr>
<td>Reichard</td>
<td>(1998: 501)</td>
<td>1998</td>
<td>“It means that strategies and activities of a public organisation are lucid and distinct with regard to their goals, alternatives and effects. (...) Transparency can be seen as a dependent or as an independent variable”.</td>
</tr>
</tbody>
</table>

**Governance (participation, accountability, democracy)**

<table>
<thead>
<tr>
<th>Source</th>
<th>Reference</th>
<th>Date</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunt</td>
<td>(1995: 12)</td>
<td>1995</td>
<td>“Openness is (...) capable of a number of definitions but perhaps a useful one for our purpose here is that it is concerned with public knowledge of the way in which decisions are made, the principles which guide that process of decision-making and the degree of information that is available to the public to enable them to participate fully in the decision-making process.”</td>
</tr>
<tr>
<td>La Porte et al.</td>
<td>(2002: 414 with further ref.)</td>
<td>2000</td>
<td>“[O]penness is the extent to which an organisation provides comprehensive information about its attributes and maintains timely communications with its various publics.”</td>
</tr>
<tr>
<td>Pallot</td>
<td>(2001: 646)</td>
<td>2001</td>
<td>“Transparency, or openness, is a characteristic of governance. It refers to the availability of information to the public on the transactions of the government and the transparency of decision-making process.”</td>
</tr>
<tr>
<td>Kondo</td>
<td>(2002: 7)</td>
<td>2002</td>
<td>Good governance includes: “Accountability, meaning that it is possible to identify and hold public officials to account for their actions. Transparency, meaning that reliable, relevant and timely information about the activities of government is available to the public. Openness, meaning governments that listens to citizens and business, and take their suggestions into account when designing and implementing public policies.”</td>
</tr>
<tr>
<td>Kröger</td>
<td>(2002: 818)</td>
<td>2002</td>
<td>“Transparency and publicity of decision-making processes are essential for democracy.”</td>
</tr>
</tbody>
</table>

Source: Own design
Yet there are three definitions that are especially remarkable and well fitted for later considerations. The first, by OSBORNE, has not been included in the above table because it obviously transcends these categories, less in terms of an overlap than of an additional component – even though it stems from a context of governance, accountability and corruption:

OSBORNE writes that “[i]n this context transparency means helping people to see into systems and understand why decisions are taken” (OSBORNE 2004: 202). The stress is on the *assistance* granted to people, and the declared objective is to achieve an *understanding* of the administration. Disclosure, free access, performance evaluation, reporting systems, websites – all these are only stopovers on the way to a better understanding of (and often also for) the administration.

The second definition – or rather, implication – is proposed by MASING. Coming from the legal domain, he also understands transparency mainly as free access to information, but explicitly points to the fact that “transparency is only one step. It is the beginning of communication” (MASING 2004: 435). Transparency is thus not only closely related to information but also to *communication*, and this is the understanding of transparency that will be taken up later.

The third definition is one originally given by the OECD (1987: 21). The term ‘transparency’ had not yet been used, but was contained in a later publication (OECD 1996). Instead, as mentioned, the OECD used the term ‘*comprehensibility*’, emphasising that the administration needs to be comprehensible for the citizen. Maybe owing to the fact that this statement derives from an early stage of the development of a conception of transparency, the OECD provides a thorough description of important features that are often neglected, such as the difficulty for the citizen to understand how bureaucracy works or whom to address, and the necessity for the administration to simplify its structures. Moreover, “ensuring access” (which is usually considered part of transparency) is seen from a more *practical* perspective: mentioning is made of barriers that may still prevent access even if FOI legislation has been implemented, such as the “location of offices” or “facilities for the handicapped” (OECD 1987: 21). As regards the latter, this seems to be a minority concern – however, in view of the current demographic development in many countries, the needs of an ageing population have also to be met and often in similar ways.109

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109 However, the OECD report is a document of its time; it demands, e.g., “hatches through which conversation can take place without discomfort” (OECD 1987: 21) – instead of advocating a replacement with open desks as became a trend later. It should also be noted that “access” is seen in a slightly different way, i.e., as access to the administration (and not explicitly to information) in the context of responsiveness.
Something else is noteworthy. In line with the three main dimensions mentioned (law, public management, governance), the perspective on the role of the citizen varied and so did the understanding of transparency. The legal perspective emphasises ‘due process’, i.e., the right to be heard and to be involved for persons directly affected. Early discussions about participation focused on the question how citizens could better assert and defend their interests against administrative action. Hence the citizen was perceived primarily in the role of a person that is (potentially) concerned. In the light of NPM, the citizen became a ‘customer’ or ‘client’ of the administration, which was in turn required to act in a ‘customer oriented’ way. Finally, the emphasis shifted to the citizen as a member of civil society who is required to participate actively and offered a co-operation with the administration. (HAUBNER 2001: 25; BOGUMIL 1999)

Though rather stereotypical, these perspectives on the role of the citizen are in line with a respective understanding of transparency: In the first example, transparency is mostly a legal requirement; in the second, it is part of the concept of ‘customer orientation’, and in the third, it is a prerequisite for participation and democratic legitimacy.

Table 3 summarises the five dimensions of transparency in public administration as found in the literature. Depending on the perspective taken on transparency, the suggested ‘tools’ for achieving transparency vary.

<table>
<thead>
<tr>
<th></th>
<th>Law</th>
<th>NPM</th>
<th>E-government</th>
<th>Governance</th>
<th>Political communication</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective</strong></td>
<td>Legality, legitimacy</td>
<td>Accountability,</td>
<td>Efficiency,</td>
<td>Legitimacy,</td>
<td>Information,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>efficiency,</td>
<td>information,</td>
<td>integrity, trust</td>
<td>influence,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>effectiveness</td>
<td>legitimacy</td>
<td></td>
<td>credibility</td>
</tr>
<tr>
<td><strong>Focus of attention</strong></td>
<td>Legislation</td>
<td>Management</td>
<td>Potential of ICT</td>
<td>Civil society</td>
<td>Public opinion</td>
</tr>
<tr>
<td><strong>Tools</strong> (how to achieve ‘transparency’ in the respective field; examples)</td>
<td>Freedom of information law, administrative procedures law</td>
<td>Management information systems, performance measurement and reporting, customer orientation</td>
<td>Electronic filing and research systems, e-fora and (interactive) websites, open databases</td>
<td>Codes of conduct, PPPs and other forms of public participation/information/consultation and discourse</td>
<td>Public relations, media</td>
</tr>
</tbody>
</table>

Table 3: Five perspectives on administrative transparency

The dimensions of law and public management correspond to what has been identified by CLARK as “two analytic models, or ‘idealtypes’, of open government”, viz, the managerial and the legal model (CLARK 1996: 23). Whereas the managerial model focuses on accountability and disclosure of performance data (CLARK 1996: 24), the legal model “is
centred on freedom of information (FOI) legislation, or, more precisely, on a general, statutory right of access to official information, subject to certain limited exceptions” (CLARK 1996: 25). In contrast, WHYTE/ MACINTOSH (2001) distinguish between transparency as a political and a technical project (they refer to the use of ICTs).

The catchwords inserted in Table 3 can only be suggestions. At any rate, it is quite difficult to determine a clear focus and objective for e-government and governance. As regards the term ‘governance’, its undiminished popularity does not exactly contribute to its clarification. Its meaning has constantly been expanded, making it difficult to find a common denominator. As far as e-government is concerned, it is debatable whether it should, with respect to transparency, be considered separately or not. As was shown above, it is not only based on ideas deriving from both NPM and governance; due to its technological basis, which is (or could be) employed as a tool by the other four, e-government overlaps with all of them (and so does its understanding of transparency). Since e-government can be used for many different purposes, it is also difficult to reduce it to only a few aspects.

Not surprisingly, some of the objectives are identical with what has earlier been identified as the functions of transparency (see II.1.2). This makes sense since transparency is promoted by all five dimensions in order to better achieve their respective objectives. Figure 1 illustrates this relationship schematically (without taking into account the numerous overlaps between law, NPM, e-government, governance and political communication). The illustration shows pairs of a ‘root’ and a function, with the function corresponding to one objective of the respective ‘root’. It should be noted, however, that the functions are not exclusively linked to one single ‘root’ (legal certainty and equal protection being the exception).
Furthermore, the double arrows signify that it is left open whether these functions are preconditions for or consequences of transparency – in other words, transparency can be both, depending on the perspective. REICHARD (1998: 501) and MITCHELL (1998: 112) underline that transparency can be considered a dependent or an independent variable; the focus of attention can be on the effects transparency may have or on its “determinants”, on “what factors increase (...) transparency” (MITCHELL 1998: 110, 112).

The process depicted in the left-hand column illustrates a possible linkage between the different dimensions (though it is difficult to reduce them to one meaning only, as is hinted to for electronic government). In the bottom right-hand corner, potential conflicts (see II.2) are shown. As has been discussed earlier, the effect of transparency on administrative efficiency and effectiveness is a controversial issue and arguments exist for either position (efficiency and effectiveness are furthered because of better information for and greater acceptance of administrative decisions, or they are hindered due to interference from outside and the time and costs involved). The illustration serves to show major contributors to the subject of transparency in public administration; needless to say that these ‘roots’ of transparency are neither definitive nor mutually exclusive.

Source: Own design
III.1.6 A conceptual framework for transparency in public administration by OTENYO/ LIND

An interesting approach is taken by OTENYO and LIND (2004) who consider the different meanings of transparency in relation to a country’s level of development. They also point to the different underlying conceptualisations of transparency and explore the “different meanings assigned to transparency across the world” (OTENYO/ LIND 2004: 288). OTENYO and LIND come to the conclusion that, depending on the level of development, the meaning of transparency varies. Whereas “in the more advanced countries, the current usage of the concept is closely related to expanding democracy in decision-making”, transparency reforms in developing countries are “likely to be associated with combating corruption” (OTENYO/ LIND 2004: 303).

Based on the description of varied interpretations of transparency over time, they develop a theoretical framework that depicts five different “faces and phases of transparency reforms in government” (Figure 2). Since they consider transparency as being “associated with broad reforms in public administration”, the “faces of transparency roughly mirror definable phases of global and national administrative reforms” (OTENYO/ LIND 2004: 291f.).

(1) Transparency as representative government  
(emphasis on government legitimacy; to ensure fairness and equity)  

(2) Transparency as a means of judging the distribution of policy benefits  
(emphasis on service delivery; e.g., contract management)  

(3) Transparency as a response to maladministration  
(emphasis on eradicating corruption)  

(4) Transparency as a tool for enhancing accountability  
(emphasis on information and decision making disclosures)  

(5) Transparency as open government  
(emphasis on information technology, electronic democracy and governance)  

Source: OTENYO/ LIND (2004: 292); slightly adapted

Figure 2: “The changing faces and phases of transparency reforms in government”

According to this framework, governments can be assigned to different phases of transparency reforms: “[I]mportantly, countries are at different levels on the transparency
phases and continuum suggested above” (OTENYO/ LIND 2004: 293). The USA, along with Canada, the UK and New Zealand are cited as examples for the first group which is characterised, for example, by FOI legislation, government websites, IT available to government and to the public and the lowest ranks on the corruption index. The fifth group is made up of countries such as Kenya and Indonesia, with widespread corruption, limited public access to government information, and information technology only available to the highest levels of bureaucracy. However, they describe this categorisation as a “possible” one and as “[s]implified gradations of transparency” with no clear-cut dividing line between these categories; it is a “continuum” (OTENYO/ LIND 2004: 292f).

The regions of Central and Eastern Europe are seen “at the same level as most parts of the developing world” (OTENYO/ LIND 2004: 295) – which is most probably due to the (debatable) inclusion of former Soviet republics such as Armenia, Kazakhstan and Azerbaijan in this category. The authors expect the whole region to benefit from “bringing dialogue on enhancing the principle of freedom of information” (OTENYO/ LIND 2004: 297) – irrespective of the fact that FOI laws had already been enforced in several CEE countries at that time. The authors recognise that CEE countries are “at different levels of local government reforms” (OTENYO/ LIND 2004: 296); still, this shows that it is not easy to assign countries or even regions to a certain reform level, given all possible combinations of various characteristics.

In view of the gradation being tied to different levels of development, the approach taken is comparable to that of modernisation theories in development theory. It is striking that countries named in the first group were also forerunners of NPM during the 1990s (UK, New Zealand). This might hint at the fact that, in addition (though related) to the level of development, the meaning and interpretation of transparency are also linked to the topics prevailing in discussions among academics and practitioners. Contract management and transparent procurement procedures, considered especially relevant for an earlier stage, are major topics of NPM (which was also especially strong in the mid/end 1990s in these by then not less developed countries), and the focus has subsequently shifted to (electronic) democracy and governance issues.

However, this conceptual framework, exploring the roots of transparency and eventually taking a comprehensive view on transparency in public administration, contributes to the understanding of the many facets of transparency.

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III.2 Positioning in the literature

Instead of assigning governments to different phases of transparency reforms, this study (being non-comparative) will treat the subject from the perspective of the administration itself and of its different stakeholders. Among these, the emphasis is on the citizen’s perspective (i.e., interest groups, companies, etc.); transparency in relation to other addressees, such as independent audit institutions, the parliament, or higher levels within the administration, will largely be neglected.

In describing transparency, the literature often does not adopt the perspective of the citizen consistently or explicitly but rather speaks of transparency as a general claim or as a consequence of certain measures and reforms. Transparency is treated as one result or objective among others and is referred to in completely different contexts (e.g., public procurement, service quality, ethics, the introduction of ICTs). This makes it seemingly impossible or pointless to consider transparency in a cross-sectional analysis.

In turn, the citizen’s perspective has been taken into account, especially in concepts of responsiveness and public participation; but in this case, the stress is usually not on transparency or the question what it entails for the administration to implement transparency.
III.3 An approach to the conceptualisation of administrative transparency

Despite the multiple settings where transparency may play a role, a common denominator can be identified: the role of information has consistently been emphasised. Information needs to be available or disclosed if transparency is to be achieved. The citizen requests or obtains information from the administration. This implies that information needs to be communicated to citizens: transparency can be considered an interaction between the administration and the citizens. This understanding of administrative transparency, as being based on information and communication, underlies the empirical part of the thesis.

Before dealing with information and communication in the context of the administration, the citizen’s perspective deserves closer examination. The next section will elaborate on the citizen as addressee of administrative transparency and the question whether he or she can qualify as a point of reference for the transparency of the administration.

III.3.1 The citizen as a yardstick of administrative transparency

What exactly is meant by taking into account the citizen’s perspective?

On an institutional level, the citizen’s perspective is chosen as opposed to that of institutional stakeholders (such as parliamentary commissions, local parliaments, independent audits, or ombudsmen).

On an organisational level, the citizen is an external addressee of the administration, compared to internal addressees of transparency such as higher administrative levels or internal control units.

On a management level, this means that the administration shapes transparency or, in a narrower sense, its information policy (disclosure of and access to information, content and distribution of information) according to the citizen’s needs and abilities (transparency as part of citizen (or customer) orientation).112

In the following, an ‘aptitude test’ clarifies why the citizen is chosen as a yardstick of administrative transparency.

III.3.1.1 Justification

The administration affects important spheres of the citizen’s life: it provides all kinds of public services for citizens (community service administration) and may encroach upon

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the legal rights of individual persons (interventive administration) (JELLINEK ET AL. 1987: 103). As a rule, the administration has to serve and act in the public interest.

The citizen (as sovereign) can be considered the main stakeholder of the administration. The relationship between the administration and the citizen is asymmetric, with the citizen being subject to administrative acts.

Although administrative action is mainly addressed directly towards the citizen, in comparison with other (institutional) stakeholders he or she has only very limited control over the administration. The citizen has very few possibilities to influence the administration which lacks direct democratic legitimation (see II.1.1.1).

Therefore, there is an obvious imbalance between the citizen’s core importance for administrative action and its legitimation and the role he or she plays for the conduct, management and control of public administration. The administration is not directly accountable towards those who are most affected by administrative action; the addressees of such action are not identical with the addressees of its accountability (at least not directly).

This situation can, of course, be explained by traditional characteristics of the bureaucratic organisation, such as an emphasis on central control, on the needs of the organisation itself (the bureaucratic organisation is “organisation-centred”), on position, power and rules, and on processes (KERNAGHAN 2000: 92). Due to various efforts to reform the public sector, these characteristics have partly changed along with the perception of the public sector: KERNAGHAN names as characteristics of the “post-bureaucratic” organisation decentralised authority and control, an emphasis on the citizen (“citizen-centred”), on participation and empowerment, and on accountability for results instead of processes (KERNAGHAN 2000: 92f.). According to this distinction, administrative transparency is obviously a characteristic of the post-bureaucratic organisation where the citizen comes into the focus of attention.

The citizen as a major stakeholder and “owner” of the administration should have the possibility to at least understand in detail how the administration functions (his or her possible influence on decision making is debatable). A better understanding of the administration would imply a stronger control exercised by the citizen and greater accountability of the administration towards the citizen; this would contribute to reduce the imbalance described.

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113 See II.3.
The attempt to strengthen the position of the citizen is, of course, not new; apprehensions about increasing alienation between administration and citizen gave rise to calls for greater customer orientation (especially in connection with NPM since the mid-1990s) and public participation.\footnote{See \textit{Bryson} (2003: 44) who gives three explanations for the “renewed emphasis on citizenship”.
}

\textbf{III.3.1.2 Objections against the citizen as a yardstick}

The citizen as a point of reference for administrative transparency also raises questions. First, it could be objected that citizens may only show a moderate interest in the transparency of the administration – if at all. It may also be questioned whether the citizen is in a position to perceive and assess the transparency of the administration. Second, if this is the case, is transparency not merely a ‘perceived’ transparency, which compares poorly with to the ‘actual’ transparency of the administration? Third, and vice versa: With the citizen as yardstick, will the administration not confine itself to, and mainly concentrate on, creating the mere impression of being transparent with the help of appropriate public relations strategies? The administration could then be tempted to implement certain mechanisms only formally and without substance. And if only the citizen’s perspective counts – would this not be sufficient?

1. The citizen can be understood as a potentially interested as well as a perceptive person with a right to get informed, and the question is therefore what possibilities in principle he or she has or may have to obtain information about the activities of public administration and its organisation, and also about his or her possibilities to participate – irrespective of whether he or she makes use of this information in practice. Following the reasoning in Chapter II, transparency is seen as a necessity as such; moreover, it has been argued that it may already have a positive (control) effect on the administration and may raise its awareness if information is made available in principle.

This could still be considered a paradox. On the one hand, the citizen’s perspective is considered to be the crucial point of reference for the transparency of the administration; on the other hand, the citizen’s reaction seems unnecessary for transparency to be effective.

The situation can be explained by information asymmetries that exist between the administration and the citizen. In principle, reviews by authorities external to the administration are perceived as a threat (\textit{ Feldman} 2003: 286). If the administration could be certain that nobody would take notice of the information disclosed, it would also not be prompted to take the consequences and adjust its conduct, even if the information
were disadvantageous. Such kind of (one-sided) ‘transparency’ would then be practically without any effect. As a consequence, the more the administration can expect citizens to be ignorant, the less it will feel accountable towards them – regardless whether such ignorance is based on secrecy on the side of the administration or on an inability on the side of the citizen.

Conversely, attentive and critical citizens that may be inclined to actively participate will add to the effectiveness of transparency. Therefore, the best case would be that the citizen is not only permitted to obtain information but also interested in it and capable of processing it. On the side of the citizen, such an awareness is crucial for the perception of administrative transparency.\(^\text{115}\) Whether citizens are able to understand and take notice of the information provided also depends on the way how information is communicated by the administration (as will be shown in the empirical part).

2. As far as the problem of perceived transparency is concerned, transparency and all related information is in fact perceived subjectively by the citizen. Most probably, there is also a discrepancy between transparency as perceived by the administration itself (rather, by the officials) and transparency as perceived by the citizens. In the empirical part, an interesting question will be how different groups of stakeholders perceive the transparency of public administration.

VORAUER and CLAUDE (1998) analyse perceived versus actual transparency regarding the goals of individuals in negotiations; actual transparency is “computed from the extent to which the outside observer [forms] impressions consistent with the negotiator’s goals”, whereas perceived transparency is defined as the negotiator’s estimation “whether the outside observer would be able to discern their goals” (VORAUER/ CLAUDE 1998: 373). However, such a conception can be transferred to the transparency of the administration only with qualifications because the administration as an organisation can only be perceived from the outside. An equivalent (but still different) conception relevant to the context discussed here could be to define the citizen’s perception of transparency as “actual transparency” and the opinion of officials about the citizens’ perception as “perceived transparency”. But this would obviously not provide information about an ‘actual’ or ‘real’ transparency of the administration.\(^\text{116}\)

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\(^{115}\) See also III.3.2.3.3.

\(^{116}\) Cf. PARK (2000 with reference to VORAUER/ CLAUDE 1998) who defines “factual transparency” as the “amount of information actually disclosed” by government and “perceived transparency” as the citizens’ perception of how fully they feel informed.
Another approach is to define transparency simply as the amount and type of information available, independent of perceptions (FINEL/LORD 1999),\textsuperscript{117} or as the availability and frequency of certain information and the existence of a freedom of information act (ISLAM 2006).\textsuperscript{118} Yet an increase in information is not necessarily linked to an increase in transparency: often, intransparency is caused by the complexity of processes, and transparency then requires the structuring and processing of information (BRÖHMER 2004: 18f.).\textsuperscript{119} Moreover, the analyses by FINEL and LORD (1999) have shown that a greater amount of information may blur a situation and lead to unwanted outcomes. Information is ultimately “acquired” by a process of understanding (VESTING 2001: 221), and this process is not necessarily supported by an increase in the quantity of information. Thus, technical definitions of transparency allow for operationalisations of transparency but neglect for whom something may or may not be transparent, and they are not primarily oriented towards the citizen.

BOUCKAERT and VAN DE WALLE (2003: 337) consider transparency (a “trust indicator”) as “a result of citizens’ perceptions”, in contrast to “good governance indicators” that are “more objective”. In their article, they point to the difficulty in linking trust (as based on subjective, sometimes even changing criteria) to the concept of good governance (which is based on objectivised criteria). Such linkages “are far from clear”, and they call it “misleading” to claim to measure levels of good governance by measuring trust (BOUCKAERT/ VAN DE WALLE 2003: 330). They list various indicators for trust (e.g., transparency and certainty) and good governance in an attempt to operationalise both concepts and to link them with each other. According to the authors, the corresponding good governance indicator for transparency is “access to public information” (BOUCKAERT/ VAN DE WALLE 2003: 339). Therefore, they consider access a rather objective indicator. In contrast, transparency would be “a result of citizens’ perceptions” (BOUCKAERT/ VAN DE WALLE 2003: 337). In analogy to the authors statements about the relation between trust and good governance, access to public information is not a definite measure for transparency.

Citizens may show wavering preferences and inconsistent evaluations (HEINRICH 2003: 32 with reference to Beck et al. 1990: 71f.),\textsuperscript{120} making it questionable to mainly use citizens’ satisfaction ratings for feedback regarding the performance of public

\textsuperscript{117} They define transparency as the amount and type of information available, including, e.g., rhetoric from national parliaments and media reports that “pay more attention to belligerent statements than more subtle (...) signals” so that crises may be exacerbated (FINEL/LORD 1999: 335).

\textsuperscript{118} See fn. 97

\textsuperscript{119} See also FLORINI (1999: 9) on the “white noise effect” of “transparency” (see II.2.2) and REICHARD (1998: 503): “A non-manageable data overkill can lead to decreasing transparency.”
administration. Government is “not likely to get a clear picture” about performance improvements by tracking these ratings (HEINRICH 2003: 32).

However, this is not in conflict with taking the citizen as a yardstick for the transparency of the administration: whereas in the case described by HEINRICH hope is expressed for the citizens’ input, administrative transparency does not primarily aim at collecting feedback from citizens. The mentioned approach to performance measurement actually “assumes that citizens are sufficiently informed to provide reliable feedback” (HEINRICH 2003: 32), which would imply that some kind of transparency already exists.

3. Apart from respective legal norms and their enforcement, adequate support and willingness on the side of the administration are vital for transparency (REICHARD 1998: 504). Given the relevance of the citizen’s view, it is true that the administration could be tempted to concentrate only on influencing perceptions, on fulfilling formal requirements without paying attention to the substance of these requirements. The administration may try merely to give a good impression of transparency taking into account the citizen’s perception. Although the citizen would then have been taken into consideration by the administration, this is obviously not what is intended by calls for transparency.

However, this problem of a “defensive” attitude is not specific to the context of transparency: it may “be a risk of defensive administration” in general that “surviving challenge takes precedence over achieving goals in the minds of officials, potentially frustrating the objectives of the institution” (FELDMAN 2003: 284 with further references). The organisation in question, feeling “threatened by an outside body is likely to try merely to ensure that its decisions and actions are immune to external review, sticking to the letter of the rules and insulating pre-existing internal principles and procedures as far as possible from the influence of the external authority” (FELDMAN 2003: 287). These characteristics remind one of bureaucratic organisations, as described by KERNAGHAN (2000), that are not supportive of administrative transparency.

This “defensive approach to administration”, as FELDMAN (2003: 287) calls it, may similarly occur regarding rules and legal norms that aim at strengthening transparency. The dilemma would then be this: as soon as it becomes institutionalised, transparency is itself part of the rules and as such may be caught up in the same patterns it tries to confront. (The underlying problem would be how to ensure the transparency and effectiveness of the rules for transparency.)

121 Since FELDMAN analyses the problem from a legal point of view, “external authorities” refer to courts and judicial reviews.
Two comments should be made here: first, the citizen’s ability to rate the administration should not be underestimated; a free press and attentive citizens are not easily deceived. Besides, as experiences in communist states have shown, citizens could take a critical attitude towards their governments even despite propaganda and without a free press. Second, it should be borne in mind that transparency, as discussed here (i.e., addressed to the citizen), is no substitute for other forms of control. It would mean stating the obvious to emphasise the uncontested indispensability of internal control mechanisms and parliamentary control. Together with administrative transparency, these mechanisms, if effective, can keep the administration from merely putting on conformable behaviour.

III.3.2 A framework for transparency

Having addressed the question for whom the administration should be made transparent, the question arises as to which parts of the administration can be made transparent in general.

Three dimensions can be identified where transparency is applicable, namely, administrative services, processes and organisation. The concentration on these three dimensions means neglecting an important aspect of a transparent public administration, namely, service delivery by public organisations or (private) contract partners. Yet in the course of this study, reference will only be made to what are considered to be the three core dimensions of public administration:

The transparency of services would require that it be clear to citizens what services are offered to them and to which services they are entitled, which could be supported by citizen charters or public service standards statements (HJORTDAL/ SCHOU 1996). Citizens also need to know which regulations exist and which are relevant to them, and they would need to understand the meaning and consequences of these regulations. The transparency of processes would mean that citizens are informed about what projects are planned, what interests are involved and how inputs from citizens are considered in the decision-making process. Moreover, the balancing of these interests and the reasoning for a decision would have to be intelligible. Transparency of processes would also imply that citizens are updated as to the stage of an application’s processing. Organisational transparency would require that information be made available about the organisational structure (e.g., organisation charts, allocation of duties, job descriptions), and about “rules and practices of the public authority itself”, as opposed to “purely legal rules” (FELDMAN 2003: 282). Accordingly, the disclosure of performance data and of other management

122 An example is the so-called Online Procedures ENhancement for Civil Applications (OPEN) System, launched by Seoul local government in 1999 (see UN 2002).
information would become part of the transparency of the organisation. Whereas the citizen as addressee of administrative action is an integral part of administrative services and processes, he or she only plays a secondary role for the internal organisation and management of the administration.

As regards the categorisation of services, processes and organisation, this is not unassailable. Moreover, the different categories are intertwined (e.g., in order to obtain advice from the administration, the citizen needs to know whom to contact within the organisation).

In the following, various aspects framing the relationship between the citizen and the administration are elaborated. This relationship is to a certain extent defined by law (III.3.2.1), but some aspects are non-mandatory and depend on the administration itself.

As mentioned, transparency is seen as an interaction based on information and communication. In order to become transparent, the administration has to decide what kind of information it should disclose and generate (III.3.2.2), and how to communicate this information to the public (III.3.2.3). III.3.2.2 does not give a list of all kinds of information the administration provides or could provide, but concentrates on general sources and aspects of selection as well as principal qualities of administrative information. In III.3.2.3, issues related to the communication process between administration and citizens are analysed. Four communication patterns are identified that are relevant to administrative transparency.

**III.3.2.1 The legal framework**

In contrast to II.1.1 which has dealt with the general legal principles underlying the claim for transparency, this section will look into how this claim has taken shape in legislation. Two legal constructs are of particular importance in this context: due process and freedom of information. They will be briefly described but cannot be discussed here in detail; moreover, both will be exemplified by Estonian legislation in section IV.3.3.

The fulfilment of the relevant legal provisions represents the minimum level the administration has to uphold to achieve transparency. This is not to say that administrative transparency needs to disregard the principle of legality, but rather that it is also a question of implementation and discretion how much transparency is realised.

The next section is mainly based on a Sigma paper of the OECD by Denis GALLIGAN which, in view and on the occasion of the transition process in Central and Eastern
Europe, lays down the fundamental principles of administrative procedures and gives an assessment of public administration in five transition countries.\footnote{For example, \textsc{Brohmer} (2004: 19-23) distinguishes between four kinds of transparency (transparency of results, procedures, content, and responsibilities). However, he takes a wider view on transparency and does not explicitly refer to the transparency of the executive.} Despite local variations, “the consensus on fundamentals is indeed firm” and leads to the idea of “a model of administrative law” \cite{galligan:1997:10,17f}. “The openness and transparency of administrative processes may be regarded as one of the most important objectives to be achieved in modern administrative law” \cite{galligan:1997:27}. \textsc{Cardona} (1998) also identifies common European principles for public administration; one group of principles refers to the openness and transparency of public administration as well \cite{cardona:1998:11f}. As “guiding principle”, \textsc{Galligan} states “that administrative decisions should be made in conditions of openness: that principle is then achieved through disclosing to the parties any information which is relevant to the process, allowing parties to participate, giving an explanation and justification for the decision, and wherever possible conducting proceedings in public” \cite{galligan:1997:29}.

\section*{III.3.2.1.1 Administrative procedures laws}

Two of the main purposes of administrative law and procedures are, first, to ensure an effective administration that fulfils the tasks set by government, and, second, to ensure the proper and fair treatment of those who are affected by administrative action, that is, the “respect for the rights and interests of persons” \cite{galligan:1997:12}. Generally, the parties must be allowed to participate in the process, to make arguments and submissions to the authority \cite{galligan:1997:71}. This is to be generally guaranteed by the requirements of notice, disclosure, hearing and reasoning. National differences exist, for example, as to the circle of persons who are entitled to inspect documents or to take part in hearings; it could be only persons concerned, or all persons and organisations interested.

\textit{Notice}: It is regulated when and how notice must be given if a process has been initiated \cite{galligan:1997:29}. Persons whose rights may directly be affected by the process are notified specifically. In matters of public concern, notice usually has to be given in the media.

Consequently, transparency in this stage means that citizens are cognizant of what may happen (to them) and when. For example, they understand the intention of a planning and are aware of the terms so that they can take action to assert their interests.

\footnote{But: “It should be kept in mind that a similar study of western European countries would reveal very similar strengths and weaknesses” \cite{galligan:1997:11}.}
Disclosure. Any information, “facts or materials which will be relevant to its decision” must be disclosed to the parties by the administration (GALLIGAN 1997: 30). The administration is obliged to permit the inspection of documents relevant to the procedure and needed to defend the parties’ interests.

As a result, citizens become fully informed about procedures and are then in a better position to defend their rights. The material is made transparent depending on the issue on which a decision is made.

Hearing: The parties must be given the opportunity to be heard and defend their rights or comment on opposing cases. Public hearings may provide the administration with important information but also with the opportunity to “explain to the parties the matters at issue when, as is often the case, they are not clear.” (GALLIGAN 1997: 31)

Thus, hearings ideally contribute to the transparency of decision making by giving explanations to the citizens and informing them about a planning measure; they may circumstantiate potential alternatives and make an evaluation of them so that the option chosen is better understood.

Reasoning: Reasons must be given for a decision – though it is often subject of dispute and submitted to the courts to rule what constitutes adequate reasons (CARDONA 1998: 12, GALLIGAN 1997: 33). At any rate, “the statement of reasons should include the facts and the evidence and the law that has been applied. The statement should also show why argument or evidence submitted by a party has not been accepted.” (GALLIGAN 1997: 33)

Reasoning is crucial for the transparency of decision making. Only if correct and full reasons are given for a decision, citizens are able to understand it. If the decision and the underlying reasons are transparent to them, they can also better assess whether to resort to a legal remedy (CARDONA 1998: 12). Detailed reasoning also raises the acceptance of decisions (WÜRTENBERGER 1996: 96).

III.3.2.1.2 Freedom of information law

Freedom of information acts provide for public access to information through imposing on the administration the duty either to disseminate information actively or to grant access on request (GALLIGAN 1997: 28). Legislation on public access to information varies across countries, covering, according to (CADDY/ VERGEZ 2001: 30f.):

- the scope of application (the public authorities concerned, national/ local level),
- the conditions for submitting a request (e.g., the need to give reasons or the need for identification),
- exemptions (private data, information on national security, internal working documents),
- time limits for responses (varying from several weeks to a few days), and
- the definition of formats for information (audio records, printed, etc.).

Moreover, some countries require the authorities to provide reasons for refusal in writing, some countries offer information in several official languages (CADDY/ VERGEZ 2001: 30f.).

III.3.2.1.3 Other norms

Codes of administrative procedure usually consist of rather general and abstract rules; these are often developed in more detail in the substantive law governing a particular matter (GALLIGAN 1997: 20f.). Procedural issues can thus not only be found in procedural but also in substantive law.

Following the Aarhus Convention, national environmental legislation often deals with rights of access and participation and connected procedural issues. Procedural fairness and due process are important principles for planning procedures, and the corresponding rules are specified in acts concerning planning and/or building. It is beyond the scope of this study, however, to explore in detail the wide array of possible specifications in substantive law.

Further, transparency may be acknowledged in administrative regulations and guidelines governing the organisation of the administration. These are not legal norms or rights; they aim at guaranteeing the “correct, appropriate, and uniform” performance of administrative activities (JELLINEK ET AL. 1987: 80). They may deal with transparency in personnel, financial or contract management, are designed to prevent corruption and favouritism and to raise accountability, for example in the form of codes of conduct. Usually, they do not (at least not directly) affect the relationship between the administration and the general public but rather focus on how the (internal) organisation should be managed.

III.3.2.1.4 Limitations

Yet there are also some restrictions to be considered.

1. Not all aspects of administrative transparency may be covered by law (e.g., the possibility to track applications). Moreover, the law regulates only part of the administrative procedures; “in a significant range of matters, procedures are left almost entirely to the administrative authority itself” (GALLIGAN 1997: 21) and therefore to
administrative discretion. *Discretion* is not only “expressly conferred” but often “implicit in the interpretation and application of standards and rules” (GALLIGAN 1997: 32).

Therefore, *civil servants* play a crucial role for the implementation of legal requirements. FELDMAN underlines the fact that it is “left to the judgement of the administrators” “how the activity is to be carried on, or how powers are to be used” (FELDMAN 2003: 281). Similarly, GALLIGAN points out that “rights do not simply happen or occur; they depend for their recognition and application on suitable institutions. At the higher levels, the courts have the final say; in day to day affairs, however, rights are dependent on the education, training, and attitudes of officials” (GALLIGAN 1997: 14). To a certain extent, it will thus depend on the official whether, for example, all relevant factors have been recognised and taken into account for a decision. The same can be said for public access to administrative information, which is a necessary but not sufficient condition to ensure administrative transparency. Its usefulness may also depend on the persons involved, and on the variations in general that occur in information provision, such as accessibility and timeliness. FELDMAN underlines how difficult it is to instil legal conscientiousness: “While the letter of the rules is generally observed, their spirit will be ignored, because front-line administrators will not be aware of it” (FELDMAN 2003: 283). Consequently, legal provisions alone cannot guarantee administrative transparency; officials also need to be aware of them and act accordingly.

2. Tensions may arise between legal standards and the aims of administration: CARDONA (1998: 14) points to the potential conflict between efficiency and legal procedures. Procedural requirements may be so demanding and inflexible that they hinder the administration in its work; “requirements of due process, rationality and legitimate expectation may make it so time-consuming and resource-intensive for a body to make a decision in a way that will pass judicial scrutiny (...) that the effectiveness of the body is compromised” (FELDMAN 2003: 284). For example, the giving of reasons ensures that the relevant matters are taken into account and persons affected by the decision treated with proper respect. But, as FELDMAN argues, “it is important to avoid demanding such detail in the reasons as to impose a crippling burden on decision makers, thus slowing down the process to a point at which it ceases to operate reasonably efficiently” (FELDMAN 2003: 286). The adequate level of abstraction for reasonings remains difficult to determine and is also dependent on perspectives and discretion.

3. Public hearings “are not held in high esteem” and have often been criticised for being ineffective because they hardly influence outcomes (ADAMS 2004: 44). A danger exists that requirements of due process are mainly taken as a formality. Moreover, participants at hearings are more likely to represent extremist views, whereas people with moderate
positions are less prone to take part. As a result, the legitimacy of hearings has been questioned because they do not voice public opinion, and officials may take this as an excuse for disregarding public comments (ADAMS 2004: 44).

4. Certain *governmental strategies* may endanger freedom of information. In his article, ROBERTS (2000) describes various threats to this right (e.g., outsourcing to non-profit organisations, contracting out, increased fees). Especially the transfer of certain functions from government to private organisations may lead to an “erosion of openness” (ROBERTS 2000: 313) if these are not subject to the freedom of information act. Also, an increased commodification of information (i.e., selling information to interested parties) may limit the effect of FOI legislation (ROBERTS 2000: 315f.).

Five years later, ROBERTS (2005) analyses how internal administrative routines compromise the rights granted by freedom of information. Special procedures to handle sensitive requests aim at minimising the “disruptive potential” of such requests and may lead to delays, or they may “influence decisions about the fullness of disclosure” (ROBERTS 2005: 1, 16).

### III.3.2.2 Transparency as based on information

For the political context of nation states, FINEL and LORD conclude that “the sheer availability of information is far less important than its correct interpretation” (FINEL/ LORD 1999: 336). DE VRIES (2000: 328) also draws attention to the fact that “the main problem is often not the lack of information but the differing interpretations and valuations of this information.” This was the reason, in this paper, for not following operationalisations of transparency focusing on the amount of information (see III.3.1.2 no. 2). As a consequence, it is necessary to analyse different characteristics of information that may have an impact on transparency.

In order to improve transparency, the public needs to be provided with “more accurate and meaningful information” (WOOLF 2000: 29). Transparency is based on the content, quality and type of information disclosed. Given the information overload, there is a need to structure and select information so that it becomes meaningful to the user (SCHEDLER/ PROELLER 2003: 213f.). Information is always preselected, edited and presented in a certain way, which facilitates or complicates interpretation.

The administration does not only need to select information from a pool of existing information, but also needs to decide what kind of information should be generated. Various sources of administrative information can be identified; basically, they can be related to the services, processes and the organisation of administration.
Some principal considerations concern the qualities information may have. These qualities also influence the transparency of the administration – for example, if the informational content is biased or unstructured, transparency is reduced.

### III.3.2.2.1 Sources of administrative information

The administration itself can be perceived as an organisation that processes information; information initiates administrative action, and the result of such action is often also information (DAUM 2001: 19 with further references).

A lot of information comes into being as an inseparable part of administrative action. Information is thus created or acquired upon performance of public tasks. Part of this information may be for internal use only, such as internal working papers and notes. It can evolve out of operational needs or “in response to ad hoc requests for data” from other agencies. Especially in the latter case, this may result in a “fragmented and complex set of information being collected” (WISNIEWSKI/ STEWART 2004: 231).

Still other information is generated as part of the internal organisation and management of the administration. The literature elaborates on respective management information systems and (performance) reporting systems. For example, in the aforementioned case of fragmented information, the authors suggest to link performance information to key stakeholder judgements in order to make reporting more systematic (WISNIEWSKI/ STEWART 2004: 231).

Depending on perspectives and on the kind of information discussed, classifications for information vary. MASTRONARDI distinguishes between the following six types of “steering information” relevant to administrators (MASTRONARDI 2002: 837, 839): management information, requirements set by the political and by the administrative system, legislation, demands from the economy and expectations from civil society.

AITKEN (1996: 151) singles out three types of information in the context of quality assurance for service delivery: client information (reports on the quality of services), management information (reports on the “nature, content, costs, scope and timeliness” of service provision), and steering information (feedback for government decision-makers).

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125 Such a commercial use of administrative information may explicitly be excluded by law, as is the case for France (KLOEPPFE 2003b: 21).
126 See also MASTRONARDI (2002: 834): “In essence, administration is information processing. Administration purchases, evaluates and processes information in order to create new information.”
127 See SAXB (2004: 20) who differentiates between internal and external administrative communication and respective information.
129 See III.1.2.
about the contribution to higher-order policy objectives).\footnote{See also \textsc{Winberg} (1996: 158).} \textsc{Aitken} has singled out these types of information according to their relevance for three groups of stakeholders of the administration.

Similar, though with a wider focus, \textsc{Daum} also describes different kinds of information with regard to the needs of citizens and of the administration. Citizens may have a general or a specific need for information. The first group (general information) consists of information about the organisational structure and responsibilities as well as information about administrative tasks and services (\textsc{Daum} 2001: 29-33). \textsc{Daum} criticises that public authorities rarely analyse the citizens’ need for information in a way private companies do to meet the needs of their customers (\textsc{Daum} 2001: 31). The second group is divided into specialist information (e.g., detailed information on particular cases, forms, decisions) and information about administrative processes and procedure – the citizen wants to be informed about regulations and he or she wants to know the status of their application’s processing (\textsc{Daum} 2001: 33-35). The need for information of the administration (\textsc{Daum} 2001: 38-41) is mainly described according to the various public duties the administration has to fulfil (e.g., public finance, education, economy and traffic).

In \textsc{Daum}’s description, the three dimensions (services, processes, organisation) can be easily recognised. The main difference lies in the focus of attention: \textsc{Daum} concentrates mainly on the service aspect of information for citizens and less, for example, on aspects like control or legitimacy (on the functions of transparency that have been identified earlier). Accordingly, he does not explicitly deal with performance information for citizens, and considers such information to be strategic information for the leaders of local governments (\textsc{Daum} 2001: 44f.).

\textsc{Mitchell} points to the difficulty in obtaining information depending on the source. He differentiates between two functions information can serve (\textsc{Mitchell} 1998: 113f.): information is collected “either to evaluate the performance of the regime or to evaluate the performance of individual parties to the regime.”\footnote{Transparency is defined as “availability of regime-relevant information”, i.e., “information regarding the operation and impact of a regime” (\textsc{Mitchell} 1998: 109f.). Such information is provided by different actors (governments, NGOs, companies).} In the first case, information can be aggregated and need not be complete (only a representative fraction is required), in the second, it needs to be much more accurate and detailed (\textsc{Mitchell} 1998: 114). But the “key distinction” lies “in the uses to which that information is put”, and not in its content: information of the former kind aims at assessing the contribution to a general policy objective, whereas information of the latter kind is “the basis for a response to
induce behavioral change”, such as sanctions. As a consequence, the former is easier to obtain than the latter (MITCHELL 1998: 114).

In brief, administrative information comes into being or is received as part of administrative action, or it is generated to manage the organisation. It may be collected according to the needs of administrators or stakeholders, and/ or to fulfil certain functions that depend on the respective context.

III.3.2.2.2 Selection of information

The selection of information is necessary to enhance transparency – yet any selection is subjective, and there is obviously the problem of bias. The question is whether a selection covers all information needed to render the administration transparent or whether it is rather a means of propaganda and persuasion (both are extremes). For a governmental information agency, there is a “very fine line between being seen as an operational (neutral) information provider and an instrument of political persuasion” (OECD 1987: 85). Especially “negative information”, i.e., “information concerning government failures or errors, including wrongdoing, mismanagement and waste” is only provided reluctantly; instead, “[p]ublic administrators selectively provide information favourable to themselves” (PARK 2000).

It is difficult to set up precise rules for the selection of information, given its great variety. Deficiencies in the content of information may present veritable dangers to public administration. In case of transparency, “[e]ach imperfection, each transgression of rules and regulations, however unimportant they may be, each dispute about a decision, can be ruthlessly exposed as a sign of irrationality or deviance” in the media (BOVENS 2005: 195). The public interest thus needs to be balanced against the interest of persons concerned by the publication of information, and against the costs and efforts connected with the provision of information (SAXER 2004: 23).

III.3.2.2.3 Information qualities

“[G]reater transparency is not enough to engender trust” if the information itself is not credible (transparency understood as “increasing levels of disclosure”): DANDO and SWIFT find that there is “a lack of confidence in both the data and the sincerity of the reporting organisations” as regards corporate reporting on sustainable behaviour and social accountability (DANDO/ SWIFT 2003: 195 with reference to Doane 2000).132 MASTRONARDI points out that the quality of information also depends on the perspective
from which it is looked at and the context for which it is used – it is not simply false or true. Information needs to be selected and structured according to the context (MASTRONARDI 2002: 836).

Several authors list a number of criteria information has to fulfil to be of value. These are either considerations of principle that concern the content of information (e.g., information should not be false or biased), or they refer to the presentation and structuring of information.

Some essential qualities information needs to have are listed by PARK. Important are “the truthfulness, update, and relevance of the information”, as well as its “honesty, accuracy, (...) and reliability” (PARK 2000 with further references). Moreover, transparency as a desirable quality is applied to the information itself. SAXER (2004: 26) notes that public information needs to be transparent in the sense that the source and quality of information need to be explained, and its content must be clear and objective (information should not be misleading).

Similarly, information “should be comprehensive and accurate”, but it also “should be in plain and clear language” (ARNBERG 1996: 254, referring to the “South Australia Citizen’s Charter Guidelines”). The second requirement concerning the language style of public information refers to the presentation of information.

Language is essential for the presentation of information – language itself as well as style. The OECD (1987) has, at an early stage, pointed to the fact that in most OECD countries, “functional illiteracy” is rather high (then 25-40%) – the term including not only illiterates but also disabled and elderly persons, migrant workers and citizens who only understand short sentences with basic vocabulary (OECD 1987: 84). GRAMBERGER mentions the use of guidelines and style manuals in some countries so that the information presented is “understood by citizens” (GRAMBERGER 2001: 31). For “effective communication about budgets” WASHINGTON identifies some principles regarding language: “the use of simple rather than unusual or technical words”; and in case an unusual word is used, its meaning needs to be clarified also “to the nontechnical reader”. He suggests “to prefer concrete to abstract language” which adds “more understanding to data”, and underlines the need to “[t]ailor the budget communication to

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133 See, e.g., EBERT (2006) on how the administration may formulate less bureaucratic letters that are better understandable to citizens.
the audience” as regards the use of terms (WASHINGTON 1997: 458f. with reference to Capps/ O’Connor 1983: 74ff.).

The clear and understandable presentation and structuring of information also plays an important role in the context of website design, digital reporting, and content management. OPITZ (2004: 58f., referring to ISO 15489) describes four criteria for a digital records management (reliability, authenticity, integrity and usability) that will contribute to the quality of documentation.

As for fundamental principles regarding the validity of information (or of a statement), reference can be made to the three validity claims developed by HABERMAS (1982: 305ff.). They actually stem from the context of verbal communication and describe the “ideal speech situation” (JACOBSON/ KOLLURI 1999: 271 with reference to Habermas 1979).

They refer to:

- truth: the “truth of propositions” that have to be presupposed “in the given circumstances” (HABERMAS 1982: 306f.),
- sincerity: “the authenticity of the speaker’s good intentions in communicating” (JACOBSON/ KOLLURI 1999: 271), and
- rightness: the statement made is normatively right (“in a context specific situation in accordance with cultural norms”, JACOBSON/ KOLLURI 1999: 271).

According to HABERMAS, “all speech acts oriented to reaching understanding” can be rejected based on each of these validity claims. For example, the truth that a speaker claims for a statement can be contested, or the normative rightness he claims for his action (HABERMAS 1982: 307). This may be illustrated by the following example which is not a “speech act” in the proper sense but an attempt to adapt these validity claims to the administrative context.

An administrative decision may be denied acceptance by the citizen because

- the information is questioned on which the decision has been based; for example, an expertise is believed to be faulty (truth);
- the citizen believes that there are other intentions behind the decision than those declared; for example, underlying personal or economic interests (sincerity);

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- the citizen calls into question the normative rightness of the decision; for example, he believes the decision to encroach upon his rights and will pursue legal remedy (rightness). (Here, the normative context consists of legal norms.)

Transparency, in particular, could contribute to a clarification of the first and the second validity claim; and, vice versa, true and sincere information is required for transparency. As regards the third validity claim, transparency can shed light on the norms involved in the statement or decision and enable citizens to present better-founded arguments.

III.3.2.3 Transparency as an act of communication

The huge amount of literature about communication can be considered here neither fully nor in detail. Models of communication vary according to academic disciplines and emphasise different aspects of the communication process (MÜLLER 2005: 78 with reference to Roloff/ Anastasiou 2001). The early model by SHANNON and WEAVER (1949) was of limited use for complex social communication processes because of its technical, linear approach (BURKART 2003: 172-174; HEATH/ BRYANT 2000: 65, 70). SAXER identifies four elements of communication processes that lead to an infinite amount of such processes and typologies (SAXER 1998: 26f.). These four elements are: the author of a communication process, the addressee, the media for transmitting information, and the content of information. As a consequence, the transmission of information to citizens may be impeded by any of those factors.

A basic meaning of communication is to “make things common” and to share knowledge (ROSENGREN 2000: 1). This definition supports the conception of transparency as an interaction or communication process between administration and citizens since administrative information is also made available or “shared” through transparency. Transparency as an abstract phenomenon cannot be handed out or transmitted in a communication process. The information needs to ‘reach’ the citizens; otherwise, the administration cannot be transparent to them.

Communication is not a goal in itself: it is to improve problem solving (GLEIM-EGG 1995: 5). But it should not be reduced to simply impart information in a one-sided communication process (GLEIM-EGG 1995: 5f.).

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140 See VESTING (2001: 221) on the nature of information (information can neither be ‘transmitted’ nor can it ‘arrive’).
However, for one-sided communication processes, GLEIM-EGG (1995: 5 with reference to Renn/Levine 1991: 178)\textsuperscript{141} names purposes similar to those that have been identified for transparency: the “enlightenment function”, the “right-to-know function”, the “attitude change function” (raise acceptance for certain decisions) and the “legitimation function” (explanation and justification of risk management).\textsuperscript{142}

Although transparency could thus be regarded primarily a one-sided communication process, it also has traits of a two-sided communication process when it prompts citizens’ feedback and reaction, which, in turn, may influence the provision of information. Moreover, the administration is more likely to be transparent for citizens involved in an active dialogue with the administration. According to HARMON, only a “continuing dialogue” among public servants, citizens and other actors may ensure the accountability of public servants.\textsuperscript{143} It has been argued that transparency is supportive of this social process by creating favourable conditions for an open dialogue. But transparency can also be understood as a social process itself: it depends on the communication between administration and stakeholders. An open dialogue would then be conducive to transparency because information about the administration would be imparted to participants.

Yet the communication process between administration and citizens has also been criticised. “The problem of incomplete communication between public bureaucrats and the public in the policy making and implementation process has been criticized as a source of bureaucratic pathology” (KANG 2005: 170 with further references).

The following will deal with the question how, in principle, information can be delivered to the citizen and describes major communication patterns between citizen and administration.

\textbf{III.3.2.3.1 Patterns of communication}

Public authorities interact with citizens in different ways. This interaction can be characterised by varying degrees of citizen involvement. On this “continuum of client involvement” (SHAND/ ARNBERG 1996: 21) certain types of communication can be identified (SCHEDLER/ PROELLER 2003: 260f., SHAND/ ARNBERG 1996: 21):

\begin{itemize}
\item \textsuperscript{142} The list refers to risk management and differentiates between “enlightenment” on risk and providing information to persons potentially affected.
\item \textsuperscript{143} See III.1.2.3.
\end{itemize}
- sovereign/authoritative: citizens are not involved in a decision, and explanations are only given upon request;
- informative: citizens are not involved in a decision, but they are informed actively and comprehensively by the authorities;
- consultative: citizens are consulted and can provide input before a decision is made by the authorities;
- participative: citizens take part in the decision-making process and possibly also in the implementation process as equal partners of the administration;
- delegatory: certain decisions are delegated to citizens or a group of citizens but within a clearly defined framework (the administration points out the options); implementation is carried out independently by the citizens themselves or by contract partners;
- autonomous: there is no personal contact between the administration and the citizens; the citizens have the knowledge and abilities to solve certain problems themselves, possibly even with a budget from government.

Not all of these possibilities are equally relevant when it comes to administrative transparency. Of particular interest are those where government is dominant and/or the contact with citizens is close (i.e., authoritative, informative, consultative and participative). In these cases, the citizen is most dependent on administrative action or on information from the administration, and the need for transparency is most apparent.

Companies usually communicate with the public through marketing or public relations (which is sometimes also seen as a marketing function). Public relations and communication activities in the public sector have variously been discussed in the context of administrative or political communication (see III.1.1.3). Public relations and transparency are linked in so far as they both deal with the relationship between the organisation and its publics.

In an often quoted definition, public relations is defined as “part of the management of communication between an organization and its publics” (GRUNIG/HUNT 1984: 6).

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144 In contrast, when the citizen becomes more influential (as is the case for delegation and self-control), the need for transparency also increases on his part: for example, transparency needs to be ensured in case of service provision by external partners who have to be accountable towards the administration.

145 See, e.g., DIBB ET AL. (2001) who consider public relations part of promotion activities. For the discussion about the difference between marketing and public relations, see, e.g., BENTELE/WILL (2006: 152); RÖTTGER (2005: 334); GRUNIG (1997: 246f. with further references).

146 See, e.g., ADAM ET AL. (2005); SAXER (2004); NEURONI/ZIELMANN (2004); CZERWICK (1998); GRUNIG (1997).
GRUNIG explicitly mentions “understanding” between the organisation and its publics as “a major objective of public relations” (GRUNIG 1997: 242), RÖTTLER underlines that public relations may help to gain and maintain trust and credibility which is of crucial importance (RÖTTLER 2005: 334). Since transparency also aims at a better understanding of the administration and the creation of trust, public relations can be seen as a management function (BENTLE/WILL 2006: 170-174) which is needed to support efforts of the administration to create transparency.

GRUNIG and HUNT identify four models of public relations (GRUNIG/ HUNT 1984: 21ff.) that in a way resemble the aforementioned four most relevant types of interaction. Their much-discussed typology was later developed into a more complex model. Even though the four models are only “simplified representations” of an “enormous variation in public relations practice”, they are supposed to characterise “typical ways in which public relations is practiced” (GRUNIG/GRUNIG 1992: 286) and as such describe some basic characteristics of the different possibilities to communicate with the public. The models represent four approaches to public relations that are chosen depending on “the nature of the organization and the nature of the environment” (GRUNIG/HUNT 1984: 43.). Governments are “nearly always” found practising the public information model, characteristics of which are active press-relations programmes and the use of “many informational pamphlets, magazines, consumer guidebooks, fact sheets, films, and videotapes – all designed to inform the publics about the organization” (GRUNIG/HUNT 1984: 26). The model preferred by GRUNIG and HUNT is the two-way symmetrical model which is practised, for example, when an organisation needs to maintain its social responsibility as required by government regulators (GRUNIG/HUNT 1984: 43).

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147 Recent examples are BENTLE/WILL (2006: 151), who also point to the wide acceptance of this definition, and RÖTTLER (2005: 333).
148 According to ZERFASS, this typology has exercised a great influence since the mid-1980s and “(...) can now be considered empirically founded” (ZERFASS 2004: 68). WEHMEIER (2005: 281 with further references) points to the fact that GRUNIG/ HUNT (1984) has been the most frequently quoted publication in the field of public relations. See also BENTLE/WILL (2006: 157); RÖTTLER (2005: 339ff); GRUNIG/GRUNIG (1992: 285ff).
150 This list does not refer to governments only, but also to “associations, nonprofit agencies, and educational organizations” (GRUNIG/HUNT 1984: 26).
Table 4: Characteristics of four models of public relations by GRUNIG and HUNT

In view of the fundamentally different types of interaction occurring between the administration and its stakeholders, it stands to reason to refer to these ideal types not only for inter-organisational comparisons or to characterise different stages of a development.\(^{151}\) If applied to the administration, they could also be interpreted as describing characteristics of the different communication patterns existing between the administration and its publics (Table 5).\(^{152}\) Under the assumption that information is not provided for propagandistic reasons, the first model of public relations can be replaced by what may be called the ‘authority model’: The administration (as community service administration or interventive administration) provides services and issues orders based on the law (sovereign action).

Table 5: The four models of public relations in an administrative context (*changes in italics*)

\(^{151}\) The authors also use the models to explain public relations history, with the publicity model representing an early stage of development (GRUNIG/HUNT 1984: 13f).

\(^{152}\) GRUNIG and GRUNIG later found the models to be practised not necessarily in pure forms; depending on the respective situation or programme, organisations may mix the models. Also, “excellent public relations” was found to be a combination of two models (GRUNIG/GRUNIG 1992: 285, 297).
The public information model would still focus on the dissemination of information as in
the model of GRUNIG and HUNT, but a wider range of information would be included.
GRUNIG and HUNT (1984: 36, 43) put the emphasis on media relations of governments
(e.g., press releases, press spokespersons) and public information campaigns – which
mainly corresponds to the perspective of political communication (see III.1.1.3). But
information aiming at the public accountability of the organisation, such as results
reporting, is also a one-way communication and needs to be included, as does
information and advice connected to the services offered by the administration.

Initially, the two-way asymmetric model helps to “market a product or to influence
legislation” (GRUNIG/ HUNT 1984: 43). From the perspective of the administration,
asymmetric communication would, for example, be seeking consultation from the public.

Being a sovereign authority, the administration cannot sustain completely balanced
relations to the citizens. However, under certain circumstances (e.g., for a defined project
with shared responsibilities), an almost symmetric partnership is possible.154

Transparency of the administration is relevant to all of these communication models. In
the first model, transparency primarily refers to transparent decision making. Given the
potential impact of interventive administration on the citizen, he or she is above all
interested in understanding the decision made (that it is just, correct and reliable), and in
his or her possibilities to take legal action. Transparency here supports legal certainty and
legal protection.

Transparency in the model of public information has actually two meanings. On the one
hand, it means that the content of this information is clear and understandable (see
III.3.2.2). On the other, it also refers to the effect of public information which may
enlighten citizens (e.g., on the organisation, on policies, on services) through the
provision of information in general and provide them with some kind of public control
over the administration.

In the two-way asymmetric model, transparency would require that it be understandable
why proposals are accepted or rejected (transparent consultation process). In the two-way
symmetric model, transparency ensures an active exchange of information relevant to the

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153 See also SIGNITZER (1992: 140), GRUNIG/ GRUNIG (1992: 288). – This is actually in line with the development
of public relations which (among other sources) originated from communication research “on public opinion,
attitudes and persuasion, effects of the mass media, effects of information campaigns (…)” (GRUNIG 1997: 243f).
154 See also GRUNIG (1997: 247f) who applies the symmetrical model to active participation and “societal
corporatism”, to government agencies that “collaborate and bargain with publics they are supposed to serve or
regulate to balance the interests of those publics and society at large”. In the context of government, he mainly
refers to the policy-making process and lobbying, not to direct participation in fulfilling public tasks. This also
becomes clear in view of his description of this model as using “communication to manage conflict and improve
understanding” (GRUNIG 1997: 262).
project and a partnership that is as balanced as possible. Conversely, as argued above, symmetrical communication also contributes to the transparency of the administration.

Again, reference can be made to the general functions of transparency (see II.1.2). For example, transparent consultation implies that the administration is accountable to citizens for making use of, or disregarding, proposals; transparent participation also enhances the legitimacy of a decision.

Since these models are applied to an intra-organisational context, they are also interrelated with respect to transparency. For example, transparent consultation and participation will be conducive to the transparency of sovereign action. Public information may prepare citizens to take part in consultation and participation, or to apply for a service.

III.3.2.3.2 Limitations

GRUNIG’s intention was to develop a “theory of the relationship of excellent public relations to organizational effectiveness” and to explore the link to “excellence in management” (GRUNIG 1997: 256). Through “communication and compromise”, public relations would help to achieve the organisational goals, to make or save money by selling “products and services to satisfied customers” and by avoiding lawsuits or boycotts (GRUNIG 1997: 242). Public relations was needed because of the “linkage of organization and publics through consequences” (GRUNIG/HUNT 1984: 10), as a means to manage the effects the behaviour of publics may have on (the functioning of) the organisation.

This corresponds only in parts to the concept of transparency. Although it could be argued that aspects of efficiency and effectiveness also play a role regarding transparency (e.g., avoiding lawsuits), these alone would not justify claims for transparency. The underlying rationale of transparency differs from that of public relations; transparency also has a normative dimension of being an end in itself, as discussed earlier.

Public relations is often used to sell a product or a brand, to promote a certain image of the organisation or enhance its reputation; it is used for persuasion, and the stated objective is meant to influence the behaviour and attitudes of the public in line with the organisation’s goals.\footnote{See, e.g., RÖTTLER (2005: 335) and ZIERFASS (2004: 214ff., 394ff.). In general, GRUNIG (1997: 242) considers organisations successful if they “achieve their missions and goals”.} In an administrative context, this could be the case for health or election campaigns, or for policy statements that aim at convincing the public of certain plans or decisions and also intend to influence attitudes and behaviour.

By contrast, if the objective is to make the administration itself transparent, information is as descriptive and factual as possible. It tries to reflect the organisation, its activities and
performance and does not primarily aim at inducing certain reactions (though it may contribute to a more active citizenry).

III.3.2.3.3 Receiver capacity and segmentation

It is not possible to communicate something to which the addressee has no relation; the addressee needs to understand the way the information is transmitted (e.g., language, syntax) as well as what is indicated by it (BÜHL 2002: 270). Otherwise, the message will be understood in a different way than intended; it will be transformed so that it will have a relation to the addressee (BÜHL 2002: 270). According to BÜHL, for this reason political propaganda is less effective than often assumed – the message just does not hit the way it is supposed to (BÜHL 2002: 270 with further references). Ideally, transparency requires to ensure that information imparted to citizens is not distorted by the process of transmitting or receiving information.

Capacity influences “how people accept and use information” (HEATH/ BRYANT 2000: 167). In the communication process, capacity may refer to the sender, the message, the channel, or the time available to process a message (HEATH/ BRYANT 2000: 167f.). Of special importance is the ability of citizens “to receive and process information” – hence “receiver capacity”: it “can be a function of each individual’s cognitive ability or experience with the information. It could refer to the person’s need for information” (HEATH/ BRYANT 2000: 168).

GRUNIG notes that it is hardly possible to communicate with the general public or general population; for communication to be effective, it has to be tailored to specific segments since “publics arise around shared problems or concerns; therefore, a public always is specific and cannot be general” (GRUNIG 1997: 246). This insight can be transferred to the context of transparency which is essentially based on communication. Why should transparency be able to reach a “general public” when “communicating with the general public” or with “the general ‘population’ (...) is rarely possible” (GRUNIG 1997: 246)?

The citizenry is not homogeneous. In a governmental context, GRAMBERGER (2001: 42) defines “publics” as “groups of citizens” that can be identified according to particular policy sectors or phases of the policy cycle, to personal characteristics (such as language, age, profession) or regions.

The transparency of local government thus depends on the background of the citizens and on their ability to process information. Transparency will be more difficult to achieve for someone with a lower educational level, for a foreigner or a member of an ethnic minority who is not fluent in the national language, than for someone who is in regular
contact with the administration. As a consequence, the administration has only limited possibilities to increase its transparency.

Segmentation would be a response to the varying degrees of receiver capacity. Apart from social and demographic factors that lead to segmentation, citizens pursue different interests and take on different roles towards the administration (BOGUMIL ET AL. 2003: 23-29; SHAND/ ARNBERG 1996: 17): For example, citizens may be addressees of social benefits and services, or they may voluntarily participate in fulfilling public tasks. They may participate in policy formulation and planning and are then in the role of the principal of public administration. Accordingly, the administration and its transparency are perceived from different perspectives.

III.3.2.4 Transparency in the context of information and communication

Administrative transparency establishes a link between the administration and the public. Transparency is inseparable from information and communication. When information does not reach the addressee (it is not communicated, or communicated in a way that it is not understood), he or she cannot perceive something as ‘transparent’. The three concepts are thus closely intertwined. How the three concepts possibly relate to each other is illustrated below (Figure 3). The illustration is an attempt to position the concept of transparency in the context of information and communication.

Transparency is an elusive concept because, as mentioned earlier, it can be cause and effect at the same time (an independent or dependent variable).156 For example, transparency “creates” information (transparency as an independent variable) and it “needs” information (transparency as dependent on information). “Needing” and “creating” indicate either a precondition or a (possible) consequence. Based on these, the following relationships between transparency (T), information (I) and communication (C) can be identified:

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156 See p. 57.
- T creates I: If the administration is transparent, more information about the administration is available.
- I may create T: The generation of (publicly available) information (e.g., budget reports) is necessary for the transparency of the administration; in that sense, it is the information that creates transparency.

But I does not need T: Transparency is no precondition for information. For example, an information overload or false information causes intransparency.

- C may create T: By means of an open discourse, transparency (on both sides) can be enhanced. [According to the illustration, inherent to this relationship is “C creates I” since T creates I; for example, C may create non-verbal information].

But C does not need T: Misunderstandings and propaganda are also communication processes but do not lead to an increase in administrative transparency.

- T needs C: Transparency cannot exist without communication; the information has to reach an addressee so that the quality of ‘being transparent’ is fulfilled; transparency cannot exist for itself [inherent to this relationship is “T needs I” since C needs I].

- C needs I: Information is an indispensable part of the communication process. “Information is basic to communication in all contexts” (HEATH/ BRYANT 2000: 168) and “information cannot be separated from communication” (VESTING 2001: 223). If information is to be made public, it also needs communication (“I needs C”).
However, communication can also be used to impede transparency intentionally, to obscure the situation and to create an impression in line with the interests of the organisation, as is the case for governmental propaganda or certain kinds of public relations. Communication (and information) with the intention to prevent transparency would be dysfunctional in this model.

If transparency of the administration is created through information and communication, the administration and the public are openly connected. There is an open exchange between both, as shown in Figure 3.

Conversely, intransparency results when either information or communication (or both) is deficient. These situations are depicted in Figures 4a and 4b: Deficiencies in information separate the administration from the public, even if communication works well, and vice versa, information may be sufficient, but a lack of communication impedes transparency.

Deficiency in information (4a). Public interest for administrative information exists and access to information is granted. However, the information provided is insufficient (due to aspects discussed in III.3.2.2), i.e., it does not reflect the administration – its services, processes, organisation – in an adequate way. As a consequence, the administration is not transparent to the public.

Deficiency in communication (4b). Alternatively, the administration creates and discloses sufficient information about itself which, in principle, is of public interest. (There is a feedback (control) effect for the administration based on the fact that this information is made public; see II.1.2.2.) However, there is no public interest, and/or information is (practically) not accessible – due to social, physical or other impediments. In this case, too, the administration is not transparent to the public.
III.4 Interim assessment

Even within public administration, transparency is dealt with in various contexts. It is not confined to the right of free access to documents, but also plays a role for relations with the media, for the accountability of the administration, public participation and electronic government.

Transparency here refers to the clarity and comprehensibility of the services, processes and the organisation of the administration for the citizens. Only if the citizen is in the position to understand and track administrative action, the administration can be considered transparent. This implies that transparency is not only based on information but also dependent on the communication with citizens.

“Transparency can be seen under two aspects: It is a question of communication between different actors.\(^{157}\) (...) Transparency is also a technical and instrumental topic: How to make goals, targets and budgets clear and distinct?”\(^{158}\) (REICHARD 1998: 501f.; original emphasis).

The technical aspect will be the main topic of Chapter V: How is administrative information communicated in practice? Information and communication have been treated as rather abstract concepts up to now. The empirical part will explore how they may be designed in practice and what difficulties may arise in bringing information to the citizen.

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\(^{157}\) REICHARD mentions the communication between politicians and the administration.

\(^{158}\) This rather narrow enumeration can be explained by the specific perspective taken by REICHARD (1998) who analyses transparency in relation to performance management.
IV Transparency in (post-)communism

This chapter serves several purposes. First, it will illustrate the system dependence of transparency (Q3; p. 2): transparency is an antagonism to the socialist system. Second, by describing the system of Soviet Estonia, the complete turnabout of the country is demonstrated with respect to transparency. Third, the chapter explores the role of public administration reform and transparency during transition. Fourth, it sketches the Estonian context and thus prepares the ground for the next chapter.

IV.1 Transparency and the socialist system

The incompatibility of transparency with the socialist system can be shown on the basis of the functions transparency may serve (see II.1.2). If these functions are unwanted or antagonistic to the system, transparency will be as well. For the analysis, the following functions of transparency will be considered: legal certainty, control, information and legitimacy. Before these are analysed in more detail, a closer look is taken at some basic features of the socialist administrative system.

IV.1.1 Bureaucracy under socialist rule

There was no independent public administration in communism. The functioning and power of the state was based on a highly centralised and strictly hierarchical organisation of the administrative apparatus, with the ruling party at the top of decision making. The party selected the members of the legislature, the state administration and the judiciary, though these institutions were formally three separate entities (KORNAI 1992: 37f.). The control of the party “extended over all levels and branches of state administration” (HESSE 1993: 220). The hierarchical structure of the party went down to the local level, through a system of subordination and superiority – decisions from higher levels were always binding for lower levels (KORNAI 1992: 33-36). The “chief method used by the higher authority to control the lower (…) is the command” (KORNAI 1992: 116).

Close ties between party, state, firms and mass organisations made it irrelevant to which specific organisation the functionaries, or cadres, belonged. The functionaries were all members of the bureaucracy, bound together by ideology, by the power and their privileges, as well as by coercion (KORNAI 1992: 41-43). The constitution did not require the subordination of members of the state organisation to the rule of the party, but the “majority of them are party members (…) and as such they are obliged to carry out the party’s instructions” (KORNAI 1992: 38). Party and ideology formed an “entity” (KORNAI 1992: 361). The state influenced basically all aspects of life; via nationalisation,
collectivisation and mass organisations, the citizens were, as far as possible, made to conform to the bureaucracy and thus under the control of the state and the party, respectively.

The dominant co-ordination mechanism of the system was “bureaucratic coordination” (KORNAI 1992: 97, 363). The management of the public sector by the bureaucracy mainly referred to managing the implementation of a plan that had been decided centrally. The disaggregation of plans down to the local level was “a basically downward flow of information. The plan a lower level receives from a higher is a command, not a recommendation” (KORNAI 1992: 113). Higher authorities could intervene in the details any time; for instance, they could alter the allocation of supplies and equipment or change priorities (KORNAI 1992: 115f.).

The system produced suspicion between subordinates and superiors (KORNAI 1992: 99). Since any open criticism could be seen as indiscipline and disrespect vis-à-vis superiors, it was usually withheld (KORNAI 1992: 57). In view of intimidation and repression, “the system denies itself the major factors of feedback from bottom to top” (KORNAI 1992: 100). Suspicion required tighter supervision and control and an ever-increasing number of regulations to prevent circumvention; bureaucracy produced itself (KORNAI 1992: 129, 366f.). Redundancy, though potentially causing inconsistencies, was systemic to rectify malfunctioning of certain parts of the system and to prevent damage (KORNAI 1992: 99). This situation of deeply rooted distrust mirrors the potential of trust to reduce transaction costs and to facilitate co-ordination.

KORNAI (1992: 371) develops a theoretical model to describe the coherence of the classical socialist system. Its elements are interdependent and strengthen each other, leading to “a natural selection of institutions and behaviour patterns” (KORNAI 1992: 368). Norms and values that fitted into the system “survive and take root”, others were discarded (KORNAI 1992: 366). In that sense, certain features like the shortage economy, repression and limitations on civil liberties, were inherent to the nature of the system. On an individual level, the “character-forming and training effect, and the selection criteria of bureaucratic control, reinforce each other; servility and a heads-down mentality prevail” (KORNAI 1992: 121); obedience and unconditional loyalty were needed for a successful career (KORNAI 1992: 57).

IV.1.2 Legal certainty: “Not applicable”

Legal certainty and equal protection are part of the principle of legality which can only be of effect under the rule of law. In the following, characteristics of the socialist system are discussed with respect to these principles.
The rule of law requires the separation of powers. But in the socialist system, the members of the legislature were not elected by the people but nominated by the bureaucracy. The legislature was not an independent body and did not control the bureaucracy – it was actually part of bureaucracy itself (KORNAI 1992: 48).

Even if laws were formally passed by parliament, the party decided about the content of these laws. In addition, numerous regulations were “state regulations that do not receive the rank of law even formally: they remain as government or ministerial orders, or (...) simply the personal rulings of a particular member of the bureaucracy” (KORNAI 1992: 47).

As a consequence, orders and regulations did not always have a legislative basis, and administrative action was not always based on formally enacted laws. If it was deemed necessary, however, that the party could always induce the creation of a legislative basis. Even an infringement of a law could be given legal foundation: “Laws, government orders, and court sentences can be passed to give formal, legal sanction to the persecution of groups or individuals” (KORNAI 1992: 47). Since the courts were not independent, they neither protected the individual nor exerted control on the bureaucracy. Legal protection was not guaranteed.

Obviously, individuals could not rely on rights granted by law. There was no legal certainty; administrative action was inconsistent, and decisions were incalculable and arbitrary. Similarly, since laws were interpreted differently depending on the case in hand, equal protection was not respected, either.

The bureaucratic apparatus was “not subordinate to any stable legal system” (KORNAI 1992: 47). On the contrary, “the formal system of law is subordinate to the current endeavours of the bureaucracy” (KORNAI 1992: 47). As HESSE points out, the “will of the party was superior to the rule of law; consequently, the principle of legality played only a secondary role in administration” (HESSE 1993: 220) – even though it “was officially viewed as an important principle” (HESSE 1993: 240).

Under these circumstances, even if it were implemented, transparency could neither enhance legal certainty and equal protection, nor legal protection. Clear and understandable regulations have no effect if they can be arbitrarily changed and interpreted. If the rule of law does not apply, this function of transparency simply becomes irrelevant.
IV.1.3 Public control: “Don’t want”

A transparent administration is more accountable towards the citizens and provides them with control. Transparency can be considered a counterweight to administrative power and may reduce the risk of arbitrary action by the administration. If administrative performance becomes more transparent, it also can be evaluated better.

In the socialist system, all control is basically concentrated in the hands of the party. “The principle of the unity of state power and the subordination of state administration under the control of the Communist Party were incompatible with the existence of autonomous control institutions operating outside the influence of state and party” (HESSE 1993: 239). Control was exercised through supervision, repression and intimidation; it pervaded the entire system because an ‘exit’ option was virtually absent – resigning from party membership or applying for emigration was dangerous (KORNAI 1992: 100). Apart from the party, no other control mechanisms were allowed. Parliamentary control did not exist: there were no checks and balances on an institutional level “that prevent the bureaucracy in a parliamentary democracy from acquiring and monopolizing power for itself permanently, or placing itself above the competing political forces” (KORNAI 1992: 48). Any possible counterweight or opposition to the rule of the party was systematically eliminated. Control through an active civil society was unthinkable and not in the interest of those in power.

Correspondingly, there were no independent civic organisations that could have exercised public control. All civic activity was concentrated in (formally autonomous) mass organisations that again were controlled by the state, and whose leaders were themselves members of the bureaucracy and often also of leading party organs. The party intervened actively in the affairs of organisations (KORNAI 1992: 40). With few exceptions, mass organisations had a monopoly in their respective field of activity; for example, there were associations for musicians, engineers or scientists (KORNAI 1992: 39). Membership was often compulsory and tantamount to a permission to carry out that activity professionally. The party used such organisations to address the masses and to keep them in its sphere of influence (KORNAI 1992: 40). Although lobbying existed, the different interest groups (e.g., in industry or culture) were also under the roof of the party (KORNAI 1992: 45).

Therefore, the state controlled all civic activities. Contrarily, as transparency aims at restricting the power of the bureaucracy, this would again go against political intentions. Transparent administrative performance is an important part of public control. However, in the classical socialist system, performance evaluations only took place top-down. The most important instrument to measure the performance of state institutions was the plan which included a number of exact target figures to be achieved. These were to a certain
extent negotiated between the different bureaucratic levels. Performance was then measured in terms of fulfilment of the plan, and every institution had to deliver a report on its implementation (KORNAL 1992: 114). However, distortions made the reliability of the evaluation questionable (inefficient use of allocated supplies, intentional underestimation of capabilities to avoid trouble, withholding of performance to prevent higher performance levels becoming compulsory in the future; KORNAL 1992: 122f). It is “recognized as an important aim” to use the administrative resources in an efficient and effective way, “but an independent auditing system did not exist” (HESSE 1993: 240).

Accountability towards lower levels was unwanted and considered unnecessary by those in power. Any possible control through the public or civic organisations was opposed. As a result, the control function of transparency does not fit into this system, either; it would go against the interests and intentions of the political leadership.

IV.1.4 Information: “Don’t want”

As described earlier, transparency provides the citizen with all kinds of information. This information serves different purposes: it informs and enlightens the citizens, making them potentially more alert, more critical and enabling them to follow and control the administrative processes; information is a precondition for consultation and participation, it enables citizens to contribute to the political and decision-making process (in turn providing the administration with potentially valuable information) and thus to exercise their rights.

Under socialist rule, information was under bureaucratic control. The top-down approach also applied to the information policy of the government: the party decided what information was to be spread. KORNAL identifies the “centralization of decision-making and information” as an essential feature of bureaucratic coordination (KORNAL 1992: 363). The administration, being under direct control of party and state, could not disclose any information that had not been approved by the party. Information was strictly censored; it was not used to enlighten people but to influence them. “The bureaucracy sets out to convince people to support their policy, using the whole arsenal of education and modern political propaganda for the purpose” (KORNAL 1992: 45).

Only information in line with the official ideology was officially available. All kinds of channels are used to spread this ideology: It “is put forward by a vast apparatus of party,

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159 Also within the logic of the socialist system, an ‘information problem’ existed. It usually referred to the required but unavailable macroeconomic information to make economic planning work. It also referred to the information asymmetries and distortions in bargaining about planning targets that caused inefficiencies and shortages. See KORNAL (1992: 121-130).
state, and mass organizations, served by the press, the other media, and educational, scientific, and cultural activity” (KORNAI 1992: 49). The emphasis on ideology blurred political and administrative processes, and underlying motives of the actors remained unclear: the leadership’s objectives “are difficult to observe. They are not necessarily reflected faithfully in public resolutions and political speeches, since these form parts of the official ideology” (KORNAI 1992: 371).

As a consequence, citizens received only very little and extremely selected, often distorted information. Even for the elites themselves the situation was not transparent. ELSTER ET AL. speak of the “systematic opacity of this social order, i.e., its inability to monitor itself and provide reliable information about the state of its critical variables (…). State socialism, in other words, is a system that does not generate knowledge, least of all public knowledge, about indicators of its own malfunctioning” (ELSTER ET AL. 1998: 2).

Information as a consequence of transparency is much less controllable. Transparency could entail the disclosure of undesirable information, for example competing with information from government. Such rivalry of information, or even contradictory information, could not be tolerated under the socialist system. “[C]ontrary political opinions, (…) organisations independent of the political institutions organised from above; cultures and world views other than the official ones” were intolerable (KORNAI 1992: 367). Hence the suppression of information must also be seen inherent to the system. Citizens were not supposed to inform themselves independently, and neither free access to information nor an objective reporting was desirable. Since the system prevented as much as possible the development of an informed, critical citizenry, transparency would have been counterproductive to the system.

Within the bureaucracy, the “vertical flow of information consists of several kinds of communication, the most typical for this kind of coordination being the command, the order (…)” (KORNAI 1992: 92). The hierarchical structure did not require informing subordinates about details; decisions had to be endorsed without hesitation. From the perspective of this system, it was not necessary to supply lower levels with information to enhance their decision-making power because decisions were made on higher levels in most cases.

Furthermore, the strictly top-down bureaucratic coordination did not allow for the participation of citizens in the political process so that transparency was not required with respect to this purpose, either. As noted before, decisions are more likely to get accepted if they are made transparent. But for those in power, it was not necessary to disclose information with the intention to gain acceptance; decisions were commands to be obeyed and could not be contested.
For these reasons, transparency is incompatible with the socialist system. The effects of transparency could not be controlled in the same way as the propaganda machinery of the state. Rival information could be generated, and censorship would be undermined.

The purpose of information under the classical socialist system was mainly to manipulate the public opinion and to support and spread the official ideology. The information function of transparency therefore does not fit into the logic of the classical socialist system. Transparency would be an unwanted or unnecessary feature.

IV.1.5 Legitimacy: “Don’t need”

Legitimacy means that state authority is accepted as the rightful authority. It is crucially based on respect for the legal and moral norms set by the authorities. The legitimation of power also plays a key role for the legitimacy of the state: if power is legitimated democratically (i.e., people can have a say in it), legitimacy is also more likely to be achieved. Since the administration lacks direct democratic legitimation, its legitimacy needs to be derived from other sources. It was suggested that one of them can be transparency.¹⁶⁰

Under the socialist system, “power undergoes a curious process of self-legitimation. (…) The possessors of power have appointed themselves as the manifest expression of the people’s interests and the repository of a permanent public good” (KORNÁI 1992: 56). Only the party knows best what is in the “true interest” of the people; the “ideas and methods termed ‘scientific socialism’ in the official ideology ensure intellectual superiority” over any opposition that may arise (KORNÁI 1992: 55).

According to the logic of the system, power must not derive its legitimation from free elections. Such elections would be superfluous and dangerous because it would amount to a “crime against the people” if a party won the majority that does not serve the ‘true’ interests (KORNÁI 1992: 56). Only the party is “the vanguard of the working class and so ultimately of the whole society. As such it is destined to lead society” (KORNÁI 1992: 55).

In brief, the party issues and enforces an official ideology according to which the party is the legitimate representative of the working class. RUUTSOO (2001) underlines the role culture played in this process. “An important device to legitimise Soviet power and ideological control was the promotion of the so-called people’s culture”, which meant that existing cultural life was replaced by compulsory propaganda literature, indoctrination lectures and other events in nationalised clubhouses (RUUTSOO 2001: 329).

¹⁶⁰ See fn. 32 and II.1.2.4.
As a result, “one can almost say [the possessors of power] have legitimated their power ‘by definition’” (KORNAI 1992: 56).

This legitimation of power was hardly convincing for all who did not share the official ideology. For them, state authority was illegitimate. To avoid unrest, the state was in need of another justification of its existence. As ELSTER ET AL. observe, “the legitimation of the communist regimes became increasingly based upon the promise of a steady increase in material well-being” which necessitated the consideration of economic reform (ELSTER ET AL. 1998: 43).

Therefore, the democratic principle was rejected, and so was the need for democratic legitimacy. It would not have been consistent with the goals of the system to open up public administration to external scrutiny, or even to let the public participate. The socialist system violated citizens’ rights and societal norms in many respects (i.e., lacked legitimacy); by propagating an ideology as supernorm, the system created itself a basis for its ‘legitimacy’ and did not tolerate any other.

IV.1.6 The perversion of transparency

The analysis has shown that administrative transparency is antagonistic to the whole system. Instead of transparency of the public administration for citizens, pervasive control and supervision mechanisms aimed at making lower levels of the bureaucracy and the citizens as diaphanous as possible for higher levels and the political leadership. This supervision and control required collecting plenty of information and personal data of citizens; “account is kept of every resident and employee by the party branches, mass organizations, state apparatus, and police authorities of each locality and place of work. (…) [W]hatever function a citizen may perform, (…) the item of information will be recorded by the personnel department concerned”, and this file remains “for the rest of one’s life” (KORNAI 1992: 47).

Only the hierarchical organisation and command structure of the administration (competences and positions within the bureaucracy) may have been transparent, the decision making itself was not, especially not for lower levels.

As only lower levels had to be transparent for higher levels, one could speak of a ‘hierarchical transparency’ or ‘upwards transparency’ in the socialist system. Therefore, in totalitarian regimes the idea of transparency can be twisted so that power is even more concentrated in the hands of the rulers, and a strict control over the citizenry is achieved.
IV.2 The process of transition

IV.2.1 The changing role of the state during transition

The situation caused by the breakdown of communism was unprecedented. A particular challenge, different from previous transitions, was the simultaneity of political, economic and territorial reforms (ELSTER ET AL. 1998: 3f., 19-21). Given the lack of experience, occasional reference was made early in the transition process to the by then recent experiences in Latin America.\textsuperscript{161} Especially the so-called “Washington consensus” mirrors principles that were also more or less eagerly embraced by countries in Eastern Europe; not irrelevant (maybe even crucial) in this context was the influence from international financial organisations (IMF and World Bank in particular) and bilateral donors who supported the transition process by granting financial assistance under conditions similar to the policy recommendations of the Washington consensus.\textsuperscript{162} As a consequence, in the very beginning of the transition process, institutional reform (and strengthening the administration) was less in the focus.\textsuperscript{163}

The Washington consensus consists of a list of ten economic policies drawn up by WILLIAMSON in 1989 against the backdrop of the Latin American crisis (WILLIAMSON 1990b, 1997). It describes the necessity of certain economic policies but neglects “the significance of institution building for the beginning of growth” (KOLODKO 2001: 52). Since the Washington consensus was designed for a different situation, it “was missing crucial elements necessary for systemic overhaul” (KOLODKO 2001: 46). The role of the state needed to be redesigned, instead of an “urgent withdrawal” of the state “from economic activities” (KOLODKO 2001: 46). The belief in a functioning market that would itself find a balance was misleading because it took an institutional framework for granted.\textsuperscript{164}

Only later was the “need to manage the institutional aspects of transition” recognised (KOLODKO 2001: 46). Differences in economic performance among transitional

\textsuperscript{161} See, e.g., KARL/ SCHMITTER (1991).

\textsuperscript{162} On the influence of international organisations on the choice of economic models during the initial stage of transformation, see NORGAARD (2000: 164f.). For further discussion of the Washington consensus and the “Post-Washington consensus”, respectively, see, e.g., NORGAARD (2000: 2, 50ff.), STIGLITZ (1998), WORLD BANK (1998); commenting on WILLIAMSON (1997) are Frances Stewart, Bishnodat Persaud and Toru Yanagihara in EMMERIJ (1997: 62ff).

\textsuperscript{163} See HESSE (1993: 252): “(…) privatization and marketization at present dominate the political agenda.”

\textsuperscript{164} See NORTH (1997: 2) in KOLODKO (2001: 53): “(…) few Western economists understand the institutional requirements essential to the creation of such markets since they simply take them for granted.”
countries were increasingly seen in relation to differences in their institutional structure. In reaction to the discussions and critics, WILLIAMSON underlined the role of the Washington consensus as merely “presenting the lowest common denominator” rather than being a “policy manifesto” as which it had been received (WILLIAMSON 1997: 48). In consequence of the discussions, he later added institution building and education to the list (WILLIAMSON 1997).

The influence of the policies propagated by the Washington consensus may have been one reason why institution building and the role of the state have been underestimated in the beginning. Another is that the experience of an extremely interventionist state under communism may have led to an overemphasis of the minimalist state (DE LAROSIÈRE 2001: 483). The indispensability to build up effective institutions makes transition a gradual process because institutions only change slowly (KOLODKO 2001: 45, 53, 71), and this process requires “learning and adaptation” (BERTHELOT 1997: 341).

Institutions refer to the formal and informal rules of a society, and in that sense also to organisations that support these rules. For example, WILLIAMSON refers to “key state institutions”: the “bodies to be strengthened are typically small, elite institutions – not large bureaucracies” (WILLIAMSON 1997: 56). But as KOLODKO points out, “it is not enough merely to establish organizations, for instance, an independent central bank (...). Cultural changes are also necessary to facilitate efficiency and growth, changes in behavior within organizations and changes in the interactions among them” (KOLODKO 2001: 52). RAISER (2001) focuses on the importance of informal institutions (social norms and moral values) and of social capital for economic growth, on the “neglected dimension”, as he calls it.

The essential role institutions play in the transition process has widely been acknowledged and need not be repeated here at length. But with the focus shifting to institution building and the role of the state, the organisation of government itself became more important, too. As HESSE notes, the “political and economic reconstruction” is “connected with strong pressures for administrative adaptation (...). At the same time, public administration is a key agent of political and economic reform, the success of which depends crucially on governance capacities” (HESSE 1993: 222). With greater emphasis

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166 Actually, the last aspect of the Washington consensus from 1989 (a legal framework that can enforce and secure property rights) is already part of institution building. However, in his new agenda, WILLIAMSON explicitly adds “institution building” and by this refers to setting up “key institutions such as independent central banks, strong budget offices, independent and incorruptible judiciaries” (WILLIAMSON 1997: 58).

167 See also fn. 166.
being placed on the role of the state, public administration reform also increasingly became the focus of attention.

When BERTHELOT describes the task the state has to fulfil during transition, he also mentions the importance of information. “The state has to provide an essential public good – namely, a reasonably stable institutional and policymaking framework, together with an adequate flow of information, all of which help to minimize the negative impact of uncertainties on decisionmaking by economic actors” (BERTHELOT 1997: 329). But he neither specifies the kind of information (it would be interesting what is meant by ‘adequate’) nor how this information is to be provided. This could mean that information (and probably in particular economically relevant information) is to be spread through the state, or the flow of information used to reduce uncertainty in general. Or the author mainly refers to the need for sufficient information about the institutions and the state’s policymaking so that the economic actors can act and decide accordingly.

FLEMMING criticises calls for a strong state during transition as unrealistic. In a comment on BERTHELOT’s demand for medium-term planning to reduce uncertainties (BERTHELOT 1997: 329), he recognises the desirability of “consistency and predictability of institution building” but points to the problem that “these governments are/ were precarious” and sometimes did not know how long they would stay in office (FLEMMING 1997: 350). Then, the current government would simply not be in a position to guarantee a consistent approach towards institution building and to enhance credibility through medium-term commitments.

IV.2.2 Public administration reform

Administrative transparency could have been part of public administration reform; yet it mainly played a role when democratic consolidation had already taken place. The following will describe some major problems concerning public administration reform in transitional countries; these obstacles explain why public administration reform took longer than economic and political reforms and proved laborious.

IV.2.2.1 Administrative reform not among the priorities

Early in the transition process, attention tended to focus on economic reforms and democratic institution building (e.g., constitution, parliament, party system, elections) rather than on reforming public administration. Public sector reform was “dominated by an overall effort to ‘privatize’ state agencies” (TOONEN 1993: 152). Whereas “conditions of democracy” are addressed fully, “the organisation of public administration as a whole”
remains “fairly vague” (FOURNIER 1998a: 114). Public administration reform “used to be a relatively neglected area of reform in many countries” (VERHEIJEN 1998a: 28).

Similar to the above-mentioned criticism of FLEMMING, HESSE attributes the lack of far-reaching reforms of “central institutions of governance” to political instability and uncertainty about the future role of central administration (HESSE 1993: 225). On the one side, reforms should aim at stability and continuity, but on the other, they also need to stay flexible enough for later adaptations – an “unusually difficult task” (HESSE 1993: 250).

The orientation towards EU accession criteria strongly influenced the prioritisation of reforms in transitional countries, and “[a]dministrative capacities are obviously not the main criterion on which the membership applications for the countries of Central and Eastern Europe have been judged” (VERHEIJEN 1998a: 29). The literature often followed this procedure. It was “predominantly historical, economic and political in nature” (TOONEN 1993: 151). The democratic and economic development in transitional countries, and later the degree of implementation of the different chapters of the acquis, were in the foreground of many a country’s assessment.168

Priorities started to shift only in the second half of the 1990s, when the role of the state was seen differently and the European Commission increasingly underlined the need for administrative capacity (VERHEIJEN 2003: 490), especially in the Commission Opinions.169 However, it still did not specify the details: for example, there are “no Community rules regarding public management” (FOURNIER 1998b: 120), and only an indirect “link between European integration and public administration reform” (SIGMA 1998: 13) was recognised, given the fact that the implementation of the acquis required adequate administrative capacities: the goal of membership could then be seen as “key reference point for steering the transition process” in the candidate countries, which could have also prompted public management reforms to be defined “around national accession strategies” (METCALFE 1998: 61). Yet the Commission did not define how such strategies could look like, it did not define “administrative capacity and (…) what type of reforms should be imposed” (NORGAARD/ SKOVBAKKE WINDING 2005: 5). In general, “the likely public administration burden of accession” had not been specified clearly (NUNBERG 2000: 1). This can be explained by the principle of subsidiarity within the EU.

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169 The “Commission Opinion” assesses a candidate country’s political and economic situation and its administrative capacity, and comes to a conclusion concerning the opening of accession negotiations. It is a core document in the accession process. For Estonia, see, e.g., EC (1997). For a comparative analysis of different Opinions, see FOUERMIER (1998a).
where “no general body of European law in the public administration sphere” exists (SIGMA 1998: 13).

**IV.2.2.2 Early efforts as a rejection of the previous model**

The “values of democratisation were defined predominantly in the negative sense, as the absolute opposition to the characteristics of the previous regime” (SOOTLA 1995a: 240). As a consequence, the early agenda for administrative change mainly mirrored immediate experiences from the past. Transformation took place “as rejection of the old administrative model, change via negationis” (HESSE 1993: 220), and concentrated on “getting away from the previous situation” (TOONEN 1993: 154). However, it was increasingly recognised that the mere rejection of the old model was insufficient to bring the reform process forward and that “positive and detailed conceptions” were required (HESSE 1993: 220).

In view of the expansive bureaucracy of the previous regime, the size of government was therefore a major concern of governmental reform. The former bureaucratic state apparatus had to be reduced. The many “social and political satellite organisations which used to surround the core of state and party administration have become obsolete” and needed to be abolished (HESSE 1993: 244). Streamlining the organisation aimed at making it more efficient, but voices were also raised as to the danger of downsizing the government as long as the country was still in transition. “Sometimes governments are too weak not because they are too large, but because they were forced to become smaller too early”, which could lead to the creation of informal organisations and “widespread corruption and organized crime” (KOLODKO 2001: 77). Instead of “just downsizing”, there was a need for structural changes in government (KOLODKO 2001: 76).\(^{170}\)

**IV.2.2.3 Lack of capacity**

A lack of capacity hinders the introduction of transparency in public administration. In the post-communist states, this lack, especially of qualified people, was one of the most urgent problems during transition. Despite high educational levels in many transitional countries, the qualifications acquired under the previous system often did not meet the new requirements. The public service had to face low wage levels, a mismatch between existing and required skills, shortage of qualified staff and the lack of a distinct public service identity (HESSE 1993: 243).

\(^{170}\) See also DE LAROSIÈRE (2001: 483); WILLIAMSON (1997: 56): “The general point is that the focus of policy needs to shift from cutting back a state that had become bloated to strengthening a number of key state institutions the efficient functioning of which is important for rapid and/ or equitable growth.”
Capacities were needed to ensure compliance with the *acquis*, especially “management capacities” and also “capacity-building capacities”: it was of particular importance to know “what kinds of capacities are needed to gear national administrations up to the tasks of EU accession and membership” and “how to build and develop those capacities” (METCALFE 1998: 44).

The challenge was not to reduce staff levels – the central and local government civil services were “surprisingly small” (TOONEN 1993: 158 with reference to RICE 1992: 121; HESSE 1993: 243); instead, strategies for expansion and improvement of the core civil service had to be considered (RICE 1992: 121; TOONEN 1993: 158). In 2004, TÖNNISSON points to the fact that this problem had still not been solved. “This administrative competence was and still is the skill what most post-soviet countries lacked and are still lacking the most” (TÖNNISSON 2004: 196).

### IV.2.2.4 Questionable transfer of NPM to transitional countries

As described above, transparency partly draws on elements from NPM, especially as regards accountability of public administration and connected measures such as performance reportings. The WORLD BANK (1997) repeatedly hints at difficulties regarding the feasibility of public management reforms in developing countries, but does not question the desirability of these reforms as such.\(^{171}\) It considers their implementation mainly a matter of sequence.\(^{172}\)

However, several authors are critical about the application of NPM to transitional countries. HESSE believes the transfer of NPM to be potentially “disastrous” in a transformation context (HESSE 1998: 176). Western experiences are of “little immediate use” because they are based on assumptions stemming from a less “turbulent context” (HESSE 1998: 175). VERHEIJEN even argues that in such a context, the classical (mainly Weberian) model “still provides the best method of stabilising public administration” (VERHEIJEN 1998b: 410). In contrast, radical NPM reforms are likely “to aggravate existing co-ordination problems”, and possible gains are most probably “outweighed by the costs in terms of an aggravation of co-ordination problems and greater instability” (VERHEIJEN 1998b: 414f.).

TÖNNISSON (2004: 196) underlines that “it was forgotten that any transformation requires high level of administrative capacity to prevent destabilisation”, and the lack of such

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\(^{171}\) “Where these preconditions [e.g., enforcement and predictability of formal rules, hard budget limits] are absent, the new public management must be introduced cautiously” (WORLD BANK 1997: 97).

\(^{172}\) “The path to a more effective state (…) is likely to be a two-stage process” (WORLD BANK 1997: 3). First, the focus must be on the fundamentals (legislation, privatisation, etc.), then the “second key task of state reform is to reinvigorate the state’s institutional capability”, to make public officials perform better (World Bank 1997: 7).
capacities was one of the most pressing problems, as mentioned above. It would have been dangerous to use these scarce resources for NPM reforms: the “poor tailoring” of such reforms could be more harmful to transitional countries than it were to developed countries (TÖNNISSON 2004: 195). According to TÖNNISSON, the emergence of NPM and its “dominance (...) around the world” at about the same time as the fall of communism confronted public institutions with the dilemma to “build up their working system and figure out their working principles”, on the one hand, and “to reduce the scope of the state and put emphasis on the managerialism”, on the other (TÖNNISSON 2004: 195). Transitional countries had “too much and too little bureaucracy at the same time” (TÖNNISSON 2004: 195 with reference to King 2002).

Whereas the ‘socialised sector’ of the economy, with its numerous social and political organisations and public sector enterprises, had to be dismantled, the core public administration needed to be expanded (HESSE 1993: 244).

Transparency, however, cannot be equated with NPM reforms. To a certain extent, it may even be considered a prerequisite. For example, VERHEIJEN (1998b: 415) draws attention to the necessity of transparent staffing procedures regarding senior officials in case NPM reforms are introduced (since NPM strengthens managerial autonomy and could otherwise lead to an increase in corruption).

**IV.2.2.5 Transparency in transition**

As regards administrative transparency, the situation was comparable to other reform measures. Although its importance had partly been recognised, it was hardly realised during transition. The question was generally how to ensure sustainable implementation in practice and how to enforce existing legal provisions.

The need for informing the public was acknowledged, at least in the literature. A question to be answered, but with an answer “still far from having been found”, was how to “provide ways for citizens to obtain information and appeal decisions” (FOURNIER 1998b: 128). On a national level, some communication strategies existed that aimed at bringing the EU and the accession process closer to the public. For public administration in transitional countries, the issue under discussion was how to promote “interaction between government and society over the accession process” and to provide “information on EU affairs” (VERHEIJEN 1998a: 24, 34f). MAYHEW (1998: 88) outlines the importance of informed “domestic consumers” and of public support for accession; the “public relations/ information function is not an ‘optional extra’ in the process of

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negotiations; it may be at the heart of the process.” Thus, the accession to the EU was also in the foreground as far as relations between public agencies and citizens were concerned.

Given the influence the accession criteria had on the development in transitional countries, areas that remained largely unmentioned in the *acquis* were automatically given less attention. A supportive attitude of the Commission towards administrative transparency would have been crucial. As mentioned, however, the Commission in its Opinions did not describe how public administration ought to be organised (FOURNIER 1998a: 111, 112f.; 1998b: 120) and thus did not comment on administrative transparency of the candidate countries, either. The EU mainly followed a sectoral approach to administrative reform (defining compliance and enforcement in individual sectoral areas) and neglected the question of “how administrative systems work, i.e. their general qualities of reliability, predictability, certainty, efficiency, due process, transparency, ability to change, etc.” (FOURNIER 1998b: 123). Hence, transparency was not a priority among administrative reforms.

As mentioned earlier, the necessary elements of public administration reform were not set out in detail because of the principle of subsidiarity (and, consequently, not because they were explicitly deemed less significant). It is therefore difficult to determine the role transparency could play in transition. However, several areas that have been identified as being especially important during transition are linked to transparency and illustrate its principal significance. For example, Fournier compiles a “number of key factors” common to public administration systems in EU Member States, a non-official list of objectives that could serve as “reference point” for reforms in the context of accession (FOURNIER 1998b: 125f.). Apart from requirements of due process, this list includes the need to establish rules and guidelines for an “ongoing communication between government and civil society” (FOURNIER 1998b: 127). Fournier further mentions the accountability of public institutions, the reliability of administrative acts and the monitoring of administrative decision making (FOURNIER 1998b: 127). But he concludes that “many questions remain”, among them “[h]ow to establish more trust between citizens and the political system” (FOURNIER 1998b: 134). Transparency, in view of the various functions it may have, would be supportive of all of these aspects.

Galligan emphasises that the “enactment of freedom of information legislation is another important step which each country ought to be considering” (GALLIGAN 1997: 70). He describes from a legal perspective what is needed to ensure fair and equal treatment, openness of the administration and transparent decision making (see III.3.2.1). Moreover, “actions of administrative authorities are to be judged not only according to an
objectified notion of good administration, but also according to the relationship between citizens and the administration” (GALLIGAN 1997: 70). This includes “principles such as openness and transparency” (GALLIGAN 1997: 70).

In any case, intransparency was obviously a problem during transition. VERHEIJEN mentions the opacity of public administration and the “lack of clarity in lines of accountability” among the main structural problems in central state administrations of post-communist states. It was especially difficult to introduce more complex accountability systems, given the fact that the previous system was “based on a single hierarchy with single accountability lines” (VERHEIJEN 2003: 493).

Even if transparency had been considered in legislation, for example, regarding administrative procedures, there was “a big gap between the procedures laid down in the Codes and day-to-day administration practice” (GALLIGAN 1997: 70). GALLIGAN attributes this to various variables, such as the quality of the officials, a lack of resources and a still developing administrative culture (GALLIGAN 1997: 70). In addition, laws were only implemented selectively “because of a general disregard for laws and regulations inherited from the Soviet time” (RANDMA 2001: 124).

According to the development, in the form it has since taken place, transparency of public administration is part of what A’GH (2001: 247) describes as the second phase of reforms (“modernization”), which includes fine-tuning, institutionalising reforms, and establishing a more constructive dialogue with civil society (A’GH 2001: 235). HESSE describes the second phase as characterised by a greater “awareness of the need for implementation and monitoring capacities” and a stronger emphasis on “administrative performance” – partly as a consequence of disillusionment with the first wave of reforms (HESSE 1993: 221, 252) that concentrated on setting up institutions.174

However, such categorisations can only serve as a guideline. In a later assessment, HESSE (1998: 171) distinguishes between four phases of administrative reform. The third deals with an “efficient and reliable public administration” that controls and regulates institutional arrangements, whereas the fourth (overlapping in parts with the third) focuses on “administrative capacities” required to cope with the acquis, and on administrative reforms comparable to those in Western countries.

174 TOONEN (1993: 155), too, is concerned about the sustainability of public administration reform for the same reason. “Not enough attention is paid to the need to build administrative capacity to implement and follow through political and legislative initiatives. People are becoming frustrated by undelivered promises and are losing their faith in the process and the credibility of the operation in the longer term.”
It seems that democratic consolidation\footnote{According to Elster et al. (1998: 4, 27ff.), the “key criterion of a successful transition” is the “institutional consolidation”, i.e., an “institutionalized agency within a ‘consolidated’ social and political order.” On other consolidation concepts, see Elster (1998: 271 with further references).} needed to be completed and a rather stable institutional framework had to be in place before the transparency of public administration could be addressed. Despite its potential regarding the control and legitimacy of public administration, transparency was rather considered an additional component than a constituent of public administration.

This must be put into perspective since around 2000 also in various Western countries and intergovernmental organisations\footnote{On the WTO and transparency in intergovernmental organisations, see Roberts (2004).} discussions about transparency and freedom of information gained strength (e.g., in Germany, Switzerland, the UK). The EU granted free access to its documents in 2001 and the countries mentioned were lagging behind many transition countries in this respect.\footnote{See also fn. 110. – In Germany, the Freedom of Information Act took effect in January 2006, in Switzerland in June 2006. In the U.K., the FOIA went fully into effect in January 2005, after having been adopted in 2000 (Banisar 2006).}
IV.3 Estonia

IV.3.1 Background information

Estonia was among the most successful transitional countries in Eastern Europe. In his comparative study, Nørgaard describes Estonia (along with Poland) as an “overachiever” (Nørgaard 2000: 169-179). The country completed major reforms towards democracy and a market economy in the first half of the 1990s (BTI 2006: 1). The second half of the decade was marked by the process of EU integration (RAIK 2002: 141). When the European Commission published an evaluation of several applications for membership in 1997, Estonia – together with Poland, the Czech Republic, Hungary and Slovenia – was part of the first round of accession negotiations (A’GH 2001: 248). The negotiations for the EU membership started in spring 1998 and ended in 2002. On 16 April 2003, the Treaty of Accession was signed and Estonia became a full member of the EU on 1 May 2004.

Estonia has a population of 1.35 mill. and a large Russian minority (0.35 mill. or 26% of the population). About one third of the population live in Tallinn, the capital of Estonia. Estonia has often compared its development with the situation of Scandinavian countries, especially that of Finland. The use of Internet and other electronic media has been widely promoted. At the end of 2005, 53% (56%) of Estonian residents used the Internet (resp. computer) regularly (RANDVER 2006: 64). In a survey conducted in 2004, Estonia was ranked fourth among the 25 Member States (behind Sweden, Austria and Finland) regarding fully interactive services (RANDVER 2006: 65 referring to the Information Society Benchmarking Report).

The success of the economic transition was based on radical changes that also led to a fast and deep recession (SOOTLA/ TOOTS 2006: 165). Economic policies have been “remarkably innovative and future-oriented”, and in particular the IT industry, biotechnology and service industries were strongly promoted (BTI 2006: 3). Estonia is considered “one of the world’s most economically free countries”. In 2006, it was

ranked seventh out of 161 countries in terms of economic freedom. But there is also fear of an overheating of the economy (BTI 2006: 2), and an increasing imbalance exists between living standards in rural and urban areas of Estonia and in different regions (Reiljan et al. 2003: 5).

Estonia is a parliamentary democracy with a weak presidency and a strong independent constitutional court. Its institutional framework “meets the highest standards of rule of law, democratic control and political representation” (BTI 2006: 3).

After independence was declared in 1991, Estonia strived for continuation of its pre-war tradition. Reference was frequently made to the first independent Estonian Republic (1918-1940) and its (idealised) democratic tradition. According to this understanding, the process of independence was a restoration of the same statehood and legal continuity of the pre-1940 Republic, and not the emergence of a new state (BTI 2006: 2). Estonia benefited from its pre-war history in so far as this helped to quickly set up “institutions and procedures with a high degree of legitimacy and consolidation” (BTI 2006: 2). But this approach of “legal restoration” also led to the exclusion of post-1940 immigrants from citizenship in the first instance (BTI 2006: 2), and Ruutsoo concludes in a case study that “Estonia needs administrative reform for territorial development based on the actual situation and not on the conjecture of restitution” (Ruutsoo 2001: 321).

In the political process, the stabilisation of the political party spectrum proved difficult (Sootla 1995b; BTI 2006: 3), and governments changed frequently. But these aspects did not endanger the functioning of the political system at any time (BTI 2006: 3). The problems Estonia is currently facing resemble those common to “any Western democracy and post-industrial welfare state”, such as the need to reform the pension system and citizens’ disinterestedness towards politics (BTI 2006: 1f.).

However, one major aspect that has been criticised repeatedly is the moderate progress in administrative reform. Territorial reforms have failed so far, and Estonia has still “an inefficiently high number of minute communities”, with local self-government institutions remaining weak (BTI 2006: 4, 16). The “deficits in the functioning of a system of regional self-government” might even be considered a “slight drawback in overall democratization” (BTI 2006: 3). This issue is considered in the next section.

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IV.3.2 Estonian public administration

IV.3.2.1 The structure and reform of public administration

Estonia is divided into 15 counties and 227 local governments (end of 2005). The regional level represents the central government and is financed by the state budget (MÄELTSEMEES 2000: 68). The counties supervise and advise local governments. As for local governments, a distinction is made between rural municipalities (194) and cities (33) that have their own council and government. One quarter of the population lives in municipalities of less than 2500 inhabitants although these municipalities represent 4/5 of all local governments.\textsuperscript{184}

The council (volikogu) is the representative body of a local authority and elected for a term of three years (MÄELTSEMEES 2000: 74). Apart from the council chair and his or her deputy, members of the council are not paid, but expenses may be reimbursed (MÄELTSEMEES 2000: 75). The mayor is elected according to municipal statutes and “has the authority to form the municipal government” (MÄELTSEMEES 2000: 80). Decisions by the government are passed by majority vote and “[s]essions are not public unless the municipal government decides otherwise” (MÄELTSEMEES 2000: 80). The municipal government “prepares issues to be discussed by the council” and “resolves and manages local issues” that have been assigned to the government (MÄELTSEMEES 2000: 80).

Estonia is one of the countries “closest to NPM models” among the Central and Eastern European countries (DRECHSLER 2003: 36).\textsuperscript{185} Nevertheless, there are several problem areas related to public administration. Given the great number of small municipalities, a local government unit reform has been discussed from the beginning, yet this has been done “mostly based on populist statements and without thorough analysis, concrete projects or calculations. That is why not much has actually happened in this area” (TÖNNISSON 2004: 201).\textsuperscript{186} Estonian public administration reform was rather inconsistent and in need of greater co-operation and co-ordination, as was characteristic of transitional countries (TÖNNISSON 2004: 200f.). A “complex comprehensive plan” for the reforms was lacking (REILJAN ET AL. 2003: 12).

Moreover, since the size of local governments and their overall number were in the foreground of the discussions, not enough attention was paid to “designing the


\textsuperscript{185} See also NORGÅARD/ SKOVBAKKE WINDING (2005: 12, 17f): Estonia as leaning towards the Anglo-Saxon or Scandinavian model of public administration.

\textsuperscript{186} See also DRECHSLER (2003: 36f.) who calls this reform “a genuine worst practice in its field, as it is purely ideology-driven”.

organisational structure in accordance with the requirements and opportunities of the local governments” (Reiljan et al. 2003: 12f.). Local governments were increasingly being assigned different tasks but did not have the resources to fulfil them; the financial situation of local governments “has been destabilised” in recent years (Reiljan et al. 2003: 6).

A new administrative reform is also needed to provide local governments with an autonomous income base (Reiljan et al. 2003: 12). Since only a “tiny proportion” of local budgets is covered by local revenues, local governments are dependent on transfers from central authorities (Mäeltseemees 2000: 92).

Another major problem is the distribution of competences between central and local authorities (Mäeltseemees 2000: 93). Although local governments are formally granted a significant amount of autonomy, the central authority is still influential in practice (Sootla/Toots 2006: 176ff.; Reiljan et al. 2003: 41). Reiljan et al. even speak of an “irrational distribution” of responsibilities between the central and the local level (Reiljan et al. 2003: 41). In consequence of the “fragmentation of tasks”, local governments are required to co-operate with various ministries plus the State Chancellery, which adds to the inconsistencies of reforms (Reiljan et al. 2003: 41).

Obviously, great efforts still have to be made to overcome major obstacles impeding territorial reform. The difficult situation was also described by interviewee V1. The comment is especially interesting because it was made from the perspective of a person theoretically concerned, namely, by a civil servant from a rural municipality. The comment points to the resistance against such a reform and reflects some signs of resignation.

V1. (...) Since we have been independent again, we have (...) talked about this local government reform (...) that we have too many too small local governments and that we should join these governments (...) into bigger ones. But this issue has so far always ended in disaster, like some minister had to resign again. Because (...) it’s not a very good idea if you are appointed minister and then you start talking something like, ‘We should join these municipalities by force’ (...). And all the other attempts like giving money to municipalities that join, (...) these haven’t worked, either. So usually (...) every time this [Minister of Regional Affairs] is appointed to office, (...) the first thing he starts to deal with [is] this local government reform. And usually that’s the last thing he will, also. (...) Local governments themselves have no interest in this. Because when they need to join, then they will join anyway. But they don’t want to hear anything (...) like, ‘We will join you by force’ (...).

It seems that despite scarce financial and human resources of many local governments, the incentive to join is still not big enough. Whereas, from the perspective of local government, future benefits can only be assumed, the loss of autonomy is guaranteed.
Consequently, only a threat to the existence of a local government (e.g., financial collapse) would seem to be an effective incentive for a merger.

IV.3.2.2 Transparency in public administration

Similar to the situation in other candidate countries, in Estonia the EU integration process also dominated discussions, and transparency was thus mainly considered in relation to this process. However, transparency has been respected in the wider institutional framework.

As described earlier, transparency towards citizens is complementary to parliamentary control. In the beginning of the EU integration process, a “lack of communication and cooperation between the parliament and the executive” regarding accession negotiations was criticised (RAIK 2002: 145). RAIK points to the substantial power of civil servants (“technocratic policy-making”) especially in the first years of accession negotiations (RAIK 2002: 142, 144f.). Greater transparency was required to control the power of the executive. In 2000, strengthening the accountability of the public sector (concerning EU integration) was acknowledged as an official objective (RAIK 2002: 145).

While the process was difficult to follow for institutional actors, it was even more so for the general public. The “need for openness, transparency, participation and public discussion” on accession was recognised; the main hindrance was seen in a lack of resources (“huge workloads and tight schedules”) rather than willingness on the part of civil servants (RAIK 2002: 146). Yet civil servants were still more active “in informing the public and promoting debate” than politicians (RAIK 2002: 146). Another reason hindering communication was that scepticism towards official information was still widespread, and the groups most sceptical of the EU and of official information were difficult to reach because of disinterestedness and apathy (RAIK 2002: 146).

During transition, development in Estonia can be considered to have mostly been in line with the general development in transitional countries. Communication with citizens was especially important with respect to EU integration, and the need for transparency was recognised but difficult to realise.

Referring to the local level, SOOTLA and TOOTS (2006: 197f.) identify two major policy initiatives that crucially advanced transparency. One was the Public Information Act that entered into force in 2001, the other was the decision to make it compulsory for all local governments to establish a website (see IV.3.3.2). In the context of transparency, the authors also discuss direct relations of local governments with the public and the media (SOOTLA/ TOOTS 2006: 203ff.) If at all, it is mostly the larger local governments (with at least 5000 inhabitants) that have special staff for public relations, and in this case, they are
also more likely to have a communication strategy. Nevertheless, SOOTLA and TOOTS (2006: 206) point to “insufficient professionalism” of staff: local governments with public relations functions did not always make better use of all communication channels (especially of public discussion fora) as those without.

Transparency has also been considered in the context of corruption prevention. In 1999, the Anticorruption Act was adopted and other regulations followed. Various initiatives have been launched to fight corruption; a respective “legislative framework (...) is mostly in place” (EC 2003: 13). It has been emphasised that “Estonia has a positive record in terms of transparency of its public administration, and concerning the degree of political corruptibility”, even though due to various scandals, corruption has increased in the public perception (BTI 2006: 17). According to the corruption index of Transparency International, Estonia was the most successful country of CEE countries in 2005.187

The European Commission underlines too that “[i]nternational studies consistently indicate that corruption in Estonia remains at a relatively low level” (EC 2003: 13). The Commission’s final “report on Estonia’s preparations for membership” does not elaborate on the question of administrative transparency. It only concludes that “[s]atisfactory rules are in place to provide for the openness and transparency of the public service”, but points to “a lack of transparency in recruitment, promotion and remuneration levels” that needs to be addressed (EC 2003: 11). It also stresses the need for a “comprehensive national strategy” in order to fight corruption in the public sector (EC 2003: 13). Corruption prevention should not only be seen in relation to other CEE countries but also be differentiated according to sectors. Weak democratic control and corruption rank among the “key problems of local development” (SOOTLA/ GRAU 2005: 278). SOOTLA and GRAU emphasise the need for institutional checks and balances, for greater transparency and more input from citizens, especially when local autonomy is increased.

Administrative transparency also requires awareness on the part of the citizens. To generate awareness, the development of a civil society and public sphere is of paramount importance. Civil society in Estonia developed relatively quickly, and “freedom of media and information has long ceased to be problematic in Estonia” (BTI 2006: 7, 5). Numerous non-profit organisations, interest groups and trade associations were formed. To promote this development, the state has created favourable legal and fiscal conditions and strengthened its co-operation with NGOs; in 2002 the parliament has adopted a “Civil Society Development Concept” (BTI 2006: 7f). Civil society organisations are also

closely interrelated with political elites – “strong ties” between politics and society are typical of small transitional countries (BTI 2006: 7).

Despite the progress made, there is, according to RAIK, a broad consensus among practitioners (politicians, activists) and academics that the “weakness of civil society is a considerable problem of Estonian democracy”, and attempts “from above” to change this situation have partly been received sceptically (RAIK 2002: 149).

On the part of the citizens, apathy and scepticism towards government and the EU prevail among the social groups who were hit hard by the transition process, such as pensioners, the rural population and other low-income groups (RAIK 2002: 142). As mentioned, these social groups are especially difficult to reach.

In addition, the involvement of the various organisations in the policy process is still limited (BTI 2006: 8). Thus, RAIK (2002: 150) emphasises that the actual influence of civil society organisations remains weak. This may indicate a lack of “capability and responsiveness of governance” (BTI 2006: 8).

The media have played an important role in the creation of a public sphere (RUUTSOO 1996). Mass media liberalisation had already started in 1987 (RUUTSOO 1996: 99f.). During the transition process, the mass media were privatised, and the state monopoly of printing and distribution was officially abolished (BTI 2006: 5) – unauthorised publications had been sold quite openly as early as 1988 (RUUTSOO 1996: 99).

However, changes in the framework conditions were obviously easier to accomplish than positioning the media in the new circumstances. The media were only beginning to actively support a “rational dialogue on issues concerning social development” during transition (RUUTSOO 1996: 104). According to RUUTSOO, “‘public opinion’ as a distinct quality of social consciousness” is only formed in connection with a pluralist civil society which still had to develop at that time (RUUTSOO 1996: 104). Early media relations with the public are characterised by a “low political culture” and “communicational atrophy” (RUUTSOO 1996: 104). The role of the media in enhancing transparency was therefore only limited. Later, the Estonian media system has been described as being pluralist and independent (BTI 2003: 15). 188

IV.3.3 Public law concerning transparency

The most important acts in this respect are the Public Information Act, the Administrative Procedure Act and the Planning Act. In the interviews, the legislation on

public information and planning proved to be of particular importance. It is clear that no full account can be given of these acts. Some aspects will be selected that are relevant to the subsequent analysis and an understanding of the data.

IV.3.3.1 Local Government Organisation Act

The Local Government Organisation Act has entered into force on 28 June 1993. Its purpose is to determine “functions, responsibilities and organisation of local government” (§1). Among the principles of local governments stated in §3, “transparency of activities” is also mentioned.

The act contains provisions regarding information and participation of residents. For example, minutes of council and government sessions have to be accessible, and a council regulation can only enter into force if it has been made public in advance (§23).

In §9, the act defines the development plan (arengukava): it “is a document which provides an analysis concerning the economic and social situation, environmental condition, and trends and preferences for planning the long-term activity and further development of the local government.” The plan has to be made for at least “three subsequent years” and is the basis for the budget, the planning of investments and the taking of loans (§37). It needs to be published; the procedure for drafting it depends on the statutes of the local government.

IV.3.3.2 Public Information Act

The Public Information Act has entered into force on 1 January 2001 and is far-reaching (TALLO 2004: 115). It is based on §44 of the Estonian Constitution that principally grants free access to all public information. Public information is any information that is in the hands of the executive or legislative (or related institutions) and is not restricted to files only (TALLO 2004: 105).

Central and local government as well as other public agencies, and in certain cases even private companies, come within the purview of this act. To make a request, the applicant does not need to know the official responsible; he or she can address the public organisation in general and will receive an answer at once or after five days at the latest. The act also contains the obligation to actively inform the public, for example through websites. It is flexible to a certain extent because the leader of a public agency has some discretion in determining what information is only for internal use. (TALLO 2004: 103)

The act fulfils four essential tasks (TALLO 2004: 104): it defines the procedures and conditions for access/ for refusing public information, it creates a basis for the
classification of information as internal, it describes how access to information should be granted and details supervision over the compliance with this act.

The purpose of the act is “to ensure that the public and every person 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” (§1). The control function of transparency has thus been explicitly mentioned in this definition. Moreover, democratic legitimacy and the enlightenment of the public are referred to in §4 (1) according to which access shall be granted “[i]n order to ensure democracy, to enable public interest to be met and to enable all persons to exercise their rights and freedoms and perform their obligations”.

Access to information is either granted by “disclosing information” or by “complying with a request for information”. Requests can be submitted orally or in writing (§13). Holders of information are not only “state and local government agencies”, but also “legal persons in private law and natural persons” if they “perform public duties” (§5).

The act regulates in some detail how access has to be organised (responsibilities, §10), how information has to be provided (e.g., terms in §18 (1) and various media in §29) and which information needs to be disclosed (§28). It specifies grounds for classification of information as internal based on which access is restricted (§34, §35).

A whole list of information subject to disclosure is given in §28. For example, mention is made of various statistical data, of (draft) legislation, and of draft concepts and programmes “before such drafts are presented to the competent bodies for approval”. Accordingly, “reports on work results and the performance of duties in state and local government agencies” (§28 (8)) also need to be disclosed.

The maintenance of a website (§31) is obligatory for every municipality (joint websites are possible); moreover, a digital database (“document register”) is required for all documents received and released, for legislation and for contracts (§12). Websites have to contain “communication addresses” and “topical information”; in view of the different capacities of local governments, the respective provisions are only broadly termed. Importantly, every person shall have free access to public information through Internet in public libraries (§33, §55).

IV.3.3.3 Administrative Procedure Act

The Administrative Procedure Act has entered into force on 1 January 2002. Its purpose is “to ensure the protection of the rights of persons by creation of a uniform procedure
which allows participation of persons and judicial control”. The act ensures legal certainty (administrative action can be better anticipated).

The proceedings must be public (§7(1)). The administration is obliged to give explanations to participants in proceedings (§36), to ensure that documents can be examined (§37) and to grant participants the possibility to provide opinions and objections (§40). It also regulates, for example, the publication of documents in newspapers (§31) and the delivery of documents to participants in proceedings (§§25-30). It contains provisions for notice, display and hearing in an open procedure (§§46-50). It also provides a definition of an administrative act and underlines the need for transparency of its form (it “shall be clear and unambiguous” (§55 (1) and issued in writing), and reasoning must be given for it (§56).

IV.3.3.4 Planning Act

The Planning Act has entered into force on 1 January 2003. It regulates the disclosure of information and the involvement of the public in planning. As stated in §1(2), its purpose is “to ensure conditions which take into account the needs and interests of the widest possible range of members of society for balanced and sustainable spatial development, spatial planning, land use and building.” It defines a hierarchy of four plans, each consisting of “a text and maps” – on a national level, county level and municipality level, plus the detailed plan “which is prepared with the aim of establishing land use provisions and building provisions” (§2).

The first principle of planning described in §3(1) is of particular importance for transparency: “Planning activities are public. Public disclosure is mandatory in order to ensure the involvement of all interested persons and the timely provision of information to such persons and to enable such persons to defend their interests in the process of planning.” The act contains provisions for the initiation of plans, the “notification of intention to plan”, of initiated and adopted plans (§11, §12, §25), for public display and the “procedure for presentation of proposals and objections” (§20). During public display, “all material and information related to the plan in the possession of the county government or local government” must be accessible. Persons who have sent a proposal have to be informed directly about the time and place of the subsequent public discussion. The local government shall also assess the need to organise public discussions about the “initial detailed planning outline” and “draft plans” (§16), that is, even before the public display.
IV.3.3.5 Environmental Impact Assessment and Environmental Management System Act

This act has entered into force on 3 April 2005. It repeals the Environmental Impact Assessment and Auditing Act (of the 1 January 2001) and distinguishes between the environmental impact assessment (EIA) and the strategic environmental assessment (SEA). Importantly, both are subject to the “provisions concerning open proceedings”, as stated by the Administrative Procedure Act (§1). The objective of the EIA is “to make (...) a proposal regarding the choice of the most suitable solution for the proposed activities”, to provide decision makers with information, and “to allow the results” of an EIA “to be taken into account in proceedings for issue of a development consent” (§2(1)). The SEA shall “contribute to the integration of environmental considerations into the preparation and adoption of strategic planning documents”, “provide for a high level of protection of the environment” and “promote sustainable development” (§2(2)).

IV.4 Interim assessment

The more power the administration has, the greater the need for transparency and the greater also the resistance against it on the part of the administration (see III.1.1.1). For a totalitarian system, this is even more evident. Transparency is systematically prevented.

For administrative transparency to be effective, the institutional context needs to be favourable. The general objective of an informed citizenry must be uncontested. For practical reasons, a ‘certain’ system stability is required so that transparency can be implemented and enforced. What is to be considered an adequate level of stability remains open. Nevertheless, in a context of uncertainty and distrust, transparency would be of particular importance.

Apart from the territorial reform which has not got very far, Estonia has successfully completed its transition. It has widely introduced administrative transparency in its legislation, providing the technical means to realise it. The next chapter will analyse in detail how the administration communicates with citizens on the basis of these provisions.
V Empirical part

V.1 Objective

The empirical part sets out to analyse how transparency is taken into account by governments, and how transparency of local governments is perceived by different stakeholders. The intention is to capture different facets of transparency as described by various groups of people, and the realisation of transparency for the given context. The analysis does not intend to give an assessment of how transparent or intransparent Estonian local governments are.

The objective is therefore to determine the factors on which transparency depends, and to explore whether the view of the government and that of its stakeholders coincide regarding transparency and the need for it (Q4; p. 2). This requires to analyse the efforts made by local governments to achieve transparency and the difficulties local governments face in reaching the citizens. As regards stakeholders, the focus is on the question whether they make use of the information provided, how they get informed, and whether the information offered is sufficient for them.

The original intention to also explore the role of transparency during transition could not be pursued because for most interviewees, this period was too far away, and they made only little reference to it. However, legacies from the past (esp. mindsets) and their influence on transparency at present were mentioned and will be included in the analysis.

V.2 Methodology

PATTON asserts that distinctions between paradigms, philosophies, theoretical orientations and design strategies “are both arguable and somewhat arbitrary” (PATTON 2002: 80). Yet an attempt will be made to position this study within research theory.

V.2.1 Research approach and theoretical orientation

This study employs a qualitative research approach. Generally speaking, such an approach is useful in cases where the phenomenon under review is not clear-cut and difficult to separate from its context.

Consequently, “[r]ather than directing their attention to one or two isolated variables, qualitative researchers tend to be oriented to a wide range of interconnected activities, experiences, beliefs and values of people in terms of the context in which they are situated” and thus adhere to a “holistic focus” (DAYMON/ HOLLOWAY 2002: 6). For
analytical reasons, subjects and context can be considered separately, but they always have to be brought together again (MAYRING 2002: 33).

During the course of a study, interesting new aspects may come up, especially if the phenomenon has not yet been subject to extensive analysis. They “emerge as informants reveal their understandings and interests” (DAYMON/ HOLLOWAY 2002: 6). The qualitative approach ensures that additional aspects may be included into the analysis; it is principally open for reformulations, amplifications, modifications, or revisions of original hypotheses and methods (MAYRING 2002: 28). This shall help to arrive at a description of the phenomenon as thorough and accurate as possible, which is one of the postulates of qualitative research (MAYRING 2002: 21, 27).

Another essential characteristic of qualitative research is its focus on subjects, on people (MAYRING 2002: 20f.). Qualitative research is interested in the “various subjective perspectives of participants” (DAYMON/ HOLLOWAY 2002: 6). As LINDLOF describes it for a certain group of persons: “In turning our attention to a people’s rationality, then, we are interested in their logic and the kind of evidence they consider worthwhile or relevant’ (LINDLOF 1995: 57, original emphasis). The researcher needs to be “willing to understand the truths held by the people studied” (LINDLOF 1995: 57).

These three characteristics – consideration of context, flexibility in the research process, and subjectivity – are obviously connected with each other; in order to do justice to the situation and the perceptions of the subject, the context needs to be taken into account and the research process must – at least to a certain extent – remain open.

For this study, the qualitative approach was chosen because transparency is understood as a construct that crucially depends on the perception of the people (as has been emphasised repeatedly, transparency for citizens is analysed). Accordingly, the term could not be defined in advance; instead, it was imperative to include the subjective perspective of those questioned. The study does not (in fact, cannot) seek to re-invent transparency or redefine its meaning; transparency is neither an unknown nor a new phenomenon. But since definitions vary according to the perspective in which the term is used, the meaning of transparency (for the given context) has to be explored in a process that is based on subjectivity. This does not necessarily require ignoring definitions and aspects of transparency that have been identified earlier; they form the basis for the research conducted. These aspects have significantly influenced the selection of questions for the interviews. According to GUBA, “‘reality’ can be ‘seen’ only through a window of theory” and “through a value window” – “inquiry cannot be value free” (GUBA 1990: 25). The aspects of transparency that have been discussed in previous chapters are part of the
preconceptions “influencing our observations”; observations cannot be “neutral’ or theory free” (PHILLIPS 1990: 35).

Qualitative methods, exploring “people’s intentions, motivations and subjective experiences”, “tend to be associated with the interpretative worldview” (DAYMON/HOLLOWAY 2002: 4, original emphasis). Social reality is not considered as given but is constructed, “built up over time through communication, our interactions with those around us, and our shared history”; and, as a consequence, also meaning is not standardised (DAYMON/HOLLOWAY 2002: 4f). PATTON identifies three “foundational questions” of constructivism: “How have the people in this setting constructed reality? What are their reported perceptions, ‘truths’, explanations, beliefs, and worldview? What are the consequences of their constructions for their behaviors and for those with whom they interact?” (PATTON 2002: 96).

Adapted to the setting of this study, these questions would ask how transparency has been constructed, how it is perceived and evaluated/ explained by different groups of persons, and what these constructions mean for the relationship between government and citizens. Thus, as regards the citizen’s view on the transparency of government, a constructivist perspective is taken and applied to the phenomenon of transparency, but not necessarily as universal paradigm for research.189

V.2.2 Research design

The “emphasis on capturing and honoring multiple perspectives” is one of the “basic contributions of social construction (...) to qualitative inquiry” (PATTON 2002: 102). Under the constructivist perspective, one “would attempt to capture these different perspectives through open-ended interviews and observations (...) but would not pronounce which set of perception was ‘right’ or more ‘true’ (...)” (PATTON 2002: 98). The different constructions would then be compared and contrasted, the methodology used would be essentially hermeneutic and dialectic (GUBA 1990: 26f., see also PATTON 2002: 98). Also, active engagement has been named an important element of qualitative research (DAYMON/HOLLOWAY 2002: 5).

189 This may be seen as contradictory to the idea of constructivism which takes a relativist position towards reality in general (and not towards parts of reality). Only multiple realities exist; they “exist in the form of multiple mental constructions” (GUBA 1990: 26f.). Yet as GUBA also points out, the constructivist perspective includes the statement that a definite choice for one paradigm cannot be made (GUBA 1990: 27). – This is not the place to elaborate on the question whether transparency can exist objectively or if it does so only subjectively, i.e., whether it can be created by government through the different means and measures that will be discussed, or whether government can, if at all, only influence the perception of transparency. The underlying paradigms about the nature that transparency may assume are left aside. – What is of importance here is the fact that transparency for the citizen is, as a matter of course, crucially dependent on the citizen’s perception of administrative transparency.
Although fieldwork has been done for this study, no active involvement in terms of participation or observation has taken place. The interviews were conducted from an outside perspective, i.e., language, culture and background of the researcher differed from that of the interviewees. The language used was not the mother tongue of the interviewees, with one exception. This had several important implications for the research design.

To employ theoretical orientations and connected methods that essentially depend on “symbols and interpretative processes” (PATTON 2002: 113), such as symbolic interaction, involved the risk of superficiality or even inaccuracy. The same would have applied to language-focused approaches (notably discourse analysis and semiotics) and to a strictly hermeneutic method that depend on the interpretation and the use of language within its cultural context. The hermeneutic method would have also been problematic in view of its techniques that mostly require the inclusion of several interpreters as well as an exchange with the respondents about the interpretation after data collection (MAYRING 2002: 111f.) – a method that would have been difficult to follow within the scope and context of this study.

An active involvement would have taken place if interactions between stakeholders and government had been observed directly and subsequently interpreted, or the researcher’s own interaction with government had been described and analysed. Then the research design would have needed to be more interpretative, with hermeneutics and symbolic interaction playing a greater role.

Because of the differences in language (and cultural context) direct observation was not an option. The idea of analysing the interaction between researcher and government had to be abandoned for the same reason. In addition, the research design would have become inconsistent if – which has been the basic idea – a stakeholder approach is to be taken: the role of the researcher towards government would have differed from the role taken towards the stakeholders of government. Whereas in the first case, the researcher would have been a partner in the interaction, a mere collection of information about the interaction between stakeholders and governments would have taken place in the second. Both interactions would hardly be comparable, and the validity of the study could have been called into question if such statements were contrasted.

Moreover, the interview situation with an external researcher was an unusual situation for local governments. It could be expected that this would lead to bias. If conversations and interactions between researcher and government had been made the object of analysis (how did governments respond to the request, how open have they been in presenting
their organisation, etc.), this bias would have become central (unless the subject would have been to explore the stance taken towards an external researcher).

As a consequence, transparency was not to be observed directly in the interviews. Instead, these were actually ‘communications about communication’. As the research could not be based on participatory research methods, it was designed to take into account different perspectives and to contrast them with each other, in order to ensure the validity of the data and to capture the phenomenon in the given context as well as possible. A stakeholder approach was chosen where statements from government were compared with those from different stakeholders. The interviews were expert or informant interviews and aimed at obtaining as much matter-of-fact knowledge as possible so that the statements could be compared more easily. This is not to say that only facts and objective knowledge were sought (which would have been impossible); but rather that, from the perspective of the interviewee, factual knowledge was reported rather than personal emotions. The interviewees were asked to give a (subjective) description and evaluation of the situation and to speak about their experiences with government or citizens, respectively.

The aim of triangulation was pursued by collecting the data from various – homogeneous as well as heterogeneous – groups of stakeholders (or: sources). This procedure can be seen analogous to variation in phenomenological research, where a given phenomenon is analysed in different contexts in order to find an invariant essence of the phenomenon underneath the surface. Phenomenological analysis also starts from the subjective perspective of individuals and their interpretation of the world.

The phenomenological approach assumes that “there is an essence or essences to shared experience. These essences are the core meanings mutually understood through a phenomenon commonly experienced” (PATTON 2002: 106, original emphasis). PATTON calls this assumption “the defining characteristic of a purely phenomenological study” (PATTON 2002: 106). By contrast, constructivism denies the existence of a basic essence, taking instead a relativist position towards reality, stating that “realities exist only in respondents’ minds” (GUBA 1990: 26). According to a constructivist, ‘truth’ is only “a matter of consensus among informed (...) constructors, not of correspondence with objective reality” (PATTON 2002: 99 with reference to Guba/ Lincoln 1989: 44f.).

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190 See, e.g., MAYRING (2002: 108), WALDENFELS (1992: 31). It should be underlined that an analogy is suggested here only regarding the procedure itself. Actually, in phenomenology, “imaginative variation” as developed by E. Husserl is a “method for discovering what is and what is not essential in descriptions” of one’s own experiences and “experiences of the self” (HAMMOND ET AL. 1991: 75); it thus deals primarily with the question of a subject’s (individual) perception.


Therefore, it can actually be considered a question of perspective (depending on the chosen paradigm) whether the aim is to find a consensus among the statements in question or to extract something like an essence from them. Figure 5 summarises the research design.

![Administrative transparency as a construct](image)

**Figure 5: The research design**

**V.2.3 The stakeholders**

The inclusion of stakeholders is thus essential to understand the administration in its context, to look at the administration from different perspectives in order to obtain a better picture of the phenomenon in question.

The administration has a variety of stakeholders (Figure 6). Internal stakeholders such as the people who work for government (i.e., civil servants) are not shown in the illustration.

The administration is accountable towards the institutional stakeholders that exercise control over it (such as the parliament or parliamentary committees and the council on the local level). As already mentioned, institutional control mechanisms (transparency towards parliament) are excluded from this analysis.

Similarly, partner organisations that co-operate with the government have not been taken into account. This group of stakeholders is, in principle, not subject to sovereign action taken by the authorities. Examples are international organisations (or their sub-organisations) such as the EU and OECD, other local governments or twin towns.

Research focuses on the third group which consists of persons and organisations subject to sovereign action of the administration. They are directly affected by, and dependent on, administrative action, for example as beneficiaries of public services. Citizens, NGOs, (business) associations and companies all belong to this group. The feedback from citizens to the administration (via participation and other civil society activities) is indicated by a broken line because it is mostly facultative and not institutionalised, and its
consideration is not binding for the administration. Transparency would strengthen this bond which also exercises some sort of control over public administration (see II.1.2.2).

Figure 6: The stakeholders of public administration

The number of stakeholders can of course be extended and specified in more detail. For example, SCHEDLER and SIEGEL also include political parties and the media as stakeholders of local governments (SCHEDLER/ SIEGEL 2005: 144). The description above mainly serves to illustrate the sample in context.

V.2.4 Data selection

V.2.4.1 The country

In view of the original intention to explore the role transparency could play in a transitional context, a transition country had to be chosen where a system change had taken place and the public administration system had to be built up “virtually from scratch” (VERHEIJEN 2003: 489). It had to be a country where a functioning public administration was in place and the political and economic situation was already stable.

Estonia was selected because it successfully mastered its transformation and experienced a successful political and economic development (see IV.3). With Estonia’s accession to
the EU in May 2004, the transition process was formally brought to an end (BTI 2006: 1). The study was therefore conducted in a post-transitional context.

The second reason for choosing Estonia is rather pragmatic. From among the countries that first qualified for accession negotiations, Estonia was the smallest. It could be expected that the limited size of the country would make it easier to understand its structures and to gain access to persons and organisations and their networks within the given time frame.

V.2.4.2 The sample

For quantitative methodologies, data selection is crucial and follows well-defined rules. The selection of interview partners in this qualitative study did not follow equally strict rules. This would not have contributed significantly to the study because the sample did not aim at representativeness. However, some basic principles were adhered to to contribute to the significance of the data.

As regards governments, the level of local government was primarily chosen because contacts between government and citizens are especially close on this level. Besides, practical reasons also played a role: the local level was expected to be more accessible, and in case of a negative reply there would have been enough options left for a substitute of equal value.

In accordance with the Estonian structure of public administration, both cities as well as rural municipalities were considered. Four local governments questioned form ‘pairs’, with city and rural municipality being located in the same county. This was done in order to focus the research and to obtain a better understanding of a region, but again also for practical reasons. Overall, seven local governments from five counties were included in the research.

In contrast to earlier intentions, the capital Tallinn was not considered for several reasons (one rural municipality at the outskirts of Tallinn was included). About one third of the Estonian population lives in the capital, meaning that the administration of Tallinn has totally different dimensions compared to the rest of the country. It would have been hardly possible to compare the administration of the capital with other, notably smaller governments throughout the country. A different research design, for example a single case study, would have been required; but it would still have been difficult to gain an overview of this huge administration, especially for an outsider. The special role of the Tallinn local government and its complex networks were also emphasised in the interviews several times. In this way, it seemed to be less risky and more practicable to
spread the study to several smaller administrations which also provided an opportunity for checks and comparisons.

As regards the stakeholders of government, interviews took place mainly with NGOs and companies. The intention was not to address citizens directly (a survey would have been beyond the scope of this study), but instead to approach ‘the citizen’ by addressing organisations that represent the citizen’s interest.

Preference was given to NGOs and companies from the same region where the local government was located. However, this principle could only be followed in some cases, especially since the activities of many organisations are not confined to the region where they are situated, and the interviews were mostly conducted at the head office of an organisation.

Recommendations or suggestions from the respondents were also followed up. An organisation would mention a local government or a company as an example of good or bad co-operation, which subsequently was addressed. This procedure not only ensured relatedness among some of the actors but also added to the understanding of the respondent’s work and networks, providing a fuller picture. Again, this was only possible because of the qualitative design with a non-representative sample. This procedure led to a selection of governments that were generally positive examples, as will be seen from the interviews.

For the selection of NGOs, the pursuit of diversity was the guiding principle: the NGOs selected vary completely in size, field of activity and range of operations. As for the companies, the opposite is true: the emphasis was on companies in the field of planning, with one exception. One reason was that during research, planning turned out to be of particular interest concerning the transparency of local governments. The other reason was that companies with close relations to local governments (as is the case for planning companies) were most useful for this research and other companies were, in general, less willing to give interviews. “We have nothing to do with the administration”, “they do their business and we do ours”, or simply “no time”, were some of their reactions.

Something else is worth mentioning. Persons were addressed as representatives of a certain function or organisation. Yet every person performed several roles, and sometimes he or she combined roles from the three groups that were actually compared for contrasting the data. Since it was practically impossible to single out only one role for an interview, the only option would have been to exclude persons with obvious double functions from one of the other groups. On the other hand, this would have been difficult since those who engage in civic society or political activities often do so in various other or connected fields. Apart from that, it is almost impossible to fully fathom
the linkages and networks existing between the different organisations, even more so for an outsider. So, even if some of the connections were obvious, it could be assumed that others were of a more informal or personal kind (as was also affirmed in some of the interviews). Any additional functions a respondent may have performed could in general not be taken into account, even though this aspect might have shed a different light on the interview. Similarly, personal backgrounds of the interviewees (such as former activity in an NGO) were largely disregarded. The respondents were usually only questioned with respect to the role in which they had been addressed, with one exception: one of the respondents was interviewed as a representative of a local NGO (D) and as an employee of a planning company (C2d). This was possible because during the interview, this respondent referred openly to both organisations, making explicit the respective connections with local government (although the activities could not always be separated).

Figure 7 shows the sample used for the study. The linkages between the interviewees are either due to location (territory of local government), to comments made on the same projects or events or to recommendations that were then followed up. The linkages between V2/ L2 and V3/ L3 indicate that these were located in the same county, not far from each other.
The average number of villages per rural municipality in the sample is 24.5.

### Description

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Association of local governments (county level organisation)</td>
</tr>
<tr>
<td>C1</td>
<td>Local company (with a more than local catchment area); offers leisure activities</td>
</tr>
<tr>
<td>C2a-d</td>
<td>Four planning companies</td>
</tr>
<tr>
<td>D</td>
<td>Local district organisation; protects the historic character of the district</td>
</tr>
<tr>
<td>E1</td>
<td>Environmental organisation; operates nation-wide</td>
</tr>
<tr>
<td>E2</td>
<td>Environmental organisation; operates nation-wide</td>
</tr>
<tr>
<td>H</td>
<td>Health organisation, tackling issues connected to Aids; operates nation-wide</td>
</tr>
<tr>
<td>S</td>
<td>Local seniors’ club (ca. 110 members)</td>
</tr>
<tr>
<td>T1N</td>
<td>National trade association, representing the interests of its members</td>
</tr>
<tr>
<td>T2N</td>
<td>National trade association, representing the interests of its members</td>
</tr>
<tr>
<td>VL</td>
<td>Representative from a local village organisation (ca. 40 inhabitants); member of VN’s organisation</td>
</tr>
<tr>
<td>VN</td>
<td>National umbrella organisation for village organisations; supports civil society activities on the local level (grassroot organisation)</td>
</tr>
</tbody>
</table>

*Source: Own design*
V.2.5 Data collection

The interviews were conducted personally by the author during a research stay in Estonia from April to September 2005. The interviews took place mostly in the offices of local governments, organisations or companies. They were conducted in English, with two exceptions: one was conducted in German and one in Estonian, in the presence of a translator.

The duration of the interviews varied from around 30 to 120 minutes, with most interviews lasting between 60 and 90 minutes. The duration depended mainly on time schedules of the interviewees, interruptions or language difficulties, which are not considered further. Usually, the interviews were conducted one-on-one, with the following exceptions: S, two-on-two; V3, one-on-three; L1, one-on-one/two (the second person came later and left earlier).

In several interviews, other persons were present in the room and were consulted occasionally – in Estonian, of course. This meant that it was sometimes not possible to attribute a statement clearly to one person. Sometimes, a comment was made directly in English in the presence of the interviewee and remained unchallenged by the latter. Since the persons were interviewed as representatives, the exact attribution of quotations to one person was not considered relevant. As a consequence, when several persons were present, the quotations do not strictly distinguish between different personalities.

In one case (E2), two sessions were held. In another, two persons from the same company were interviewed in separate sessions (C2b); here, reference is made to interviewee (1) and (2).

The interviews were conducted in a half-standardised format, and the prepared questions served only as a guideline. Upon request, this was sent electronically in advance, but only in one case did the interviewee check at it beforehand.

Originally, two questionnaires had been drawn up on the same topic but with a different degree of standardisation. The first contained more specific and detailed questions. After feedback from two scientists in Switzerland, a second was drawn up that mainly consisted of open, general questions focusing on behaviour and experiences. It left more room for variation than the first. However, a discussion of the second version with an Estonian scientist brought the more standardised version to the foreground again. The reason for the different emphases seemed to lie not only in different academic preferences, but also in their suitability for a given context, as early experiences suggested.

A pre-test, mainly based on the second, more open version of the questionnaire, was conducted with an official from St. Gallen local government in Switzerland. The
conversation went smoothly, the responses and ideas expressed corresponded well with expectations. It seemed that the underlying school of thought (as reflected in the terminology used as well as the problem awareness) were rather similar, despite different personal backgrounds (practice and research). Early experiences in Estonia, however, suggested that such an approach alone would prove less than fruitful because the questions produced answers that were too general or out of focus. This was probably attributable not only to different schools of thought, but also to the interview situation itself and the use of a foreign language.

The outsider role of the interviewer became even more explicit in Estonia: the interviewer was not only an outsider to the organisation and its specific context (as was the case in the pre-test) but also, being a (Western) foreigner, to the country, its culture and history and thus to the broader context of the organisation. A deeper understanding of the situation of organisations in the given context could only develop over time.

And even if such an understanding existed on the part of the interviewer, the respondents would not take it for granted and replied differently than they would have to an Estonian. Various interviewees explained, for example, what they considered to be the characteristics of Estonian society and administration, probably assuming that the interviewer had no knowledge of these characteristics.

As a consequence, the majority of the questions had to be quite specific to make sure all concerned were speaking about the same thing and ensure the reliability of the data collected. Some of the open questions were added, mostly towards the end of an interview.

Probably the most critical decision had to be made when it came to deciding whether the term ‘transparency’ should be used in the questions or not. It soon became clear that the problem was that ‘(in)transparency’ was mainly associated with corruption, financial accountability or favouritism. In the meantime, the general understanding of the term was too vague, and its meaning could simply not be taken for granted. Direct questions about ‘transparency’ did not produce very rich or concrete answers, either. For example, in an early interview the respondent asked back what was meant by transparency.

Instead of an ‘explanation’ of the term given in advance, which would have led to self-referential ‘results’, it seemed to be more promising to refer to what had been identified as major components of transparency and directly ask questions about information and communication, such as whether information was accessible or the organisational structure understandable (whom to address with a problem, for example). Of course, this may raise the question whether it is really the phenomenon of ‘transparency’ that is
analysed. But based on what had been argued in the theoretical part, it appears that there is an obvious link between transparency and information/communication.

This procedure had an influence on the research design: not only was transparency not directly observed, it was also (if at all) only captured intermediately (Figure 8).

Therefore, a strong pre-conception of transparency is inherent to this research. There was no open research design in the sense that respondents were not asked to give their own definition of transparency; instead, a basis had already been laid down. (Within this frame of reference, however, many variations could occur – for example, as regards relevance, problem awareness or difficulties encountered.)

Figure 8: Adapted research design

The guideline finally used for the fieldwork remained largely unchanged during the study and consisted of three major parts. One part included questions about how the citizens are informed by the administration in general and what kind of information they need, another dealt with the transparency of decision-making and planning procedures, and the third (and shortest) part referred to the transparency of the organisation.

Due to the great diversity of the organisations, the questions sometimes needed to be adapted to the specific interview situation. Only then was it possible to respond to the peculiarities of the different organisations and backgrounds. For example, original questions were sometimes too detailed, given the small size of Estonian local governments. The emphasis in an interview might also shift to issues that were regarded as more important or pressing by the interviewee. Thus, during the course of the research, some questions turned out to be less relevant than others. For example, questions regarding the transparency of decision making were of greater import than questions about performance measurement or results reporting as part of organisational
transparency. In some cases, questions were added about issues that had been brought up in an earlier interview with someone else. As a consequence, not all interviews covered all questions with the same intensity. (For the guideline used in the interviews, see the Appendix.)

V.2.6 Data processing

The interviews were recorded and transcribed. The English part of the interview conducted with an Estonian translator has been transcribed fully. Since it was conducted in a more open, conversation-like manner, the English version could have differed from the Estonian one. For that reason, relevant parts of the Estonian text were identified on the basis of the English transcription, and these parts (questions and answers) were subsequently translated and transcribed word-by-word with the help of the translator.

As explained earlier, the research put the emphasis on what was said, not on how it was said. The focus on content (and ‘facts’ or factual reports as far as possible) allowed to adapt the oral statements slightly and transcribe them into fluent written language – of course, this had to be done with due care and attention lest the content should be distorted (examples are given in the next section). The interviews are quoted at some length to lay open how the data has been processed. This was considered necessary in view of the author’s outsider position as described, which required setting out in detail on what material the analysis was based and being cautious about making changes to it.

A series of aspects needed to be discussed repeatedly, though from different points of view. For example, electronic means play a role for the transmissions of information and for its presentation. For this reason, continual references will be made in the text to the quotations. For the coding of the data, the software MaxQDA was used.
V.3 Results

Broadly, the following codes have been used to structure the data and their analysis: accessibility, transmission, timing, and content of information; and transparency of process. The codes were developed on the basis of the questionnaire and refined with respect to the answers.

The first four codes describe various aspects of information provision and related difficulties that may impede transparency of the administration. The content of information obviously refers to the informational aspect of transparency (‘information’), whereas the three others primarily deal with the question how information is communicated and made available (‘communication’).

As has been explained, three core dimensions of public administration (services, processes, organisation) are taken into regard. The four aspects of provision of information also apply to information about administrative processes. Transparency of process is thus a possible specification of the first four codes. As a consequence, overlaps are unavoidable. Yet it is considered separately because transparency of planning and decision-making processes proved to be of great importance to various stakeholders.

The other dimensions of the administration, transparency of services and of organisation, are not treated separately. Since the stakeholders questioned were mostly non-profit organisations and companies, it was difficult to ask them in detail about the transparency of services for citizens. Information about services in general is dealt with in the general part of information provision. As regards information about the transparency of the organisation, one selected aspect has been included (results reporting) which is treated under the aspect of content.

Some notes regarding the quotations need to be made.

Articles and prepositions are added/replaced without indication; the same is true for adaptations regarding singular/plural endings and tenses.\textsuperscript{193} Additions are in [brackets] as are expressions that were used by the respondent in the same passage (in the same sense) but, for example, were added a bit later. Sometimes, obviously confused words were also replaced and, occasionally, the sequence of words was slightly adapted.\textsuperscript{194}

\begin{footnotesize}
\textsuperscript{193} For example, “depends from” is replaced with “depends on”; to “find solution on that” is replaced with “find a solution to that”, “this people said this kind of idea” is replaced with “this person (...)”.
\textsuperscript{194} For example, “before this (...) before it becomes official, the process” is altered to “before this (...) process becomes official”; “and let’s do it together you know – in order, this area” becomes “and let’s put this area in order together”; “make trouble and harden their life” is replaced with “make trouble and make their life difficult”.
\end{footnotesize}
“(...)” indicates omissions, for example when he/she was looking for the right expression or reformulating a sentence; other examples are short reactions of the interviewer (“Mmh”, “Ah, yes”, “You mean that -” etc.) or reactions of the interviewer that were ignored (e.g., because the respondent was still reflecting about and then continuing his or her answer). Sometimes, expressions considered irrelevant were also omitted (but only if this did not alter the content). Anyhow, one quotation always refers to the same text passage (i.e., in the immediate vicinity and continuation of context and meaning).

Emotional reactions are usually not described (but have also been transcribed in parts). In some cases, they are added in italics and in [brackets].

“er”: This filler word points to loud reflections, reformulations, efforts to find the right (English) expression. It has usually been transcribed but will mostly be omitted in the quotations without indication.

“noh”: This is a peculiarity of the Estonian language, similar to the English “well”, and is treated like “er”.

“A” in the interviews stands for the person asked, “I” for interviewer, and “T” for translator.

Regarding the numbering of quotations (first number, presented in brackets): The numbering is to help find a quotation when a reference is made to it in the text. Regarding references in the text: “see 101 plus intro.” refers also to the introductory remarks of a quotation, “see 121 plus comment” also includes the comment following it.

The numbers subsequent to those in brackets indicate the relative position of the quotation (lines) in the transcription of the respective interview. They show the relative position of several quotations from the same interview to each other.

V.3.1 Provision of information

The right of free access (as guaranteed by freedom of information) does not automatically ensure transparency. Depending on how information is provided, transparency may be hindered or furthered. The provision of information was found to be determined by a series of single aspects all of which have an influence on transparency. In the following, it will be analysed how information was provided in practice, and what this means for the transparency of the administration.

V.3.1.1 Accessibility

Accessibility to information refers to the question of whether information can be obtained easily, whether it is ‘accessible’ in its true sense. The objective of this section is
to explore what obstacles may impede access to information and thus the transparency of the administration.

First, the *conditions of access* need to be considered. They describe the broader circumstances in which information is provided. These include mainly the physical accessibility of information, but also the conditions that need to be fulfilled to obtain information, such as fees or the giving of reasons for a request. Likewise, Gramberger (2001: 52) refers to “[i]nterfaces for citizens’ access” which includes the way documents are presented to citizens, for instance, whether citizens have the possibility to get copies of documents by post or electronic mail or on the premises.

Second, *assistance* may be needed to find the right information. The lack of search techniques or of help (as required by law) can obstruct the accessibility of information. Assistance is thus understood in a wider sense and does not only refer to personal assistance, but also to the help offered by adequate search functions making it possible to find the information needed.

Third, an adequate *documentation* of information is necessary so that information can be obtained. If information cannot be found (or not in time) because of inconsistent or incomplete filing systems, it is practically unavailable. Also, information could be requested that has not been documented at all.

Access to information may also be restricted explicitly. The law provides for several reasons to exempt information from publication. *Exemptions* include all cases of refusals of information requests, whether based on law or not.

Moreover, access to information is facilitated if citizens know which person or department they have to turn to. Knowing the respective *responsibilities* (clarity of the organisational structure) is especially important for transparency of the organisation.

Lastly, the attitude of civil servants towards the questioner is important for easy access to information (*responsiveness*). If information is only given out reluctantly or bit by bit, it depends very much on the persistence of the applicant (and his awareness of his rights) whether full information will be provided. However, since the respondent would have been required to describe his or her own responsiveness, it is rather difficult for an official to describe the responsiveness of local government. Moreover, the officials questioned were not necessarily those with the most frequent citizen contacts. Therefore, the emphasis here is on statements by the stakeholders.

The two aspects ‘assistance’ and ‘responsiveness’ obviously overlap. However, ‘assistance’ tends to concentrate on the technical side of support and tries to explore the question whether help is provided at all (as is required by law). In comparison, ‘responsiveness’
deals with the question how willingly or reluctantly information is given out, and how open the authorities are to share and distribute information. But it is clear that both aspects are hard to tell apart in practice.

V.3.1.1.1 Conditions of access

In general, the respondents do not mention conditions of access as a restriction. Once, the attention is drawn to citizens who may have difficulties to go to the town hall in person.

S. (1) 423. Well, when you want help, not everybody knows where the city government is located or has the strength or time to come here and ask [the interview was conducted at the town hall] or doesn't know from whom to ask. Then still it [the problem] gets solved [in the library meetings].

This comment does not consider physical access to information as a restriction. On the contrary, it is made in a context where an alternative way to obtain information is described (see 108, 109, 110). It is not quite obvious why the library should be easier to access (or find) than the offices of the local authorities (both are located in town). Yet it could be a question of attitude on the part of the citizens who may have fewer reservations to go to a public meeting than to the local authorities.

Also, fees were not mentioned as a problem. The Public Information Act 4 (4) states that access to information is granted without charge. Fees can be charged only in certain cases. E1 comments on this regulation. Only if the number of pages exceeds twenty,

E1. (2) 170-173. A: (...) then it’s a problem. Because in Estonia, (...) up to the 21st page, you get it for free. (...) But starting from the 21st page there is a charge. But according to law, it’s [up to a] maximum [of] 3 Crowns, Estonian Crowns.

I: Per page (...)?
A: Yes. It’s quite a big sum. Usually it does not exceed the amount of pages.

E1 does not consider fees completely irrelevant; the organisation needs many documents and the costs could add up. But as it is at present, fees do not present a problem.

Then, E2 reports that it is generally possible to make or demand copies. The following comment refers to the city of L2.

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195 “Access to information shall be granted without charge unless payment for the direct expenses relating to the release of the information is prescribed by law.”

196 “A person making a request for information shall pay up to 3 kroons per page for copies on paper starting from the twenty-first page, unless a state fee for release of information is prescribed by law.” Public Information Act 25 (2).
E2. (3) 884-885. Just right now when you are going [there] you can make them [copies] by yourself there, [they are] just showing [you], 'Here is the copy machine and you can make it', or they are doing it (...) when we are telling [them] in advance that we are coming.

In this case, it is obviously made very easy for the organisation to get and copy the information it needs. As will be seen from other contexts as well, this city is rather open towards its stakeholders and makes various efforts to involve them.

The rural municipality of V2 describes the process similarly. A central request is made to the “kantselei” (office),

V2. (4) 114. (...) and we have to show the papers that are needed. And if necessary, also make a copy; and of course not of all our things but – what is needed by the – normal people, that is public.

V2 thus points to the fact that some information is exempted from disclosure and in that case, a copy is not available. The situation as described by V2 sounds more formal than what has been reported by E2. Later, V2 also reports a restriction that is due to the technical capacity of the municipality. Documents and maps may be viewed on the premises,

V2. (5) 261-267. A: (...) but [the citizen] cannot make a copy or take the papers with him. I: Not copy either? A: Copying is possible but since we only have a copy machine maximum A3 (...) we cannot copy the large maps and we have said that unfortunately here – well, these costs we do not cover to make these very large maps in colour for everybody (...) who wants it.

The possibility to make copies thus depends mainly on the question whether “it is allowed to copy” and on technical conditions.

V.3.1.1.2 Assistance

The Public Information Act obliges local authorities to set up a digital document register (§11, §12) which includes “all documents received and released by an agency”, (draft) legislation and contracts. §9 (2) no. 5 lays down the obligation of the holder of information “to assist persons making requests for information”, and §15 describes this in more detail.

Experiences made with personal assistance from the authorities, as reported in the interviews, vary to a great extent. VN generally assumes that help is provided as long as one personally goes to the municipality.

VN. (6) 665-667. Yes, they [local authorities] help – if you go there, they help. (...) But you have to go there, then.
E1 reports a contrary experience, i.e., that local authorities are not helpful at all. Instead of assisting people with a request, they sometimes simply reject it. However, E1 also points to the bias inherent to this experience: since people turn to the organisation of E1 for help, they only get to know the problematic cases. E1 remarks that according to their experience, it is easier for them as an NGO to obtain information than it is for local people (see 80).

E1. (7) 178-184. Sometimes they say that. 'Your request for information is not in accordance to law. You did not fulfil the conditions there'. (...) I: In the law I think it's written that they have to assist the people (...)?
A: Yes, this is never followed. I (...) don't remember (...) any case where the official of local government has assisted local people. But of course, it's the conflict cases that come to us. So maybe the good cases are not – just, we don't know them.

D from the local district organisation (also in the city of L2) has made good experiences with getting help from local authorities. After describing electronic search systems (see 11), he turns to the question of personal assistance.

D. (8) 157-161. When asking people, then usually it's enough to say what you approximately want to do or (...) approximately want to see and then they help you (...) – at least they help me, I don't know! [chuckling]

Similar to E1, D points to the fact that this experience may only be personal, albeit in a positive sense this time. D has frequent contact with various local authorities and is also well connected with the administration of L2 due to his work, his involvement on behalf of the district organisation, and personal relations.

D underlines that it is not a lack of goodwill which may cause problems. Officials may simply not be able to provide the information requested because it cannot be found.

D. (9) 212-216. If there are problems then the problem is that it's [a problem] also for the official, it's hard to find some documents. I mean they do their best, and if they don't find it then they don't find it. (...) Sometimes it happens that things just get lost (...) But (...) if there is anything to find then they help, jaja, they are quite helpful, actually.

Another aspect is brought up by VN who is a member of the national umbrella organisation for villages and thus aware of the problems in smaller municipalities. According to VN, civil servants may lack the adequate knowledge to assist.

VN. (10) 657-659. (...) municipality workers also don't always know how to share [information]. I know there are lots of workers who don't know how to use computer (...) or the Internet (...).

As regards technical assistance, the electronic search systems differ among local governments. Usually, the information is found. Only sometimes, technical difficulties
exist, or the information needed in advance is too detailed. D, E1 and E2 describe their experiences.

D. (11) 147-155. (...) sometimes there are some problems that you have to look in different places (...) but usually it is possible to find all documents. (...) Just the key words (...) are also enough (...) Sometimes it doesn't work, sometimes (...) nothing is found or something like this (...) But usually it works so you can find documents by key words. (...) 

E1. (12) 284-288. (...) then [if] you know this name, of the piece of land, you can easily get the information. But in some systems you have to know exactly the date or the person which (...) [is] connected with it. (...) But lately I have got many documents that I wanted. 

E2. (13) 1133-1137. I visited the local government planning department and I saw what the new plannings are (...) But sometimes I didn't want to check those plannings there, at the place. (...) Or I just wanted to know later when the public hearing of [a planning was] (...) and I was searching for those names in their [electronic] catalogue (...). And then I didn't find them sometimes.

These experiences rather reflect general problems with electronic search systems, but still, insufficient search functions make it difficult to access the information needed.

Local governments are still improving their websites. While demonstrating their homepage on a computer, L1 underlines that efforts are made to improve the homepage and the search function.

L1. (14) 339. We want to (...) technically improve the Internet [homepage]. It is opening very slow. And also the searching here is not sooo easy as it should be.

But not all information is available electronically. L3 notes that they do not have an electronic register for documents from the archives because the documents “are so old” and money would be needed to introduce an electronic system.

V.3.1.1.3 Documentation

The question of documentation is actually closely related to that of effective assistance. In order to provide efficient search systems and otherwise helpful assistance, information needs to be well documented and organised. However, it seems that in some cases, information either does not exist or cannot be found.

On the part of local governments, mention of this is only made by the city of L3 who suggests that for historical reasons some information from the archives may simply not be available anymore. Asked whether there are any requests that cannot be met, L3 replies,

L3. (15) 120-124. A: I think there are. Because there are some buildings in town and they just don't know their original plans anymore (...) because [the buildings are] so old.
I: They [the plans] don't exist, yes.
A: Yes. Or they existed but [got lost] during the war (...).
Contrarily, on the part of the stakeholders, problems with documentation and filing of information are addressed a few times. For example, D points to the problem that “things just get lost” (see 9). E2 notes smilingly that requested information once simply could not be found because there was “such a mess”.

Speaking about personal experiences of people he knows, C1 suggests that in the past documents were sometimes declared untraceable if an economic interest was involved.

**C1. (16) 858-864.** Earlier it was a problem (...) when the privatisation began. (...) I have a lot of friends who were quite unhappy because the documents were hidden and they didn't get any documents about what their families owned earlier, before (...) the Second World War and when the Communists took everything (...) And somebody else privatised [it].197

Whereas C1 speaks about the unstable situation after independence, C2c points to some structural problems underlying the documentation of information in some (especially smaller) local governments in the aftermath of transition.

**C2c. (17) 157.** And then, sooner or later, when democracy started to work, somebody noticed that this person actually doesn't do things as he or she should. Then this person is fired. And then some system of information [which] they have collected – it kind of stays somewhere but it's unsystematic; nobody knows exactly what it is. There are just some papers, and [they] just say, 'Well, we have a bunch of papers, somebody collected it in 1995, we don't know what there is'.

C2c adds that, whether information is easily available (and well documented) or not, depends very much on the kind of information requested. A great deal of official information is available over the Internet.

**C2c. (18) 168-174.** I can give you information in five minutes. That kind of thing works quite well. (...) But if you are asking more detailed information (...) [An example follows.]

(...) it takes half a year to get all the information because we have to go to the archives (...). In the end you actually get it but it’s not systematised again. (...) So it varies a lot according to [the subject] you are working on and what kind of information you need.

A positive example is given by E1. Information concerning the local level may also be collected and made available on a national level, as is the case for the ehitusregister (www.ehr.ee). As E1 explains, “local governments have to send announcements about getting applications for permits or about issuing building or using permits within five days” to this register. “So this issue is actually very well organised by national government and the information is available to everyone (there is also a search mechanism that helps to find building permits by local government, by its name, by location etc.).”198

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198 This is a written statement by E1 made shortly after the interview.
Another problem with documentation is addressed by C2d who complains that in some smaller municipalities, important information does not exist due to a lack of local capacity. For example, there may be no provisions for a co-ordinated spatial development; “they don’t have a policy”.

**C2d.** (19) 244-246. If he [the developer] wants something then the local government just says ‘It’s ok, that’s good enough. That’s good for us. No problem.’ And (...) the result maybe becomes really awful [in the sense] that there is no unifying system, no principle (...) – the development goes as it goes.

What may be even more important: technical information about the local infrastructure (C2d mentions canalisation as an example) is sometimes difficult to obtain. As a consequence, the planning company cannot be sure whether its planning decisions will also benefit the municipality in the best way.

**C2d.** (20) 269-282. (...) [since] they have no infrastructure (...), we have to make (...) all the (...) canalisation and water supply (...). You have to solve it [this problem] yourself, within your area or even, if you want to make a central system, then you have to solve the central system yourself as well. (...) They have no suggestions how to do it, where they want to do it, whether [they] plan to have investments, [whether they] have some central (...) pipelines or something – they don't know anything. So, it's an awful chaos (...) Yes, [I] do it myself and I don't know all the municipalities. (...) I just take my piece and then I try to solve it (...) to make the best for your customers and the best for – how I see it. But I can't see all the municipality, maybe there is something [canalisation, water supply] 100m away and they don't tell me about this, [that] something has already been done there (...).

This comment also shows the consequences a lack of documentation may have. The company works in several municipalities and it cannot know all of them well. They depend on the relevant information from the administration. If this is not provided, only isolated planning is possible.

The fact that only stakeholders referred to such deficits does not mean that the local governments addressed have passed over such problems. More probably, for those governments selected such problems are in fact less or not at all relevant since it was the larger cities that were chosen (L1-L3), or local governments close to larger cities (V1, V2), or some that were mentioned in general as a positive example by a stakeholder or another recommendation (V1, V3, V4).

For L2 and V2, an explicit statement was made by C2d in this regard (see also 86, 87 for L3):

**C2d.** (21) 222-224. A: But this, here in [L2], there is order, but in some local governments around [L2] there is no order at all.
I: What about [V2], for example?
A: [V2] is better, one of the better examples. But the worst ones are (...).
V.3.1.1.4 Exemptions

When asked for information or data that is exempted from publication or cannot be accessed, respondents emphasise that, in principle, everything is public apart from private data. There are a number of local governments who only refer to what is stated by the law when asked about exemptions. There are also several examples from stakeholders who say that they get all the information they need. In this section, the group of local governments will be considered first, then that of the companies, and finally the group of other stakeholders.

The following comments illustrate that on the part of local governments exemptions are not considered to be problematic. The emphasis is put on the protection of personal data, as required by law. V2 generally doubts that the administration has a large amount of information which cannot be disclosed (besides the information exempted by law, as V2 also remarks.)

L1. (22) 304-306. (...) if we decide to give some (...) financial support or social support. In the documents are written full names of those people, and their addresses and so on. We cannot give [this] to others. (...) It’s very very sensitive information.

V2. (23) 116-118. There is only very little information in the offices, I would say, that we cannot give out. (...) What can we do here so secretly that we cannot show to the people.

V4. (24) 293. All the documents are public but some papers connected to personal information (...) we don’t [disclose].

In contrast, V1 points out that information exists which cannot disclosed but could be of great interest to citizens. From among the local governments, only V1 makes several suggestions concerning additional information the publication of which would improve administrative transparency considerably. He speaks out in favour of making administrative processes “more visible” for citizens.

V1. (25) 1299-1301. (...) we were thinking that maybe we should make this progress of different things (...) a little bit more visible or clearer – like for example if the person brings some kind of application (...) and maybe (...) from the Internet then he can see that his application will (...) be answered, or decided or whatever.

Later he explains why he believes that the information currently given out is not always sufficient to follow the decision making of the council.199

V1. (26) 1311-1313. (...) if we have council meetings then people can read from the minutes or somewhere that the council discussed about this, this and this thing, (...) someone said something like this, and then they can read that it was decided by 9 votes to 7 (...). But

199 The following quotations may be more extensive than they should be in the context of exemptions. However, in the course of the analysis, reference to this aspect needs to be made again (for content and transparency of process) so that it appears expedient to quote these important passages in their wider context.
what was before that and what discussions have been held and that kind of things, they can't like – access that kind of information.

The comment illustrates the shortcomings of minutes; these do not suffice to follow the decision-making process. The sessions of the council are well documented and available on CD in the local libraries. Hence according to V1, “everyone who wants to can (...) [get] a very good picture of what happens during the council meetings.”

V1. (27) 1322-1334. (...) the council meetings are all recorded; and the recordings will be put on a CD, and the CDs are available also in the libraries. (...) But this is only the council meeting. So (...) all the work is usually done in the (...) board meetings (...). But usually council meetings – usually, not always – usually the council meetings are like they come here, we usually present the legal act or the draft of the legal act, then they have some questions, and then they vote, and that’s all. (...) But all the work that’s behind that (...) that has already been done before. So that’s not visible.

Whereas nonexistent information about the status of an application can also be regarded as a question of documentation (and therefore mainly an organisational or technical problem), information as described in (26) and (27) are exemptions because it seems this information is intentionally not published because of political objections:

V1. (28) 1320. We have had some little discussions about this. But so far it hasn't been received very well by the council; and by some government members, too.

It would thus be extremely difficult to introduce changes in order to make decision making more visible. As a prerequisite for such changes, V1 names a change in attitude.

V1. (29) 1553-1557. (...) I think (...) the most important thing we have to change is the attitude of (...) certain government members and council members (...) This is the main problem, I think, at the moment. Because if we can’t change the attitude then we can’t change anything.

Companies usually answer that they get the information they need. They do not report any important exemptions related to their work.

C2a. (30) 242-244. (...) they are quite – public (...) you get all the information (...) you want.

(31) 267-271. Mostly we get everything. (...) If not the first time, then two or three times [we] ask and ask and ask and (...) – we find every information that we need.

Similarly, C1 negates the question whether there is a lack of information; he finds the information he needs and if not:

C1. (32) 322. Then I call somebody and ask.

Independently from each other, the two respondents of planning company C2b also affirm that it is no problem to obtain information from the administration.

C2b. (1) (33) 71-72. I: Is it difficult to get the information you need?
A: Noo! In our town [L3] it is not difficult and in the region [it is] also not difficult. We must ring up or ask, in town we already know the people who are doing this work and – (...) it’s not hard.

(34) 80. (...) Yes, yes, we can get [the information]. In town [L3] we can get all.

C2b. (2) (35) 222-2224. A: (...) sometimes – maybe – no no no. They have all. (...) I don’t remember that kind of problem.

Even C2c who has pointed to some problems regarding the documentation and organisation of information says that “in the end you actually get it” (see 18).

C1 distinguishes work-related from other information and points out that he is only interested in the first kind which he has no problem to get, as mentioned above.

C1. (36) 326-334. A: Of course, I am not involved in some insider information or something what happens there (...) one old lady working here in summer, she knows about the inside (...) and it’s more like gossip, that kind.

I: But it’s not really interesting for your work, then.

A: No, no. I am only interested how I can get my permissions and papers (...) as quickly as possible.

Asked about information exempted from publication, C2d generally confirms what has been stated earlier – the administration is open and information is available, as long as the information exists (see 9, 20). But then, C2d also shows an interest in what has been brought up by V1 (see 26, 27), namely, the transparency of the decision-making process. His interest in the administration is thus not confined to professional information – which may be due to the fact that C2d (as D) is also active in a local civil society organisation.

C2d. (37) 54-71. A: (...) usually there are no secrets like this. (...) It has to be a really awful thing if they want to keep it secret. Usually it’s not like this.

I: Is there any information that you don’t get, then? That maybe is confidential (...) [that] you would like to have, maybe, or you would need to get?

A: N – er – I am not sure, I don’t think so. Or – maybe something – how the decisions are made. (...) This (...) would be interesting to hear. (...) What’s the decision-making process, how it goes, but -

I: Information itself is not -

A: Information itself is usually not the problem but (...) how (...) the outcome comes about or (...) who decides things (...) this is sometimes more confusing. Especially when it concerns the use of money (...) which projects to develop (...).

C2d thus confirms what has been identified by V1 as a problem area. He cannot follow how a decision is made but would be interested in this process.

E2 makes a similar comment on the incomprehensibility of decision making (see 313). Moreover, the two environmental organisations report that sometimes information is
declared confidential, although it should be accessible. (This will be treated as reluctance to deliver the information requested, see V.3.1.1.6.) E1 describes a situation where a request for information was refused on the grounds that intellectual property rights need to be protected.

**E1. (38) 78-82.** There was one occasion when we asked – the planning procedure had started – and I asked this first (...) plan, draft (...) of [it]. And they said this is confidential information, that the right belongs to [its] creator, the engineer. (...) They [the local government] [had] ordered it [the plan] from some specialist. And they said that the intellectual property right is not protected if they give this information to us.

E1 underlines that “public participation is not granted” if such information cannot be obtained.

It has to be noted that the refusal of information was the exception for the organisation of E1; in most cases they got the information they needed. E1 showed the interviewer a list of all requests for information submitted from January 2003 to January 2005; in only three cases (of about 25) the information was refused. In one case this was done without giving any reasons. E1 had requested a building permit that had been issued, although the “plan was [still] disputed in court”.

**E1. (39) 199.** One said that they don’t give out this information, they just don’t, and we can get it only over the ‘dead body’ of the mayor of the local government.

Subsequently, they turned to the public information inspector, had a meeting at the respective local government and got a copy in the end.

**E1. (40) 218.** They made us a copy. Finally. Because they would have been in big trouble if we had not got this. It’s a violation of law.

Other stakeholders do not complain that important information is exempted. For example, for S there is no information that is needed but not obtained. S underlines that they will “go and ask” for it themselves, if information does not reach them.

**S. (41) 620.** No – I don’t know, I should say about my city [that] we are satisfied [with it]. There is no [information] gap.

(42) 623. We ourselves are active, too. If we want information, we go and ask.

Lastly, E1 mentions that in some cases confidential data is given out (hence data that should be exempted but is not). Asked whether parts of a document are usually made unrecognisable, E1 says,

**E1. (43) 238. (...) it [local government] doesn’t. It gives us the whole.

(44) 242. (...) It’s a problem. But I don’t think that they know (...) the law in such deepness, [that] they know that they have to protect the rights.

(45) 244. (...) there are some data, you know, like the personal identification code (...) that should not be published. But they are also in this document.
V.3.1.1.5 Responsibilities

In general, it did not seem to pose any problems to find out the responsible office or official, neither for companies nor for other stakeholders, as the following quotations will illustrate.

As V1 describes, citizens either find the official responsible through the Internet or they address a secretary. This does not differ from the normal way to contact an organisation.

V1. (46) 297-305. I think, the younger ones, people who use more Internet they maybe look at the (...) website and then say, ‘Ok that’s his field of work, ok I will ask him’. But usually older people and some (...) people don't have Internet access (...) and then they will call to the general number (...) So they tell their problem to the secretary (...) and then the secretary decides whom to address.

V2 notes that citizens address one central department (see 4) which normally also collects all incoming requests and letters before V2 will review all.

The municipality of V3 publishes a phone book and distributes it to various shops. It is free of charge and contains all phone numbers of the local authorities. V3 describes illustratively that people are not shy to address them also privately with their questions. V3 explains that it is easier for people to reach them at home “than in this house”. This actually confirms what could be observed earlier (see 1 plus comment); people prefer other channels than going to the municipal building. Since the municipality in question is a small one, V3 says, people “know each other (...) and they know us”.

V3. (47) 156-163. A1: (...) they can ask if they want. And we also sit here every day, people know it, too. (...)
A2: They know our homes, too. (...) Ask things. (...) And after work time.
(48) 180-190. A2: (...) [Call on the] mobile telephone and come to our homes. (...) [Sometimes] we act 24 hours. (...) Sometimes it's very inconvenient (...) that (...) these people are coming (...); you sit in the sauna, they come to ask.

Also in the municipality of V4, a secretary will refer the citizen to the responsible specialist. But V4 also remarks that the direct number to the mayor (i.e., to V4) can be found on the website.

V4. (49) 220-226. Some people just call me and say that I have this kind of problem, (...) how can I solve it. Then I just say that the person who is dealing with this is this girl or boy (...) [here is] the name and phone number, so, but as we are such a small (...) local authority, they know each other. So, it's not a problem. (...) They know the persons quite well. So, we don’t have this kind of communication problem at all.

The city of L3 set up a new, simplified central phone number for the whole local government. L3 says that the intention was to give citizens an easy means to contact the government and also to share information with it. The number is free of charge.
L3. (50) 72-76. And it’s this way that just sometimes you are thinking that (…) – I have some information for town government (…) but I don’t know such kind of all numbers. (…) Therefore town government thought it’s actually good that all citizens have only one number. (…) Then they will call, say their problems to our secretary and the secretary will give an answer.

(51) 80. [There] could be happening something in town that someone has seen (...). It’s so easy to just call, it’s free.

L3 explains that the number is still in its test stage and operates only on working days but “we are trying to do it seven days a week”.

As for the companies, the question of responsibility does not seem to present a problem, either. C1 (from the municipality of V1) says he sometimes uses the website to look up the phone numbers. The first respondent of planning company C2b confirms that they know to whom they have to turn and mentions the persons responsible for building and planning; as could be seen earlier (see 33), they know these persons already. Such contacts may even be long-term relationships. Referring to the difference between present and past in this respect, C2b replies,

C2b (1). (52) 139-147. A: I can’t say it’s different, [it’s] the same; because the persons are the same. There are the same persons (...) about ten, fifteen years or more. (…) And now they are -

I: In the planning department?

A: Yes, in planning. The mayors of the town are changing (...) but in planning – there are the same people.

Similarly, C2d knows whom to contact to get “direct information”. Through his work, his main contacts are with three departments, as he explains: planning, local economy and architecture/building.

C2d. (53) 32-34. If there is any information, someone has seen anything or heard anything, then I directly ask the right person in the local government and then they tell me.

I: How do you know to whom you have to [turn]?

A: [L2] is not so large town.

Referring to the decision-making process, he describes the responsibilities in smaller municipalities as follows:

C2d. (54) 743-745. (...) In smaller municipalities, just a few persons decide things. (...) Then it’s quite easy to have an overview.

E1 says they usually submit their requests to the local government in general “because they have to know who has to answer”. But E1 also hints at the fact that on the local level it is not difficult to find out who is responsible because there are not so many persons. (Instead, according to E1, there is rather a problem of specialist knowledge.)
E1. (55) 1190-1196. A: (...) in most governments the planning person is combined with the building person. There is one person who is responsible for all the building permits, planning procedure, architecture. (...)

I: So you don’t need to know exactly who is doing what because it’s only one person.
A: Yes, exactly. (...) But very often he is not aware of environmental issues, of nature protection.

Regarding the local level, VN mainly addresses the mayor directly. In many cases, S, too, directly contacts the mayor of the city of L1 where their club is located, for example, when they make a request for financial support, when they invite him to speak at the “parties” they organise, or just to inform him about problems of their community.

S. (56) 280. We have his contacts, we tell him that a party is coming, ‘Please come and participate’.
(57) 300. When we have problems with transportation we turn to him.
(58) 307. (...) mostly we turn to [name of mayor], to the people’s man.

S says they know “what someone does, to whom to turn when you need something”. S also describes how she finds her way in the administration.

S. (59) 873. There are signs on the door – (...) [laughing] If it’s necessary we go in (...) and we are not afraid of anything. These days everybody is very kind. (...)
(60) 876-877. T: Is there a bulletin board and do you use it?
A: Yes there is, I don't use it, I don't need it, I know where to go. I know which door to knock on.

S clearly distinguishes between the past and “these days”, when “everybody is very kind”. The fact that she emphasises not to be afraid suggests that others could be, or that it was different in the past. She obviously has no problem to find the persons she needs. But S also mentions that there may be citizens who do not know whom to address; but in that case, other possibilities exist to get information (see 1).

V.3.1.1.6 Responsiveness

As mentioned, the emphasis is on statements made by stakeholders. Nevertheless, the following comments from local governments add two additional aspects to responsiveness regarding informing the public.

L3 thinks efforts supporting closer contacts with citizens are worthwhile and should take place more often. However, L3 supposes that the responsiveness of the government towards citizens may also depend on elections.

L3. (61) 175-191. (...) We try (...) just to go to our people and ask them what kind of problems [they have] (...) And then – noh, it's also related to our elections. Because on October 16th [there are] new elections. (...) But I think it's a good idea. And it could be done every year (...) They [the government] are going to people [and ask] what problems [people...
have] and they are like – very fast solve them. (...) I hope that it wasn’t just for elections. (...) But I am not sure.

V1 draws attention to the fact that it may take more time to answer a request if people themselves “don’t know exactly (...) what to ask”. But usually “it’s no problem” to answer requests. V1 describes that responsiveness also depends on the person and the citizen’s manner.

V1. (62) 1253-1261. I think (...) it always depends on the personal level. (...) if someone (...) writes every day, (...) and very impolite (...) letters, like ‘What the hell are you doing?’ (...) then there is no free will, (...) ‘Oh, I want to answer him’, but then it’s a duty. But if that’s a nice person who just comes for help then I think, no problem. (...) There are always some persons that come here and are (...) very angry (...) for some reason and then they (...) take their anger out on our workers here.

Companies do not report any problems regarding responsiveness; as mentioned, they can rather easily get all the information they need. The first interviewee from company C2b also emphasises that the answers depend on the persons.

The only restriction referred to by companies is that it may take some time until the administration responds.

C2a. (63) 246-248. Only sometimes when some people are – let’s say they don’t have time (...) But mostly we have good contacts with them.

C2d. (64) 186-189. And then, does it take long for them to answer? (...)
A: N-no, (...) it depends only on – whether they are busy. If they are not so busy then they do it at once. If they are very busy then maybe you have to wait a little bit.

Both companies explain the delay with the administrators being very busy and they show understanding.

C1 reports that responsiveness was a problem with the former government who was “very reluctant”, whereas the current one (of V1) is “friendlier, not reluctant” (see 376, 377, 320). (V1 also repeatedly hints at the fact that much has changed after the new government took office.) In this case, responsiveness seems to depend on the personality of the leader of the municipality who also has an influence on the general style of working in the administration (see also 185). Moreover, this suggests that attitudes from the past have a negative impact on responsiveness.

Similarly, S notes that “these days” people are friendly (see 59). But S also emphasises that they are active themselves to get information. VN stresses that local governments will answer if asked, but they do not always very actively share information so that one needs to become active oneself (see 187, 247, 385).

C2c remarks that in smaller municipalities responsiveness may be lower due to political interference.
C2c. (65) 188. And then you more or less run against the wall in that way that if you go to the person who is responsible for the question then he or she is saying, ‘Well, I don’t know exactly if I can give it to you, you have to talk to the head of the municipality’.

(66) 190-192. And in smaller towns, usually, the mayor knows everything, and nobody else knows nothing. (...) And then actually he or she who is responsible for the question actually is kind of going around the thing; is not giving any answer. And then I more or less understand that they are actually favouring someone else.

He thus also stresses the influence (this time, a negative one) of the mayor on the responsiveness of the official. (C2c reports to have experienced this situation in three or four cases over several years – therefore, as an exception.) But C2c explicitly stresses that the official is “actually quite willing”.

C2c. (67) 194. But it’s (...) usually not the official himself who is (...) not willing to deal with the things you ask. He or she is actually quite willing.

T2N underlines the good relationship they are having with the authorities; and therefore, “it’s not a problem” to get information. They receive “the most important” information even “without asking” (see 162, 161). But T2N makes a distinction between them as an organisation and individual companies, also mentioning time as a problem.

T2N. (68) 446-449. I: But you said it’s very easy to get [information]?
A: For us, as organisation, yes. But for companies, since they do not have a very active dialogue with local government and they do not have their representative organisations there [on a local level] (...) it’s quite hard for them, difficult (...) to ask information what they should do. Then they have to fill out all the papers, then they have to wait for a positive decision, then sometimes they are asked to improve their application, (...).

(69) 453. It depends on the procedure [how long an application takes] but we have got information that it takes so much time that sometimes it’s easier not to do it at all.

Another factor that seems to influence the responsiveness of the administration is the form of communication: some responses suggest that information can be obtained more easily because of personal contacts.

E2 stresses that the city of L2 is more open than other local governments, and supposes this may be due to personal contacts.

E2. (70) 321-327. But I just want to say that for us, the communication with the municipality of [L2] is better and quicker because we know or – [name of an active member] (...) knows them (...) And he has friends there in the [x] department and he knows also this leader of the [x] department and a few things we can just (...) ask with short mails and we don’t have to write long letters and ask something but we just write short mails and get right answers (...) and that way it is a lot easier.

In case of personal contacts with people working for the administration, the legal requirement that an information request has to be met within five days, also appears to become less relevant:
D. (71) 193-196. A: No, we don't give these kinds of official deadlines here, we (...) just do it – they do it at once.
I: More informally.
A: Yes, it's more like – we are more like friends, even. We do something together with them in private (...) as well, we have been to some trips abroad and things like that.

But such contacts do not only facilitate communication between organisations and the administration. Individuals also address the administration informally (see also 47, 48).

A. (72) 200-204. A: And so the people know each other.
I: (...) So you get information on a personal basis.
A: Yes. So, in the countryside you don't need to have any regulations (...) or any official requests. You just go or call and you get this information. (...) The informal way.

Especially the environmental organisations have made various negative experiences with the responsiveness of local governments. The cases where these organisations are involved are probably the most conflict-ridden and controversial ones mentioned in the interviews, hence they may (for this sample) represent one end of the whole spectrum and will be covered in some detail. It should be noted, however, that, at the same time, both organisations emphasise the improvement that has taken place, and that information is mostly available (see, e.g., 12, 173).

E1 highlights that sometimes local governments do not respond within five days as prescribed by law.

E1. (73) 96-98. (...) sometimes we have to ask again (...) and say that, 'According to law you have to (...) react in five days', and then they say, 'Oh! We have forgotten!'

E1 suggests the following two reasons for this reaction (cf. also C2d in 339):

E1. (74) 100-102. I think firstly that they do not care, they think that they do not have to give this information, and secondly that they (...) don't want to give this information. Because they know that if we ask, then they [will] have problems, (...) [be in] trouble.

E1 notes that public information is often declared a business secret if local governments hold information from companies.

E1. (75) (...) If they do have this information, then it's public (...) [Public information] it's information (...) that is available for local governments because they have fulfilled public assignments or (...) administrative obligations.200 (...) So this is public information but often they say this is confidential information, [that] (...) it's a business secret.

(76) 1018. They also say you have to ask it from the company that (...) did the expertise.

200 Here, E1 probably refers to Public Information Act 3 (1): “Public information (...) is information which is recorded and documented in any manner and on any medium and which is obtained or created upon performance of public duties provided by law or legislation issued on the basis thereof”.
Similarly, in one case reported by E2, a document was requested to which reference was made in a planning decision. At first, access was denied; in the end, the document could be obtained.

**E2. (77) 73.** But that was a long process to get it. Because they said that it’s a business secret.

As reasons for refusing disclosure, information may thus be declared confidential, a business secret or intellectual property that needs to be protected.

E1 conjectures that another reason may underlie an initial refusal to give out information which is later made available anyway: “I guess, they just wanted to pass the responsibility to the higher authority”. E1 refers to a case where the local government said that they did not have the information requested at their disposal and an application should have been made to another authority – “although they have made this decision on basis of this document”, as E1 emphasises.

**E1. (78) 121-125.** And all the information that is the basis for environmental decisions, (...) all this material should be public. But sometimes the local government only gets a copy [from state authorities] and then they say that they don’t have this information.

(79) 131-135. And the local government made its planning decision on the basis of that (...) document. (...) But to local people they said they don’t have this document and it’s not public, [and] that the local people should ask for it from the Ministry of Justice.

The last remark, that local people may have difficulties to obtain information, is made even more explicit in another comment and recalls the situation described in (68).

**E1. (80) 174.** But it’s a difference for NGOs and for local people. We have discovered that if local persons ask for information then they may not get it. We get it more easily.

In the case mentioned above, the expertise was obtained only from the Ministry directly.

**E1. (81) 141.** They finally sent it [the expertise] to me, yes. And the local government said that ‘We don’t have it’.

In addition, E2 notes that in cases of conflict responses are often insufficient (in the following example, E2 refers to the local department of the environmental ministry).

**E2. (82) 229-233.** So, that is very selective how they answer (...) It is just difficult to get some answers from them if there is a conflict.

(83) 236. But it is not always so. [There are] (...) some plannings that they answered quite well.

E2 made several “requests to local municipalities to find out what they are planning right now”, and what kind of environmental impact that would have.

**E2. (84) 87-89.** (...) for example in some smaller municipalities, what kind of planning they are (...) doing there, and which are starting and which have already (...) entered into force
(...) – just to get an overview (...) how much plannings [there are] and (...) whether they have (...) some kind of [environmental] impact.

However, many local governments did not respond at all. In contrast, the city of L3 gave a detailed response.

**E2.** (85) 91-93. Then I asked (...) them to inform us so [that] we can participate in those processes. And a few of them (...) also gave answers, but I didn’t make a statistic how many [of them] (...) answered because there were so (...) few of them (...).

(86) 107-111. A lot of them didn't [react]. (...) And some of them (...) gave very detailed and good answers – [L3] was a good example.

(87) 127. That (...) wasn't the only one but that was one of the best.

V.3.1.1.7 Discussion I: The accessibility of information

The conditions of access did not fundamentally restrict access to information. One comment illustrates that not all citizens (can) make use of the same possibilities to get the information they need (see 1). As a consequence, it would be important to make information accessible in different ways because otherwise certain groups are denied access. Although this problem is rather a question of transmission (chosen media and distribution channels), it implies that a wide distribution of information and the use of certain media can compensate for difficult physical access on the premises. Another example of this was given by E2 who does not always want to go to the town hall to check new plannings (see 13); instead, E2 looks them up in the Internet (if they are listed).

The two environmental organisations depend on the availability of information and frequently need copies of documents. Fees could virtually exclude such organisations from information and hinder them from becoming active if these costs add up. For example, if documents needed would regularly consist of much more than 20 pages, this could become a problem for them. However, both organisations do not report a problem either with fees or the possibility to make copies of documents.

Differences exist as to how formally requests for copies are handled. Moreover, if a special format is required, copies may not be available due to technical capacity. Although this is understandable, it means that the possibility to make copies depends on the circumstances rather than the content of the information (whether it would make sense to get a copy). Maps are difficult to copy and they are often not available otherwise (for example, in the Internet); in the meantime, they are also especially difficult to memorise in detail or copy by hand.

The assistance offered seems to be rather dependent on personal experience. Even for this small sample, the experiences made are difficult to generalise. Several variables can be derived from the interviews that may have an influence on how assistance is offered (in
parts, they correspond to those for responsiveness). First, the assistance of local authorities may depend on one’s own initiative. Second, the position of the questioner seems to play a role. Local authorities were experienced to feel more obliged to help an environmental organisation than local individuals. Third, personal experience (knowledge) and personal contacts potentially improve the quality of assistance. This is not necessarily a question of willingness; it is probably easier for local authorities to assist persons who have a certain knowledge and are familiar with the administration and its processes. Fourth, civil servants themselves must also be in a position to help. It crucially depends on their knowledge how well they can assist, though some conditions cannot be influenced by them.

As regards search systems, some require exact information in advance. In that case, the meaning of a search function (or electronic catalogue) can be called into question. If the ‘right’ information is not known before and no other assistance is provided, information becomes virtually inaccessible. Notwithstanding the fact that problems with electronic search systems are not specific to the context of the administration, they can impede transparency considerably. This aspect is also of particular importance in view of a growing digitalisation of administrative information.

However, these can be considered technical problems; it probably lies in the nature of electronic devices to be constantly in the process of being improved and refined. E1 mentions that the situation has improved, and L1 describes how they would like to improve their website. For older documents from the archives, an advanced search system does not necessarily exist. As is described below, information from archives may be difficult to obtain or unorganised. The quality of the assistance available may then depend on the kind of document requested; more recent documents are easier to access. This refers back to what has been mentioned already: the assistance offered also depends on conditions that cannot be influenced easily by an official.

The problem of insufficient documentation is mainly addressed by the stakeholders, not by local governments. A respective comment made by one local government refers to circumstances that again cannot be influenced by them, namely, the loss of information because of historical events.

But the stakeholders also mention legacies of the past as one major reason for deficiencies in documentation. The transformation changed the kind of information collected as well as the organisation of information. As a consequence, information from archives is mentioned as being particularly problematic. Such information was more difficult to find, and if it was obtained, it was in an unstructured format, and the respondent had to look for the information he needed in “a bunch of papers”. Moreover, those persons who
might have had the knowledge to find the information are often no longer present. This problem also persisted after independence: the high turnover of civil servants during transition seems to have hindered the development of a consistent filing system in that period.

But it is emphasised in the interviews that, to a great extent, documentation also depends on the kind of information needed and on the topic. Positive responses refer to information that is well organised and easily available over the Internet. Information is made increasingly available electronically so that the removal of the deficits of documentation, which are a legacy of the past, can be presumed to be a question of time.

The second major reason given for insufficient documentation is the lack of capacity in smaller municipalities. Some municipalities do not have the expertise to structure the information in a way that it can be used (such information is practically inaccessible), or to provide the technical information necessary for planning in that area. For example, principles of planning and technical specifications are not documented because the administration lacks the expertise to develop and describe them. Consequently, it is not able to co-ordinate different planning activities, and companies can only plan for isolated plots; the lack of documentation can thus lead to incoherent planning and even to redundancies in the infrastructure.

Concerning information exempted from publication, local governments mostly mention the confidentiality of private data, or other exemptions regulated by law. They do not refer to information about the administration itself, such as information about decision making or performance data. Either there is no awareness of additional information that could be disclosed, or there is no necessity for this because respective provisions are deemed sufficient. It seems that the local governments interviewed perceive the administration as being sufficiently transparent and do not think it necessary to disclose additional information.

This perspective is however challenged by the suggestions made by V1, indicating that an important part of administrative action and decision making is not disclosed. Documents and minutes are available, but they do not allow to understand the decision-making process in detail. Even though council sessions and voting are public, the preparatory work and discussions are not. Such information is not made public intentionally because members of the local government object to its disclosure.

There may be reasons for this attitude that will, however, not be discussed further; especially the possibility to find a compromise is usually cited, as well as the higher quality of a decision if this process remains undisturbed from external influences (see II.2). Whether these aspects are more important than possible disadvantages (especially a lack
of control and accountability towards the public), must remain open. What is of interest here is the fact that information exists that is not disclosed, although it is of major importance to understand administrative action. As comments from stakeholders affirm, this information is of principal interest to them.

In the municipality of V1, there seems to be a broad resistance against the disclosure of such information, on the part of council as well as of the government. V1 believes that a fundamental change of attitudes would be required to overcome these reservations.

Companies do not report any exemptions and emphasise that they can get the information they need. Companies mainly need information related to their work. In many cases, this kind of information is rather repetitive and technical. Such information seems to be widely accessible.

One example shows that the relationship between stakeholder and administration may also be complicated by arguments and attitudes that are not at all pertinent (see 39). Especially in conflict cases, local governments may refuse to give out information, and a hardening of positions on both sides may occur. In such an atmosphere, an open exchange of information cannot take place and local authorities will only give out the information they have to. It is unlikely that they would make an effort to open up administrative processes.

Based on statements from the environmental organisations (they were the only ones to report rejections of requests for information), the reasons for being refused information were the following: information has been declared confidential, is a business secret or intellectual property. Interestingly, they did not mention a case where reference was made to the protection of private data.

Although local governments emphasise rights of privacy as the main reason for exemptions, E1 who often has to deal with local governments has made contrary experiences – personal data was included in some documents that were given to them (though E1 does not refer to the same local governments). This illustrates that it is hardly possible to generalise from the sample. Given the situation as described by E1, it seems that awareness of such rights is not yet deeply rooted. Officials may simply lack the knowledge how to implement legal provisions, i.e., how to handle sensitive data and what kind of data qualifies as sensitive.

According to the interviews, citizens have various possibilities to identify the responsible official. The websites of local governments mostly contain contact information and information about the organisational structure. In small municipalities, but also in one city interviewed, citizens address the mayor directly. For people without Internet, the usual
way is to ask a secretary who will refer them to the person in charge. This is made easier if a toll-free central phone number for the whole administration has been introduced. As one respondent explained, the number can also be used to report information to the administration since it may be even more difficult to distribute information to the right person within the local authorities than to find out who is responsible for a certain problem: usually, there is no direct effect or feedback concerning the sharing of information as there is concerning a request (which may be successful or not).

Yet such a phone number would be pointless in smaller municipalities because the number of staff is considerably smaller. As was repeatedly emphasised, citizens usually know the persons working in small municipalities so that they know to whom to turn with their questions. Sometimes, citizens prefer to address civil servants as private persons outside office hours, or privately after a public meeting. If those working for local government are part of the local community, it is especially easy for citizens to address these ‘officials’ in private (although this is not always welcome). There still seems to be a barrier to go to the public offices, and at least some avoid this if other possibilities exist.

Citizens would be more difficult to reach if, as a consequence of such avoidance behaviour, they close their mind to information that comes directly from the administration. That this is not always the case is demonstrated by S who seems to be very active in this respect, in going to ask what she needs from the administration. But again, this is not representative because S (both interviewees) is also a very active member and leader of a club. Yet from among the stakeholders, the club of S is probably the one closest to ‘the citizen’ as a private person.

As for companies, they usually know the responsible persons because they have worked with them, sometimes for many years. Yet the example mentioned in one interview (the same civil servants for 10-15 years and more) can be considered the exception rather than the rule because in Estonia the turnover rates after independence and during transition were high. Nevertheless, personal relations and contacts were emphasised as being very important.

Questions concerning responsibilities proved to be less relevant in all interviews. On the basis of the responses, several explanations can thus be suggested. First of all, the size of an administration: it is not difficult to find the relevant persons in a small administration. The usual way is via one secretary, the mayor or a general number. Second, since in small communities people generally know each other, they also know the persons working for the local authorities. In such cases, these persons are also addressed informally and the barrier to ask or address ‘the authorities’ is generally lower. Third, for those who are in
contact with the administration regularly, this is not a relevant question because they know the responsible persons, often on a personal basis.

The interviews also suggested various factors as having an influence on the responsiveness of local government. First, during election time, a local government may be more open and responsive towards the citizens so that some of their problems are solved more easily. However, this kind of responsiveness is not necessarily conducive to transparency because it can be expected that information disseminated during election campaigns is mainly aimed at influencing public opinion for the elections and not at making available the work of local government to public scrutiny. Information disseminated on such occasions is usually biased, rather suggestive than detailed and very selective.

Second, responsiveness does not only depend on the respective official, but also on the petitioner. Responsiveness (and willingness to respond) may be lower if citizens write or address civil servants in an unobjective way, and it may be higher if the former are organised in a strong interest group which can better formulate its interests and/or is able to put pressure on the administration (see also 217, 356). However, as mentioned before, in cases of conflict, responsiveness is rather low, due to a hardening of positions. As a consequence, according to E2, information given becomes also more selective and more general.

In case of requests by environmental organisations, conflicts are already expected so that the willingness to give out information is low from the beginning (which can actually aggravate a conflict). These organisations have therefore experienced both extremes; they sometimes obtain information more easily than local citizens but are also denied information initially. Two suggestions for the reasons were made for delayed responses or initial refusal: the administration is not really interested in answering the request/ not aware of the problem, or it does not want to be responsible for possible negative consequences of disclosing this information to an environmental organisation. If that is true, disclosed information is actually expected to have an impact (control effect) on the administration and its behaviour because otherwise the administration would not look for avoidance strategies.

Third, the administration is also less responsive if it is on a tight schedule. In the interviews, the respondents repeatedly referred to the workload of the administration and noted that it had other things to do than contacting them in order to inform them. For this reason VN underlined that villages need to become active themselves. Two planning companies reported that they frequently called the administration to keep themselves informed about an application. As regards the object of transparency, this would mean
that, in practice, it could only be achieved if there is a heavy demand by citizens themselves (cf. II.3).

Fourth, depending on the personality of the head of local government, the responsiveness of administrative staff seems to vary. The leaders seem to have a great influence on the attitudes of the officials. For example, underlying political motives and interests of the leaders may set bounds to the responsiveness of an official and his or her possibilities to fully inform the citizen. In this context, possible negative impacts of the communist legacy could multiply. But it would also mean that leaders who actively support transparent policies could be positive multipliers for the administration. What does seem certain at least is that transparency cannot be implemented if the person at the top does not support it.

In another case, very slow response has been reported to a general request for information regarding all current plannings in the respective area. If the documentation and organisation of information are deficient and information is not sufficiently structured, local governments will have more problems to deal with such a request. (This does not mean that all requests that received no response did reflect such problems, but it could be one reason.)

Finally, personal and informal contacts facilitate communication and may contribute to the responsiveness of officials. As mentioned in the context of assistance, this is not necessarily due to more willingness; familiarity with the administration and the persons facilitates communication on both sides. However, informal communication is in conflict with transparency for the benefit of the general public, as it is obviously more difficult or impossible to document such communication. But at least as regards personal contacts, the administration could also try to utilise the positive effects of such contacts. It could put an emphasis on spreading administrative information in a personal way to promote transparency and to induce a constructive dialogue with stakeholders.

The accessibility of information was thus found to be affected by various factors that cannot always be influenced by the responsible civil servant. The conditions of access and the question of responsibilities did not present major difficulties and proved to be least important for access to information. Assessments of assistance varied strongly according to personal experiences. The most important obstacles to access discussed in the interviews were documentation (information is sometimes difficult to find and unorganised), exemptions (information about decision making is not disclosed), the responsiveness of officials in cases of conflict and, important in relation to all of these, the ability to assist and provide information on the part of the civil servants (local capacity).
V.3.1.2 Transmission

The transmission of information basically includes two aspects: First, the media chosen to inform the citizens and, second, the various distribution channels used to disseminate information. The objective of this section is to explore how the different media and distribution channels contribute to administrative transparency, and what inhibiting factors may exist in this area.

The media local governments may use to transmit information are manifold. They include, for example, newspapers, leaflets, websites and bulletin boards, but also gatherings like seminars, workshops or lectures.\(^\text{201}\) The transmission of information may take place formally or informally, and its form may be oral (phone, personal encounter) or written (e-mail, letter).\(^\text{202}\) Depending on the media chosen, the range of distribution varies. The frequency of information activities and the duration of publication (for example in the Internet or on a bulletin board) also depend on the media and play a role in the distribution of information.

An adequate distribution ensures that the information reaches the citizens. The local government may use different channels for the different media. Newspapers, for example, can be delivered free of charge by post or are made available at libraries, local shops and kiosks. The Internet can be considered both as a medium to publish information and a channel to distribute information widely.

Distribution has a territorial aspect as well as a personal (social or demographic) one. The first deals with the question how to reach people that live far from the centre, the second concerns how to reach and adequately meet the needs of addressees who differ, for example, in age, education or interests. Addressee-related distribution thus takes into account the different characteristics of citizens.

It is evident that a quantitative study could deliver more detailed information as regards the significance of various media and distribution channels (for example, how they are ranked by governments, which are the most common, which are most frequently used by stakeholders, for what kind of information is each of them used, etc.). In this study it was only possible to show the range of means of communication used and their reception, and to illustrate the preferences of stakeholders as reflected in the interviews. The media offered and the distribution channels chosen by the local governments are treated separately from the description of how the stakeholders inform themselves. For them, the various media represent sources of information.

\(^{201}\) See also Gramberger (2001: 53ff.) who lists a variety of “tools” for information and consultation.

\(^{202}\) Nonverbal communication is not taken into account.
V.3.1.2.1 Media

The following media were mentioned by local governments as means to inform the citizens. It partly depended on the focus of the interview and the person interviewed which medium was mentioned. For example, L2 mainly describes the planning procedure and thus the way how citizens are informed (and involved) during this process; L1 is responsible for public relations and puts the emphasis on relations with the media.

V.3.1.2.1.1 Newspapers and other print media

L1 prepares a weekly newsletter for the media with information about the decisions made by the government and the council as well as “events, projects” that will take place in the following week. Official notifications (such as the time when a plan is on display) are also published in the daily local newspaper. L1 is also the editor of the monthly municipal newspaper that started in February 2004. L1 gives examples of projects that were described in the newspaper and related (formal and informal) public discussions that were announced. L1 explains the idea behind his work:

L1. (88) 227-229. (...) if something is realised it's a big surprise (...) and now we try to avoid that kind of surprises. (...) I describe the intention [of the project].

In comparison with the website, he believes that the municipal newspaper is more important.

L1. (89) 298. It is more important because the older and poorer people don't have [an Internet] connection.

The municipal newspaper is published twice a month and edited by three persons from the local government. Likewise, V1 believes that, at the municipal level, the newspaper is most important, although this seems to change.

V1. (90) 169. But recently, we have also felt that maybe even the website is taking over, because people are using Internet more.

As V1 explains, everything that is published in the newspaper can also be found in the Internet, but not vice versa because in the newspaper the “space is always limited”. The municipality of V2 also supports a free, monthly newspaper (eleven issues). V2 emphasises that the local government does not produce it itself but it covers all costs. V2 explains that the newspaper does not only contain official information. In principle, everyone can contribute articles. In contrast to the newspaper, the website contains more “legalistic” information about laws and legal documents.

203 The official gazettes are Riigi Teataja (State Gazette) and Ametlikud Teadaanded (Official Notices) and are not pursued further.
V2. (91) 474-476. But the normal, ordinary person does not want to read that. The normal person wants to read how many children are in kindergarten, what repair work has been done, how life is in other villages – and all this he gets (...) from the newspaper.

Moreover, this municipality publishes a special newspaper for those who live there for three months during the summer. This special newspaper does not only provide information about what is going on in the municipality but also gives specific advice.

V2. (92) 62-66. (...) and every year we have made a special newspaper for these summer people (...) where is written what they have to do with the refuse, (...) where to go if they have problems and so on.

V.3.1.2.1.2 Internet

Every “city or rural municipality” is obliged to maintain a website. Usually, contact information, legislation, decisions, the development plan and current events are published there. An electronic register has to show a list of all incoming and outgoing documents (and informs citizens whether a document is accessible or confidential). The municipality of V1 offers the possibility to download forms from the website (see 141). V2 remarks that their website is frequently updated and contains the most important information (but he also says that the information published there is too specific for the general public; see 91). L1 and V4 both point out that they are still developing their websites; L1 refers to the website of another city as a model. The use of Internet to spread information can be considered an ongoing process. For example, L1 would like to offer an audio transmission (livestream) of the council sessions on the Internet.

L1. (93) 383-385. Because the idea is that the city council meetings are open to the public; who wants (...) to hear he can hear. But the room is too small.

The city of L2 documents every planning procedure on its homepage and covers it as fully as possible (in addition to putting the plannings on display in the town hall). It publicises all detailed plans on its website, whereas other local governments make such plans available only on the premises and sometimes additionally in local libraries (V4 plans to publish them in the Internet as well). The city of L2 also puts all connected information, comments and decisions on the website, as well as the minutes of council sessions.

L2. (94) 80-90. (...) very often people use the Internet homepage and e-mail. (...) And when some planning (...) starts, (...) everybody can find the solution [decision] (...) [to every planning procedure on the website]. (...) So, everybody can read when it starts, who is responsible (...) where is the planning area, who wants to start planning (...).

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204 It is quite common in Estonia to own a summer holiday house in the country.
205 Public Information Act 31 (2).
(95) 96-102. (...) you can find all (...) kinds of planning, detailed planning that the city approved, and you can read when the opening of the exhibition [takes place]. (...) It means that all information you can find in the Internet. (...) all letters and city decisions and minutes you can find on the homepage. (...) You can very deeply understand what happens with planning (...).

V.3.1.2.1.3 Bulletin boards

In the municipality of V4, “every village has its information board”. It was a project done in 2005 to systematically provide every village with a new bulletin board (the smallest village has 14 inhabitants). The village leader (külavanem) is responsible for keeping it updated.

V4. (96) 54. (...) there is free space for announcements, and there is (...) a map of the village. If you go there, [and] you don't know the village, you can see where the library is (...), where you have to go, so all information is on the board.

In the municipality of V1, it was discussed whether to set up an electronic bulletin board in the centre of the main town.

V1. (97) 1280-1282. And then, of course we have had discussions about this information giving like we are thinking we should at least in [V1] (...) have some kind of bulletin board for information, probably electronic. (...) [chuckling] if we started to put papers on it (...) it would have to be enormous. So maybe (...) even like a touch screen to select something you want to read.

V1 reports that they also have a small bulletin board at the entrance to the building where the local government resides but only “few people” look at it; it is mainly used for information about leisure activities (e.g., theatre) and transportation. (Also, the building does not directly lie by the wayside so that not many people are likely to drop in spontaneously.)

V.3.1.2.1.4 Radio

In the city of L1, the first medium that informs about government meetings is the local radio.

L1. (98) 316-327. (...) every Monday after the city government meetings they come here (...) and they interview the mayor or the vice mayor (...) about (...) what was discussed. (...) Of course we don’t tell details of the so-called routine decisions, of the social support and so on. (...) But we have some hits, some very – noh, something very important. Then we explain this; most important are, of course, the projects of different regulations that will be given to the city council.

206 The literal meaning of külavanem is “village elder”. (Analogously, vallavanem is the “elder” (mayor) of the municipality, whereas linnapea means “head” (mayor) of the city.)
V.3.1.2.1.5 Seminars, regular conventions, round tables

The municipality of V1 organises seminars for NGOs and companies to inform them, for example, about new regulations, the municipal fund (for clubs, private initiatives and NGOs) or EU funding. Such seminars take place about once or twice a year. In past seminars, 40-50 NGOs took part; the last one for companies was attended by 20 companies (the municipality had hoped for more participants). V1 explains why such seminars are launched.

V1. (99) 665-670. (...) people or companies didn’t demand it but we just felt that it would be good since there were so many questions, for example (...) this advertisement tax, (...) or NGOs have questions about this fund. (...) So we thought that it would be easier if we just make one seminar rather than explain it to every person.

The seminars are organised around current events and decisions, as the following example shows.

V1. (100) 581-589. And now (...) I think we will have one [seminar for NGOs] this autumn, too, because we have changed this act that regulates the fund (...) we will have a council meeting today [11.08.2005], so I think they will adopt this new version of this act today (...) So we will have to make a seminar in September or October to inform (...) the people (...) about these changes.

Similarly, the municipality of V3 offers “three to five seminars every year” about different questions, such as EU funding or the environment.

VL lives in a village in the municipality of V1 and reports that once a month the municipality also organises round tables for village leaders to inform “all villages” about “different problems”. About once a year, according to VL, representatives of the local government also go to the villages to meet with all the people there.

V1 then describes a seminar organised to discuss the municipal development plan together with various stakeholders. In this municipality, the seminar is utilised as an opportunity to further the exchange of ideas in an informal atmosphere, where representatives from the council, the government, the administration and municipal institutions (schools, public libraries, kindergartens) as well as village leaders may connect with each other.

V1. (101) 844-848. So all municipal institutions (...) are also involved. So we have this seminar that usually lasts two days; (...) at the end of the first day, there is always (...) a social event also, like sauna or (...) dancing, or whatever.

(102) 852-859. So this is a place where (...) government and council members can (...) discuss it in a free environment (...) outside this [building] – (...) When they come here, (...) council members are politicians. So, there [at that place] usually, they are no politicians there. They are just like normal persons.
Therefore, the informal atmosphere created induces a better exchange of information and a more open communication.

An interesting approach has been followed by the city of L3 for three years. Once a month, on Mondays, they regularly invite companies.

L3. (103) 307-309. (...) And in these meetings we give information about changes in legislation, and [we] also [answer] if there are some questions concerning – properties (...), houses, housing, planning (...).

Also, a specialised council for companies of a certain industry has been initiated (it is still in its planning stages) with the aim to further dialogue and co-operation between the city and the companies and to get inputs for the development of the city of L3. It is to be an organisation

L3. (104) 389. (...) [where] enterprises of [L3] could say what's their problem and to discuss and to find solutions and also to make some projects [together].

V4 talks about an initiative (something “like a round table”) where (heads of) companies together with high-level representatives from the municipality and the city of V4 have formed an NGO to discuss problems of the companies and the question how local authorities “can help them”. Moreover, in the beginning and towards the end of V4’s term of office, V4 has introduced meetings with the villages to make a SWOT-analysis for every village (or a group of villages, if they decided to join their forces).

V4. (105) 68. (...) newspaper, Internet, information board, and also (...) we have organised meetings in every village, to meet with the people of different villages, every village had its own meeting, and we discussed about the development of their village (...). Because we think that if we would like to do a good development plan for [V4] (...) we need to know the problems and strengths and weaknesses of every village.

It seems that these meetings are not only confined to this purpose. Later in the interview, V4 describes other aspects of these meetings.

V4. (106) 496-499. Actually, if we go to the villages or if we write something in the newspaper, so we try to explain why we need to go to vote and why we have elections and why we have a local authority and what is the task of the local authority, and sometimes – (...) yesterday one person asked, how long does it take if I’d like to get a building permit, so, and what is the task of local authorities, how [do] they solve the problems in the council – they ask these questions and I think it’s good.

Therefore, these meetings also serve to provide general information to the citizens and inform them about the functioning of the administration in general. In addition, this municipality also organises round tables with village leaders to spread information.
V4. (107) 499. But we also have this kind of like a round table of village leaders (...) to explain different things; why we need to do this, and please discuss this problem with the people of your village.

S mentions weekly meetings that the city of L1 organises in the local library. These meetings are not only for the elderly, but according to S, the elderly constitute the majority. In these meetings, questions of town planning or the budget are discussed, but also personal problems may be solved (see also 1). S describes them as follows.

S. (108) 329. Mr. [name of the mayor] has invited the pensioners of the city to come together to discuss the city's problems. The problems of the high building that they are planning and what the people of the city think about it. Or issues like local transport or roads in town, for example.

(109) 451. There is an announcement in the paper what kind of problem is discussed. But if the person has time you can turn to the person with your own problem after the meeting.

(110) 361. Whatever worries an elderly person may have, then one can ask and they answer.

V.3.1.2.1.6 Personal contact

Personal contact takes place in manifold ways. Citizens can of course go directly to the administration to get information or advice. In some interviews, the opening hours for the general public were mentioned, as was the possibility to make appointments. When information from newspaper and Internet is not sufficient,

V2. (111) 72. (...) then of course one has to contact the office by phone, e-mail or personally.

For example, if someone does not have the possibility to obtain documents such as council decisions from the Internet, then “he has to come here”, as V2 explains.

In contrast to V2, V1 names direct contact along with newspaper and Internet the third major channel to inform people on the part of the authorities, and he actively contacts potentially interested groups directly.

V1. (112) 159-165. (...) and of course, I know most of them who are active in our municipality. So, usually [I] also do it directly (...) by e-mail, or (...) phone, or something. Like if there is some kind of a programme at national or EU level, then I – usually if I look at (...) the requirements and (...) the things that are financed then I already remember that, oh, they wanted something like that, so I remind them and address them directly (...) and tell them that you have this kind of opportunity.

L2 gives an example of contacting stakeholders personally (and informally) during the planning procedure to promote the exchange of information between the different parties. Persons affected by a planning project (especially neighbours) are addressed and
asked to come to an informal meeting, as may be also other stakeholders (e.g., C2d, see 352).

L2. (113) 131-133. And usually during the exhibition we try to create one discussion. It is not a very official discussion. (...) usually, this discussion [is not part of the formal procedure] (...) It's only a discussion and we can explain [the planning] (...) and try to find a compromise.

Another meeting may take place among conflict parties only when the public hearing did not lead to a compromise.

L2. (114) 222-224. (...) Sometimes, when we feel (...) it's not a very final solution, final compromise, we make a new discussion, for three or four persons only where the conflict [is], we only talk with them. (...) And try to find a compromise.

V.3.1.2.1.7 Other

As mentioned earlier, the municipality of V1 makes all council sessions available on CD (see 27). Also in the municipality of V4, the council sessions are recorded (but recordings are only very rarely requested by the public). Apart from informing the public, V4 gives another explanation why council sessions are recorded: for the council members themselves, “if we have different kinds of misunderstandings” – in such cases, it can be more easily clarified what has been said.

V.3.1.2.2 Distribution channels

Problems may arise when the local government is responsible for an extended territory with a low population density, as is often the case for rural municipalities. Some villages may be distant from the centre where the administration is located. Also, the administration faces the difficulty how to reach citizens with different interests, social and demographic backgrounds.

V.3.1.2.2.1 Territorially

If the technical infrastructure exists, the Internet has, in principle, an unlimited range of distribution. As mentioned, the law provides for Internet access in public libraries. In the interviews, it was seen as a (partly future) means to guarantee wide access to information to the public. Generally, the intention was expressed to publish more material on websites, such as information about plannings or audio transmissions of council sessions (see 93). Another suggestion is made by V1 who describes the intention

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207 See Public Information Act 33: “Every person shall be afforded the opportunity to have free access to public information through the Internet in public libraries (...)”.
to set up 21 info-points with Internet connection and tourist information along the main road of the municipality.

Apart from the Internet, other distribution channels are used to reach to the citizens. L1 describes the various distribution channels for the municipal newspaper.

**L1.** (115) 273-275. It goes to every postbox, (…) to every address in town. (…) And the rest we distribute also to some shops, public places. Maybe some people who come from the outside of the town are interested in [it].

The municipality of V3 also spreads information mainly through its newspaper. It is available in the Internet, in the shops (for a “symbolic” price of 2 EEK), and also in five local libraries for those who do not want to buy it.

The local libraries seem to play a major part in distributing information. L3 reports that apart from offering it on the premises, information about plannings is also given to public libraries. In the municipality of V1, besides the CDs of council sessions (see 27), the following information is also made available at local libraries:

**V1.** (116) 347-351. And then, all these minutes and (…) all these decrees and then the orders of municipal government (...) or the council are all at the libraries also.

Expertises are public, but in this municipality only available on the premises; “we don’t send them (…) anywhere else”. When V1 is elaborating on the idea of an electronic bulletin board at the centre of the municipality (see 97), the question arises whether a bulletin board exists in the villages:

**V1.** (117) 1292-1294. No, in the villages I think the main place is the library. (…) but we only have two libraries.

Again, the libraries are mentioned as an important location to obtain information. But V1 also hints at the fact that it may be problematic to rely only on local libraries to spread information. In sum, V1 says they spread information to the villages through the three above-mentioned channels – “directly, website and paper”.

In view of the extended territory of the municipality, V4 puts the emphasis on reaching out to the villages. V4 also reports that local libraries are provided with information from the local government so that access by villagers is facilitated. In this municipality, they have three libraries; “so, every region or area has its own library”.

**V4.** (118) 43. And also sometimes when we have these public discussions, we put the information and the (…) maps to the library. So they don’t need to go to the office in [town of V4], they can do it in the village, closer, in the library.

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208 The municipality of V4 and the town (which is located in its centre) are two separate municipalities.
V4 mentions bulletin boards in villages as well as meetings with villagers as means to disseminate information to the local level (see 96; 105, 106). Yet it still seems to be difficult to reach people, as becomes clear when V4 refers to the shortcomings of bulletin boards.

**V4.** (119) 146-148. Because if you put the information on the board, so, 'We have a meeting', then some people don't – they just don't have time to read it. (...) In some villages, village leaders just knock at the door and say that, 'We will have a meeting, come, I know you have a problem, you have something to say'.

(120) 154-156. It depends, I think, (...) [on] how the information about the meeting reaches the people. (...) So if it's just a board announcement (...) – sometimes it does not work very well (...).

Information is spread more successfully when the meetings are communicated personally. The village leaders are volunteers; “they don’t get money for it. So, it depends on the person” (V4) how information is spread. The role of the village leader as an important channel for the dissemination of information can also be recognised from the round tables in the municipality of V4 (see 107), where village leaders are informed and asked to spread the information to the villagers and to discuss it with them.

As far as shortcomings of information boards (and equivalents) are concerned, a similar situation is described by V2.

**V2.** (121) 719-730. A: We plaster every information point with different things, but – (...) I: What kind of information points – a board, a wall here, or -

A: Yes, noh, here is a wall, at the bus station there is one, (...) in the shops, in the villages, there are (...) these information points. (...) But normally it is like this: who wants to have information has it anyway. That is no problem. (...)

According to V2, the other people remain passive and “pessimistic”, no matter how much information is available. V2 therefore considers a passive attitude the main reason for people being uninformed. V2 gives an account of the difficult social situation in which many people aged 50 to 55 live in rural areas after the transformation, showing understanding for the passivity and resignation of these people. V2 thus describes characteristics of citizens who are very difficult to reach by the administration. This leads to the next section.

**V.3.1.2.2.2 Addressee related**

The local governments interviewed are well aware of the problem that not everybody has access to the Internet (see, e.g., 89, 128); other media and distribution channels (in particular the municipal newspaper and related channels) are used to inform the people. The problem to reach people who are passive or come from difficult social backgrounds
is recognised; however, this is probably rather seen as a general (societal) problem because special programmes or efforts to reach them are not reported. In view of their limited capacity, local governments focus their efforts on communication with interested stakeholders (if at all); and efforts to reach more problematic social groups are mainly part of the efforts to reach a wider public and concentrate on choosing an understandable language (see 136, 137; 253).

Village leaders spread information to the local level and should ensure that an extended territory is provided with information. For the government, this means that it needs to address village leaders specifically. In the municipality of V4, round tables have been introduced for this purpose (see 107).

The municipality of V1 also informs village leaders specifically. Here, these are involved in the drawing up of the development plan (see 101 plus intro), and they are informed earlier about the draft than the general public (see 209). As VL and VN (from village organisations) underline, they feel well informed and respected by the municipality of V1 and mention the latter as a good example for co-operation between local government and villages.

The municipality of V1 also provides other groups with information. If he believes that the information could be of interest to them, V1 informs organisations and persons directly (see 112), including companies:

**V1.** (122) 515. We also have, for example if we have been talking so far about NGOs and private persons – we also (...) give out information to companies.

As an example, V1 mentions information about financial support that companies can obtain through programmes of the EU. If the municipality has knowledge of such programmes,

**V1.** (123) 517-523. (...) then I will publish it [the application deadline] on the website or in the paper or then maybe send [it] to some companies directly (...) although all that information is always published on state level also. (...) But we on our behalf always try to inform our companies, too. (...) So maybe they don't notice these notifications in the state papers (...).

Such information does not directly concern the transparency of the administration (it is not about its services, processes, organisation). Yet it still may indicate how information is distributed and whether the administration is open to pass on information the knowledge of which may be vital for (groups of) citizens.\footnote{This can be seen in line with the Public Information Act 30 (4): “State and local government agencies are required to communicate information concerning events and facts and which is in their possession to the}
The city of L3 regularly addresses companies directly (see 103) and hence seems to provide information tailored to the needs of this group of stakeholders. This is in contrast to V2 who states that

**V2.** (124) 651-655. (...) for companies, we don’t have any information because we don’t have anything to do with companies. (...) We only have something to do with them when a company wants to build, to buy something, to plan.

According to V2, generally not much “extra information” (268) is needed in addition to the municipal newspaper. But V2 regrets that companies are not taking part in the discussions about the development plan as actively as in the past.

**V2.** (125) 508-512. Companies do not participate. Because companies are working for themselves. (...) In former times, companies were very active and always wanted to have a say (...) but now, unfortunately, this is over (...) They always say that, ‘We do not want to have anything to do with municipal politics, we have our own business (...’).

V3 notes that they refer people interested in business-related issues to the Business Development Centre of the county of which all municipalities are members; this centre is located in the city of L3. As V3 explains, they are “professionals” and can help; two or three hours of consultation are free of charge. For their “general plan” (probably the comprehensive plan), the municipality of V3 also organises working groups with “partners”, for example for “business questions”, “education questions” or “social questions”. They also organise village meetings for the local people when something of public interest is planned to be built in the villages.

**V3.** (126) 230-233. A1: (...) when we want to build some new house, new school (...) we (...) ask the local people to a meeting (...) and we discuss about it, what they – A2: What they want.

In the municipality of V4, the meetings with people from the villages (105, 106) seem to reach a variety of people. Participants are:

**V4.** (127) 140-144. Village leaders, also normal citizens who want to say something, young people also, old people (...), also people from companies (...), and also people who organise something through NGOs.

An interesting aspect is brought up by L2. As potential addressees for information about plannings he mentions those owners who live outside the country. Expropriations that took place during the Soviet occupation were annulled. Among the persons concerned were also numerous emigrants who then reclaimed their property.

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\(^{210}\) Through the Internet, these owners are able to keep track of, and comment on, the planning procedures. In the meantime, L2 points out that the Internet does not reach everybody.
Old people don’t understand what the Internet is; it’s mostly for young people. (...) And for foreign people (...) if they want to say something about planning – for example, if someone has a plot in the neighbourhood (...) but he lives in London, he can send an e-mail and it’s an official document.

Pricing, too, may restrict the distribution of information to all people. Even though the price of a few crowns for a paper may be “symbolic”, not everyone will be willing to purchase it, depending on his or her interest and economic situation. As VN explains, it depends on the municipality whether the newspaper is free of charge or not. V4 notes that people are not always willing to pay for it.

Some municipalities send that [information] letter to everybody, like to every house, for free. (...) Some ask some money [for it], like 1 EEK or 5 EEK (...).

And the newspaper before [2002] – it wasn’t organised that every person got it. They [the citizens] had a chance to get it through local shops and where newspapers [are sold] and they had to pay for it. And of course a lot of people they were not interested.

Similarly, V2 underlines the fact that the municipal newspaper is free of charge and that it is sent to “every family” so that everybody has the possibility to read it and get informed. L1 also emphasises that it “reaches every person”. The municipality of V2 even tailors information to the needs of one special group by means of a special newspaper (see 92) in order to better reach that group.

V.3.1.2.3 Reception by stakeholders

Given the variety of means of communication, it was of interest how stakeholders inform themselves (whether they use the media discussed above at all), how they communicate with local authorities, and also, whether the information reaches them or not. This last point has been discussed by local governments, too, and will be dealt with first.

V.3.1.2.3.1 From the perspective of local governments

Even though information is spread widely, this may still not be sufficient to reach the people. Four local governments reported similar problems in this regard. It seems that people are not informed that they have the chance to participate, and are (negatively) surprised or become active only when the decision has already been taken.

L1 points out that one reason to cover intended plannings in the newspaper is to avoid surprises (see 88). Apparently, people had not been aware of some changes and were surprised after these had been realised. But L1 also remarks that there were hardly any reactions to a major project that had been described in the newspaper.

211 By comparison, the annual contribution to the club of S amounts to 15 EEK, i.e., about 1 euro.
Another example is presented by V1. He thinks that “people should be more interested in these planning processes” and refers to a major planning project that will substantially alter the centre of the biggest town in (and actually the centre of) the municipality but nonetheless did not provoke many reactions while being on display.

**V1.** (131) 224-238. (...) so people could come [to the town hall] and see and then ask something and tell that they don’t like this or that (...) I think it [the plan] was in this corridor, it was [there] about one month, and information about that was in the paper and on the website and everywhere but I think – two persons said something about the planning only. And we have at least [several thousand] persons living in this area. And only two came, so, like – only two were interested. (...) But I am sure that after this planning has been approved then there will be many persons who don’t like it. I think it’s quite usual (...) at least in Estonian municipalities that people come to complain after everything is already decided.

Information was thus (according to V1) widely available but apparently did not reach the people. V1 gives two explanations for that. The first is that people are “tired of politics” and “don’t seem to care what (...) the government is doing”. This would correspond to the passive attitude reported by V2 (see 121 plus comment). The second is that the planning procedure may be too abstract for people to understand.

**V1.** (132) 244-250. (...) Because when the [planning] process is going on, like discussions and information in the paper, then they look [at it], ‘Oh, some planning’ – and that’s all. But when for example the building will start then I am sure they will see some problems. But I think that maybe (...) if it’s in the process [of planning] it’s something abstract; (...) [so] that people don’t feel it that way. (...) But when reality comes and all the machines and all that is starting to build here (...) then (...) maybe [they] notice this.

“Usually”, he adds, “it’s this way, but not always, of course”. Later in the interview (in another context) he stresses this problem that people are often “uninformed”, although the information has been available. Again, for him the reason is that people are not interested in planning (at least not in an early stage); other information seems to be more relevant to the general public.

**V1.** (133) 547-559. (...) at every event that we have, like this public meeting (...) or some seminars or something, there is always this problem (...) that the people are uninformed. (...) Yes, they don’t have enough information and then, when we ask them, ‘What information didn’t you get?’ (...) then they say, ‘We didn’t get this, this, this information’ and then always [chuckling] our newspaper section, then they always say that they know from memory [that it had been published] and tell us, ‘That date, that number of paper and that page.’ (...) Yes, it’s always found (...) in the newspapers but people didn’t (...) even try to see it. (...) They overlook; (...) they only look at the headlines and say, ‘Oh, some plannings’ and that’s it (...) They are maybe more interested [in] what’s happening, what concerts, or something like that.
The information is in fact available, but people are not aware of it. They also seem to need this information or to be interested in it; otherwise, they would not be present in these meetings. The quotation is telling also because it shows that those who could be considered responsible for spreading information (if the municipal newspaper is regarded one of the most important media) do not want to take the blame if information does not reach the addressees. It seems they consider their duty to be fulfilled as soon as the information has been published (which is justifiable and would be an output, but not an outcome orientation).

A similar experience is reported by L3. The detailed plan for a bigger project had already been approved and the building operations were about to start, when strong public resistance was expressed (see 390, 391, 392, 393).

**L3.** (134) 550. And all these cranes, and so on, they were already in place.

This statement corresponds to the observation of V1 (reactions occur at the sight of the “machines” starting to build). And L3’s description of the (perceived) attitude of citizens and their inability to anticipate the results of a planning procedure is also comparable to that of V1. But L3 goes one step further: people do not only have difficulties in the planning stages to imagine how something will look like in future, but they may even like it some time after it has been realised.

**L3.** (135) 480-490. (...) maybe it's also the nature of the Estonian, that Estonians are quite conservative. (...) And when (...) this lovely hotel will [be] built (...) they will say, 'Wow, such a nice hotel here. It was a good idea'. (...) And even (...) [those] people (...) who gave their signature [against it]. (...) Because they couldn't imagine (...) what would happen.

But L3 recognises that the administration should have informed the public better (L3 notes that the public had been misinformed about the intention of this project by another party, see 393). L3 underlines the importance of public relations to avoid such conflict situations. However, L3 explains that the administration suffers from a lack of capacity; in order to improve its public relations, the administration would need more people with the ability to write in a way enabling common people to understand:

**L3.** (136) 516-530. (...) we don't have in town government – (...) we need (...) one or two people more (...) for publication. It's very important but we have only one person there (...) and she is making all the minutes (...), sending all these press releases (...) to newspapers but (...) there is really a need [for] people (...) who could write to newspapers; and also [for] people who could write in real language.

(137) 535. We need people who could write to people.

Furthermore, L3 adds another aspect to this discussion: the lack of information may also be used as a general excuse.
Lastly, V2 describes an analogous situation when he is speaking about the planning procedure.

**V2.** (139) 717. But normally we only have people who say that, ‘I haven’t heard about it, I didn’t know it, and why has it now been done like this, why do I see this now’. But when we make these meetings and so on, then nobody is coming.

His explanation of the situation is that parts of the citizens simply remain passive and for that reason do not receive the information (see 121).

Hence, even if local governments are keen to spread information, this does not always reach the citizens. Up to now, only the perspective of local governments has been taken into account. Before this situation and possible explanations are analysed in more detail, the perspective of the stakeholders needs to be outlined.

**V.3.1.2.3.2 From the perspective of the stakeholders**

In the following, the media used by various stakeholders and the form of communication between stakeholders and the administration will be described. The relevant question is how stakeholders are informed and whether the information offered reaches them.

First the companies and then the perspective of a trade association is described. Subsequently, the environmental organisations and the two village organisations explain how information is collected; finally, it is described how the club of the elderly are informed and what problems confront the health organisation in relation to its communication with local authorities.

- **Companies**

Only occasionally, C1 reads about what is happening in V1 (either in the local newspaper or on the website). About the local newspaper C1 says:

**C1.** (140) 296. Yes, sometimes I read it, what happened here. But – we are not much interested what happened in [town of V1] (...).

As C1 explains, he and the other employees are not citizens of the municipality of V1. Their interest in the municipality is therefore limited. C1 also describes his use of the municipal website.

**C1.** (141) 314-322. Sometimes I read it. And I get some information about – just these building papers and everything; I can copy it from here, the application forms, such kind of stuff. (...) Sometimes I seek a telephone number (...) and then give a look-over, what’s going on there. But nothing more.
C1 is mainly interested in work-related information (see 36) and uses the media correspondingly. C1 is not aware of the fact that free, topic-related seminars are organised by the municipality of V1 (“I haven’t seen. Maybe they have, sometimes.”).\(^\text{212}\) C1 has taken part in one general seminar for local businesses where they got to know “what happened in the area, in the \emph{vald} [municipality]”. However, this was not of much relevance to him. C1 notes that they “are such another type of (...) business and company that we must learn ourselves.” For C1, the information offered is sufficient; if more information from the local government is needed, C1 asks them directly (see 32). The need for other support is denied – apart from the general demand for a better infrastructure.

\textbf{C1.} (142) 589-593. Because – what support. Money? They don’t offer money, usually. (...) The money can be in other forms, of course. (...) building roads, or electricity or (...) a new waste water [system] (...).

The main (individual) concern of C1 with respect to local government thus remains to get permissions quickly (see 36). Also C2a mainly looks for specific, work-related information. For information from local governments, C2a also uses the Internet, but the personal, direct way seems to be preferred (see 31). C2a stresses to get “information by phone quickly”. Likewise, planning company C2b emphasises personal contact as an important source of information (see also 33).

\textbf{C2b (1).} (143) 107. (...) if something [is] not clear [then I] take the paper (...) and go to them, discuss with them.

C2b (first respondent) mentions that they get a lot of information from the Internet, for example regulations. The second respondent puts the emphasis on personal contact with local governments.

\textbf{C2b (2).} (144) 195-198. I: And also per website or e-mail?

\textit{A: Er – no, not really; all things what they (...) give to me [is] on paper.}

(145) 211-214. (...) If I have questions (...) it’s easy to go to them. (...) I think this personal contact is much better than e-mail.

The second respondent underlines the fact that in the Internet, there are “much more things”; the information from there is too general. They receive more specific information from the government directly. The situation is assessed similarly by C2c. The Internet provides a lot of information, but detailed information is more difficult to obtain (see 18).

\textbf{C2c.} (146) 162. Usually over the Internet you can find maybe half the information, you only have to know where to look.

\(^\text{212}\) Instead, when asked about seminars, C1 refers to commercially advertised business seminars in which C1 is not interested.
For detailed information, personal contact with the administration is necessary. Later, C2c repeats that the availability of information also depends on persons themselves; it requires some knowledge to find the right information. A lot of information about local governments can be found “when you know how to look”.

C2d also gets a great deal of “direct information” from the local authorities, and personal contact plays an important role.

**C2d.** (147) 28. Since I work in detailed planning (...) I talk a lot with the persons in local government because of my work. And then, much of this planning information comes directly from these planning authorities or officers in the planning office.

Then, C2d describes another important source of information: informal, oral information. Yet also in that case, direct personal contact with the authorities is required to validate the information. However, since an example from the district organisation follows, this statement may rather be seen in the light of the double function of C2d/D.

**C2d/ D.** (148) 36-44. (...) [L2] is quite a small town, as I said, and much information goes from like – oral information (...) people talk to each other, and somebody knows somebody, and then somebody says something, and like this. (...) [chuckling] And sometimes it’s not right, the oral information that circulates. (...) But I can always call the government, local government and ask, what’s right, is it true.

Besides personal contact, C2d gets plenty of information through the Internet; “the website is also quite good in [L2]”. C2d thus confirms the positive description of L2 (see 94, 95).

**C2d/ D.** (149) 123-133. A: (...) you can find most of the documents on this website. (...) You can get access or at least you can see where any document is concerning some problem or something. (...) And also (...) all the planning documents are available on the Internet.

I: All planning documents?
A: I don’t see private letters (...) that the government has sent to some private persons and the private persons have sent back. But I see the (...) planning proposals, or the documents that the government has approved and things like this. (...) So most of the information you get by just sitting in front of the computer and so (...) it’s quite good.

C2d has also taken part in the informal meetings mentioned by L2 who emphasises that they try to find compromises (see 113, 114).

**C2d/ D.** (150) 304-306. Sometimes (...) there are some meetings (...) but there has to be a specific question which is (...) discussed, and then they invite me sometimes as a planner, sometimes as a member of [the district organisation].

For the comprehensive plan of the city of L2, various organisations were invited to a commission to make suggestions.
In this case they just selected us because we were the ones who made proposals. (...) Then they just (...) discuss with us, [they do] not just say that, 'We have decided this (...) and now take it or leave it'.

This information has reached C2d/ D because the organisation was already part of the procedure. But the district organisation is “usually (...) even” invited to discussions with the local government. C2d confirms that these discussions are not a formal requirement and aim to find a compromise, something that has also been emphasised by L2.

I: But by law, they are not required to (...) discuss it with you.
A: No, no. (...) Because – we have the attitude that we want to make a compromise (...) that we want to come to a conclusion, not just that we make our statement and they make theirs, and then we just put our statements against each other and nothing happens.

Because of the activities and personal connections of C2d, he is a direct addressee of the administration. Since C2d is working in planning, it is difficult for him to determine whether sufficient information (in this context about planning procedures) is provided by the city of L2 or not.

It's also – for me it's hard to decide because for me it's natural to know and if I don't know then I ask and I know what it means.
(154) 846. But people who (...) don't have this knowledge (...) then I can imagine it's quite hard to understand and quite (...) hard to make the right move, so to speak; (...) to write a proposal in the right way. Because you have to make a proposal which the local government can understand and can agree with (...) which has some reasons the local government can take into consideration (...) and so on. And if you (...) don't know how to do it, then it's quite hard, actually.

When asked what may be necessary so that people can understand this process better, C2d answers that

(...) it's hard to say because it's like reading a map. Can you read a map? (...) Because some people can't. Even though you give the map to a person he can't find the way where to go on the street or how to get to some places; (...) some people just can't read the map. And if you can't read the map, then it's hard to understand detailed planning.

This would mean that one explanation why information from the administration does not reach the people is that people are not able to understand the information in a technical sense, such as reading the plan. This could also be the underlying reason why the process may be too difficult to understand or too abstract to visualise in the planning stages, as suggested by V1 and L3 (see 132 and 135). L3 recognises a need to inform the people in common language so that the information is easier to understand (see 136). Yet, C2d is more sceptical whether this is possible; it depends too much on the persons themselves.
C2d/D. (156) 930-932. It's hard to educate people to become more ready. (...) Because you can't go from door to door and say, 'This is our planning process, you can make your [comments]' and things like this.

- Trade associations

The trade association of T1N gets a great deal of information from websites (e.g. about planned changes in legislation), and occasionally also through seminars (T1N mentions EU legislation as an example). Also, the organisation has personal contacts on a national level.

T1N. (157) 83. (...) we have also met twice with the minister (...) but it did not help.
(158) 218-220. So we try to follow [the process] and inform our board and the board members are quite (...) [active] and try to use their personal contacts.

T2N emphasises the importance of personal as well as informal contacts with the local government. T2N gives an example of their relations with the council.

T2N. (159) 164-174. They have their own subcommittees and we have to start relating with them and then we'll get through to the council. (...) Of course we have some special contacts. (...) But it's not on a formal level. (...) It's more like I know somebody and we talk about this but it's not a formal contact.

The trade association of T2N is among the direct addressees of local government and is mostly “well informed”. The local government directly sends them information that concerns the organisation (and its members). The organisation does not need to “require information by force”.

T2N. (160) 77. (...) perhaps we are on some kind of a list because we always receive these documents.
(161) 116. So when this programme [for a public event] was introduced we immediately got the note and they asked us to participate; so the information is available.

However, due to the preselection of information, they do not receive all the information they are interested in (see also 244).

T2N. (162) 87-89. Of course we are not receiving everything. (...) The most important things are coming here without asking.

As T2N underlines, it also depends on the persons how well people are informed. Those concerned will easily get information (as in the following case concerning information about support from a local governmental service organisation for companies).

T2N. (163) 355-357. It's quite easy to get to know that there is [such an organisation in x] (...) and where they are situated and how to get a consultation (...). It is not a problem. But the average knowledge of citizens about such kind of institutions (...) and what they are doing is not very high.
T2N thus points out that it is not necessarily a question of media or distribution whether information reaches the citizens, but mainly of interest. Then, T2N brings up a major problem which has to do with informing companies on the local level, namely, that interests are not organised and therefore difficult for local governments to identify.

T2N. (164) 380-382. But there is a problem that entrepreneurs are not organised on the local level. They are just separate from each other. There is no one who would speak in the name of all companies in that region and it is very hard to actually get to know what companies would like to have. Because it’s not very often that (...) the owner (...) or the manager of the company will go to the local government office and just talk what his concerns are and [what] he would like to achieve there. It’s very rare. It happens (...) just if something is very very wrong, then he will go, but not otherwise.

A similar situation (no active exchange) has been described by V2 (see 125). As a consequence, it is difficult for local governments to find the right addressees and to assess the needs of companies. This means that it is also difficult for local governments to inform companies accordingly. Moreover, it is difficult and inefficient for local governments to foster a dialogue and keep close contacts only with individual companies.

T2N. (165) 384-386. (...) local government actually would like to have a more active dialogue with entrepreneurs who are active in that area, but they would like to see that entrepreneurs are more organised and (...) perhaps [would like] to have regular meetings with (...) representatives of enterprises. (...) But not with separate enterprises in one time because it’s very hard and it doesn’t take [us] anywhere.

The respondent is a representative of a trade association, and it is also in the interest of the association that its structure extends to the local level. T2N underlines the important role the organisation plays on this level.

T2N. (166) 249. (...) they [local governments] need to have those intermediaries, like our organisation.

T2N emphasises that it “really depends on the region and the place and the people” how active, organised and informed people are. As a positive example, T2N mentions that in some municipalities entrepreneurs have been elected into the council. It probably guarantees the best dissemination of information for a certain group when a representative of this interest group becomes a member of the local government.

T2N. (167) 487. So the entrepreneurs have already their own members in the city government.

Another aspect is mentioned by T2N. Whereas various stakeholders have referred to the lack of specialist knowledge in local government being a problem for communication, T2N points to the fact that this would still not be enough because specialists in local government do not necessarily promote closer contacts with companies.
T2N. (168) 477. (...) but this doesn't mean that this person is actually communicating with entrepreneurs in the region. (...) So, there still might be no contact. I mean the person has theoretical knowledge of what is the situation and what should be done but the real contact with entrepreneurs is still not available.

Thus, T2N touches upon several problem areas concerning the transmission of information: the preselection of information concerning direct information, the lack of awareness if one does not belong to the people concerned, the lack of potential addressees for local governments in case of unorganised interests, and the lack of practical knowledge of specialists working in local governments.

- Environmental organisations

For E2, the importance of the medium varies with the kind of information needed. Websites are most important at the beginning of a planning procedure, “so I can check the stages and so I can plan my time”. Similar to comments from other stakeholders, E2 remarks that information “on websites is general”. As soon as a procedure has started, E2 needs other sources of information.

E2. (169) 903-910. (...) [During the process] other channels are more important. (...) For example, also local people knowing [something] about the situation (...) can sometimes say whether (...) some answers to our questions were correct or not.

E2 uses public hearings to collect information from local people (but local people also address them directly), and emphasises the importance of co-operation with local people. (Likewise, E1 mentions that sometimes they learn of certain building projects only because local people informed them about it.) But also with respect to the responsible officials E2 remarks that “later it’s just easier to contact” them if E2 has met them personally at public meetings.

Both environmental organisations frequently need information about plannings, but it seems that the distribution of such information is not always sufficient. E2 suggests that a lack of money or interest to spread this information widely are the main reasons (see 250).

E2 has sent a general request for planning information, but getting few responses (see 84, 85, 86, 87). Moreover, E1 mentions that the decision to start a planning procedure is published in local newspapers and “in some cases” also on the website; but “this is not obligatory”. E2 hints at the same problem.

E2. (170) 45-50. I: And they asked your comments for the EIA.
A: No, they didn't ask – we wanted to participate and we were the active side (...) But (...) in the planning process that was kind of difficult for us – noh, not difficult, we just had to go to the library to read those newspapers, local newspapers (...) to find this information.
When detailed information about planning is mainly published in local newspapers and local libraries, it is more difficult for an organisation like that of E1 and E2 to follow the process since they cannot always be on site. Nevertheless, for E1 the Internet is an important source of information:

**E1.** (171) 222-224. We do, we do [get information from the Internet]. Because we have this Public Information Act (...) and it (...) has quite a list of information that has to be published.

The act entered into force on 1 January 2001, but E1 reports that in 2002 “there definitely were such local governments” who did not have a website. But the situation has improved:

**E1.** (172) 268. (...) But lately, I doubt that – almost every municipality has created a webpage and they look quite good.

In certain cases, information is also sent to them directly by local governments. The new EIA law requires to provide these organisations with direct information. E2 welcomes this additional information.

**E2.** (173) 149-151. (...) actually now it’s much better – now we have this new law, (...) the EIA law.

(174) 153-155. (...) so a lot of developers and also the administration of the local government (...) send us letters with information.

(175) 171-175. (...) the law says that they have to inform the umbrella organisation of environmental organisations (...) we are just one of the biggest organisations (...) and then they are sending us this information. – That is **good**.

For example, an EIA was planned in the city of L2, and the organisation of E2 was directly informed about it by the local government (about the initiation of the EIA as well as its approval). The EIA in L2 was not a controversial case “but still it’s good to get the information”. But E1 also points to a restriction. In certain cases,

**E1.** (176) 761. (...) the local government has to decide whether to start an EIA or not.

(177) 769. They usually decide that no EIA is necessary.

This decision must also be published, but E1 has found that local governments often do not give notice of the refusal to initiate an EIA. Then, it is more difficult to follow what is happening.213

- Village organisations

VN draws the attention to how the villages are informed by local governments.

**VN.** (178) 440. In some places [it] is a pretty huge problem. They don’t get any information.

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213 The new EIA law has entered into force only 3 April 2005. It is much more detailed than the previous one, and also regulates notification in more detail. As was emphasised by E1, experiences with the new law still had to be acquired.
VN describes how municipalities inform the villages, and mentions the municipal newspaper and the Internet. VL also refers to both as important sources of information. VL especially mentions information about the municipal fund (application deadlines) that they get from the newspaper (the organisation of this fund is the responsibility of V1).

VN points to the problem that villages often do not have an Internet connection and that older people do not know how to use the Internet. In the meantime, VN reports about efforts to improve the situation.

**VN.** (179) 478. (...) But there is the problem that a lot of these villages who are far away [from the centre] (...) [they] do not have Internet connection.

(180) 483-487. But this is also one subject (...) village leaders are working on. Lots of projects have been written to build Internet masts and create Internet rooms. (...) So it’s getting better now, but still, if you are like 60 or 80 years old (...) they don’t know how to use [it]. There isn’t any sense only to have that connection, you also have to have this knowledge how to use this.

Whereas H emphasises the importance of an open attitude for the usefulness of electronic media (see 207), VN stresses the technical knowledge this also requires. VN mentions that “some municipalities” use local libraries to provide information – “if there is” one (this concern has already been brought up by V1, see 117). Also bulletin boards are used for information provision but, again, not every village has such a board.

**VN.** (181) 495. They do that in the centre, and now sometimes they do it also in the villages, sometimes they don’t.

As the most important source of information, VN mentions the municipal newspaper and informal networking in the villages, “especially in these places where people are active”. If they are not, the newspaper is the main medium.

**VN.** (182) 497-501. And lots of information have been shared in shops, village shops. You know, people get together and talk. So, this is a very important place (...) to share information.

(183) 505. A: But again, these villages which are not very active they will get that information through the newspaper if there is [one] and through that board if they go to the public offices of the municipality.

But the notice board is only consulted if people go to the offices for other reasons; “they don’t go to read” and inform themselves, “especially if you are far away”.

VN remarks repeatedly that to a great extent it depends on the people in the local government as well as in the villages and on the village leaders how well the villagers are informed and whether they can participate. For example, some municipality leaders regularly meet with village leaders, as VN notes.
VN. (184) 217-221. So – I think there is the possibility [for participation] if you are active yourself. (...) But if you are not, then we have lots of villages who are far away from the centre and there is – nothing happens there. (...) The municipality doesn’t care, doesn’t reach these villages.

(185) 256. (...) it’s so different, it so much depends on the team of the municipality, the leader there.

VN refers to the municipality of V1 as a positive example for involving “local people to discuss this development plan”. Often, VN says, municipalities focus on the town in its centre, one reason for this being the lack of resources.

VN. (186) 278. (...) of course they don’t have very much money and (...) they just don’t reach to every village (...).

Although VN believes that citizens “can participate and (...) they can get information” if they are active themselves, municipalities should improve the sharing of information, according to VN. VN suggests various reasons why municipalities do not share information sufficiently. Maybe even more important than financial resources is the attitude of officials towards sharing information with villages.

VN. (187) 649. But definitely there is not enough of this information sharing from state side, or municipality side. Whether they just don’t have time, resources, interest, whatever.

(188) 653-655. I think money is not the only thing or reason (...) Maybe it’s more the attitude and – also the knowledge, how to share information.

VN emphasises that the activities in the villages have been considered more and more by local governments. The organisation of VN has started to train people from villages to become more active; these can act as intermediaries between village and local governments. Similar to T2N, VN emphasises the importance of being organised on a local level.

VL also stresses the importance of village leaders who function as a “bridge” between local government and the villages. VL describes that good (and effective) relationships with local governments depend on the quality of the village leader. The personality of the leader has an influence on relations between government and villages.

VL. (189) 297. I think that the village leader is like a bridge between government and village people.

(190) 755-764. I: Do you know if she [a village leader] had any problems with the local government (...)?
A: Actually – no, because she is a very good diplomat. And I think it depends on how she presents the problem to the government. (...) I think she is a very good person to – bridge (...) between us and the government. (...) It’s very good for us. Because I know one leader of a village (...) close to [V1], and they have some problems because the leader of this village is not so [willing to make compromises]. (...) And it’s difficult because it’s not so easy to make a decision without a compromise, yes. And it’s very important.
The importance of village leaders thus seems to be acknowledged by both local government (e.g., V1, V4) and the basis. They help to disseminate information and are contact persons for local government.

Apart from village leaders, other examples exist for the potential influence of intermediaries. In the city of L3, various working groups discuss the development plan of the city. The intermediaries (here, the working group leaders that collect the ideas for the development plan from citizens) are chosen from within the city government.

**L3.** (191) A: Actually, we have chosen leaders for the working groups. And mainly, the leaders-
I: Leaders from the city government.
A: Yes, yes. And they are responsible for getting the best expert people for [their group].

However, those officials who make the draft development plan cannot follow in detail what has been discussed in all of these groups (see 346, 259). It crucially depends on the intermediaries which ideas will be selected.

- Seniors’ club

S appears well informed regarding the information policy of the city of L1. In the first place, S mentions and describes the personal contact between the local government and their club.

**S.** (192) 223. But we get along very well with the city government. We go to their events and they come to our events to talk about city news and so on.

About three times a year, they invite someone from the local government to speak at the events they organise (see 56); “mostly the mayor himself” comes and talks about the development of the city, but also asks them about their opinion.

**S.** (193) 296-297. T: What does he usually talk about when he comes?
A: What’s happening in the city, what the future plans are. We have many new buildings [and] he wants the people’s opinion [about them], for instance, whether a person agrees to this high building, what do they think, should it be built.
(194) 250. Usually they talk about city news and problems.

As another important source of public information, S refers to personal contacts they have with to two members of parliament (one is their member): “They keep us informed about what is happening in the social field”.

**S.** (195) 261. (...) He talks about what is happening with the pensioners, what the future will bring for them and he tells us honestly what can get worse.

Asked whether they rather prefer to contact these two persons than the local government, S denies this and refers to the different state levels.
S. (196) 481. No. Both equally. There is no difference. It depends on the problem, of course. If it’s a national problem then we turn to the men from parliament, if it’s a local problem we turn to the local government.

V3 notes that citizens often confuse the competences of the central and local levels and that, for example, they ask questions about pensions. This illustrates that S is well informed and not necessarily a representative of the elderly.

Then, S refers to weekly public meetings in the local library as another important way to become informed, and describes them as an alternative to their club meetings when seeking public information. It is not always the mayor himself who speaks at the meetings in the library (but “mostly”). Although these meetings are topic related, there also seems to be the possibility to ask general and personal questions (see 108, 109, 110), whether intended by local authorities or not. If someone wants to put a question to the local authorities,

S. (197) 490. (...) he goes to the library meeting, or when he is a member of the club comes to the club meeting. It depends on the problem and where it is possible to meet that person at that time.

The comment shows that personal contacts outside the municipal building are obviously preferred, and it seems they have established some kind of a system or network to obtain the information they need.

Apart from personal contacts, S names the municipal newspaper as well as the daily local newspaper of the county as sources of information. According to S, the information is more or less the same; however, whereas the former also includes local news, the latter contains more information about planning. Moreover, the municipal newspaper “covers more of what has happened and what will come in the distant future” than the daily newspaper.

S. (198) 531. (...) there [in the municipal newspaper] is all the information what is going on and where, what time; what cultural events and what sports events.

(199) 536-537. T: From where do you get information about [planning] projects?
A: We have our own [daily county newspaper] for that.

As for other media, S knows the bulletin board but does not use it (see 60). Also the Internet does not play a role for them. S says they “don’t know” whether their members have Internet; “maybe their children” have it. They confirm what has been mentioned before, namely, that the use of Internet depends on the generation to which one belongs.

S. (200) 591. There is no Internet! Old people don't have Internet.

(201) 602. But of course, it would be very good if we had Internet. We don't have money for computers.
S also mentions the radio and describes it as a source of public information. The remark confirms that the information on the radio is rather selective (according to L1, the radio covers mainly aspects of great public interest; see 98) – given the time frame provided.

**S.** (202) 519. A: We have a local radio, too. And the mayor and others go there, and they talk about 15 minutes. City news, local news are reported. (…) It’s once a week, every Wednesday. But not right now, because it’s vacation time.

- Health organisation

H reports one example where important information did not reach the local level. It was information about a governmental fund with a considerable amount of money dedicated to finance projects for HIV prevention.\(^{214}\) Especially on a local level, many organisations did not receive this information and could not apply for the money. H would have expected that these organisations would have been addressed and informed directly so that everyone would have had an equal chance to apply for funds. It illustrates the need for disseminating information to the local level as described by V1 (see 123).

**H.** (203) 281-287. (…) [There are not so many] organisations who are working with Aids (…) and it’s really really easy to send everybody the announcement that (…) there is a proposal that you should apply or try to apply for (…). But they didn’t do it (…) – so it means that either they didn’t want that everybody knows (…) then I ask why they don’t want that several organisations could apply (…) – or why did they do it like this? It means that not everybody got the information. I got the information only because we are (…) in [x] and I [am in] contact [with] this [governmental] organisation all the time. (…) But it is not honest for other organisations that are maybe (…) doing an excellent job in their small town.

But generally, the availability of information is not seen so much as a problem by H. For the organisation of H, the main concern is the willingness of local governments to share and disseminate information offered by H.

**H.** (204) 108. If you want to get information, you will get the information. The problem is, mostly, if you want to send information out (…).

H’s experience has been that local authorities did not spread the information “to the right people”. For example, this NGO organises free health education for schools and wants to inform teachers and pupils about this offer. The organisation has also tried to work together with local governments and the education department (of a county), but “it was really hard because too many of them (…) were not interested”. In the meantime, this is an example for the difficulty in reaching the right people within the administration, as described by L1 (see 50).

\(^{214}\) Infection rates in Estonia have been rated “epidemic” by the WHO.
Thus, the question is, of course, whether it is part of the responsibility of local governments to pass on such information and inform H about it, and whether this concerns the question of administrative transparency (as has already been noted above; see 123 plus comment). The least that can be said is that H can not follow what happens (whether the information has been shared) because H often does not get any reaction.

When H tried to distribute information, the communication with local authorities (in this case, the local department of a ministry) proved to be difficult.

**H. (205) 82-90. (...)** So it was very interesting and I was also suggesting that if you don’t answer your e-mails then maybe you shouldn’t have e-mail at all. Why – why do you have webpages with telephone, with fax, with e-mails (...) if you don’t answer them. (...) So it made us (...) think that we kind of live in an information age but (...) the information still doesn’t go to the right people who (...) need it.

To spread information, H has to rely on the media instead. H would expect local authorities to support the distribution of this kind of information. In the opinion of H, this should be in the interest (and the responsibility) of local governments and municipal institutions (esp. schools), and there also seems to be a demand for this information.

**H. (206) 126-130. (...)** we found a way to inform (...) through the media, and through the radio. And they were really helpful. And with this we got several young people and (...) even the parents called and said, ‘Oh, it’s really interesting and can I register my son or daughter’ (...) So, you see, and this makes you think that people who maybe should do it they are not interested. And people who are absolutely like – it’s not their business, they can do it.

Later, H underlines that an improved information flow is not a question of technology but rather of a more open-minded attitude. Like VN (see 187), H demands a better sharing of information.

**H. (207) 265-267. I think that the technical things we have. We (...) have Internet everywhere and we are really good – if you think about the technical [side]. (...) But I think (...) we should really really learn (...) how to make good discussions (...) we should be more open for discussion; we should be open for information sharing.**

From this perspective, the usefulness of electronic media crucially depends on the attitude with which they are put to use. H also points to the low level of knowledge and awareness (as H emphasises, H speaks only for their specific field of activity): a high fluctuation among civil servants prevents them from gathering sufficient experience. They “really quickly change” (see 379) and “educate themselves through us”. According to H, only problem awareness has improved in recent years.
V.3.1.2.4 Discussion II: The transmission of information

Local newspapers and Internet were the two most emphasised media providing information for citizens. V1 refers to “three channels” that are predominantly used – newspaper, website and direct (personal) information. V4 also mentions newspaper and Internet in first place, then the bulletin boards existing in every village and personal meetings with people from the villages.

Various problems with the different media and their distribution were identified. As was underlined repeatedly in various interviews, certain groups of people did not have the knowledge or the infrastructure to use Internet. For example, senior citizens often do not have Internet access and are not familiar with electronic devices. Also, villages often do not have an Internet connection (though wireless area networks are being expanded). But even if the technical conditions (including technical knowledge) are fulfilled, electronic media cannot compensate for an open attitude: electronic media also need to be used in a way that furthers the exchange of information between the administration and its stakeholders. Moreover, the existence of these media does not mean that their content is helpful. The Internet is usually mentioned as an important medium but not considered to be sufficient. Since websites often contain rather general information, stakeholders have to complement information from the Internet with information from other sources. Again, this may partly be a question of time since Internet facilities are improved constantly.

Most local governments described municipal newspapers as a tool to spread information. However, only S and VN refer to these newspapers as an important source of information, and VN only in case the people in the village are not active (otherwise, oral information is more important). The companies are not interested in it because the information it provides is too unspecific for them and usually irrelevant to their work. Their interest in general information about the municipality is rather low. The environmental organisations and the district organisations have intensive personal contacts with the administration so that they are probably better informed and in more detail than the readers of these newspapers.

The main reason for the impression that there is a neglect of municipal newspapers by stakeholders, in spite of the importance attributed to them, is most probably the sampling of this study. The sample does not include the majority of citizens who are not active in the municipality; and the citizen as a private person is only indirectly reflected in some comments. For citizens with rare contacts with local authorities, the municipal newspaper delivered directly to their homes can indeed be the main source of public information.
This is confirmed by the fact that the two stakeholders who can be considered closest to ‘the citizen’ (S and VL/VN) also show the greatest interest in municipal newspapers. Yet although they are closest as regards the structure and purpose of their organisations, they are also untypical because they are very active in their communities and have intensive contacts with the local government.

Regarding bulletin boards, VN remarks that these are mostly present at the centre, but not in the villages. The situation in the municipality of V4 where even the smallest village has a board is rather unusual (and was also a more recent project). Moreover, bulletin boards have difficulties in catching the attention of the people; announcements on such boards often seem to go unnoticed.

V4 hints at the fact that the importance of information is not necessarily crucial for its reception; a meeting may be interesting for people, but people still do not come. It rather depends on how information reaches the people. If, instead of a board announcement, people are personally asked by local village leaders to come to the meeting, they are more likely to participate. Personal communication is obviously more effective in reaching the people. Several local governments mentioned the need to address citizens directly. However, this also seems to depend on the municipality. One respondent was of the opinion that it is not necessary to take into account special interest groups (companies, in that case) when distributing information.

In general, (regular) personal contacts seem to facilitate the availability of information. The significance of personal information and contacts was emphasised by all stakeholders, though with a different focus:

The companies interviewed have regular work-related contacts with the administration, sometimes even long-term relationships. They need specific information that is often directly asked for from the local authorities. As these companies actively collect the information they need, they are less dependent on (and less interested in) the distribution of general information from the local government. The organisation of T2N has to rely on personal contacts for lobbying. It seems an effective way for an organisation to be kept abreast of local government activities is to have a representative of the organisation elected into local government. This, of course, raises the question of state capture.

As one environmental organisation and the district organisation noted, informal contacts provide them with quick and direct information. E1 and E2 mention the co-operation with local people as further source of personal, direct information. D has pointed to the importance of informal information from within the network, even though the information is not always correct. Because of personal contacts, D can always validate such information (and does not rely on one source only). Also in active villages,
networking within the community seems to be the most important means to obtain and share information.

S stresses the good relations they have with the mayor of the city. S is in regular contact with local government, even with the mayor, and very aware of what is going on. The club of S reaches many persons, and these are obviously an important target group for forming a public opinion about government policies. But it also has to be noted that these relations do not only exist during election time, as part of campaigning, but regularly during the year, and according to S, they did not exist before.

The radio has only been mentioned in one case and is employed as usual means of public relations. The information is topical (the radio is the first medium to spread information about decisions by the government) but also very selective.

In principle, seminars present a possibility for local government to address groups of citizens directly and to inform them about a certain topic efficiently and personally. However, seminars were only described by representatives of local governments. This can be seen mainly as a problem of sampling which did not consider the participants of the seminars described (therefore, potential impacts of seminars could not be covered). Another explanation may be that stakeholders are more interested if two-way communication is offered by local governments. Round tables and informal meetings with interest groups (village leaders, environmental organisations and also companies, according to local governments) have been well received; they may also deal with a “specific question” (D) or problem. This hints at the fact that information is more effectively distributed through discussions and not through lectures. Stakeholders would be more motivated to participate if they believed they could also have a say.

This would also explain the criticism that the authorities do not always share information openly. Stakeholders are then excluded from an effective way of becoming informed. It has been remarked that openness towards the public mainly depends on attitudes within the local government, but also on knowledge. V1 has added an interesting aspect how information can better reach the people. To promote an open exchange and the generation of fresh ideas, a seminar with members of the government, the council and stakeholders is organised in an unconstrained atmosphere. A similar effect may be achieved if informal meetings are organised during proceedings in addition to those required by law.

As has repeatedly been underlined, it does not only depend on the openness of the administration, but also on citizens themselves whether information reaches them. V2 has drawn the attention to the difficult situation of people in rural areas, as a consequence of which passivity and resignation prevail. V1 has mentioned people being “tired of politics”.

The village organisation VN has considered the problem rather in an optimistic perspective (citizens need to become active) and stresses the importance of becoming active to get informed by local governments. An example for this relationship can be taken from the sample: VL feels well informed by the municipality of V1 and emphasises the good relationship they have with the local government (the development plan of the village is part of that of the municipality; on the municipal website, a link exists to the website of the village). In turn, V1 has remarked about the village of VL that this is the most active village of the whole municipality (always taking part in municipal events), even though it has less than 50 inhabitants.

A problem of distribution is that most local governments offer full information about plannings mainly on the premises. Sometimes they also do so in local libraries, but usually not in the Internet; this may be due to the large number of plannings, the size of the maps and extensive additional information, the wider distribution of which involves certain costs and efforts. From among those interviewed, only the city of L2 documents the planning procedures extensively on its website (see 94, 95). As can be seen from the request made by E2, information about plannings is an example of information that does not always reach the people who are interested in it. The information is published but not always widely disseminated. Since the environmental organisations operate on a national level, it is difficult for them to always be present at local level (170). They would need to have access to information so that they can prepare a case without going there in person until the public hearing takes place. If information is only locally distributed, they may be prevented from getting fully informed.

The question of territorial coverage is naturally of greater import to rural municipalities than it is to cities. Different suggestions were made to reach out to the villages. The Internet has already been described. Public information is also posted in the local libraries to bring it closer to the citizens. This creates local ‘centres’ for public information within municipalities and lessens the contrast between the centre where local government is located and the surrounding areas. However, it was brought up twice that the number of local libraries was limited and that, in some areas, there was none. A library may then be similarly distant for small villages as is the centre of the municipality. Probably the most effective means is the personal information spread by village leaders to the inhabitants of the villages.

The attitude of the leaders of municipalities towards the public has been identified as an important factor for the accessibility of public information. Moreover, the distribution of information can crucially depend on the (personality of) village leaders. They influence how actively people are participating and whether information is successfully distributed
to the villages (119). Village leaders disseminate information to the local people and function as intermediaries between the village and the local government.

The influence of intermediaries on the relationship between citizens and administration was repeatedly highlighted. For example, that village leaders function as intermediaries between villages and local government. They are often addressed specifically by local governments and can be considered both a medium and a channel for distributing information. Another example are working group leaders who collect feedback from the public to present it to the administration. However, even though they are representatives of the administration, they do not automatically ensure a smooth flow of information to the decision makers in the administration. Intentional selection, structuring and editing of the data (which is usually unavoidable) and/or unintentional losses (for example due to internal communication problems) may present barriers. Moreover, since these leaders also choose the participants of their groups, they influence to whom this information will be given in the first place (they choose the intermediaries on the part of the citizens).

It seems that even if both sides are willing to contribute or take comments into consideration, respectively, it still depends to a great extent on the intermediary between decision makers and citizens whether this communication is successful. Those deciding on the development plan are not in a position to closely follow all the work that is done in these working groups, also on account of insufficient minutes; conversely, for the other actors involved, it is not transparent whether and to what extent their comments have been taken into account.

Likewise, I.2 describes that during the planning procedure, comments and proposals from neighbours and other stakeholders are collected and presented to the decision makers. Although such comments usually remain unedited, their presentation may emphasise some aspects rather than others so that the intermediary in this case influences how the information is received by the decision makers.

The organisations of T2N and E1 have an intermediary function. Their organisations are addressed by companies and local people, respectively, since it is easier for them as organisations to obtain information from local government (see 68, 80). As a consequence, T2N (and also VN) calls for a better co-ordination of interests on a local level.

Intermediaries therefore have a pivotal role in disseminating and transmitting information; they function as a fulcrum between citizens and decision makers. If they are identified according to the information in question, they may help to spread information successfully as multipliers. Conversely, negative effects can be avoided if intermediaries are known that may hinder the dissemination of information.
The local governments interviewed employ a wide range of different media and choose various channels of distribution to reach the citizens. Although they make efforts to disseminate information widely, the information does not always reach the addressees. As several local governments pointed out, citizens sometimes do not react to notifications and information distributed in the planning stages, but only when it is too late and a decision has already been taken.

In the interviews, various situations were described where information did not reach the addressees, especially regarding villages far away from the centre or information that is published only locally. However, it should be noted that V1 also referred to the problem of citizens being uninterested in the planning stages, and VL and VN emphasised that the municipality of V1 informs the villages well. Therefore, it cannot only be a problem of territorial distribution.

It is also difficult to believe that it is just passivity and a lack of interest on the part of the citizens that is causing this situation – since a reaction occurs, albeit belatedly. Likewise, it is improbable that local governments just inform badly; information is available but remains unnoticed, and the formal requirements ensure a certain level of information in theory. Also the intention to do it “quietly” can generally not be assumed because the ensuing conflict situation is not in the interest of local governments. Moreover, the interviewees from local governments complained about the situation or regretted the passive attitude of citizens. The respective statements sounded rather disappointed or resigned, which would actually mean that this problem is taken seriously by the interviewees. Seemingly, their efforts are not rewarded with greater public attention and interest (at the right time).

Several reasons can be derived from the interviews why citizens sometimes react too late or not at all to the information published by local governments. First, the stakeholders emphasise the importance of personal contacts and informal communication to become informed. Citizens who do not belong to any of these circles (companies, interest groups) and are not direct addressees of local government (e.g., as persons affected) have many fewer possibilities to get informed through such channels. They can read the newspaper or have to check the bulletin boards – both have proved to be less effective than personal communication. However, as soon as public resistance takes shape, personal communication and exchange about it increase and awareness grows as well.

Furthermore, it requires some knowledge to understand the information presented (plans, formal procedures) which some citizens do not have. The language used by local governments may also be too technical to be understood by the general public. Both aspects may lead to a situation where information is not noticed or, especially in view of
rival information (as in newspapers), is neglected. As a consequence, citizens are not aware of the significance and the consequences of projects until these start to materialise.

It has also been suggested that it may be difficult for local governments to find the right addressees and to determine what information is needed, especially if interests are not organised. Diffuse information means for citizens that they need to know how to identify relevant information in the first place.

C2d explained that barriers exist to enter the procedure and to understand it (see 154, 155, 156). At the same time, C2d noted that active participation was one of the reasons why he received information from the administration.

If that is true, a divide would exist and reinforce itself. Information is distributed well among those who take part; based on this information, these people are then in a better position to participate. The others are less well informed – and thus also less likely to enter the circle.

It is not immediately obvious how these difficulties could be overcome. C2d believes it is hardly possible to educate people accordingly. An attempt to overcome this divide is made by the organisation of VN who trains village leaders and encourages people from villages to become more active and to elect someone from their midst as village leader.

V.3.1.3 Timing

If information is not transmitted in time, it is difficult to make use of the information and to react adequately to it. Timing is especially important when information is needed to involve stakeholders through consultation or participation. For example, information could be provided in an early stage of the planning procedure, or even before the start of the formal procedure, i.e., concerning forthcoming projects and decisions.

Besides this functional aspect of timing, there is also an organisational one, namely, whether information is provided at a time when it can be ensured that those people interested will receive it. If public hearings take place in the early afternoon during the week, employed persons will hardly be able to attend.

Timing is extensively covered by law (e.g., the time of notifications or of stakeholder involvement, the duration of a public display, or the announcement of public discussions within two weeks after the end of the public display). The following focuses on aspects of timing that are not legally required. This section only illustrates exemplary cases of early involvement and has to rely mainly on statements from local governments because the sampling was not project oriented and did not include the respective stakeholders of certain planning projects.
V.3.1.3.1 Functionally

L1 reports one example where the city had organised an (informal) public discussion to discuss two proposals (the renovation of the old cultural centre vs. building a new one). This took place before the council decided on the initiation of the project.

V1 gives an example where it was discussed whether the municipality should take out a (considerable) loan for a project. This was reported in the local newspaper.

**V1.** (208) 18-22. Yes, there were some articles in the paper, and with the contact details (...) in the article, so if people were interested they could contact the municipality (...) and say their opinion – but we didn't have any like public meetings or something like this. (...) Just informed through the local paper.

As regards their development plan, V1 notes that village leaders are given notice of the draft before it is officially published. As mentioned, the village leaders also participate in the seminar that generates ideas for this draft (see 101 plus intro.).

**V1.** (209) 832-834. (...) we will inform the people through the website and through the paper today (...) officially, but these village leaders (...) are aware of these changes in the development plan already, they were informed already about a month ago.

This may also provide an early opportunity to discuss the draft in the villages (depending on the active commitment of village leaders).

The municipality of V3 does not only discuss village projects with local people beforehand (see 126) as others are doing at best; it also offers them to vote on the projects before the detailed planning starts (see 348). In the municipality of V4, people are “normally” consulted before a proceeding is initiated. V4 refers to meetings with people from the villages (see 106, 107) when saying that such meetings are not formally required but needed to avoid conflicts.

**V4.** (210) 396-398. And if we don't get them, then, in the middle of the process, (...) for example for general planning, we do this kind of village meeting as well to discuss that, 'So, here is the plan of your village, your region, so, what do you need – say something (...)’ (...) I think we have to discuss with people before the process, in the middle, and also in the end. (...) but it depends on the persons who want to be active, so -

(211) 402. (...) if we would like to find a consensus and we don't want to have a lot of problems in the end, then it's wise to do it like this (...).

The trade association T1N notes that information on official websites cannot be kept updated because real-time developments may be too fast (see 260). T2N gives an example where they received timely information about an event that was organised by local government (see 161).

**T2N.** (212) 119. I: (...) when was it announced?
A: Already a couple of month ago. (...) So, we had enough time to prepare.
However, T2N draws attention to the fact that it may depend on how well (and fast) they are informed. In some cases, T2N would explicitly have welcomed getting informed earlier so that they could have taken preventive measures (see 244, 246). Although they tried to get informed (and involved) earlier, they have not yet been very successful. T2N adds that “perhaps we just haven’t tried so hard” because of other priorities.

**T2N.** (213) 178-181. I: Did you ever try to participate in a very early stage?

A: We have discussed this problem during our previous meetings with the mayors (...) and the city council. And – of course they always say that of course this is a very good initiative that you are pointing [out] and we really try to do it differently next time.

In addition, T2N hints at differences on the local and the national levels:

**T2N.** (214) 583-585. If you talk about local government then the deadline to give our feedback is actually longer than (...) when we get the draft from our ministry. Then usually we have to reply after a couple of days already. This is quite impossible.

T2N also remarks that compared to local government, the “ministries” are less open to accept proposals from them.

In order to become informed early, D mentions again (see 148) that oral information is essential. If D receives information beforehand, D turns to “some people in the local government” to express the opinion of the district organisation, and it seems that their opinion is respected since, according to D, they are well organised and have the potential to mobilise many people.

**D.** (215) 501. (...) oral information is quite important.

(216) 511. (...) even before [the start of proceedings], if we get the information, then we (...) try to say our opinion.

(217) 517. (...) it is of course important because it happens of course very often that if I have said that [the district organisation] will be really hard against it then they don’t do it. It’s really like – (...) because we are able to mobilise some hundred people (...) to undersign (...) when there is something (...) important.

In contrast to T2N, D is apparently in a position to take preventive measures. The reasons are probably not only the good relations with local government but also the fact that the organisation of D is well integrated into the local community and committed to a clearly defined goal, which is to defend the interests of the district and its inhabitants. T2N already noted that on a local level the authorities are more receptive to comments.

E2 remarks it “happens increasingly” that they are informed about (the basic idea of) forthcoming projects.

**E2.** (218) 421-424. But this is also in a stage when they have already started the planning, but before this (...) process becomes official.
(219) 426-428. This is voluntary (...) from their side. (...) If they want to show it to people, they have the possibility to do it.

But E2 has made contrary experiences to those of D. If made outside the formal procedure, comments are not taken equally seriously. E2 refers to a draft they got before the public display.

E2. (220) 444-448. Actually, I already know that – when there is this stage of first draft, we don't have to answer to what they are showing us (...) – or [rather] that [it] is not obligatory for them to take it into account. And so (...) I said a lot of things and asked questions but I didn't make my proposals because I know that I have to make them in a written way (...) in the publication [formal] process. But I think they understood my questions and so they got something to think about.

Although it first looks as if E2 is not interested to participate at an early stage because it would have little effect, it is clear that they do participate and also make suggestions for the authorities to consider. But they do not yet hand in their formal proposals because they are afraid that it would be less effective.

As regards requests for information, E2 has made the experience that some local governments may insist on a written request.\textsuperscript{215} In an urgent case, the information could then be received too late.

E2. (221) 888-891. In other places you have to write some request and they are kind of deciding whether or not they will give copies. (...) And I don't know how it's regulated, inside the institution (...). I explained that [it's] urgent (...).

It could just have been a formal requirement that E2 was asked to fulfil; however, it seems that this is not always handled in a consistent manner. E2 describes a case where a person from their group went to the offices and was denied a document with the argument that a written request would be required. Later, an official phoned to inform that person that now they could send some copies. The reason remained unclear to E2.

E2. (222) 874. So, I still don't know how he could make the copies in the end.

When asked about the availability of information regarding future projects, VN underlines again that it also depends on the persons themselves whether they are informed early.

VN. (223) 244-246. Sometimes they [local governments] have like meetings with people, they (...) inform that, 'You can come, we are going to talk about these things' and very often people don't go. Still, a lot of people are too passive. (...) Especially when we talk about the future and – like development.

\textsuperscript{215} According to Public Information Act 13, requests can be made orally or in writing. But the “procedure for the internal processing of requests” is up to the holder of information; Public Information Act 10 (3).
For companies, the duration of an application is of particular importance. The company of C2c hints at the fact that the planning procedure takes at least four and a half months, if the law is followed. Otherwise, it would not be possible to inform the public about it adequately.

**C2c.** (224) 59. And when somebody is doing something within two months, then you have to say that there is corruption, it’s for sure not working as it should be.

(225) 65. And then of course if you do it within two months then nothing is public.

C2c points out that since at least five years ago, the situation has improved a lot in this regard and less cases are treated in such a way.

One rather surprising aspect in relation to timing is described by E1: timing may also crucially influence the generation of information and its quality, as the following case demonstrates. It was planned to build a harbour in a Natura 2000 area, and an EIA was required for the project. (The organisation of E1 participated in the planning procedure as well as the EIA.) The organisation of E1 tried to prevent that the environmental assessment would be carried out in winter, but their opinion “was not taken into account”.

**E1.** (226) 866-872. (...) and we also initially had some meetings before the public hearings (...) to say that we knew that the EIA was already being prepared and it was in winter time (...) [and] then it’s not possible to examine the situation of the plants, and the birds (...). And to see what’s under the ice.

From the perspective of E1, the expertise was thus timed such that the impact of the planned project on the environment would be substantially understated. In another case, the issuing of a permit was timed favourably (even though the example brought up by E1 concerned historical conditions).

**E1.** (227) 1089-1093. This is a Natura 2000 area (...) A building permit cannot be issued if the European Commission does not give its consent. (...) But it was – the permit was given before 1 May 2004 [before access]. It was given in March. It was very clever.

V.3.1.3.2 Organisationally

According to L2, public hearings take place “at usual at four or five o’clock”, which “means that everybody can” participate. E2 affirms that in the city of L2 the public hearings are always well attended. E2 has already attended various public hearings and reports about a municipality where the public hearing took place on Saturday at 10 a.m. so that everybody interested could participate. Usually, E2 says, the hearings are between 3 p.m. and 5 p.m., but sometimes also at 6 p.m.

S says that the public meetings in the library take place every Wednesday at 12 noon.
S. (228) 832-833. Basically, young people don't go there. Even if it is announced in the paper the young people don't go there. It's working hours, too. At twelve.

In addition, T2N remarks that it is more difficult to obtain information from local government during the summer. (T2N refers to a strategy that is being prepared to support companies and in which this organisation wants to be involved.)

T2N. (229) 231. And it's summer time and so it's not so easy to get that information at the moment.

V.3.1.3.3 Discussion III: Timing

The interviewees described various examples where timing played a role. The organisational aspect of timing was of minor importance as an obstacle to receiving information. The following focuses on the functional aspect:

Information can be provided in a very early stage when the project itself has not yet been decided on and its realisation is open. This has been the case for situations described by L1, V3 and D. Local government may then inform stakeholders about planned projects that have yet to be launched formally (E2). Others are informed mainly during the procedure, sometimes only when the result is almost certain (T2N).

One company pointed out that it takes a certain time to inform people adequately. It was not possible to always accelerate the application process.

Timing is not only important with respect to the possible impact of the information provided; it may also influence the value of the information that is generated. Depending on the time when an evaluation or administrative act is carried out or decided upon, it may become more, or less, significant.

Based on the examples mentioned in the interviews, various reasons can be identified why stakeholders in this sample are informed early. In one case, village leaders are given advanced notice of the draft document produced by the administration. In that case, participants are not only better informed because of their involvement in the process, but also because they become direct addressees of the administration.

Early information prepares the citizens and avoids surprises so that projects may encounter less resistance from the public. V4 explicitly mentions that it is more efficient for them and in their own interest to involve people early to avoid difficulties later (see 286, 355). On the part of the stakeholder, early information may be essential to exert influence on the process and to prevent or to take measures against an undesired development. It also gives the authorities the opportunity to correct certain developments, if necessary.
It has been suggested that comments made outside the formal procedure are not as weighty as those made formally during the procedure. E1 supposes that the main reason for this is the workload of the administration (see 360). Both sides, the stakeholders and the administration, seem to take information less seriously in an early stage. As a consequence, the interest group also pays attention to timing when it makes its proposals. It is a question of effectiveness of participation whether comments from stakeholders are taken into account; as regards transparency, the group is still better prepared and knowledgeable about what is going on if provided with information early. The suggestions made by the interest group at an early stage could also make the procedure more efficient because the administration can identify problem areas and anticipate objections.

Regarding the publication of draft documents, timely information allows for comments from stakeholders who can then better substantiate their arguments. Conversely, if it is not intended to take up their comments, stakeholders will be informed rather late in the process and will not be given much time to study the document and to make their comments. Similarly, the fulfilment of formal or internal requirements could make information useless if, as a consequence, it is provided too late.

In the previous section, it has already been suggested that it is also a question of interest and activeness on part of the citizen to be informed early. Information could be made available in time but people are “too passive” to ask for it or make use of it. However, this was brought up by VN, and in contrast to the information demanded by interest groups, VN refers to information that would be interesting for the general citizenry.

V.3.1.4 Content

For administrative transparency, information about the organisation itself needs to be generated (see III.3.2.2.1). Of the numerous possibilities to generate information, only one has been explicitly asked about in the interviews, namely, the evaluation of the results of administrative activities.

As was shown earlier, it is one of the main concerns of transparency to disclose information about the functioning of the organisation and its performance in order to increase accountability and also prevent corruption. Results reporting has been chosen for this purpose as an example for the generation of information because transparency is frequently seen in close relation to accountability for results. Moreover, it would have been difficult to obtain information about corruption control systems; and it would have been similarly unrealistic (and too specific) to ask about performance measurement. To ask about results left more room to include different approaches.
The selection of information can either refer to ‘focus’ or ‘emphasis’ in coverage (mainly to structure the information), on the one hand, or to the disclosure of selected information (while other information is consciously kept secret), on the other. Selection here refers mainly to the first aspect and deals with possible criteria for such a selection. (The second has been covered by V.3.1.1.4 (“Exemptions”) which deals with information that is not publicised).

The presentation of content and its value for stakeholders (whether sufficient or too general) is also touched upon, though not elaborated in detail, because it is highly dependent on the kind of information published, the media used and the context of the case. Due to various references to the Internet in the interviews, websites are considered separately.

In relation to the generation, selection and presentation of information, the stakeholders’ needs for information are analysed to explore whether the information provided meets their needs.

Obviously, it is not possible to give a full account of all the information that is published by local governments; neither could an analysis be made of the information itself. Besides, the law specifies a great deal of information that has to be disclosed, and, again, there was no intention to check on its implementation. The focus will be on selected aspects mentioned in the interviews.

Since the issue of content is closely related to the media and the channels of distribution chosen, this has already partly been described earlier, for example, as regards companies and their need for work-related, specific information. Some additional aspects deserve to be noted, however.

V.3.1.4.1 Generation of information (results reporting)

It soon became clear that the subject does not yet seem to be of major relevance to local governments, though its importance has been recognised by stakeholders. Only in the municipality of V1, plans seem to exist to introduce a systematic evaluation of the development plan; the current development plan is said to have no “impact as a tool”. V1 also refers to general weaknesses in this respect.

V1. (230) 965. I think that in Estonian municipalities (...) strategic planning and the development plan is (...) one of the main problems. Because (...) we don't use any indicators (....) [so] that we could measure this development process.
(231) 971-973. (...) we will make a totally new development plan next year and then on a new basis, new methods (...) and totally different, (...) with indicators and all these things.
(232) 984-987. I: But would you then also plan to publish the indicators and the evaluation results? Or is it only for internal use?
A: No, I think we could publish it also. (...) I think. But I don’t have the official opinion.

V2 and V4 describe how evaluations are carried out in their municipalities. Asked whether an evaluation of the development plan is made, V2 refers to a general assessment the council makes at the beginning of a new period – i.e., once in three years, after elections, so that the new council assesses the work of the previous one and discusses plans for the future.

V2. (233) 599-606. I: But then the evaluation is actually done by the new council.
A: Yes.
I: And (...) in the preceding period, the outgoing council does not make its own evaluation (...)?
A: That is always being done anyway, (...) what is done and what has been done; but specifically – no, it is not.

(234) 610-614. If the development plan states that, for example, we build a music school, (...) then it is simply built, and when it’s finished, then we say, it’s finished (...) and if it is not finished, then the council may say, ‘No, we do not need a music school because there are no children’, and then it’s put aside, and that’s all.

Here, V2 regards evaluation mainly as a task of the council and understands it in the sense of an evaluation of policies. In another context, V2 describes the coverage of a certain project in the newspaper. The article mainly describes the current situation and near future of the project as well as the resources that have been used for it.

V2. (235) 478-480. In the newspaper, of course – for example (...) we are now constructing a centralised heating system and we always write about it. How the work is going on, (...) how much money we have already spent, and what we are doing next (...).

V4 also reports that they make a general evaluation of the previous development plan to decide what to keep in the new one.

V4. (236) 89-91. (...) And we also do a summary of the old plan, what we did already, (...) and when [there is] something we didn’t do, then we put [it] into the new plan (...) – if we need to do it, if the people say that [it is necessary].

However, not all new governments keep the previous development plan (see 419). Concerning evaluation, V4 refers to the law that requires them to revise the development plan annually216 and adds that they make a “bigger evaluation” at the end of their term of office. This evaluation consists of two parts: collecting feedback from all villages and analysing the use of financial resources.

V4. (237) 97-103 A: (...) So, but the bigger evaluation and analysis is in the end of the period.

216 Local Government Organisation Act 37 (2): “Not later than 1 October each year, the council shall review and pass a resolution on the amendment of the development plan.”
I: And how do you evaluate it [the development plan]?
A: One evaluation is – go to the meetings with the people and ask (...) because this is also part of the development plan at the moment. (...) And second we also do an analysis of the (...) financial resources; how much money we got from EU projects, how much money we [used] for this – investment plan, how much money we [used] from our own budget. So it’s like a financial analysis as well.

Various stakeholders point to weaknesses in evaluating results. T2N remarks that it is relatively hard to obtain information about what has actually been achieved (see 246). VN brings up several aspects. VN stresses that evaluations are not yet institutionalised, and local governments are not actively informing those concerned about evaluations when they make one.

**VN. (238) 675-681.** I guess they do some kind of (...) evaluation but I am afraid that they forget or they don’t think that they should also (...) tell people about these things. (...) And evaluation is one weak thing what I think we have in Estonia. On a village level, on a municipality level, on a project level. (...) Of course there are rules that you have to evaluate but – they don’t take that (...) seriously.

VN also draws attention to the fact that people would be interested in it, but that they are not aware of the fact that they can demand such an evaluation. Also, VN names elections as a major occasion where evaluations usually take place.

**VN. (239) 684.** I: And you would also be interested in an evaluation of the municipality?
A: Definitely, and I think people also would be, but (...) I think they don’t even know or think about that they can ask something like that. (...) Of course, evaluation and feedback, when we have election (...) every three years, of course then the municipality at least tries to tell (...) all the good things they have done. (...) I don’t know how good an evaluation it is but [it is] at least some kind of like –

I: feedback
A: Yes, but (...) an evaluation like – what has happened with your development plan, very many don’t do that.

The company C2c also refers to weaknesses in evaluation and attributes them mainly to a lack of knowledge, especially “in smaller municipalities”. Similar to VN, C2c mentions that local governments do “something” for evaluation but in a rather general way. This is in line with the descriptions made by the local governments. C2c stresses that these problems are a question of time.

**C2c. (240) 504-509.** Usually they don’t measure the results very well but more or less they evaluate the process and somehow say something about it. (...) This is general information. But I would like to see (...) more – a clear evaluation that would be based on measurable things; I would like to see that. But I think it’s coming. It’s also a question of knowledge (...) and know-how.
V.3.1.4.2 Selection of information

As L1 reports, they select topical information which is not personal and which they believe to be of interest to the people (“we don’t tell details of the (...) routine decisions”; “we have some hits”, see 98). But the city also publishes information which is of a more general interest; for example, L1 mentions that they publish information about the requirements for organising public gatherings, demonstrations or public events (concerts, festivals) on the website and in their newspaper.

V1 gives an example to illustrate the necessity for selecting information. The start of a project (reconstruction of a road) was delayed because in one village some owners refused to sell two metres of their plot to the municipality, and a discussions arose how to handle the situation.

V1. (241) 500-502. So people usually don’t see all these details. And I think if we would start explaining all these small details then we would have to publish a (...) large book every month.

Various stakeholders also refer to the quantity of information (and its selection) by local governments. E1 notes that there is a list of all building permits in the Internet. But even if the information is widely distributed, it may be difficult to keep track of it due to the sheer amount there is.

E1. (242) 832. (...) there is no person who could follow [it] all the time – to go through all the announcements.

Also VN affirms that the amount of information makes it more difficult to find the information needed; some knowledge is already required even to find the right information (a similar comment has been made by C2c, see 146).

VN. (243) 659. (...) actually, there is lots of information. The question is how you can find that information what you need. And this needs some knowledge.

VN remarks that it can even be a problem for the officials to find and share information (see 10). For the organisation of T2N, it is not the amount of information but rather the opposite which poses a problem. Although (or rather, since) they are directly addressed by the authorities, the information they obtain is preselected, and they do not get all the information they might be interested in (see 160, 162). Additional information would enable them to take “preventive” rather than “reactive” measures.

T2N. (244) 153-157. The problem is that we mostly get the information that concerns us. (...) Exactly concerns us. But the other issues where perhaps we could be involved (...), as in

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217 See fn. 198.
city development, (...) and development of [these kind of] enterprises in [x] (...) I think that the city government thinks that we don't have to be involved on that level yet. Actually we could be involved [so that] it's more like preventive measures, not like reactive measures. Because right now, when they do something, we will get to know about it and then perhaps we like it or we don't like it. But we cannot say much about it when it was developed because we were not involved in that process.

(245) 707. They just send out the information what they think might be interesting for us.

The experience of T2N contrasts with that of C2d who emphasises that the city of L2 discusses solutions with them (and does not say “take it or leave it”, see 151). T2N distinguishes between different kinds of information. It is “quite easy” to get information about “what they would like to do during the next years” (as described, e.g., in development plans).

**T2N.** (246) 863-865. But what they are actually doing (...) or have (...) achieved, this is a lot harder to get.

E2 brings up another important aspect: the authorities answer only selectively in cases of conflict (see 82). VN also remarks that certain information might be disseminated less actively by local governments, but adds that such information would still be available on request. VN refers to information where an “economic interest” is involved.

**VN.** (247) 545-550. (...) And the municipality is interested or has an own picture how they can or to whom they want to sell that [piece of] land or (...) house or something. Then, maybe – that can be information (...) they maybe don’t want to share very much, with everybody. (...) I mean, if you go to the municipality and ask they still (...) give [you] the information. (...) But they are not (...) very active to [share it].

The law specifies a range of information that has to be disclosed on the websites.218 As was often emphasised by the interviewees, a lot of information can be found in the Internet (see, e.g., 149). Some respondents described the digital document register on websites required by law.219 As mentioned earlier, all incoming and outgoing documents are shown but not their content.220

**E1.** (248) 272. But actually, you cannot see the content. But it’s a list, and I see that [there is a] letter and I can ask [for] a copy. (...) This register has to say whether access is restricted or not.

**V1.** (249) 315-317. (...) you can’t see the whole document because many things are (...) secret (...) But you can see for example that my neighbour has written a letter to the municipality four weeks ago.

218 See Public Information Act 28 (1) and 29 (1); mentioning is made, e.g., of job descriptions, (draft) budgets, (draft) regulations, and (draft) development plans.

219 See also V.3.1.1.2.

220 See V.3.1.2.1.2.
E2 stresses the fact that it depends on the local government how comprehensively they inform on their websites. E2 complains that information about planning is often insufficiently provided on municipal websites.

E2. (250) 137. Maybe they don’t have it – just [because of] money or interest because it’s always better to do it in quiet circles.

(251) 141-143. I think it depends on the local government; for example here in [L2] (...) I think they put everything (...) on the website. But there are problems here, too, with this website and a few times I just asked them, ‘Could you put the information on [the website] so we can see when something is going on’.

In this case, E2 knew that some plans existed that could already have been published, but were not found on the website. Later, E2 emphasised that it was rather a surprise that something could not be found (see also L2, 94, 95; D, 149).

E2. (252) 1160-1162. I don’t know, they maybe just didn’t have time. (…) It’s a good website and (…) I was kind of used to it that it’s good and [that] everything is there(…).

V.3.1.4.3 Presentation and informational value

Different experiences were reported regarding the presentation of information. As described earlier, E2 made a request to local governments about current and future plannings (see 84, 85, 86, 87). E2 stresses the good quality of one reply which presents the data in a particularly clear design (a table with “some coloured plans” where the plannings were shown). In contrast, regarding the presentation of information, C2c notes that sometimes data or documents received are not systematised at all, mainly due to inconsistencies from the transition period (see 17, 18).

Similar experiences were made by C2d who brings up two aspects regarding the presentation of information and the clarity of its content. On the one hand, C2d complains about the information quality in some smaller municipalities which do not provide adequate information owing to a lack of specialist knowledge (see 20). But on the other hand, C2d also underlines that citizens may simply lack the knowledge or ‘readiness’ to understand planning procedures and related information (see 154, 155).

C2d is critical whether efforts to instruct citizens can be fruitful, yet local governments still need to make attempts to explain abstract facts to the citizenry. It has been suggested that people may have difficulties in following abstract planning procedures so that they give their opinion only when it is too late and a conflict situation ensues.

The city of L1 presents an interesting example of how planning projects for city development can be visualised. One, by then recent and prominent case, concerned the planning of a high-rise building (tower) that would alter the appearance of the city considerably. L1 shows a model of the city with existing (white) and planned (transparent)
buildings; the tower element could be moved around to possible future locations. L1 reports that the mayor had asked visitors, officials and others to suggest a location for the tower with the help of this model (see also S, 108).

V1 describes how they try to make the content of the “more important decisions” understandable for a general public.

**V1.** (253) 452. And the mayor (...) or some other person usually writes before and after this decision a few articles that (...) very simply explain what is happening.

L3 also recognises deficits in this respect and emphasises the need to improve communication in a way that it can be more easily understood (“real language”, “write to people”; see 136, 137). T2N points to the problem that, due to their educational background, it may be difficult for entrepreneurs to understand and meet various bureaucratic and legal requirements. Understanding the content of such information would require technical knowledge which the addressees do not always possess.

**T2N.** (254) 463-467. A: (...) companies have to deal with so much bureaucracy and rules (...) they have to follow that it actually takes quite a big amount of their everyday working time.

I: (...) But is it easy for them to know what rules they have to stick to (...)?

A: They have to follow the law. I mean, they have to find all the regulations that concern their activities (...) But for an entrepreneur who did not have an education in law it's usually hard (...). So they are having problems in understanding the law and understanding the regulations they have to implement (...).

C2c mentions his experience that local authorities sometimes answer evasively (see 66). Though in a different context, E2 has experienced evasiveness, too. Sometimes, information is given to them, but the answer is so vague that it is insufficient to fully understand the process.

**E2.** (255) 20-22. (...) they didn't give us exact information, they didn’t answer our questions exactly (...) But (...) we always got information, we got – 'ok'-answers; so it was difficult for us to understand what was really going on.

E2 describes the problem with insufficient answers; they generate more questions than they answer and keep those who asked busy.

**E2.** (256) 1169-1173. (...) sometimes they are answering too generally, so – (...) Noh, they give an answer but it (...) raises more questions, more and more questions. So – I should ask more and more.

(257) 1176. But with [L2] it’s – they are doing their job pretty correctly.

E2 mentions this as one of the main difficulties in communicating with local governments. Obviously, it is difficult to determine objectively whether the informational
value is sufficient. The same problem occurs in connection with the giving of reasons (see 338).

V1 underlines that minutes do not contain the information needed to follow and understand the decision-making process. The content of minutes is too general and does not reflect important discussions (see 26).

**V1.** (258) 1138-1140. (...) they [the minutes] are like public but they are usually (...) – these board meeting minutes, and committee minutes – they are not (...) so specific.

Likewise, L3 remarks that it is difficult to understand what has been discussed in a meeting only based on minutes – although, the other way around, the administration cannot follow what has been discussed by citizens (in the workshops organised by the administration, aiming to collect input from citizens).

**L3.** (259) 219. But there [in the minutes] is not written such kind that ‘This [person] said this kind of idea’ and if you don’t know the background, it will be very difficult to understand.

As to websites, their content may sometimes be too general (E2; C2b and C2c mention that for more detailed information they seek personal contact). In contrast, V1 notes that the information on their website is too detailed (“legalistic”) for ordinary people (see 91 plus intro.). T1N stresses the fact that websites are only useful up to a point because they simply cannot always be kept updated (T1N refers to the state level).

**T1N.** (260) 130-134. Actually sometimes (...) it is possible to follow [it] on websites. (...) But actually real life is (...) quicker than it’s coming up on websites. If you read [them] on the website, actually the documents have been changed already (...) in real life.

E1 says that information on websites is sometimes not updated or technical problems may exist. However, “lately” E1 has found many documents needed (see 12). For example, legal norms and decisions “are easily accessible in the Internet, usually”. E1 also points to the fact that the quality of the website depends on the local government (see also 172).

**E1.** (261) 227. So all this information has to be on the webpage. And if the local government is a strong one, and rich, maybe sometimes, then they have a good webpage and there is a very large amount of information.

Lastly, mention is made of a case where information (on a governmental website) was only provided in English, not in Estonian, “because (...) the leading experts were from a Danish company”.

**E2.** (262) 779. But they also had a good translation, so I didn’t understand why they didn’t put it [on the website] in Estonian.

E2 received the documents in Estonian only after the organisation directly asked for them.
V.3.1.4.4 Stakeholders’ need for information

V1 suggests that, at the moment, the greatest demand for information related to planning is by private persons.

**V1.** (263) 217. Because people build a lot and then they have many questions about this general plan.

He adds that they should also be more interested in the planning procedures of the municipality (see intro. to 131). V1 remarks that “mostly people ask quite specific questions”, for example, for a certain expertise, and in such cases they are “easy to answer”.

The seminars the municipality of V3 offers are usually well frequented if they are about “money” – for example EU funding. If it “only” concerns environmental questions, not many people are interested. Moreover, V3 mentions information related to detailed planning and construction as those most in demand – at least for new residents. They distinguish these newcomers from local people who often seem to have “social problems” and therefore rather need information about social support. If people address them personally, as mentioned above, they seem to have very practical concerns:

**V3.** (264) 169-173. (...) in winter (...) [they ask], ‘Why is the snow not cleared from the road?’ (...) ‘Why (...) can’t the water run off?’ (...) ‘Why is the Internet not working?’

Sometimes, the officials are perceived as contact partners around the clock (see 47, 48). V3 notes that the information remains the same when people address them personally and hints at the fact that often the same persons come to ask questions.

**V3.** (265) 205-207. They get the same information (...) There is no difference.

(266) 196-199. A1: Here are coming the same people. The same people that send letters around the year (...).

A2: And the people who have questions, then they have a lot of questions over [the] year.

V2 states that people generally need less information from the authorities because they inform themselves through other sources. Interestingly, V2 considers other media as a substitute for information from the local government. According to V2, the demand for information is mainly met by the newspaper which they are financing, whereas the information on the website is too specific for the ordinary person (see 91).

**V2.** (267) 634-641. Well, I would say one needs less and less information from local authority. One can find it through newspapers, through the Internet. Well (...) – formerly, there were a lot more requests and problems, but now, maybe the citizens are already so experienced that they know very well where one has to search for information.

(268) 647-649. (...) and that [the newspaper] is what people are interested in; if for example the newspaper comes three days later than normal, then people ask immediately for it, so – something like extra information is not needed, not much.
The companies need information related to their work. C1 mainly needs information about permits or the purchase of land, but also about the infrastructure. C2a names various plans and other documents related to planning. For example, she refers to information needed to draw up detailed plans, and mentions the development plan of a municipality. However, C2a can only use this document if it also includes a plan of the area (and information about canalisation, water, electricity, etc.). The written part of the development plan, “sometimes” read by C2a, usually contains “nothing important” for them. The rather general and indefinite nature of some development plans is reflected in the following statement by C2a.

**C2a. (269) 362.** So it says that, ‘Yes we need some kindergarten’, ‘Yes we need some school’ and [it] just tells me nothing.

C2a also suggests that the development plan is primarily made because it is legally required. Due to their know-how and experiences, information about the process itself is not required by C2a.

**C2a. (270) 381-383.** Oh, we have already done so many detailed plans (...) that (...) I know what we have to do next.

Yet C2a explains that “normally our client wants to know” in which stage an application is so that they always need to call the administration and ask about it (see 291); it would be “very good” if the client could follow this up himself.

For the district organisation, D needs information connected to planning, such as various plans (development plan of the city, the comprehensive plan, detailed plans) or information about street construction projects;

**D. (271) 26.** (...) whatever the government wants to do or plans to do.

But the information needed for work still differs from the information needed in relation to the district organisation: for D, the former is easier to get than the latter. (The statement that “there is not so much difference” refers to the assistance offered by the administration with respect to the two different roles, see 8).

**C2d/D. (272) 166-185.** A: I go there and I do both things together so then (...) there is not so much difference (...) for them or for me.

I: And do you need other documents when you ask for the company (...)?

A: Yes, (...) then I need special documents concerning this special planning. (...) So, then it's very clear which documents I need, to put [them] together with the planning papers and (...) it's a little bit easier than working with [the district organisation], then sometimes you don't know what you need. Because you don't know if this document exists (...) But in the planning process it's easier; then you know what to do.
E2 has requested general information about planning from various local governments so that they can participate (see 84, 85). E1 lists various information they request from local governments, such as permits (water use, mining and building permits) and plans (e.g., land use plans). The organisation of E1 also asks for documents concerning the communication between an applicant and the local government.

**E1. (273) 40-42.** [If] somebody asks the local government to start a planning procedure then we can ask for this letter (...). Or we can ask [whether] anybody has started or asked to start some [planning] procedure.

S hints at the fact that their demand for information has changed over time, due to the changes of the political situation. Formerly, interests were different (and apolitical). There was no possibility to participate in public issues.

**S. (274) 794-795.** T: Was there any information given out before independence?
A: The city fathers [linnaisa] never came to tell us something. We had different interests.

[Referring to the club meetings:] We had doctors coming to talk about health problems, about herbs and herbal teas, and if someone went abroad he came and talked to us about it. During that time, we had such kind of things. And with these city problems we were not so – and there was really not much done during that time. Now, during these ten years, they have started to build (...).

(275) 853. We were not active then [before independence]. We didn't have anything to do with them. We didn't need to have anything to do with them.

V.3.1.4.5 Discussion IV: The content of information

According to the interviewees, the results of administrative activities are not assessed systematically. It seems to be easier to obtain information about the plans for the future than about what has been achieved in the past. Even if local governments make an evaluation, they do not necessarily inform people about it. Only one municipality (V1) underlines the importance of indicators to measure the progress achieved and attributes a rather weak functionality to their current development plan.

The evaluation of administrative activities (as reflected in the interviews) remains general and is seen partly in connection with elections or with a change of government. Such an evaluation will be biased and selective, and in the cases described it is done with the intention to decide on the elements for the new development plan rather than to systematically evaluate achievements. Evaluation is understood as a description of the present state of affairs, or as part of the general policy formulation, rather than as a strategic tool to improve and control performance.

\[^{221}\text{See p. 160.}\]
As main reasons, the stakeholders mention a lack of awareness for this subject among citizens and local governments alike and a lack of knowledge to introduce evaluation systems. If required, evaluation is sometimes considered only as a formality. VN repeatedly emphasises that citizens need to participate and demand information actively in order to be able to follow administrative processes. If people are unaware of the possibility to demand this information, the incentive for the administration to publish results is even lower. This is analogous to what was been mentioned earlier (p. 161): in practice, for information to be made public, it needs to be in demand, even though other reasons may exist for its publication.

Due to sampling, planning information was the item most in demand on the part of the interviewees. But local governments, too, mentioned the great need for information connected to building and planning. For the interest groups, unspecific information as suggested by V2 was not sufficient; they had very specific concerns. With increasing political activity and involvement, the need for information changed over time.

Local governments have manifold possibilities to present information, some of which were described by the respondents. If information is presented in English instead of Estonian, it may only be of restricted use. Simple language was brought up as an important factor to reach people and to make administration understandable. Similarly, a model of the city for use in planning projects makes it easier to understand information about planning and can reach those who have difficulties in understanding abstract plans. However, such a model cannot contain all the information that is provided by a plan; it is still a simplified version of the information. But at least it can enlarge the circle of persons who are able to follow the process.

The value of information for stakeholders also depends on the use to which it is put. In conflict cases, information may be imprecise and general. In contrast, due to a certain level of standardisation and repetition, professional information may be better structured and easier to obtain. Based on the interviews, four basic criteria can be identified that determine what information is selected (and generated) and thus made available to citizens.

First, the selection of information may depend on the kind of information local governments believe to be of interest to (or needed by) stakeholders.

Information may be neglected if its informational value is not rated highly by local governments. For example, not all details of everyday work are explained. At best, this selection would be congruent with the needs of the addressees (the information is tailored to the stakeholder’s needs). But there is always a danger that the demand for information

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222 Potential language problems of ethnic minorities were not covered by the interviews.
is not assessed correctly or too narrowly defined (as is the case for T2N). It is also possible that information is not much in demand because people do not know they can ask for it, but would in principle be interested (see 239).

In addition, a selection based on this criterion amounts to some kind of patronage: one could argue, since certain information may be too specific or technical and thus not generate much interest anyway, the (active) reporting needs to concentrate on rather apolitical information (e.g., V2, see 91, 268).

Second, another form of patronage is to select information that should be of interest for citizens. Instead of neglecting certain information due to little demand, efforts are made (or at least attempted) to present such information in a simpler way to make it more understandable for ordinary citizens (L3, see 136, 137; V1, see 253); the intention would be to achieve an instructive or educational effect.

However, doubts were raised whether it is possible at all to make technical or specialist knowledge widely comprehensible and to “educate” the citizens in this respect (see 155, 156 plus comment).

Third, apart from trying to meet citizens’ needs for information, local government may also select information primarily according to its own interests.

Although it may be in line with the interest of local government to meet the demand for information, the former’s interests concerning certain information may still differ from that of its stakeholders. A criterion for selection could be the relevance of information for the ongoing activities of the administration (T2N, see 246) and, consequently, the stakeholder’s potential to influence these activities (E2, see 82, 250). The information given may have an undesirable impact on the work of the administration (from the perspective of the administration, it may ‘backfire’).223 Another criterion mentioned was the economic interest local governments may have in some information.

Fourth, the selection of information has to be seen in the context of the administration. A lack of capacity may restrict the quantity and quality of information disseminated.

A lack of knowledge may diminish the quality of information and of its selection (VN, see 10, 243; C2c, see 240; C2d, see 20). But the latter may also depend on the costs that the administration is able or willing to incur. In the case mentioned by V1, the additional efforts (or costs) to publish all the details would outweigh the additional benefit (see 241). A tight budget (and the setting of other priorities) could be a reason for reducing the dissemination of information altogether (see 250).
Since the reasons for generating information can be mostly considered analogous to those for selecting information, they are not treated separately. In brief, information may be generated according to the interests of the stakeholders and of local government, and to local capacity.

V.3.2 Transparency of processes

This part deals with various internal administrative processes. The great number and diversity of internal processes allows for shedding light only on some selected ones, and on a rather abstract level. Special consideration is given to the processing of applications within the administration and its decision making.

Transparency of process is a cross-section of the various aspects of information provision. For this reason, in the course of the analysis, reference needs to be made to the four aspects discussed above. In the formal procedure, for example, the giving of notice, the public display of plans and also the public hearing are related to the transmission and timing of information, whereas the reasoning of a decision is mainly related to content.

Of the various procedural requirements only two will be dealt with in more detail in this section, namely, public hearing and reasoning (both as part of decision making). The other two are prescribed by law in detail (when and how notice has to be given, for how long a plan must be on display, etc.). The consideration of proposals during the public display or at a hearing as well as the giving of adequate reasons allow for more administrative discretion. Consequently, the actual practice, as reflected in the interviews and the opinions of stakeholders, is more relevant for this analysis.

It should be noted that the feasibility of setting up systems to track administrative processes is not part of this analysis. Not only may internal opposition impede respective initiatives (see also 28); other objections often raised mention time, costs, the possibility to speak freely behind closed doors, and possible negative consequences if half-baked ideas become public too early (see II.2). Some of these concerns were also raised when the introduction of freedom of information legislation was discussed and later proved largely unfounded. These concerns are not specific to the transparency of administrative processes.

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223 This would also be the case for the publication of “negative information” as described in III.3.2.2.2; however, this kind of information was not brought up in the interviews.
V.3.2.1 Transparency of administrative (internal) processes and tracking of applications

In the municipality of V2, the mayor goes through and signs all incoming mail and then passes it to the responsible official (and equally reads and forwards all incoming e-mails). According to V2, this takes about half an hour a day. It seems that in smaller local governments, the work flow and internal structure is rather obvious. Similar comments are made by C2d and E1 (see 54, 55). But C2d is also familiar with the internal processes of the city of L2 with which he is in regular contact (see 147).

C2d. (276) 705-712. I: (...) would you say then you know how the government works inside, I mean, the structure (...)?
A: Yes, in [L2], yes, in [L2] for sure.
I: (...) Is it important for you (...) to know?
A: Yes, it's quite important for the results or to (...) know or to foresee what the result could be. Then it's important to know which persons decide and (...) who is at work and who is on vacation right now.

C2d knows many of the officials personally but emphasises that in principle everyone could obtain this information (in contrast to information about the processing of comments, see 357).

C2d. (277) 715-721. A: It's not – there is no secret about it (...); but of course I know the persons that's why I know who says (...) what kind of comments. (...) But it's not a secret.
I: (...) So everyone could basically -
A: Yes, everyone could go and ask and get the answers.

Stakeholders are not always kept informed. E2 mentions a case where they participated in an EIA but have still not been informed about the present state of affairs.

E2. (278) 677-681. (...) still I don't know what they are doing there. (...) They made an EIA and we participated in this process and also in the planning process but right now we don't know (...) [whether] they have approved it or what they are doing with it (...).

As mentioned earlier, it is difficult for the environmental organisations to follow a procedure if information about it is mainly available locally (see 170 plus comment). Moreover, E2 remarks that sometimes they cannot follow and understand the internal processes that are related to a request (see 221). As a consequence, the result is less predictable for them.

V1 recognises the problem that the processes within the administration cannot always be followed by citizens. V1 suggests introducing a system that enables citizens to track their applications (see 25). He mentions this in the broader context of making internal processes generally “more visible” by better documenting the “progress” of
administrative activities. Not only should the processing of applications become more transparent, but also other administrative work processes should, too, such as the drafting of the development plan.

V1. (279) 1307-1309. (...) And, for example, (...) about this development plan: so if we are in the middle of these two seminars and maybe there would be some few sentences about what’s the progress of things and maybe even this draft document that we are working on – (...) this kind of questions.224

V1 describes how difficult it is to always fully inform the citizens about all the details of a project and the related complications. This may also lead to misunderstandings.

V1. (280) 462-466. (...) I think that in many cases – (...) for example, these planning processes or (...) some other processes are (...) misunderstood. (...) People have (...) wrong impressions of some things.

V1 gives an example. Since citizens are often neither aware of the details nor of the legal requirements, they do not know that “it will take about half a year” before a project will start.

V1. (281) 480. They only think that here the municipality has talked about it in January (...) so why (...) hasn’t it started already.

(282) 488. And (...) there are many details (...) that can (...) delay the start of this project even more.

But sometimes it is simply not possible to allow for people becoming aware of all details; these are only dealt with internally (see 241 plus intro.).

V1. (283) 504-508. I think it’s not possible to make it totally clear (...), every month. (...) It’s too complex.

In this example, citizens became “upset” as a consequence and wrote “many angry letters” to ask why the reconstruction of the road took so long. They could not understand this process, although, as V1 emphasises, efforts had been made to give a broad outline of the situation. Wherever something is written about it,

V1. (284) 480-482. (...) always at the end of the article, there is always a sentence that, ‘This (...) work (...) should start in September if there are no complications.’ (...) And sometimes [it is] even a little bit explained what kind of complications [there] may be.

This is in line with another situation (see 133): information about the process may be provided but does not reach the addressees – and the process remains unclear to them.

224 The first seminar has been described above (see 101, 102). The second seminar is for all members of the local government, to review the ideas of the first seminar and to draw up the draft development plan that will be published afterwards.
The city of L2 publishes all planning-related documents on its website (see 94, 95). As L2 underlines, it is possible to “very deeply” understand the planning procedure based on the information on the website. But L2 also points out that applicants are often ignorant of the time required to mediate between the parties. Interestingly, L2 chooses the same words like planning company C2b (see 300) to illustrate the pressure from developers who do “not understand” that it takes some time until they finally can start to build.

L2. (285) 310-314. And it means that we have a big (...) pressure at first, (...) the developer says, (...) 'Quickly, quickly, quickly', because it's summer time and – you know. (...) We say, (...) 'Please understand: if we don't find a compromise, you will lose two or three years because this person has the possibility to go to court.' (...) But he doesn't understand it. And he says that, 'It's a stupid man!' (...).

According to L2, developers are often unaware of the long delays conflicts and lawsuits may cause. The process takes less time if a compromise is found with the stakeholders. Therefore, the city of L2 organises additional discussions among conflict parties, apart from those required by law (see 113, 114).

Like L2, V4 underlines that it is more “efficient” to find a compromise in advance, even though extra efforts (meetings, discussions) may need to be made, in addition to those legally required (see 211 plus intro.). V4 remarks that the process also depends on the persons: some may keep a hard-line stance and are not willing to reach a compromise.

V4. (286) 385-387. (...) the most efficient is the consensus and if we don't reach [it] then [we have to] use different ways. Sometimes we have to be strict as well.

E1 describes a situation that L2 and V4 try to avoid: since a compromise was not seriously considered, the case went to court.

E1. (287) 964. They didn't want to take anything into account. They wanted this project to be over fast and easily, and then – we (...) went to court, we tried to negotiate (...).225

In the municipality of V4, applications are followed up mostly via personal contact with an official.

V4. (288) 356. (...) normally they [the people] ask in which stage it is.

This seems to be the usual way, according to statements from the companies. But the tracking of applications is not similarly important to the companies; instead, the focal importance of the duration of an application process was repeatedly emphasised. Both aspects are illustrated below.

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225 It is not clear from the direct context whether “they” only refers to the developer (a state-owned company in this case) or also to the authorities. In any case, according to E2, the local authorities and the environmental ministry had not been very co-operative or responsive towards them.
T1N names “corruption” and a “lack of knowledge” as the two main problems in detailed planning. Asked what is meant by the first, T1N puts it in more concrete terms. It basically involves also the importance of time in the planning process.

**T1N.** (289) 273-278. A: Maybe not corruption even, but – certain companies who get that decision quicker (...) But if you are just, like – private person and you want to build a house (...) I don't know how many years it takes.
(290) 282-284. I: Ok. So then the main problem is – a time problem, actually.
A: Yes, time problem, time is money.

Also C1 mentions that the main interest of the company is to get permissions “as quickly as possible” (see 36). For the companies C2a and C2b it would be useful to be able to track applications. C2a would welcome “some list” where the stage of an application could be checked by the client who usually asks about the progress (see 270 plus comment).

**C2a.** (291) 481-483. I think they should make some list (...) where is written which steps have been made and which steps are coming. (...) The process would then be public.

Although they know “what the next step” will be, they would also like to know when it will take place. As it is, they have to call and ask personally for this information.

**C2a.** (292) 460-466. (...) we only get this information by phone, or we ask this (...) municipal architect. (...) And they say, ‘Ah, I [will] look at [it] next day’ or (...) some architects say, ‘Tomorrow, tomorrow’ every day.
(293) 832. Sometimes they say that, ’It stays there on his table already for two weeks.’

The latter comment is an honest statement but probably of limited use to C2a since they need to know how much longer it will take. C2a emphasises that the time needed by local governments to revise the plans handed in for approval varies a lot, between one week and two months (though two months seem to be the exception). In urgent cases, they personally go to the public offices because then it is “much quicker”.

**C2a.** (294) 254. A: (...) we want that they look it [the plan] through for one week, but sometimes they [need] two months (...); that is the problem.
(295) 525-532. I: So there is no rule how long they can take for this?
A: No. (...) Sometimes [someone from the company] goes to the architect and shows this [plan] (...) and in one minute she says that, ’You have to change this, this, this, this.’ (...) (296) 540. A: [If] we have time, then we don't (...) rush them; no rush.

Similarly, C2b needs to call the administration to track applications. Although C2b (the second respondent) did not mention the possibility to check the stage of applications through the Internet, it is obvious that it would be useful for them.

**C2b (2).** (297) 344. Everyday I call, [monotonously] 'Is this ready?'
There are so many detailed plannings that they don’t call [us]. If [there are] some kind of problems, then they call, but when it’s ready, they don’t. I must do [it].

And then you ask in which department [it is], or -?

A: Yes, yes, exactly, yes.

C2b (first respondent) mentions that local governments may be too bureaucratic. Asked what is meant by this, C2b answers:

**C2b (1).** (300) 176-178. When we want to do our work quickly, and [want to] give [it back] to the client; and they (...) are looking [at it for] so long time. And the clients are not satisfied; they are [saying], 'Quickly, quickly, quickly'. (...) What is also very important, (...) we often don't do [it] so quickly, we must respect the government.

The “respect” for the government expressed by C2b is in line with the intention of C2a not to “rush” local government (see 296). In view of their dependence on local government for their work, they have an interest in keeping good relations and avoiding conflict with them. This illustrates that planning companies also function as intermediaries between client and administration. They may take away some of the pressure on local government or increase it, depending on the situation.

In contrast to C2a and C2b, C1 he remarks that he usually does not make use of the possibility to enquire about the stage of an application. The municipality (of V1) informs him directly.

**C1.** (301) 616-623. I: Do you know in which stage your application is? Can you always ask about it?

A: Yes, I can. (...) Usually I don't do it because I haven't enough time and they come themselves and inform us (...) or send a letter, or call [and] say that (...) I must pay some money and then I get it.

Concerning the tracking of applications, C2d also needs to ask the responsible official. Similar to C1, a great demand for this information does not seem to exist – unless the client is “in a hurry” (which corresponds to the experiences made by C2a and C2b).

**C2d.** (302) 632-636. I can ask the person who is responsible for the project within the government, (...) administration, then he, she knows where it is. (...) But where it is in every moment of time, no, I don’t know this.

(303) 641-646. I: Would you need to know it (...)?

A: Mmh [rather denying] – sometimes, when (...) the customer is in a hurry then he wants to know where is this, in whose hands it is (...) now and [says] that, ‘(...) I want the answers right now!’ (...) – But usually it's not so important. It takes this three – two, three, four weeks.

C2c states that he usually knows “very well” where in the administration the plan is being reviewed.
Well, usually I know it very well; the only exception where I usually don’t know anything is [city x].

C2c states that this city plans to introduce a system that would allow checking the stage of an application and the responsible person on the Internet. But C2c also reports difficulties regarding the realisation of this system.

C2c. (305) 255-257. (...) they are actually doing the system right now. (...) It’s not working yet. And I know the head of the [x] department in [x] and he actually says that there is a lot of opposition within the system.

C2c says that “people who have worked there for a long time oppose” its introduction since they are used to have more discretion than they would if such a system was introduced.

C2c. (306) 259. When you had the opportunity to be subjective, before, you actually don’t have the opportunity any more when it’s all public over the Internet.

As in the case mentioned above (V1, see 28, 29), internal opposition and attitudes seem to be major obstacles to the introduction of more transparency. Yet internal processes are not always of interest to stakeholders. For S, it is not relevant to know how the administration works internally and how an application (in this case, funding for the club), is processed (see also 327). They address their application to the mayor (or his deputy) and only know that “it’s money from the city government” that is given to them.

V.3.2.2 Transparency of decision making

Decision making is also an internal process. Due to its great importance and complexity, it is treated separately here. The analysis includes the question whether it is understandable how a decision is made and why it is made, and what interests are involved. Two aspects deserve closer examination: the reasoning underlying a decision and the processing of inputs from stakeholders. As regards the latter, it is not so much of interest how well these inputs are respected but, rather, whether stakeholders can follow and understand the processing of such inputs.

V.3.2.2.1 Making a decision

V1 points out that the minutes of council sessions are insufficient to follow decision making (see 26, 258) because they are too unspecific. Moreover, council decisions are mostly prepared in commissions that take place before the council session and are not open to the public (see 27). Although council sessions are public and well documented, decisions cannot fully be understood because “all the work that’s behind” is “not visible”.

In connection with the resistance against the introduction of a system to track applications (see 305), V1 refers to internal opposition against a system that would make the decision-making process (including the commissions) more transparent. Without high-level support from the council and the government, however, it is unlikely that such a system can be introduced (see 28, 29).

As part of their plans to improve the website (see 14, 93), L1 explains that in the Internet they would also like to provide information about the “implementation and preparation” of legal norms that are “drafted by the city council”.

L1. (307) 351. For example, all the minutes and the decisions of the commissions.

A comment made by L2 suggests that in planning, it depends on the respective area of the city how a decision is made in the government. Referring to the stage of the planning procedure in which all the comments and proposals are gathered and presented to the government before a first decision is made, L2 explains:

L2. (308) 154. As usual they don’t discuss, they say that, ‘[name of L2], you know’, [so] that the mayor only signs and that’s all. But (...) if we have some very important planning, especially in the historical centre area, or some current housing area, we have a big discussion inside city government.

Procedural law usually requires a public discussion within one month after the public display.226 As a sequel to the discussion, the local government can make amendments to its first decision. L2 explains when this is the case.

L2. (309) 209-212. I: Does it happen often?
A: (...) Not very often, but sometimes when we see that they found a compromise and our solution was something else, we change our first solution.

This would mean that public discussions do not greatly change the first decision. As a consequence, it would be essential to understand how this first decision came about. In the case of the city of L2, stakeholders are also involved informally, and also before the public discussion; and it was repeatedly emphasised by L2 (and confirmed by C2d/D) that a compromise was sought in advance (see L2, 113, 114; D, 150, 151, 152).

VN stresses a certain level of activity and knowledge as a prerequisite to understand decision making. People from villages are usually not aware of how decisions are made.

VN. (310) 586-588. But if we talk about village people, are these decisions always like clear (...) for them, how they have been made and why they have been made this way (...) – then definitely, regular village people who are not very active, who just live [their] own life there quietly, then, they don’t know. They usually don’t know when decisions are going [to be] made (...) and why, and do they have a chance to influence this decision or not. (...) I think,

226 Planning Act 21 (1).
it's also a question of knowledge that these people don't have the knowledge and information when the important decisions are going to be made, (...) like when [let's] say the municipality budget will be decided or (...) the development plans, and (...) when you have the possibility to ask.

VN thus puts the emphasis on the people rather than local governments, and thus on the necessity to train people (which the organisation of VN does on a local level). Nevertheless, VN also underlines the need for an improved sharing of information on the part of local governments (see 187).

It seems that the details of the decision-making process are not always easily accessible, even for those who participate actively. C2d names the decision-making process, “how decisions are made”, as the only information he would be interested in, but which seems difficult to get (see 37) – although he is usually very well informed about the processes inside the local government (in the case of the city of L2 at least) and can always ask persons he knows personally in the administration (see 148, 277). C2d hints at the fact that a decision can be better anticipated if he knows who will make it (see 276).

Although in smaller municipalities it may be easier to have an overview of what is happening because only few people decide (see 54), C2d remarks that he may not be aware of all the interests involved.

**C2d/ D.** (311) 747-749. Sometimes if I don't know (...) the persons then (...) sometimes there are some people who make decisions (...) but I don't understand why that decision is like this (...) In reality maybe there are some interests (...) which I don't know anything about. (...) But if it's a usual detailed plan then there should not be (...) such kind of interests.

A similar experience (though on a national level) was made by T1N who, in the meantime, underlines that the formal decision-making process is clear.

**T1N.** (312) 150. But you never know who will have an influence in (...) some steps.

Similar to C2d, E2 states it may be difficult to understand who actually makes a decision, and why.

**E2.** (313) 474-476. But I think that that is (...) quite a rare thing that you can know, see clearly how they are deciding (...) because (...) sometimes it's just (...) that some of the officials will write something and you don't know who decided it, why [he] decided it so – yes, it's kind of unclear.

E1 even reports a case (see 226, 227) where nobody wanted to assume responsibility for the decision taken.

**E1.** (314) 1042-1046. And it was strange in this case that everybody said that the other party has made the (...) final decision. (...) The ministry of environment said that the local
Then E1 draws attention to the expertise on which a decision may be based. According to E1, in about three quarters of their problematic cases, the same “three or four persons” were responsible for the expertise. (The expert is chosen by the developer.)

**E1.** (315) 875-880. I: And the assessment was done also by an independent expert.
A: Independent. *chuckling* (...) This expert is known (...) – for his er-
I: expertise
A: We have had problems with him in many other cases.
(316) 884-888. We have a problematic case and we see who has done the EIA (...) Because the licence is only received by persons, physical persons, not the company. (...) This one person is responsible for the EIA.

Since the expertise is an important basis for a decision, the latter is also less understandable in case the expertise is not conclusive.

C2d mentions that it is relatively unclear when, after the public hearing, the final decision is made. It seems that this largely depends on the “bureaucracy”. The same problem is addressed by C2a (see 295).

**C2d.** (317) 678. (...) and after this [the public hearing], if everything is alright, then the final approval will come. And this is bureaucratic, [depending on] how long the bureaucracy takes. It (...) can take a week, if it’s in a hurry.
(318) 684-687. Because even though I know all the people in the current local government and so on, it is – if you want it faster [than one week] then you have to be a special friend of the mayor, or something like this. (...) *[chuckling]* I am not a special friend of the mayor.

(A similar situation is reported by C2c (see 224), yet with respect to the formal procedure as a whole.) But C2d adds another aspect: officials should “be reasonable” and not react to emotional behaviour on the part of the citizens. However, emotions may also influence decisions and reactions towards citizens (see also V1, 62).

**C2d.** (319) 408-412. (...) they should not (...) take revenge or something or be angry with people; they should (...) stand for the interests of the municipality. (...) But sometimes, of course there are some sympathies and antipathies and then sometimes – you see that people are angry with some other people and then they do take some decisions or make some decisions without reasons (...).

This personal aspect of decision making is also referred to by C1 and C2c who both mention the person of the mayor as an important factor in decision making. For C1, the decisions of the municipality of V1 are understandable. But C1 points to problems with the previous government which was more difficult to deal with and who was more reluctant to grant permissions. C1 explains the difficulties with the personality of the
previous leader of the municipality who was less responsive towards them (see V.3.1.1.6, p. 151).

**C1.** (320) 252. He [the mayor] was another type of man. Ex-Soviet.

C2c emphasises that the decision-making process in local governments is usually transparent and follows the formal procedure. Only as an exception, C2c refers to problems in smaller municipalities where there is a lack of knowledge and an (authoritarian) attitude from the past still prevails. C2c gives an example where he did not understand a decision until the underlying motives became clear (see 66).

**C2c.** (321) 327. Usually, it’s very visible. You can see how it’s made and why it’s made.

(322) 196. (...) the person who is responsible, he actually thinks that he has a lot of power.

(323) 204. And then usually this person is around 50 or 60 and grew up in Soviet times (...).

C2c illustrates the problem with another example and mentions a client who was denied permission to realise a bigger project in a municipality:

**C2c.** (324) 208. (...) but that head of the municipality said [to the client of C2c] that, 'Well, you probably get that land, very fine, but we don't allow you to do anything. (...) Sell this land and go away.'

(325) 222-224. He [the mayor] is actually the person who is signing all the papers because very small municipalities only have I think four persons who are working [there] besides him so – he is signing everything (...). He is more or less responsible for everything here. (...)

Then you have a problem and – noh, there are not many ways to go around.

In smaller municipalities, a lack of local capacity exists; “the list which you can elect is very short” and people may stay in office for several terms – mainly because no other options are available.

Lastly, when asked whether they know how decisions are made by the local government, S refers to the local newspaper that “covers it”. The decision-making process in the local government is not interesting for them.

**S.** (326) 740-742. A: No, we don't know the decision-making process.

T: Do you know who is involved?

A: No, we only know the beginning and the end.

(327) 747-748. T: Would you be interested in the decision-making process?

A: What does it give us? It doesn't give us anything. We have our own problems.

For S, the information received about decisions is sufficient. Although S mentions in this context only the newspaper, S also gets informed about (planned) decisions through public discussions about city development (see 367 plus intro.).
V.3.2.2.2 Giving reasons

Both parties, local governments as well as stakeholders, complain that the reasons given for a position or a decision are insufficient. L2 complains that people are opposing city projects without giving clear arguments:

L2. (328) 385. Sometimes they say, ‘Because’, but at usual they say, ‘I’m against’.

Also L3 remarks that people do not need to give reasons if they want to oppose a project. Instead, those who want to plan something have to explain why.

L3. (329) 460-472. Ah, there is no need to say why you are against [something]. (...) Nobody will answer you why you are against. (...) When you are (...) positive [in favour of something] then they will ask you (...) to say that, ‘I am positive because’.

D makes an analogous comment as a stakeholder: neither do local governments need to explain why they stick to a position; they have to give an explanation only when they want to change something – “then you have to give reasons”. As a consequence, there is an incentive to avoid change.

D. (330) 626-630. I: But then (...) you actually don’t get the information why they decided (...) like this.
A: I know that they do it just because they had decided this; because it’s easier to keep your position than to change your position. Because if you decide differently then you have to change your position, then you have to give reasons. But if you keep your position, then you say that, ‘There was a reason (...) many years ago, reasons have been said’ and that, ‘Everything has already been decided many years ago and we don’t have to change anything’, like that. But (...) this is (...) usually not enough, not good enough for us.

Therefore, D criticises the triviality of the reasons given by local governments.

L2 explains that people (and seemingly even organisations) do not give reasons because, according to the law, they do not need to. L2 complains that it is not possible to achieve a compromise if the underlying reasons for an opposing something are not known.

L2. (331) 387-389. And they don’t understand that we need reasons (...) for a compromise. (332) 397-405. A: No, no reason (...) The reason is that it’s too high and I need sun and I need greenery.
I: (...) But for example the Greens, they (...) maybe involve some expert, or give some reports or something, does this happen? (...) A: Green, green parties – (...) No, no. Not so deeply. Because they have the right to be against. (...) If he says that (...) ‘I think that this house is not good for my (...) environment’, then it’s enough (...) by law.

Similarly, D complains that the reasons given to them by local governments are not convincing – or actually, to D’s mind, the explanations given do not qualify as reasons at
all because they only refer to the current state of affairs, to what already exists, and they do not explain why it should (continue to) exist.

D. (333) 619-625. (...) this is one thing which we are a bit angry about that usually we don't get any reasons. We get – the reason is usually that, 'It has always been like this' or that, 'Because it was [like] this on previous land that's why we keep it like this', this is their reason. (...) This is what I very often have to emphasise that, 'You have to give a reason! You have to give a genuine reason for me that, 'This bridge is necessary because the traffic flow is like this', [etc.] (...) For example, (...) 'This bridge has been in our general plan for 20 years' – this is no reason to me. This is sometimes a problem that they don't give any reasons, they just do like they always have done (...).

E2 points to the same problem as D: in their opinion, no valid reasons are given for administrative decisions. As mentioned before (see 313), E2 does not always understand why a decision has been made. Also, E2 has made the experience that the authorities sometimes answer evasively, and that it is more difficult to obtain an adequate answer in case of conflict (see 255, 82).

E2. (334) 481-486. Yes, they should give the reasons, too, but sometimes (...) – [showing a long response from the administration] (...) But they are not saying why.
(335) 500-504. (...) sometimes they [authorities on county level] are giving reasons, but sometimes they are really general or I don't know, actually, why they decided so. (...) So the reasoning of the decisions is really something what they have to learn to do.

E1 points to the fact that recently, as a consequence of various court decisions, more explanations have been given by local governments. But E1 considers this still a problem.

E1. (336) 359-367. A: When the final decision is made then it should have a first part that explains what are the facts (...) and what is the calculation or reasoning of local government to discard some comments or proposals (...) from the local people, and then why they made this kind of decision. This is according to law. In practice (...) this is not followed.
I: (...) no reasons (...) are given?
A: Usually no reasons. But as a result of our cases, local governments have started to add some explanations.
(337) 371-373. (...) we just issued another complaint in the court in some case where (...) one town just said that, 'This land use plan is (...) made' and that's it. No explanations.

E1 gives an example of a reason considered insufficient by them. A local government had issued a (final) decision with reference to the great “public interest” of the project in Estonia, without giving further explanations as to “what these interests are”.

In view of the difficulties with the subject of giving reasons, several stakeholders tried to explain the situation. E2 brings up the basic problem of how it can be determined whether reasons are sufficient. For example, an EIA report is not approved,

E2. (338) 696-698. (...) when (...) not enough reasons [are] given for the proposals made by people. But what is 'not enough'? That is the question.
C2c and C2d made similar experiences (they were asked to write down the reasoning for a decision they applied for) and emphasise the lack of capacity especially regarding smaller municipalities. C2d attributes deficits in reasoning mainly to a lack of competence as well as of awareness and interest on the local level (see also 19, 20).

**C2d.** (339) 230-236. (...) small municipalities, they have no competence in planning, for example, (...) or very little competence at least. And so one thing [is] that they don’t know how to do it (...) and the other thing [is] that they don’t care too much as well [chuckling] but they just [say], ‘Ok, that’s fine for us, just do it’ (...) just, ‘Yes, do it as you like it and we [will] give you (...) the decisions but you have to write the decisions yourself’ (...).

Similarly, C2c emphasises that it is mainly a lack of knowledge that has led to this situation. As C2c sees it, “very often in smaller municipalities” people do not want to show a lack of knowledge and “like to be very wise”. “They are kind of afraid to ask” but “don’t know very well how to do things” and, moreover, are also prone to make more mistakes. However, C2c welcomes it when municipalities are open enough to ask for support and to admit that they lack the knowledge to write down the reasoning themselves.

**C2c.** (340) 329-331. (...) it’s always a question of skill; it’s not the question that they are not wanting to give sufficient reasons but they [are] often forgetting (...) to write down sufficient reasons.

(341) 337. (...) they have asked me that, ‘Can you help us to write down actually the reasons for the decision. Because we don’t know; because it’s a statistic field, we are not very good in it’.

V.3.2.2.3 Processing of inputs

V.3.2.2.3.1 Development plan

V1 and V2 mention that the ideas for the development plan have to be revised with respect to their financial feasibility. V1 notes that people “don’t necessarily (...) always take into account this (...) financial side”. V2 describes the gap between wishful thinking and reality.

**V2.** (342) 565-567. (...) people want to see everything [is] super in the development plan but we need to bring these people back to reality and say it needs so much money, that perhaps the whole municipal budget will not contain as much as that.

In the municipality of V1, those who participated in the development plan are usually aware of any subsequent progress or discussions about it: the village leaders are informed before the general public (see 209), and it is generally the same circle of persons who also exchange ideas on other occasions.
V1. (343) 941-947. Usually (...) these persons listed here, (...) it's quite (...) the same circle like, persons. (...) Many village leaders are also (...) council members, or board members, [so] that for example this council board, before the council meeting, they discuss the development plan. (...) And the persons working in our institutions, such as schools, they are (...) also board members, so (...) most of these people will always be aware what’s happening with the development plan.

(344) 953-955. We usually publish this (...) draft development plan only.

But officially, the “work in progress” (in between the seminars and after the last one) is not published. As mentioned, V1 names this as a potential area for improvement (see 25, 279).

This description corresponds to the situation identified in the context of the transmission of information.227 For direct participants, it is easier to follow what happens to their comments later. They are kept updated mostly through an informal exchange of information. Whereas in the earlier case the informed “circle” mostly referred to people with expert knowledge, in this case it does so to people who are otherwise in close contact with (or parts of) local government.

In the city of L3, topic-related working groups are formed to discuss the new development plan. These groups consist of stakeholders and representatives from government. However, the participants are apparently not always aware what happens to their comments. According to L3, when the development plan is published, they react rather surprised.

L3. (345 207-209. (...) they are saying that, 'But we said this, and there is no such idea anymore. What happened?'

For L3, the problem is that people do not comment on the draft development plan anymore, and the administration is simply not aware of all the comments made earlier. For the administration, it is too difficult to follow up on all the discussions of the various working groups; the minutes are not sufficient for this purpose (see 259).

L3. (346) 211-213. When we are making this document, we don't know what was said in [the] different working groups. Because it was the decision of the working group's managers, what to keep and what not to keep.

As mentioned earlier, the working group leaders are from within the administration (see 191) and also responsible for selecting the participants. But obviously, this does not ensure that all the information (comments made) reaches the decision makers within the administration.

227 See p. 197.
The making of the development plan is public (the details depend on municipal statutes), and suggestions can be made for changes; however, as D criticises, even if changes are made, in practice they are not accepted by the local government.

D. (347) 85-87. (...) that’s the problem. I think they should. Because (...) this is a public thing (...) they change something (...) and then, after that, they don’t follow (...) the changes.

V.3.2.2.3.2 Administrative proceedings

The municipality of V3 is the only one to report on a very concrete and open measure that allows for following up comments in certain cases: at the village meetings mentioned above (see 126), people vote on the subject.

V3. (348) 236-247. I: And what do you do with their comments (...)?
A: (...) voting.
I: They vote then -
A1+2: Yes, yes.
I: Local people vote on it.
A: Yes, yes. [insisting]
I: But this is not the formal way? (...) -
A: Yes, it’s informal. (...) Then we start the detailed planning, and it’s formal.

V3 declares that the result of the vote is taken into account. It could not be assessed to whether this result matters in practice; but in case it is respected, the discussion preceding a decision would make it practically transparent for everybody how comments are processed.

L2 emphasises that it is important for them to understand who disagrees with a detailed plan and “who gains” from it. The city of L2 requires the applicant to involve the owners of all neighbouring plots and to hand in some letters or minutes of the meetings, even though:

L2. (349) 74. (...) we don’t do anything with these letters.

Acceptance of the plan is followed by its public display. During the display, an informal meeting may again provide an opportunity for a compromise (see 113). Subsequently, the administration prepares the decision, based on the respective proposals.

L2. (350) 145-147. We collect all letters and prepare the material for city government (...) and city government makes a decision.
(351) 152-154. City government discusses every (...) proposal.

With respect to the city of L2, E2 confirms that every proposal is checked (see below). L2 adds that often the government follows the suggestions made by the administration (see
For this reason, C2d stresses the power of the administration (see 397). After the public hearing following the public display, another opportunity exists to solve a conflict before the final decision is made (see 114). The city of L2 gives stakeholders various possibilities to comment on a proceeding, and it seems to be interested in respecting the comments to find a compromise.

According to C2d/D, over the past four or five years, people participated more actively in detailed planning and made more proposals. In his view, the city of L2 really tries to take these into consideration – and sometimes even “too hard” (see 150, 151, 152).

C2d/D. (352) 816-824. If a person makes a proposal, (...) a comment, then they try to take it into consideration. (...) When it is not possible then it is not possible but they really try, at least. (...) And sometimes even they try too hard. I mean they make some stupid comments, some people (...) and they try to – and they (...) take it into consideration.

Thus, not all proposals make sense. V2 also refers to the differing quality of proposals, which seems to depend on the issue in question.

V2. (353) 240-246. (...) sometimes we receive very good and specific proposals (...) But for example, if two neighbours are in dispute with each other, then we only get stupid ones. But of course, the council can say, 'This protest is not good enough, we don’t use it'.

V4 mentions that some proposals are just “crazy”, but also underlines that planning becomes more efficient when proposals are considered and problems can be avoided (see 211, 286). It is in the interest of the municipality to take up the comments.

V4. (354) 488-492. A: (...) Sometimes the comments are really good, and they are accepted (...) by the council (...) sometimes they are just crazy things, so we can’t do [it] like this.

(355) 549. It’s our interest to solve conflicts.

The conflict potential is illustrated by a remark made by D. If they want to have some proposals respected in the formal procedure, the district organisation applies pressure by pointing to defects in the form or procedure that could lead to reversal of the decision.

D. (356) 528-534. (...) because there are things which are done wrong, also in the formal process, usually, (...) and then it could make all this process void (...) if you put the finger on some errors. And usually it’s possible (...), if they don’t want to listen to you then you can usually just try to [find an error] (...) and cancel all the process. Then they are more (...) willing to (...) co-operate.

But D doubts whether it is possible to follow the processing of comments as an outsider and without specialist knowledge. Again, D emphasises that he can basically follow the process because of his knowledge and experience (see also 154) and because he knows the respective persons (see also 148, 276, 277).

D. (357) 382-392. (...) [L2] is not so complex (...); usually there are a few people who decide it and (...) I know these people, most of them, so I can imagine what (...) are their
attitudes (...) and what are the positions (...) But officially to (...) follow up the process – I
never tried to do it. I don't know (...) if it's possible. Maybe it's not possible. (...) To follow up
the process that – if I make a comment, where it goes then, (...) what happens to it and
who decides what – this is quite diffuse.
(358) 396-398. I can imagine how it works (...) in this case because I know approximately
how it usually works.
According to E1, in order to reach a compromise, local governments sometimes focus on
the less significant comments.

E1. (359) 404. (...) the local government wants to make a compromise and they (...) take
the tiniest comments into account but (...) regarding the big ones they say that it's not
possible.
E1 also remarks that if they make comments very early, before the initiation of a
procedure, it is “not obligatory for the local government to take it into account” (see also
220). Moreover, in an early stage, the local government is busy with other problems
concerning the procedure.

E1. (360) 461. Usually they don't. They have problems enough with composing the plan,
with making contracts with the engineers and leaders of public services, usually.
E1 rather doubts that public hearings can fulfil their proper purpose because decisions are
often made before.

E1. (361) 396-398. (...) usually the decision is done before (...) this public hearing.
(362) 400. We have tried (...) to explain to local governments [that] this decision cannot be
made before the public hearing, that the public can try to participate and so on.
However, E1 adds that some local governments “are developed” and “know their
obligations” – which would mean they take the public discussion seriously and do not
consider it a mere formality.

It was suggested above that to be active and get involved enables citizens to follow
administrative processes. But E2 notes that even as participants in a procedure they are
not always informed about it (see 278). E2 points to two problems in processing and
answering comments. First, if there are a lot of comments, it is difficult for local
governments to do justice to all of them. For the general plan in the city of L2, it seems
that the answers were “too general”.

E2. (363) 456. (...) Not for us only, but for a lot of people. But there was a big amount of
comments and proposals and (...) [I] kind of understood that they cannot take too much
time for every comment. But it depends on the amount of questions.
E2 confirms that in the city of L2 every proposal is assessed and answered.
E2. (364) 464-470. (...) in [L2] (...) our city government will check all the proposals (...) and decide what they will do with them (...) And they are sending it [the decision] to us in writing.

But still, E2 can “rarely” follow clearly how a decision is made (see 313). E2 brings up a second problem that concerns public hearings where each comment has to be answered in written form. However:

E2. (365) 591-595. (...) but actually that is nonsense in some way. Because when there are tens and tens of people then – sometimes they [the officials] don’t even have time to write down all the questions because sometimes people get angry and they are (...) [screaming] and asking something very emotionally there. (...) Also questions that are not – reasonable questions.

When asked about the usefulness of public hearings, E2 describes the nervous atmosphere that may exist. In such cases public hearings are unlikely to contribute much to the transparency of the procedure because no open exchange is possible.

E2. (366) 617-620. I: Is it [the public hearing] useful (...)?
A: Sometimes it is but – usually it’s not very useful. Because when [there are] lots of people, and they are nervous and also the officials are nervous, then they are either giving very short answers or they are just going to (...) – noh, say everything or -
I: Very general.
A: Yes, everything nothing.

V.3.2.2.3.3 Other inputs

The members of the seniors’ club were asked for their opinion on municipal affairs on several occasions. As regards their influence on the final decision, S is indecisive. S says that their opinion does not change anything; the mayor “just talks and announces and we are informed”, and only “wants to see” their reaction. In the public discussions, people from local government “mainly explain why they have to do this or that”. S considers their participation basically a formality. But then, S also suggests that their opinion might have some impact – though this is not sufficiently clear for them to follow. (S guesses that their opinion counts for about 30%.)

S. (367) 318. (...) he doesn’t declare anywhere how much our opinion helps him. But probably it does, otherwise he wouldn’t ask these questions. (368) 759-760. T: Are you involved before the decision is made?
A: No, they have this plan ready. The plan is fixed. It’s just a formality, it’s a formality, actually it’s a formality, let’s be honest.
(369) 765. Yes, they ask for our opinion but the thing is that our opinion doesn’t help. He asks, yes, of course. But we are not called together to be asked whether we agree or not.
We don't know if our opinion is taken into account. But in some matters we can understand that our opinion has been taken into account also, it has taken place, something has been done. Probably our word has had some part in it. But we can't be 100% sure.

As a representative of a strong NGO, D has made the experience that their inputs were taken into account early: if the district organisation strongly opposes the project in question, “then they don’t do it” (see 217). This opinion was given informally, and before a proceeding started.

Referring to the state level, T1N remarks that usually they cannot follow up on what happens to their comments, only sometimes is it possible to look it up on the website (see 260). It is the final product which informs them about what happened to the comments.

T1N. (371) 186-188. A: They send us, 'What is your opinion', then we send our opinion, and then that's it. (...) We don't know what is happening with the opinion. Will it be taken into account or not – it will be clear later on.

T2N refers to the local level (city government) when mentioning that they do not even know whether someone has read their comments.

T2N. (372) 589. (...) they might ask our opinion for feedback but it doesn't mean that they actually read [it], take it into the content of the draft. It is just that they would like to know what we think about it.

T2N also suggests that this is mainly considered a formality, not as a potential source of additional knowledge.

T2N. (373) 630-632. And they just have to – they take it as they have to communicate to us but they do it as a formality. (...) They do not do it because they see that it gives an effect, or it's a good thing doing this. It takes time for local governments (...) and other institutions to understand that NGOs are part of that process that makes a decision.

(374) 833-835. And the real discussion with city inhabitants and with enterprises is just words. (...) It doesn't actually happen.

However, T2N adds that the situation is improving and “the level of professionalism” rising, and “it has been acknowledged that there is no point doing things only for formality” reasons.

V.3.2.3 Discussion V: The transparency of processes

For the companies mentioned, it is generally possible to track applications, though it may require some effort. The companies are not equally eager to constantly check the progress of their applications. With respect to local authorities, companies seem to have one major concern, which is getting their applications through as quickly as possible.

The question arises whether increased transparency may contribute to ease this concern of companies. At least two arguments can be made in favour. First, an open system to
track applications via the Internet makes processes comparable and allows for some sort of control. Delays could be attributed to an official, or at least to a department. Equality of treatment would be enhanced, and it is likely that the whole process would become more efficient. Second, even if this does not speed up an application, at least the reasons for a delay would become clearer. The situation would become more calculable for companies who would, in turn, be in a better position to take appropriate measures. In addition, both aspects would strengthen the certainty of the law since a decision could be better anticipated.

Moreover, local governments are interested in a smooth procedure – which requires time, though. They stress the fact that applicants are often unaware of the necessity to invest more time in the beginning (for the involvement of persons affected and other interested parties) to shorten the overall length of a proceeding. According to this understanding, strong information asymmetries exist because of too narrowly defined interests. However, companies did not so much emphasise problems because of other stakeholders as mention delays in the administrative machinery (“the bureaucracy”) – even though they did show understanding for the situation, given the heavy workload of the administration. However, in extreme cases, the administration may make its comments at once if these comments are requested personally, or it may need two months to make them.

Greater transparency of processes would contribute to both aspects: the tracking of applications may improve internal working procedures, and enhanced transparency of administrative proceedings through dialogue may clarify interests and help to find compromises. It could also reduce the pressure put on the administration (and on planning companies) if the developer (or client) is more aware of the network of interests and problems involved in a project and recognises the need to find a sustainable solution.

As to the citizens in general, the situation is more complicated. In contrast to the direct contacts of the administration such as companies or involved parties, they have to be informed via general channels. This entails problems of the transmission of information that have been discussed earlier. For example, that information does not reach the citizens because it is too abstract (e.g., too legalistic) and because they are not aware of the problem. A formalistic presentation of information may simply be ignored – an example of which seems to be a proviso clause contained in articles about municipal projects in the newspaper.

Though in smaller municipalities, administrative processes are basically easier to follow, this does not mean that decisions are more predictable (see 66). C2d explains why it is important to know how an application is handled internally and by whom: it is relevant for the success of one’s application. He hints at the fact that it is advisable to hold back
an application if a person who may be supportive of it is “on vacation”. To anticipate decisions, it helps to know who will make them and what attitudes to expect. Yet this is only possible if personal relations with officials exist. Without personal contacts to the local government, the interests involved are not always clear.

Decision making itself takes place within the local government and is usually not open to the public. Even though the vote on a decision by the council may take place in public, the decision is prepared behind closed doors (see 27). However, underlying motives and interests are difficult to apprehend as long as the preparatory work is not publicised. In the meantime, such information may be delicate (and its publication may have an unwanted impact on local government), and opposition against it is strong.

The administration greatly influences decision making, even though decisions are formally made by council or government. In certain cases, the government completely relies on recommendations from the administration, and a decision cannot always be traced back to the responsible official or even office (see 37, 357; 313; 314). The transparency of decision making is thus very low.

Moreover, despite their familiarity with the administration and its processes, several companies underlined that they could not easily foresee how long it would take until a decision was made, and suggested that this was sometimes rather arbitrary. Decisions are also more difficult to understand if the reasons are not rational, for example, if they are emotionally influenced.

Shortcomings in decision making are attributed to a lack of knowledge and capacity, especially as a legacy of the past, and to the personality of the municipal leader. Another shortcoming occurs if the information on which a decision is based (in the case mentioned, an expertise) is called into question: if the basis for a decision is insufficient or faulty, the decision is likewise controversial and incomprehensible.

Last but not least, it again depends on the citizens themselves, on their knowledge and active interest, whether decision making is understandable or not. People who are not familiar with the procedure or the administration and who do not have some related knowledge of these are probably unable to follow how decisions are made (D, see 154, 155, 277). Yet as the experiences of E1, E2 and D have shown, participation alone does not guarantee the comprehensibility of the decision-making process.

The reasoning for a decision is vital to understand the decision-making process, on the one hand, and to find a compromise, on the other; the different interests at stake must be made public so that they can be reconciled. It was rather surprising that local governments and stakeholders both pointed to deficiencies in the reasoning of the other
side. The situation presented was that stakeholders are not always able to understand decisions based on the reasons given, and local governments are unable to adjust their decisions to suggestions made by stakeholders because these suggestions are not sufficiently founded. Yet due to the powers of the authorities, inadequate reasons on the part of local governments are obviously more critical than on the part of stakeholders.

Since insufficient reasoning is a question of content, this actually leads back to the criteria for selecting and generating information as developed in V.3.1.4.5. For example, reasons could be too unspecific due to a lack of knowledge or of other resources, or to the intention to avoid certain reactions.

Smaller municipalities may have difficulties to fulfil all legal requirements and to provide sufficient reasoning. However, according to the statements made, the problem of insufficient reasoning is not confined to smaller municipalities who may lack knowledge and awareness.

Problems with reasoning may even occur if the reasoning is in conformity to what is legally required. It seems that, especially in case of conflict, reasons are given which are too general or evasive to be of use for stakeholders. In addition, an inflexible attitude in the local government can cause problems. Officials may hold on to former positions to avoid having to give explanations for a change of policy, irrespective of the question whether the current position needs to be reconsidered and re-evaluated.

It is evident that there cannot be an objective measure for informational value or sufficient reasoning. Reasons may be considered too general or vague by the organisation that opposes a project, but found adequate by those who support it. It is difficult to determine “what is ‘not enough’”, as E2 notes. Yet in a negative sense, one could say that a strong interest of local governments to avoid interference from stakeholders could also be an incentive to give unspecific reasons. There is a grey area that is filled with administrative discretion.

To disclose how comments from the public have been respected by local government would be an attempt to make discretionary power more transparent. When processing comments, local governments review suggestions and proposals from citizens with regard to their feasibility. This includes financial considerations, but also an assessment of the practicality of such comments. Sometimes, comments from stakeholders are collected but not processed, just to get a fuller picture of the situation. For an appropriate decision it is also important to know the circumstances. As was emphasised by local governments, the consideration of comments is also in the interest of the administration. Yet some of the comments are considered “stupid” or “crazy”. Two stakeholders acknowledge that not all
comments or questions are “reasonable” and can be taken into account. Some comments made are not pertinent to the project in question.

Nevertheless, such categorisations leave ample room for interpretation. It has also been suggested that sometimes only the less significant proposals are accepted so that the final solution appears to be a compromise. An assessment of how comments are processed would thus need to examine the prioritisation of comments.

Being able to follow what happens to their comments enables stakeholders to understand the final decision better and, to a certain extent, to control decision making. One municipality organises discussions where in the end people vote on local projects. In that case the processing of comments is really open but at that point is not relevant anymore because the decision is made by the local people themselves (if it is accepted by the authorities).

As regards the development plan, suggestions may be accepted by local authorities, but are not necessarily followed in practice. However, this can also be attributed to general problems of monitoring and implementing the development plan (see 230). Although the principal importance of the development plan was acknowledged, its practical relevance was also questioned in the interviews.

It can be difficult for the administration to follow comments that have been made orally. This can occur when discussions with stakeholders take place without the decision makers being present, who later need to rely on aggregate information from minutes and reports (L3), or when discussions are fuelled by emotions (E2). Also, if too many proposals are made, the local government may not always have the capacity to respond to each in a meaningful way (E2). As a consequence, information gets lost in the process and citizens feel passed over if their suggestion fell victim to the situation. In such circumstances, even if it wanted to, the administration could not be held accountable by the citizens for all their contributions.

To a certain extent, stakeholders are in a position to influence administrative processes by exerting pressure on the local government. Three respective possibilities were reported: pressure can be in the form of successful court decisions (initiated by the environmental interest group), making local governments more aware of the necessity to give reasons for their decisions. Another stakeholder reports that the threat to take local authorities to court over defects in procedure puts pressure on them to take the suggestions from stakeholders into account. In both cases, the pressure is due to judiciary power. Another possibility to exert pressure that found mention in the interviews is pressure in the form of public opinion and mass mobilisation (see 217, 391).
The fulfilment of formal procedural requirements is not always sufficient to fully inform the stakeholders and persons concerned about a project. It may be more effective to give an opinion even before the initiation of a project (D), outside the formal procedure. In some cases, the administration agrees to conduct additional (informal) negotiations between the parties in order to clarify interests and find a compromise (L2 and V4). Public hearings do not always seem to produce the desired (or expected) results (E1, E2). Discussions are sometimes considered only a formality (T2N), and the atmosphere at public hearings can be so tense that the persons involved are afraid of making the wrong move. They do not answer freely or extensively and hence do not contribute to the clarification of the procedure. It was also suggested that hearings rarely lead to an amendment of a decision. However, stakeholders are sometimes involved before a public hearing takes place so that their suggestions have already been taken into account for the decision to be discussed. If the public hearing is meant to be the main possibility for stakeholders to raise their voices, it is likely to be insufficient for the transparency of decision making.

The dimensions of the projects referred to by L2 and by the environmental organisations probably differ. For example, L2 described a planning project of a private person and referred to that person’s neighbours who had to be consulted. E1 and E2 took part in projects that were usually more wide ranging and of greater public interest and conflict potential, given the variety of interests involved. In these circumstances, it is much more difficult to make the procedure and any decisions clear to all stakeholders interested.

The giving of advance notice to village leaders of the draft development plan underlines efforts to reach people in the villages and to keep them informed about changes in the development plan. But in general, it seems difficult to follow what happens with suggestions during proceedings (it is “quite diffuse”) and may require insider and/ or expert knowledge. Participants (like village leaders) are better informed of the processing of information if they have close connections with the local government also in other respects, for example, as members of the council. In contrast, S could only presume that their input was considered. They were not informed about it but had the impression that it had been respected at least partly. The trade associations reported to have received hardly any feedback at all as to whether their comments had been taken into account, and hinted at the fact that at times their consultation might only be a formality.

However, in some cases it would make sense for the administration to let people know that comments have been respected. It could motivate people to participate more actively and remove suspicion that consultations are not taken seriously by the authorities.
The situations described refer to four different administrative processes (development plan, proceeding, informal giving of opinion and formal consultation in the policy cycle), yet the citizens’ possibilities to follow the processing of comments does not differ considerably on any of these levels. A formal reaction is required in case of proposals made during proceedings, but as various statements have shown, it is still difficult to follow processing in detail. In all four processes, intensive personal contact with officials seemed to be the only way to trace in detail whether and to what extent comments had been respected.

V.3.3 Context factors

Four context factors could be identified as having an influence on transparency; they are encountered in connection with all the various aspects of provision of information and transparency of process. These factors are lack of capacity, political influence, personal connections and prejudices. Of course, they cannot represent the context in detail, but have been selected for closer examination because they repeatedly arose in the interviews.

The communist past is not considered as a separate factor. In the interviews, few references to the communist past and the early transition period were made and if so, from a very detached point of view. Some interviewees could not answer because they were not active then, and questions referring to the past were sometimes answered with respect to the last three to five years (and the improvements during that period). However, some current problems of local governments were partly attributed to the past, in particular a lack of knowledge and training, and a certain attitude from that period. Legacies have thus been considered in this analysis only in relation to the lack of capacity.

V.3.3.1 Lack of capacity

Stakeholders and local governments alike stress that shortcomings in information and communication are partly caused by a lack of capacity, viz. mainly knowledge, time and financial resources. L2 refers to the problem of capacity (see 136, 137), as does V4 (“a lot of things (...) we can’t do because of money”). But mostly, this problem is raised by stakeholders. VN names the lack of various resources (knowledge, money, attitude) on a local level as an important factor preventing the sharing of information (see 10, 186, 187, 188).

T1N calls the “lack of knowledge and practical experience” a major problem in detailed planning and C2c also considers a lack of knowledge as the major shortcoming.

C2c. (375) 511. I think (...) most local governments in Estonia just need know-how.
Especially the situation of smaller municipalities is addressed (see, e.g., 19 plus intro., 20, 339; 341 plus comment), but size is not the only factor that matters in terms of deficiencies in informing people. It is repeatedly mentioned that it greatly depends on the local government and the persons, in particular on the head of local government (see, e.g., 66). VN stresses the importance of the personality of the mayor for good communication (see 185) and adds that the situation is improving. C1 emphasises that the co-operation with the new local government is better than with the previous one because the mayor has changed; the “difference is big” (see also 320):

C1. (376) 231. With them it’s easier to handle. Because the boss (...) I think is a professional. (...) And he is a specialist, I think.
(377) 700-702. Even the old companions who worked in the old times, now they are not so – they work and they must work. (...) persons don’t change but their working (...) style has changed. I think. Friendlier, not reluctant.

Another aspect that is brought up is a lack of time to inform satisfactorily. But in general stakeholders show understanding for local governments under pressure (see also 186, 385, 300):

T2N. (378) 189-195. (...) But as it always is, a lack of time (...) and they are on a very tight schedule and they have to make some statements or (...) decisions in time and they don’t have so much time to discuss it with different NGOs and other parties which might be interested. I mean (...) they might think that it is important but (...) they still don’t have the resources to do it.

For their field of activity, H points to the high turnover of officials who can hardly build up expert knowledge in the short time they have at their disposal. Similar to C2c (see 341 plus comment), H suggests that officials try to conceal their lack of knowledge, remaining too passive as a consequence.

H. (379) 153. Because those people who are working [in this field], they have worked in this field so little time [and] they really quickly change.
(380) 602. They understand that the problem exists. But I think that they don’t know how to deal with it. And they are maybe ashamed of it that they don’t know.

Several times persistent attitudes from the past are mentioned as an obstacle to the sharing of information and to greater responsiveness. A training programme that could have reduced this problem was lacking or proved to be insufficient.

VN. (381) 741-743. I mean, most of the Estonian people come from Soviet time (...). But the municipality hasn’t organised a new training (...) and [it] is also very difficult to change (...) people’s attitude.

C2c. (382) 517. It’s not the question that they don’t want to work, [but that] (...) they didn’t have an efficient training.
C2d also suggests that the lack of openness towards the public is a legacy from the past. As a consequence, proposals are largely considered as formal requirements.

**C2d.** (383) 958-966. (...) this attitude has been preserved from the old time that (...) in reality [practice] I don't need this public thing. (...) I do my work (...) I know which is the best way and (...) and I don't need any proposals.

T2N also criticises the lack of openness, but attributes it to a lack of time and willingness in general.

**T2N.** (384) 255-259. (...) because it is our problem that we are in a constant lack of time and we have a constant lack of willingness to co-operate and to discuss things with other parties. We just think that we are the smartest and we know how to do it so we don't have to ask other opinions. (...) But actually it's wrong.

According to T2N and H, local governments should learn to be more open for sharing information with stakeholders (H, see 207); however, this “takes time” to learn (T2N, see 373) and again, as H emphasises, “it depends on the people” in government. VN adds that it also depends on the local people themselves, and not only on municipal resources.

**VN.** (385) 464. Very much still depends on these people, how active they are. The municipality has lots of things to do and if these village people are not active [they are not considered].

### V.3.3.2 Elections and other political influence factors

Several examples and statements made point to another problem. If political factors intermingle with administrative decision making, transparency is more difficult to realise and decisions are more difficult to follow.

In the context of results reporting, VN points to the fact that local governments give an account of their work at least before elections (see 239). However, it can be expected that such an account is rather biased and does not necessarily promote transparency. V1 speaks about the timing for the intended renewal of the development plan (see 231) and adds that they have to take the elections into account.

**V1.** (386) 977. (...) we didn't want to change it totally this year because we have this election year.

Elections thus seem to influence the behaviour of the administration and the decision to what extent changes can be introduced. In general, changes are assessed with respect to public opinion and potential resistance on the part of the citizens. However, as regards greater transparency, it is suggested that the resistance is rather to be expected from within local governments.

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228 See p. 160.
The influence of forthcoming elections on the responsiveness of the administration is described by L2 (see 61). T2N also made the experience that elections influence the behaviour of the local government towards them. The local government decided “very quickly” to develop a strategy for companies in view of elections. The organisation of T2N felt that they were basically invited to take part in it as part of the election campaign.

**T2N.** (387) 211. (...) so we were quite surprised because it [the strategy for companies] was made very very quickly and it was very near to the next local government election. So it was kind of a way to catch more votes (...) and just to say that, 'See, we are having a special strategy to support [these companies] and give out different financial supporting means to them' and so it was so political and they invited us there just to show that, 'You see, this organisation [of T2N] supports our activities and approves it very much'.

Another case where elections influenced the behaviour of local government is reported by T1N. A company planned to build an apartment hotel in an environmentally attractive location in the city of L3. Although the detailed plan had already been approved “two years ago”, the building permit had not been issued when the company eventually wanted to start the project. Parts of the public heavily opposed the project.

**T1N.** (388) 308-312. (...) everything was right, and now they wanted to get the building permit. 'No, you can't build here. This kind of building doesn't suit here', and – I didn't know what was the problem but finally figured out that local elections will arrive and some (...) persons who are very well known in society (...) they wanted public opinion [support], and wanted to be elected again into local government. They collected (...) some thousands signatures and showed how many people are against it (...).

(389) 316-318. And it is quite stupid I think (...) if one government (...) [has] given that paper form that it's ok, and another one is coming and then, nono, it's not correct at all.

T1N thus does not only hint at the influence of forthcoming elections on decision making but also to the fact that a new government does not always respect a decision taken by the previous one (see also 419). L3 seems to share the general stance taken by T1N towards the situation. According to L3, the project would have developed a neglected area of the city.

**L3.** (390) 455-465. (...) abandoned buildings and so on. Noh, very dirty. And so this private enterprise decided that let's build an apartment hotel here (...) and let's put this area in order together. (...) And some activists, green activists, (...) they decided that they are against this idea. (...) They are just against all development of [this] area.

L3 underlines that the detailed plan had already been approved and points to the dilemma of the city.

**L3.** (391) 536-544. A: (...) they [were] just going (...) to finish what was already (...) decided very long time ago.
I: (...) why has it been stopped now (...)?
A: It's the situation that [the city] is going to go against [thousands of] people.
(392) 560. (...) it was definitely used for elections because these people (...) who have started this campaign against this (...) they are also taking part in the elections.

L3 thus points to the fact that elections do not only play a role for the behaviour of the local authorities, but also of stakeholders who are politically active.

In the context of this case, L3 emphasises the need on the part of the local government to better inform the public; L3 believes that better information about this project could have prevented the strong support for the action group (see 136, 137). According to L3, the action group misinformed the public about the planned location; there are “old trees” close by,

L3. (393) 472-476. (...) and they said that this hotel will be build here. They (...) gave wrong information to the public. (...) And now they got – [a lot of] signatures in which they are saying that (...) they are against houses (...) and a new hotel.

For T1N, the decision making of the administration is obviously inconsistent. Since L3 does not hold a political function, L3 can probably judge the situation relatively freely. In contrast to T1N, L3 also feels the pressure of public opinion and the need for the administration to act accordingly – at least before the elections. The buck is passed to the group who is campaigning against the project.

Within local governments, political influence on the bureaucracy can also make it more difficult to trace how an administrative decision is made. C2c describes a case where political influence made decision making intransparent and left the official powerless (see 66, 67). V1 mentions a situation where, due to political influence, administrative decision making is inconsistent.

V1. (394) 77-83. (...) sometimes when they [local organisations and other stakeholders] don't get enough money from the fund, (...) they are a little bit upset. (...) And then they will write directly to the mayor, at least, that’s how it’s here. (...) And then (...) we have [chuckling] this little problem so to speak that sometimes the mayor is too kind, so, he just says that ok, ‘I think that we can give money to all’ – but then (...) this commission that decides about the money (...) [is] in a difficult position because (...) [it] wouldn't give them money, for example, sometimes.

If “political ways” are used, decision making may be quite incomprehensible even for the officials themselves who prepared the decision and issued a recommendation. The following statement illustrates the sometimes difficult relationship between administration and government.

L2. (395) 431. A: It’s difficult because they [landowners, in some cases] use political ways and then the politicians say that, ‘Ah, it’s not very good, this greenery’ (...) (396) 433-441. A: And so – very, very strange and –
I: difficult ways
A: yes, very strange and difficult ways.

I: Ok. So – then the decision-making process is sometimes also difficult for you to follow (...)?

A: Yes. – Yes. (...) Sometimes we in this room totally don't agree with the city government decision – but we are workers. (...) Our possibility [of influencing the decision] is only at one point which is when (...) it's the city government meeting, [and] we have – I have, they [the other employees] don't have, and my boss has the possibility to defend our opinion. But if they say that it is not good, ok, that's all for us.

Although L2 emphasises that the final decision is made by the government, L2 also mentions that the government often relies completely on the recommendations made by the administration (see 308). It seems that for routine decisions, the decision making is done by the administration. C2d (from the city of L2) underlines the considerable influence exerted by the administration and affirms that, due to political reasons, a lack of co-ordination may exist between the administration and the government.

C2d. (397) 428-438. The council decides this, but the officials make the proposal or they write the proposal (...) and mostly, (...) most of the times the council approves these proposals. (...) So the administration has a lot of power, really. (...) But if this interested part goes directly to the council or to the politicians, then the politicians make it by the – like they like. (...) Not listen to the administration at all.

But the politicians themselves may also be divided and animosities may complicate and obscure the decision-making process.

E1. (398) 477-483. (...) even in case they [council members] are in favour of the local people, in case they are in the minority, (...) big conflict arises, (...) I think, people leave the council [meeting] for that; (...) just leave, walk out (...) because of the decision made. Because the conflicts are so burning (...) that it's not possible to work together.

V1. (399) 850. (...) government and council are (...) usually not very nice to each other [chuckling] during work (...) Every time this council meeting [takes place] here, there is always some argument (...) When they take something so passionately they can say something [bad].

This comment well demonstrates the limits of transparency. When personal conflicts and differences of opinion prevail, decisions are likely to be made according to political frontiers rather than being based on technical arguments. It is probably with this in mind that the municipality of V1 promotes an informal atmosphere among participants drafting the development plan to avoid a tense situation which could block this process (see 102).

V.3.3.3 Personal connections and underlying interests

Due to the size of the country and the small number of inhabitants, there are many personal connections. As was mentioned in the interviews, people know each other because they live in small communities or share the same professional background (e.g.,
neighbours or friends from university). It is unavoidable that everybody knows somebody (see, e.g., 70, 71 and V.3.1.1.5 ). Mostly, when they referred to personal relations, the respondents emphasised that this facilitated direct access to information and resulted in a more efficient communication.

Yet two contrary comments are also made. First, personal contacts may lead to better results, but oneself may become biased, which could be counterproductive to one’s cause.

**E1.** (400) 1228-1234. A: But it could also be difficult because if I have personal contact then it is much harder for us to be, be –  
I: objective (...).  
A: Yes. (...) Well, it is easier to argue with local government if I don’t have [chuckling] people I know there.

Second, the community is so small that others will also know the same person, who will then have even more difficulties to make a decision.

**T1N.** (401) 222-230. A: But in Estonia, everybody knows each other because it’s so small. (...) Sometimes, it’s difficult because (...) everybody knows somebody. Somewhere. (...)  
I: Ok. And what is difficult [about it]? So – then you have the informal contacts also.  
A: Yes, but if you imagine to be in (...) the skin of this person or the secretary who is working somewhere in the government (...), everybody knows him or her. And – whom will you prefer if everybody knows you – it’s difficult. And that’s why.

Interviewees mention that personal connections or unclear (personal) interests may blur the decision-making process (see 66, 311, 397). Some comments are rather speculative. Two of them are selected to illustrate this. C2d notes that personal connections may influence decision making:

**C2d.** (402) 422-426. For example some person wants to have some house somewhere. Then if he stands close to the government, then I can imagine how he gets this. (...) government – (...) I think more like politicians, political decision makers. But also the administration, officials, (...) sometimes they also can make decisions in favour of their friends.

T1N remarks that some companies “still have a good relationship” with local governments and obtain decisions much faster than others (see 289). T1N makes a conjecture about influence on decisions on a national level.

**T1N.** (403) 101-102. I: Do you know how decisions are made inside the government? (...)  
A: Not really. Who gives more money to parties, I think.

In the course of the study, no position could be taken as to whether such conjectures were fallacious, probable or even true. But perceptions conveyed by the interviewees indicate that the decision making of the administration is influenced and obscured by personal connections and interests. Improved transparency would therefore contribute to either changing these perceptions or controlling behaviour.
V.3.3.4  Stereotypes

During the research, several stereotypes emerged about certain groups of persons. In contrast to the other aspects covered so far, stereotypes are not mentioned or explained explicitly in the interviews, but reflect attitudes that might be derived from the statements. Therefore, this aspect is more interpretive than most of what has been said up to now and can thus not be in the foreground of the analysis; it obviously stands on less firm ground, owing to the outsider perspective described in V.2.2 and V.2.5.

Representatives of local governments and stakeholders perceive each other in a way that can have an important impact on how and what information is communicated. For example, V1 hinted at the (negative) influence on open communication (within local government) when persons were perceived as politicians (see 102).

Despite their sometimes critical comments (see, e.g., 369), S repeatedly emphasised that they were “happy” with their mayor, the “people’s man”, and with the situation in their city. In line with their positive impression of the local authorities, they also felt well informed by the administration. H complained that local governments “are not really interested” in a co-operation (see 204 plus comment; 207) and criticised that important information was not spread sufficiently.

The following will look at some stereotypes in greater detail.

V.3.3.4.1  About interest groups

Some stakeholders feel they are only perceived as a nuisance, and there is no open dialogue and exchange of ideas (see 384, 207).

T2N. (404) 624-626. There must be a real interest to have a dialogue with NGOs. (...) Very often it’s done because we have to do it. But they actually see NGOs as (...) a group of people who just like to make trouble and make their life difficult.

One statement of V2 can be interpreted in this direction. Asked about interest groups, V2 answers that normally people are not interested in detailed plannings, apart from neighbours and environmentalists who could present some problems.

V2. (405) 361-364. [After talking about an environmental protest in this municipality.] I: Are there other strong interest groups who are present at these planning processes, whom you inform, or maybe invite to participate? A: (...) normally, if someone makes a detailed planning, at most he has problems with neighbours (...) or with environmentalists [in certain cases]. (406) 368. I must say that normally, our people are so nice people, that simply for arguing, they don’t make any problems.
Here it seems that interest groups are regarded as a potential disturbance for the planning procedure rather than a source of information or as partners that could be involved. Yet the wider context of the question should be taken into account; maybe this is misleading because a case of conflict was described before.

Of all the stakeholders, environmentalists are seen most critically (and are probably also the most influential and organised group). They are believed to hinder development (see 390). L2 remarks that there are “two NGOs who very often give positions” – the district organisation of D and an environmental organisation, probably that of E2:

L2. (407) 336-340. (...) and they [district organisation of D] very deeply and very (...) very strongly give their opinion about some materials, (...) and of course it is very good, in my mind. Because they live there and they protect this historical milieu.

(408) 348-352. (...) and – it’s not easy (...) especially [with] the Greens. (...) Because they (...) don’t understand that the city is not only a nature protection area.

L2 thus clearly distinguishes between the functions of these organisations; whereas the former is considered to be supportive of city planning, the latter is believed to be less constructive.

The view of V2 on environmentalists is also critical, maybe due to the lawsuit in which this municipality was involved.

V2. (409) 302. And they had started with the construction work, but then our Greens have looked for various problems, and in the end our council decided it will not be built in the municipality [x].

Governments seem to have a rather negative stance towards certain stakeholders, but comments from E1 point to a hardening of positions on both sides (see also 40, 74).

E1. (410) 174. (...) because they know that we have had some court cases, and they know that they could get into trouble if they don’t (...) follow the law.

Likewise, mention is made of the pressure that could be exerted on local government (see 217, 356). This indicates that both sides, local governments and stakeholders, perceive each other as potential opponents in court. As described earlier, such a situation is not necessarily conducive to openness, especially if conflicts occur.229

Though predominantly critical, comments on environmental organisations differ in detail. Whereas V2 claims that “the Greens, they have their own organisation, they have lawyers, they have experts”, C2c is convinced of the opposite: “those Greens quite often – (...) as they are younger people – they are not very familiar with all those laws and (...) rights”.

229 See also pp. 158, 240.
C2c believes that local people try to “get more power” by mobilising environmental organisations for their personal interests.

**C2c.** (411) 437. They (...) themselves actually don’t know that they are misused. They actually think that they are kind of taking care of the right business.

Even E1 addresses this problem of which they are now aware: E1 says it happened “that some people just (...) tried to use us (...) for some arguments about land”. If a negative reputation as described by C2c persists, it would negatively influence the attitude and openness towards these organisations, and their protest would be taken less seriously.

V.3.3.4.2 About citizens

Citizens may acquire a certain reputation so that local authorities are less willing to respond to them (see 62). If a comment is made by someone who is ‘known’ for “crazy” or “stupid” comments (see, e.g., 354), he or she will not be taken seriously anymore. The problem of inadequate comments was referred to several times, as the following examples show.

**V1.** (412) 398-401. (...) in Estonia we have this saying that – (....) it’s a strange saying – every village has its own fool, or something like that. (...) There are always some strange people that come here to ask questions that no one ever thought that anyone could ask anything like that.

**C2c.** (413) 389. Usually – maybe it’s a little bit [of] an overstatement, but usually every plan has a local idiot, which is a person who doesn’t necessarily have an interest in anything.

Moreover, not only may citizens perceive local authorities as having preserved an anachronistic, authoritarian attitude, the latter may also perceive citizens in a way that is reminiscent of the past, as hinted to by at least one interviewee. In describing the situation before independence, S explains that they did not “need to have anything to do with them” (see 275). V2 describes the current situation similarly to S when referring to the past:

**S.** (414) 855-857. T: [Referring to the situation before independence.] Did you trust them? (415) 857. A: What was there to trust? I went to work every morning and I came back from work in the evening, I raised my children, sent them to school.

**V2.** (416) 141-143. (...) normal people have to do with local authorities very little. (...) If they have a job, an apartment, if they have a normal income, then they have very little to do with the municipality. This is only if they have very – serious problems and questions, (...) and we have the biggest problems in the social field; people who need social benefits.

People are perceived to be passive and uninterested in municipal affairs (see also 121 plus comment). In line with this perception of the citizen, V2 explains that citizens do not
need more information than provided by the municipal newspaper, and that a need for greater transparency of the local government does not exist (see 267, 268).

V1 and V2 suggest a general indifference (passivity) of citizens and their tiredness of politics as reasons. L3 reports a different problem situation: almost 200 interested citizens in more than ten working groups took part in the making of the development plan; however, when the final draft was published, there were almost no reactions, either on the website where it was published (and where comments could be made), or by way of letters.

**L3.** (417) 166. There are quite a lot of possibilities [to give comments] but unfortunately, I don't know why, but they don't use [this] opportunity (...) very much. Because (...) they are not very active.

(418) 203. But when we are reaching the final documents, they are not making any comments anymore. And I don't know how to solve it [this problem].

The stereotype of passive citizens obviously does not fit in this case (a lot of them participate in the beginning) and it seems that at first L3 has no other explanation.

Later, L3 gives a possible explanation for citizens showing a lack of interest.

**L3.** (419) 369. And when local citizens think they have put their good idea into the development plan, and then [there] will be a new government and (...) say that, 'As it was made by the previous government we are not going to follow it.' (...) And why (...) in this case put your money, your time [into this].

As citizens expect new governments to disregard the ideas of the previous governments, they do not believe that they can make a lasting contribution. Participation would be futile, especially if governments frequently change due to political conflicts. Similarly, D remarked that even if ideas coming from the public lead to changes in the development plan, such changes are not followed up in practice (see 347 In this case, too, participation could easily be considered meaningless.

V.3.3.4.3 About decision-makers

Decision makers can be perceived in a certain way, making communication more difficult and reducing an open exchange of information. Though this has not been the rule according to the interviews, two examples are presented. In the opinion of E1, decision makers are influenced by economic interests.

**E1.** (420) 552-553. I: What would you say, (...) where are the deficits?
A: I think it’s (...) common awareness, environmental awareness. As long as the local governments make the decisions on the basis of the interests of business and then the companies, it’s not possible to influence them.
As mentioned earlier (see 388), T1N supposes that decisions are made with respect to elections. In another case, the detailed plan for the extension of a hotel was approved “some four or five years ago”, but the decision later revised. Similar to the case mentioned earlier, for the company concerned the decision making of the city government was intransparent and unpredictable.

T1N. (421) 320-324. (...) and now the investor has decided (...) [that it is] the right time to fulfil the building plan. (...) And now the city government says that, ‘No way, it’s not possible to build such kind of hotel nearby [hotel x] in the city centre of [x]’.

(422) 328-329. I: Why do you think is [that so]?
A: Ah, I think [they have a] tremendous need to show themselves to the people when – how to say, elections are coming up (...), to distinguish themselves (...).

T1N thus presents a general view of decision makers when elections are close. From this perspective, decision makers are believed to largely decide in line with public opinion, regardless of the possibility that decisions become inconsistent.

V.3.3.5 Discussion VI: Context factors

The lack of capacity on a local level seems to be a major obstacle to greater administrative transparency. Yet “capacity” is a very broad term and, consequently, a series of problems can be attributed to a lack of capacity. Local governments may be tempted to cite a lack of capacity, especially resources, as a general excuse. In one case where a court decision stopped a project, the succeeding head of local government called it “not a lack of information but a lack of money” that led to the situation (because people were asking for higher compensation than the local government could afford). In contrast, the environmental organisation that was also involved in the case reported that procedural requirements were not fulfilled and people had not been able to participate. As mentioned, reference was also made to “a lot of things” that could not be done “because of money”. This is certainly the case in many municipalities; however, because this problem is so common and widely acknowledged, it could also serve as a general argument to oppose changes such as enhancing an open dialogue and greater transparency. Tight budgets do indeed not leave much room for manoeuvre; yet, as was emphasised by some interviewees, the setting of priorities and the support from higher levels also influence the openness of local governments considerably.

The interviewees’ descriptions of the influence of politics on reporting and decision making relate to three situations. First, the influence of politics may be due to external pressure on the local government. Citizens are most actively addressed before elections, i.e., as part of campaigning. Public opinion may induce local governments to decide inconsistently if
local elections are close. T1N pointed to the inefficiency caused because the company concerned was likely to pursue legal remedy and win the case.

Second, within the government, conflicts and coalitions among decision makers may blur the decision-making process. Third, decisions may also be difficult to anticipate because of frictions between the administration and the local government, or because of unknown political influences that disregard the technical knowledge of the administration.

The influence of the administration on decision making was also mentioned in the interviews. This influence is traditionally justified by the administration’s expert knowledge and by public sector values such as impartiality and objectivity. But the administration can hardly be characterised by a purely impersonal performance, as suggested, for example, by THOMPSON who speaks of “the exclusion of personal elements” and considers the “modern public (...) organization (...) a machinelike instrument or tool” that technically fulfils its duties (THOMPSON 1975: 17). Even if the administration as an organisation could operate in a machine-like manner, decisions would still not be based on purely objective knowledge because administration and politics cannot always be separated, and technical knowledge may be replaced by political arguments which tend to resist transparency.

Anyhow, it would be unrealistic to assume that personal values and attitudes can be overcome, despite the control mechanisms demanded by THOMPSON. The interviewees describe their difficulties in following how decisions were made in the bureaucracy and suspected that personal relationships might have an influence on decision makers. Since in practice impartiality cannot be guaranteed, there is a demand to make the influence and power of the administration and its intertwinement with politics more transparent. Such efforts could also help to revise prejudiced attitudes, at least in the long term.

Stereotypes shone through repeatedly in several interviews and deserve some attention. Transparency can be crucially influenced by the opinions stakeholders and local governments have about each other. If one party is expected to act according to stereotypical criteria, an open discussion becomes difficult. For example, if stakeholders believe that governments make decisions based on personal relations, they are less open for information from the administration, and the former thus cannot reach them easily, even if the stereotype is fallacious.

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230 In the tradition of Weber, see THOMPSON (1975: 9).
231 “These values must be neutralized (...)”; “the employee gives up his own values or uses for the organisation” (THOMPSON 1975: 10); on control: “The central concern of organizational design and of management is control” (THOMPSON 1975: 14).
Stereotypes about interest groups/NGOs could be identified in statements both from local governments and stakeholders. Various organisations complained that they were perceived by local governments as a nuisance; according to them, local governments often were not interested in feedback from civil society organisations. Corresponding to this impression, some local governments and one company made critical statements on NGOs hindering the development of the municipality. As a matter of fact, however, there was no stereotype about NGOs in general: a clear differentiation was made between NGOs raising environmental concerns and other NGOs. The “greens” were perceived most critically and preconceptions on both sides were thought likely to hamper closer cooperation.

A problem frequently cited by stakeholders and local governments alike is that citizens remained inactive. The stereotype of citizens being disinterested in actively following administrative processes was widespread. If this perception (or situation) prevails, citizens will hardly be expected to become more interested, and efforts for greater transparency would largely not be considered a priority. Local governments may also use this as an argument against the publication of more information about themselves.

Even though there may be a number of reasons for this stereotype, there is clearly a danger of oversimplification. Greater transparency could also strengthen the interest in local government or motivate citizens to participate. As regards the need for transparency, it would be insufficient to judge it only on the basis of a general interest in the administration.

Instead, it is necessary to determine the underlying reasons for the lack of interest reported. For example, a possible explanation for the few reactions to the final draft of the development plan may be that after an apparently intensive procedure of involving citizens and representatives from civil society in different working groups, the members of these groups may feel that they have already made their contribution. When later they do not see their ideas reflected in the final draft, they might be discouraged from contributing again and/or they get “upset”, as L3 noted (see also 345) – even though comments on the final draft are important since the local government is not fully aware of what is discussed in the groups (see 346). Alternatively, if their ideas are taken into account, there is no need for them to make comments on the draft.

Another problem is, generally, that the greater the number of people being involved in such a project, the more difficult it is to make everybody feel represented in an adequate way in the final decision (both in a positive sense – that ideas have been considered and in
a negative sense – that reasons are given why not.) L3 explained that efforts were made regularly to contact the people and to involve them; however, L3 said such efforts might be connected with forthcoming elections (see 61). If people get the impression that they are only addressed as part of an election campaign, they may feel that they are not taken seriously by decision makers and consequently will be less willing to contribute to the process.

This leads to stereotypes about decision makers which were generally less present in the interviews, compared to those about interest groups and citizens. The two respective aspects that were mentioned can be summarised in the following overstatement: decision makers decide according to public opinion if elections are close, and they decide in line with economic interests. Like the other stereotypes, this one, too, prevents openness between the parties: when people believe that decisions have already been made before the public debate and/or are based on unclear reasons, their reactions may either be resignation (passivity) or aggressiveness (e.g., a readiness to sue).

On the question why information does not reach citizens (and why they do not take part), although they might be interested, see p. 196.
V.4 Interim assessment

Accessibility, transmission, timing and content affect the way how local government communicates with stakeholders and the information that is transmitted. These factors determine whether information reaches the addressees and is understood by them. Both the provision and the content of information can therefore be considered two constituents of transparency. The interviews raised various concerns about each of them.

Public awareness can equally be conceived as a constituent of transparency. Its importance has been underlined in the interviews and the literature alike. If a certain level of interest does not exist, information from the administration fails to reach citizens.

The legal basis of transparency – and its fourth constituent – is freedom of information which is, in turn, a necessary condition for transparency to materialise.

The four constituents of transparency are summarised in the table below. This illustrates for each row that public administration is not transparent even if all (+) but one (-) of these constituents are present. If one of the constituents fails in its function completely, full transparency would be prevented (though this will rarely be the case in practice. Likewise, it is hardly likely that one of the constituents, i.e., the tasks it involves, can ever be fulfilled completely.)

The same is true for the provision of information: if only one of these determining factors (either accessibility, or transmission or timing) is ineffective, access to information is blocked.

Deficiencies in one of the constituents can be linked to one specific ‘problem’ and possible ‘remedies’; this refers back to the perspectives on administrative transparency as developed in Chapters II and III.

<table>
<thead>
<tr>
<th>Access rights (FOI)</th>
<th>Provision of inf. (accessibility, transm., timing)</th>
<th>Content</th>
<th>Public interest</th>
<th>‘Problem’</th>
<th>Possible ‘remedy’</th>
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<td>+</td>
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<td>+</td>
<td>Secrecy</td>
<td>Law</td>
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<td>+</td>
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<td>Communication</td>
<td>NPM/ e-government, Political Communication</td>
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<tr>
<td>+</td>
<td>+</td>
<td>—</td>
<td>+</td>
<td>Information</td>
<td>NPM/ e-government, Governance</td>
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<td>+</td>
<td>+</td>
<td>+</td>
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<td>Awareness</td>
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Source: Own design

Table 8: Constituents of transparency (each line represents a possible combination)
VI General discussion

VI.1 Contrasting the results with the framework

The framework discussed in III.3.2 was developed based on the literature and emphasises the essential role of the legal framework and various aspects of information and communication. Some of the obstacles to transparency in (Estonian) public administration indicated in the interviews have also been reflected in the literature.

VI.1.1 The legal framework

Of the legal aspects mentioned above, the reasoning underlying a decision, and essential for understanding administrative action, proved to be a major concern for the stakeholders (see V.3.2.2.2). Despite legal and jurisdictional provisions, the content of reasoning is very much dependent on the context (GALLIGAN 1997: 33), and the giving of reasons often remains a matter of administrative discretion. Transparency would be a means to control discretion.\textsuperscript{233}

An important aspect was brought up by GALLIGAN (1997: 33) who notes that the question of “adequate reasons” is often disputed in courts (see III.3.2.1.1). He refers to the fact that “a considerable body of doctrine has developed” in Western jurisdictions as to what needs to be included in a reasoning. In transitional countries, this still had to be developed.

Though criticising the reasons given for being too general at times, one respondent also recognised that it was difficult to determine what constitutes sufficient reasons (see 338). An environmental organisation reported that they had initiated a number of legal proceedings because of inadequate reasons given for administrative decisions. According to this organisation, local governments were becoming more aware of the need to give reasons based on various judicial rulings (see 336). This shows that awareness as well as appropriate principles still have to be developed, with the judiciary playing an important part. Not only awareness but also the ability to provide sufficient reasons for a decision need to be developed. Thus, apart from the pressure exerted by legal action, respective administrative capacities are required. This problem was also addressed in the interviews: in two cases, companies reported that in smaller municipalities, they were asked to write the reasons for an administrative decision themselves because the municipalities were not able to do so.

\textsuperscript{233} See also KANG (2005: 173).
In the context of due process, another observation could be made. *Hearings* were criticised by respondents for sometimes being ineffective, due to various reasons. ADAMS (2004) discusses why public meetings may be useful in spite of their being attacked “as useless democratic rituals” (ADAMS 2004: 43). Although they rarely influence decisions, public meetings may serve other democratic functions, such as conveying information to officials, influencing public opinion and attracting media attention, and networking with other citizens (ADAMS 2004: 43). In fact, one respondent described how public meetings were utilised to get in contact with local people to better understand the case, and also to meet officials personally (see 169 plus comment).

Another legal issue addressed in the interviews was the handling of public information. ROBERTS points to various threats to *freedom of information* (see III.3.2.1.4 no. 4). Since the Estonian Public Information Act is far-reaching in its application, not all of his concerns are relevant; however, two important aspects could be recognised. First, when an authority refused to give out information to an interest group (which was not often the case), it made reference to intellectual property rights or business secrets that needed to be protected. Although in the latter case the information was received after some time, it seemed to be a popular avoidance strategy and a way to shift the responsibility to another authority (see also 78 plus intro.). This would be in line with another case where the final responsibility for a decision remained unclear (see 314). Second, ROBERTS (2005) argues that internal administrative routines may be developed to reduce the impact of freedom of information on the administration to a minimum. In Estonia, internal procedures in handling requests are left to local governments. One respondent reported being unaware of the procedures that were cited by a local government as reason for being unable to meet an urgent request for information immediately (see 221).

### VI.1.2 Transparency as based on information

As regards the *generation of information*, the main problem was that information about the administration itself (in the sense of evaluations and performance reports) has not yet entered the focus of attention. According to the Local Government Survey (LGS) conducted in 2002/2003, information about the analysis and review of local development was the least reported item on the websites of local governments (27% of the respondents answered positively in this respect). In contrast, contact information and legal acts scored highest, as did minutes of council meetings (100%, 90% and 74%, respectively). However, as was emphasised in the interviews, the content of the minutes
was usually too unspecific to understand decision making. Whereas service information seemed to be widely available, information concerning the public accountability of the administration was still rare and difficult to obtain. Such information would be of major importance to improve administrative transparency.

The general objectives of local government as stated in the development plan were widely available. Therefore, at least the general development activities a municipality officially plans to follow was transparent to citizens – even though the achievement of the objectives had not been systematically assessed.

Moreover, several examples showed that the development plans were drafted with the participation of various stakeholders; the draft was then presented to the public for comments. Although these plans were not always carried out, as one stakeholder remarked, it can be said in analogy to ADAMS (2004) that such a process, involving a dialogue between administration and (parts of) the public, contributes to the openness and transparency of public administration (esp. the transparency of its goals).

The selection and generation of information proved problematic in cases of conflicting interests between the administration and its stakeholders (see V.3.1.4.5). Information that was highly relevant to an effective participation might have imposed severe constraints on the administration if published and was more difficult to obtain. One respondent had received rather imprecise information in cases of conflict. MITCHELL (1998) points out that information is more difficult to obtain if it is “compliance-oriented”, i.e., accurate information that describes how well certain requirements are fulfilled. Such information may be used to induce behavioural changes and could entail sanctions (see III.3.2.2.1). Similarly, ‘interference’ from stakeholders can be understood as an attempt to change the behaviour of the administration, and a negative public opinion can be regarded as a sanction on local government. Therefore, it makes sense for the administration to concentrate on the disclosure of rather general information if strong resistance is to be expected. The same is true for the non-disclosure of “negative information” (see III.3.2.2.2), though there was no example for this in the interviews. In both cases, the transparency of administrative action will be low; the administration has an incentive to remain as intransparent as possible. The degree (lack) of precision was the main quality of information referred to, especially in the context of reasoning.

RAIK (2002: 146) notes that official information is still met with scepticism. The interviews did not reflect this mistrust towards content – but the particular group of

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234 Sootla/ Toots (2006: 174ff.). The survey was conducted with the support of the Tocqueville Research Center, Budapest. For the LGS, at least two top officials from each of the (by then) 241 municipalities were addressed; ca. 75% of them responded.
individuals RAiK refers to was not included in the sampling. Only one aspect brought up in the interviews may hint at this fact: some people seemed to prefer addressing officials privately, if possible. They avoided going to the offices of local government and chose other channels instead. The municipality that reported this suggested it might simply have been easier for people to do so, and one stakeholder explained it in a similar way. However, this behaviour could also be attributed to a legacy of the past when personal networking was more reliable than official information. This may live on in certain cases either because of the scepticism observed by RAiK or as a habit.

VI.1.3 Transparency as an act of communication

Various patterns of communication (see III.3.2.3.1) could be identified in the interviews. For example, environmental organisations were involved in proceedings where they took part in consultations and were confronted with an administrative decision in the end (one-way asymmetric communication). The planning companies reported on planning proceedings and decisions affecting their customers, and the trade associations were consulted in the policy cycle. Various stakeholders participated also in the drawing-up of development plans and in informal meetings with local governments (two-way symmetric communication). All respondents needed information from the administration (public information model) that varied according to contexts. However, the respondents themselves were usually not directly affected by administrative rulings (authority model).

Several authors have been cited who call for taking into regard the needs of stakeholders when disseminating or disclosing information. For example, Wisniewski and Stewart (2004: 231) advocate linking performance information to key stakeholder judgements. They draw attention to the fact that the “issue of who is seen as the end user of the performance measurement information generated has received little attention and yet, particularly in the public sector, is of critical importance” (Wisniewski/ Stewart 2004: 223). Washington (1997: 459) calls for tailoring “budget communication” to the needs of the audience, and Daum (2001: 31) criticises a lack of orientation towards the citizens’ needs for information on the side of local governments. The OECD underlines the necessity to channel information “so as to reach its target clients” (OECD 1987: 84).

The interviews illustrated the different expectations and needs for information, depending on the group of stakeholders. Companies had different interests and needs than did environmentalists or village representatives. The segmentation of stakeholders according to their needs for information will provide the basis for a model of transparency that is developed in the next section.
Transparency requires functioning media systems and distribution channels for disseminating the information. RUUTSOO stresses the problem that during transition the mass media had limited capacity at their disposal to contribute to the development of a political culture; he speaks of “communicational atrophy” (RUUTSOO 1996: 104). This would mean that transparency would also have only a limited chance of becoming manifest in a transitional stage.

Media systems are well developed in Estonia, especially the use of electronic technology. Yet one interviewee pointed to the fact that technology alone did not suffice to spread information. This corresponds to the observation by SNELLEN (see III.1.4) that ICTs cannot grant transparency if the willingness on the part of the administration is lacking. The interviewees also mentioned the problem that the content of information disseminated through general channels, such as municipal newspapers and bulletin boards, tended to be too unspecific and ineffective in reaching citizens. As a consequence, it seemed that transparency was mainly being achieved through an open dialogue between the administration and its stakeholders. Theoretically, one-sided communication could also generate transparency; however, in practice, this kind of communication proved to be less effective to make the administration transparent to citizens. The fact that personal contacts are important for transparency presents the problem of how to make such contacts transparent to persons who are not part of the circle of active citizens.

Moreover, the problem of limited receiver capacity was addressed by respondents. Citizens may be unable to understand information that requires a certain level of knowledge and education. The literature emphasises that apathy and passivity as well as distrust in government still prevail among groups of citizens as a legacy of the past and a consequence of transition (see II.1.2.5; RAIK 2002: 146); these citizens are especially difficult to reach. A lack of active interest was repeatedly mentioned in the interviews as part of the problem to reach citizens. Moreover, these do not feel motivated to participate if they cannot influence politics (RAIK 2002: 150).

An analogy with this situation can be found on a higher level regarding the EU negotiation process described earlier. A lack of control and communication existed between the negotiators (civil servants) and politicians, especially the parliament (RAIK 2002: 147). Disinterest in this process on the political side could be attributed to a lack of expertise and a feeling that the process could not be influenced (RAIK 2002: 148, 151).

GRUNIG (1997: 248f., original emphasis) generally distinguishes between active and passive publics and gives three explanations for people becoming “aware and active”: They are “more likely to be active when (...) [they] perceive that what an organisation does involves them (level of involvement), (b) that the consequences of what an organization does is a
problem (problem recognition), and (c) that they are not constrained from doing something about the problem (constraint recognition)”. The first explanation would include civil society organisations, the second could refer to concerned interests in proceedings, and the third refers to the problem mentioned above: if people cannot influence the process, they are not motivated to take part. This could also explain why round tables and informal meetings were reported to evoke more interest than information seminars (essentially one-way communication).

In the interviews, local government faced the problem that they could better address persons and organisations who were already actively participating. Citizens need to participate to become better informed; the process of informing is self-reinforcing. Active intermediaries can act as multipliers for information: DIAMOND identifies various functions of civil society; one of them being a wide dissemination of information and ideas to control those in power (DIAMOND 1994: 10).

Consequently, in case of unorganised interests it is more difficult to decide for local governments who they should address. This problem was mentioned regarding companies and civil society organisations alike, especially with respect to the local level. Likewise, RAIK (2002: 150) points out that it is difficult for governments to decide whom to involve in the policy process because organisations are often weak and not representative. NØRGAARD and SKOVBAKKE WINDING (2005: 14) remark that, according to their comparative study, “corporatist structures are very weak in Estonia” and few institutional forums for discussion and cooperation were reported. In contrast, non-institutionalised influence on decision makers through lobbying gained by far the greatest acceptance in Estonia compared to the other two Baltic states (NØRGAARD/ SKOVBAKKE WINDING 2005: 10).

VI.1.4 Context-related aspects of transparency

Earlier, mention was also made of the fact that, in Estonia, civil society organisations are still not strongly involved in the policy process (see IV.3.2.2). The attitude towards stakeholders seems to be characterised by a lack of willingness to take up their contributions and to co-operate with them. DRECHSLER even calls it “an Estonian tradition: advisory panels and the like are mainly employed to keep stakeholders busy talking and thus not influence policy” (DRECHSLER 2003: 36). Decisions are made ‘behind closed doors’ and interference from stakeholders is sought to be avoided. To inform stakeholders fully about the ongoing process and decision making is deemed unnecessary. As a consequence, stakeholders are not taken seriously, and the attitude is that the ‘real’ work has to be done by the bureaucracy itself.
A similar attitude was described by stakeholders in some cases; stakeholders were sometimes perceived a nuisance (see V.3.3.4.1). For example, the lack of a “real interest to have a dialogue” (T2N) was criticised, and H brought up the need for greater openness regarding discussions with stakeholders (see 207). E2 described the problem of insufficient answers that generated more questions than solutions and kept them busy asking further questions (see 256). T2N commented somewhat ironically on how their contributions were almost completely rejected, point by point, albeit in a polite manner: “Thank you very much for your very important feedback. (...) Topic 1: Your proposal about this was very important and we discussed it a very long time and then we came to the conclusion that this shouldn't be made here in Estonia. But, thank you again. (…)”

When T2N raised the problem of (late) involvement personally with a high office-holder on a local level, the reactions seemed to be similar (see 213); no real willingness was shown to change the situation and to involve them – except during election time, as two examples from T2N suggested. This affirms that civil society organisations were not being accepted as a source of valuable information but rather considered as a disturbance though sometimes also as multipliers to catch more votes.

The problem of lack of openness is linked to that of providing an incentive for the administration to promote its own transparency. It is generally difficult to motivate the administration to become transparent because external influences are mostly unwelcome; “any kind of review by an authority external to the organisation may be perceived as a threat” (FELDMAN 2003: 286). Although FELDMAN refers to courts and judicial reviews, at least two of the three reasons he puts forward also show an analogy with this context: First, if the finality of decisions is affected by outside influences, it would make the administration “more uncertain and caus[e] delay”, which is something it would try to prevent. The same would be true if stakeholders were involved: the process would take more time and the result be more open (if the involvement was taken seriously). And second, the administration believes in its own competence and expertise and is thus sceptical about influences from outside. (FELDMAN 2003: 286).

Even if the consultation of stakeholders becomes institutionalised, it can still be seen as a mere formality. Mandatory discussions do not necessarily lead to a more open attitude towards stakeholders; rather, it is the attitude that promotes open discussions. A change in attitudes takes time, and the institutionalisation of an exchange of information is not necessarily supportive in this respect. DE VRIES analysed the problem that in mature democracies (he refers to selected OECD countries) an increase in formal procedures may have “negative side-effects” and rather leads to what he calls the “bureaucratization of participation” (DE VRIES 2000: 26). Such “standardised arrangements” may “restrict the options available to policy-makers to involve the public in the participation process”
(De Vries 2000: 27). Open, informal discussions that could be organised according to needs are replaced by strict rules that do not leave room for an involvement of the public earlier than prescribed.

In the interviews, examples of early involvement were reported. Several local governments mentioned they called informal meetings before or during the planning procedure according to needs. In that respect, the Planning Act leaves some discretion to local governments, and it is rather a question of how local governments use it and how open they are towards involving stakeholders in the process. As an extreme example, one rural municipality stated it allowed citizens vote on projects that were formally commenced after the vote. Another rural municipality seemed to be aware of the lack of openness in communication and aimed to create an unconstrained atmosphere to further a more open exchange of ideas.

For mature Western democracies, De Vries asserts that “it is much more a question of the values and norms of policy-makers in terms of openness, equality and minority rights that determine their orientation towards the public than their views on public participation as such” (De Vries 2000: 326). This underlines that orientation towards stakeholders is very much a question of personal attitude, and that it takes time to build capacity in this regard.

On an institutional level, politico-administrative relationships also proved to hinder transparency; either because of resistance to increase transparency of the administration (since transparency would reduce the power of politicians), or because of tensions and a lack of co-ordination between both. The ambivalent relationship between politicians and administrators has frequently been the subject of research. Nørgaard and Skovbakke Winding (2005: 9) analysed the “ideal vision” in Estonia in 1993 which theoretically came “very close to the Weberian model of the independent bureaucrat guided only by the law”. In practice, there “was a persistent complaint that the legal base inherited from the Soviet system was insufficient to guide the civil servants, who then by default often had to take political decisions” (Nørgaard/Skovbakke Winding 2005: 9). Ten years later, the “specific roles of politicians and bureaucrats” were still “not defined and have therefore largely been shaped ad hoc”; both concepts, politicisation versus neutrality, were at times supported (Nørgaard/Skovbakke Winding 2005: 15

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235 See Planning Act 16 (3): “The need to organise public discussions to publicise the initial planning outline and the draft plans shall be determined by the local government. At least one public discussion shall be held in cases where a detailed plan is prepared for an area under protection, a shore or bank (...)”.

Relations between politicians and bureaucrats will remain fluid and intransparent as long as the guiding principles are not clearly defined. The interviews showed that support from political leaders is also required to implement transparency. Administrative transparency depends on the collaboration of administrators and politicians and cannot be implemented against their will or interest. Otherwise, it will remain a formality.

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VI.2 A model of administrative transparency

Transparent decision making is at the core of a transparent public administration because citizens are affected directly by administrative decisions. Therefore, it is somewhat unsatisfactory that decision making (including responsibility for a decision, reasoning, and consideration of inputs) is also the most obscure aspect of those raised in the interviews. Some stakeholders showed an explicit interest in information about decision making, which was not always understandable for them.

In contrast, a great deal of information was easily available; in the Internet, from newspapers, or via direct contacts with administrators. Several stakeholders underlined that they felt well informed, and that they obtained the information they needed.

Apparently, the availability of information differs.

Companies seemed to be much less interested in the general development of the municipality and were, for example, hardly interested in the municipal newspaper which was easily available and widely disseminated. By contrast, S felt well informed through such a newspaper.

Therefore, the information available is not of the same relevance to every stakeholder.

T2N emphasised that, although they were generally well informed, certain information was very hard to get – and that this was precisely information that would allow them to take not only reactive but also preventive measures, hence information that would be very relevant to them. However, it was difficult to ask for this information because they did not know whether it existed (already). As a consequence, they would be informed rather late so that they could only react to what was already happening.

The environmental organisations reported that sometimes they were given rather general or evasive answers on specific questions, for example concerning a proceeding; and in view of the detailed proposals submitted by them, the reasoning of the response was sometimes felt by them to be too general. The information they sought would be very important for them to take action but was not easily available.

Information that allows stakeholders to take action (and thus may have had an impact on administrative decision making) is rather difficult to obtain.

These considerations have led to four types of information, as indicated in the interviews.

Type I: Information of type I is difficult to obtain and rather vague. It is highly relevant to (early) participation and may have a great impact on administrative decision making. For the administration, this information is highly sensitive.
Examples: Early preparations and intentions to initiate certain legislation or certain planning projects; underlying (economic, political) interests.

**Type II:** This information is also rather general, but easily available. It usually does not have much impact on the administration and its decision making. Its relevance to the stakeholder depends on the stakeholder’s needs.

Examples: Information about current events in the municipality, descriptions of ongoing projects.

**Type III:** Information of this type can be quite specific and is basically also available. Impact and relevance are the same as for type II.

Examples: Professional routine information for (planning) companies; concrete service information and advice; minutes, legislation.

**Type IV:** This information is difficult to obtain but, in contrast to type I, highly specific. Its potential impact on the decision making of the administration is strong, and it is also highly relevant to participation.

Examples: Information about who has made a decision and why; information about the consideration of proposals; specific requests during proceedings; results reportings.

The information needed by each stakeholder can roughly be attributed to these four types of information. (However, a citizen can ask for different types of information, depending on his or her role vis-à-vis the administration – a good example is D/C2d who noted that it was easier to get information for the company than it was for activities in the district organisation where it was not always clear what to ask. Besides, the definitions of these types are not always clear-cut in practice; for example, results reporting could also be considered as type III information, depending on the kind of results reported.)

I. It was typical of the two trade associations to need information of type I. They would like to be informed early so that they could already participate at an early stage. But they also needed type IV information when they wanted to know how their statements were being processed internally by the government. Information was often obtained personally, and contacts with higher levels were sought. However, as both emphasised, communication on that level was rather difficult and not necessarily effective.

II. Those stakeholders that were closest to the citizen as a private person (S, VN, VL) were mainly interested in information of type II. Although VN called for better information sharing and more openness of local governments, all three stakeholders did not report on major obstacles when seeking information – as long as one was active
oneself. The media used to obtain this information were mainly local newspapers, Internet and personal contacts.

III. The companies mainly asked for type III information. In principle, the information was accessible, although it was not always systematised: problems were reported regarding the documentation of information, especially in terms of more specific information. Citizens were not directly interviewed, but several local governments mentioned that there was a strong need for information about planning and building, but also about social benefits. Such requests would also belong to this category. Much information was obtained personally and from the Internet.

IV. The interest groups E1, E2 and D asked for information of type IV. They wanted to be given exact answers to critical questions and conclusive reasons for administrative action. However, they also needed information of type I to take early action.

Based on these observations, it can be assumed that the availability of information depends on its content. The four types of information only describe tendencies. They are schematically sketched in on the x-axis in the figure below (their position, limits and size cannot be determined exactly and have been chosen rather arbitrarily).

Figure 9: Hypothetical relationship between the content of information and its availability

Source: Own design
The x-axis: Proceeding from type I to type IV, information becomes more specific. On (the straight line identical with) the x-axis, the unavailability of any type of information (information about any content) is zero (i.e., full transparency is achieved).

The y-axis: The three other factors developed above (accessibility, transmission, timing) describe the availability of information. For this model, the antonym, unavailability of information, is more useful. Any vertical straight line marks full intransparency for a specific information (the graph can be discrete). The asymptotes of the graph indicate where secrecy starts – e.g., the area of personal data to the right and information about national security and intelligence service to the left (it is rather difficult to find an equivalent example for local government).

The second y-axis: Since some very important information was apparently hardly available, the second y-axis was added. It illustrates that information is especially relevant to participation when its potential impact on decisions is high. (“Relevance” stands for relevance to participation, “Impact” for impact on decision making).

However, information may be available and also relevant to participation (e.g., certain requests made under the Public Information Act), and information that is difficult or impossible to obtain may be irrelevant to participation (such as private data); hence the broken line of this axis. On the basis of the interviews, it is difficult to decide what kind of relationship exists between availability and relevance/impact.

In any case, when the information in question had a considerable potential impact on the administration, it could be expected that this information was more difficult to obtain (information may backfire, see V.3.1.4.5).

y1: It is impossible to achieve full transparency. y1 indicates the level of various structural obstacles militating against transparency, such as information asymmetries and transaction costs, but also governmental capacity (including attitudes towards the citizens), the educational level of citizens, and their general awareness and interest in the community (civil society). Thus, y1 is determined by various contextual factors of transparency.

The integral of this graph represents intransparency; it is shown exemplarily for information of type II.

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238 It should be noted, though, that the disclosure of private data would hardly have an impact on decision making.


240 On the concept of transaction costs, see for example FURUBOTN/RICHTER (1998: 42ff.). A major reason for transaction costs are imperfect information and uncertainty; in this context, they include, e.g., the cost of finding the right addressee to deliver administrative information.
In this model, two possibilities exist to reduce intransparency.

a. Lowering the gradient: Information becomes more available. Access, transmission and timing are improved. The graph (and the administration) “opens up”. (In the best case, it becomes a wide “_”)

b. Reduction in y₁: An increase in governmental capacity (e.g., better trained officials) and in civil society activity occurs. This would lead to a downward shift of the graph. Obviously, b denotes rather a long-term strategy.

Note: In both cases, the gain in transparency will be greater for information of type I and IV (in relative terms). This implies that the administration becomes more transparent if information is made available that is highly relevant, than if, for example, access to rather general information is facilitated.

Figure 10: Reduction in intransparency

In the second illustration, the second y-axis is not shown anymore because it is assumed that information will still remain relevant to participation when it is made available.

Again, this model describes only a hypothetical relationship between content, availability and impact, as suggested by the data.

\[\text{Source: Own design}\]

\[\text{241 An alternative hypothesis could be that information, as soon as it is made freely available, loses (some of) its relevance to participation and may have less impact on decision making.}\]
Moreover, the graph describes only a tendency and deviations are certainly possible. For example, the processing of proposals constitutes information of type IV. One municipality (V3) opened up this processing (at least for certain cases) by allowing a vote on the proposals after the discussion. In this example, the graph would show a lower gradient for this type IV information (and would be discrete).

It is only a simplified model that serves to show different constituents of transparency in a possible relationship to each other.
VI.3 Implications

Given certain limitations of the model, five major implications of transparency can still be illustrated.

1. To achieve administrative transparency, it does not suffice to concentrate on information type II and III.

However successful efforts may be to make information of type II and III available, it is hardly accurate to speak of transparency if type I and IV are not considered. This also explains why customer orientation in form of citizen charters can only contribute to transparency to a certain extent. The same would be true for other NPM measures and electronic government if they focused on type II and III. For transparency, and as basis for public participation, such information can only play a limited role.

2. Stakeholders assess the transparency of the administration differently and according to their informational needs.

‘Transparency’ means something different for someone who mainly needs information type III, compared to someone who needs type IV. The intransparency for the respective type of information may vary considerably, as shown in the illustration. Therefore, from the perspective of stakeholders, the meaning of transparency actually depends on the information needed and requested. This is in line with the above-mentioned calls for tailoring information to the needs of stakeholders (segmentation).

3. According to the type of information and the needs of stakeholders, the measures necessary to increase transparency emphasise different aspects of availability.

The following examples are taken from the interviews (in brackets, reference is made to the aforementioned possibilities a and b to reduce intransparency) and are either references to quotes or suggestions based on quotes.

As regards type I (esp. T1N, T2N): The most critical aspect here is timely information about planned and ongoing projects. Availability of such information could increase through early involvement in working groups (a) which, according to T2N, did not take place on a local level. T1N criticised that information on websites often lagged behind reality; if possible, real-time updates of important documents should be introduced (a). Moreover, the focus of the information directly distributed to them could be broadened so that the preselection of information corresponded more to their needs (a). – Aspects of timing and (esp. addressee-related) distribution thus seem to be most important.

As regards type II (esp. S, VN, VL): Where this has not materialised already, availability of information would improve if the municipal newspaper was delivered free of charge and
directly to every household (a). The language used has to correspond to the capacity of the addressees (a). Availability may also be enhanced if Internet trainings are offered and Internet access is extended to the villages (b). Moreover, the recruiting and training of village leaders (b) and the strengthening of the relationship between village leaders and local government (b) may result in the dissemination of information to the local level. – These aspects focus on the transmission of information.

As regards type III (esp. C1, C2a-d): Availability would increase if some information was better documented and systematised (a). The processing of applications should also be better documented. Better training of officials would increase the availability of (especially professional) information (b). (However, this could not remedy the lack of responsiveness reported in one case, which seemed to be due to personal interests of the political leader.) – Here, the concern is mostly for the documentation of information and thus for one aspect of its accessibility.

As regards type IV (esp. E1, E2, D): The information requested was partly exempted from publication, especially concerning details about decision making. More responsive officials who gave direct and exact answers (b) could increase the availability of such information (this would require knowledge and awareness on the part of officials). Moreover, one municipality suggested a better documentation of decision-making processes in the Internet, for example, by making public the work of the commissions that prepare council decisions (a). – In these examples, the stress was put on aspects of information accessibility (documentation, exemptions and responsiveness).

4. The graph could have a different gradient and position, depending on the municipality, the level of government, or the country.

What has so far not been considered is the dependence of the constituents of transparency on different contexts. Since this study focuses mainly on the local level and on a single country, it has not been possible to determine the possible influence of such context factors. It would stand to reason that measures would also need to be designed and adjusted accordingly. Correspondingly, based on a comparative study of the Baltic states, Nørgaard and Skovbakke Winding (2005: 20) conclude that “administrative traditions do exist and (...) they must be accounted for in any attempt to reform an administrative system.”

5. It is easier for the administration to achieve partial transparency than to strive for an overall transparency which, in addition, would be difficult to define.

The interviews have shown that some kind of transparency exists: either for a certain circle of persons (active persons, persons with expert knowledge and ‘insiders’ with
personal (professional) contacts with the administration), or with respect to a certain type of information (esp. type II and III). Moreover, the administration informs certain stakeholders (or ‘segments’) according to their needs (preselection of information) because the same information is not equally relevant to all stakeholders (selective perception).

This would mean that it is easier for the administration to provide transparency for certain citizen segments. At first sight, this contradicts no. 1 of the five implications of transparency mentioned above, which requires taking into account all types of information, not only selected ones. There is a latent danger that transparency is mainly realised for the benefit of ‘insiders’ who are already more knowledgeable about the administration, while there may be even more intransparency for those who do not belong to this circle. At the same time, it is also a question of feasibility: in order to make various fields of its activity more transparent, the administration needs to be mindful of the characteristics of the addressees and develop respective strategies.

Implication no. 5 thus leads to a strategic approach towards transparency. In fact, several elements of administrative transparency discussed here are dealt with in strategic management, too.
VI.4 Conclusions

Any form of rule and power needs, on principle, to be open for reconsideration and confirmation to ensure its legitimacy. Administrative transparency can contribute to ensuring this for public administration.

Administrative transparency is not an absolute value but depends on the stakeholder, his or her interests, knowledge, abilities and needs. In analogy to public relations or marketing strategies, the introduction (or strengthening) of transparency would also require a strategic approach to ensure the former’s utmost effectiveness.

Nonetheless, this analogy has a defect. Transparency is not in the interest of an organisation in the same sense as marketing is for a company. Transparency does not aim to sell an image or a product but to make the functioning of the administration intelligible to citizens. This entails the problem of providing an incentive for the administration to become more transparent (the benefit for the administration is less obvious).

Until now, the notion of a strategic concept for the implementation of administrative transparency has received little attention both in theory and practice. Transparency of public administration is rather claimed and striven for as a general quality.

To advance such a concept, the different aspects that have been addressed in this study, and would constitute important elements of a concept of administrative transparency, are summarised below (1). Subsequently, a suggestion is made how these may relate to concepts of strategic management (2).

1. If the administration intends to increase its transparency, it has to decide for whom it wants to be transparent. Any measures taken will have to be in accordance with the addressees’ characteristics. As a consequence, the administration needs to define the relevant citizen segments it wants to reach.

It has to choose adequate media and other channels to reach these segments and identify intermediaries that could be multipliers of, or obstacles to, the dissemination of information.

It must decide how to organise, document and present the information it discloses. Of crucial importance is the decision which information (in addition to what is legally required) will be disclosed and/or disseminated. Related to this, a decision must also be made about the parts of the administration that should be made transparent to the public. Which information about its products and services, about its processes and about its organisation are to be made available (and to whom)? It may become necessary to generate certain information that does not yet exist. The quality of information also has to
be taken into account – for example, not only basic values such as truth and lawfulness but also the aggregate level of data and the understandability of the language chosen. The aspects of truth, sincerity and rightness in the following illustration hint at some general qualities of information necessary to reach an understanding (see III.3.2.2.3).

Figure 11 summarises these different aspects that aim to turn the black box of public administration into a ‘white box’. It may serve as a basis for a concept of transparency to be developed by the administration. Its characteristics differ according to citizen segments and context conditions.

![Figure 11: The ‘white box’ of public administration](source: Own design)

2. Many definitions exist of the concept of strategic management.242 In general, this can be understood as being oriented towards the long-term development and success of the administration (SCHEDLER/SIEGEL 2005: 20). Broadly speaking, it includes a vision for the organisation, the setting of objectives and an evaluation of outcomes, and an analysis of the internal organisation and of the environment (e.g., assessing the needs of stakeholders). Based on a SWOT analysis, strategies for the organisation can be identified that need to be implemented and monitored (HILL/JONES 2001; LUFFMAN ET AL. 1996). For local governments, PROHL (2002b: 9f.) describes the main elements of strategic management as follows:243 developing a vision for a city together with citizens (contains long-term and medium-term objectives); networking and participation (between local politicians and partners); organisational change (mainly inside the administration); cultural change needed to strengthen co-operation between politics, administration and citizens

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242 See SCHEDLER/SIEGEL (2005: 15ff) for an overview.
243 The concept was developed by Bertelsmann Stiftung; see PROHL (2002b), WEGENER (2002), SCHEDLER/SIEGEL (38-40).
(refers to attitudes, behaviour); and evaluation (continual monitoring whether objectives are met). An emphasis is put on the development of indicators, on extensive reporting systems and on transparent decision making. Though not clearly defined, transparency is explicitly seen in relation to strategic management and mentioned in the context of access to information and information systems, indicators and evaluation (WEGENER 2002: 69, 75-80).

In the meantime, another relationship between strategic management and transparency is conceivable: elements of strategic management could be part of a possible concept of transparency. This would mean to define parts of the administration to be made transparent in the long term, to identify respective measures suitable for the various stakeholders, and to monitor their implementation. However, a strategic approach to transparency deserves some additional attention. Two aspects of strategic management are singled out to illustrate the relevance of this concept for administrative transparency, namely, the strategic management of information and the stakeholder approach.

A “conception of a strategic information management” is developed by BEA and HAAS (2005: 257-276). It comprises all activities concerned with the analysis of the need for information, with collecting and processing information, and related instruments that serve the strategic orientation of the organisation.

According to the authors, information can be characterised by relevance, degree of differentiation (aggregate or detailed information), operationalisability (whether it is precise and measurable), certainty (information becoming more uncertain as its orientation is turning towards the future), topicality (the value of information depends on its timeliness) and exclusiveness (restricted availability of information).

Crucially, the authors distinguish between the need for information and its supply and demand, and describe different combinations of the three. For example, they refer to the problem that important (“needed”) information could be offered but not demanded by the organisation because of a lack of awareness or a wrong assessment (BEA/ HAAS 2005: 266). The need for information has to be assessed based on an analysis of the environment and an internal analysis of the organisation (BEA/ HAAS 2005: 267). The authors list various possibilities to collect and generate information and to process it (BEA/ HAAS 2005: 271ff.); as for processing, they mention the reduction of information to avoid an information overload, the analysis and the presentation of information.

With a change of perspective, this could easily be adopted for the context of administrative transparency. “Relevance” of information would then need to be assessed according to the needs of the stakeholders instead of the organisation, and (in the context of transparency) the administration would need to concentrate on an adequate supply of
information (instead of its own demand for information, as is the case for the organisation described by BEA/HAAS).

In the concept of administrative transparency as understood here, the stakeholders of the administration play a central part. Concepts of stakeholders have also been used by “a number of strategic management researchers” (GRUNIG 1997: 248 with reference to Freeman 1984).244

KARMASIN (2005) describes how a stakeholder approach can be used for public relations. When these are used as a means of mass communication, the organisation remains a “black box” and promotes transparency only as a means to achieve something else such as, for example, a better image (KARMASIN 2005: 272). In contrast, with the stakeholder approach, transparency and proactive communication become focal and the organisation strives to meet legitimate demands (KARMASIN 2005: 273f.). Public relations strategies and other organisational strategies are developed in accordance with the needs of stakeholders (KARMASIN 2005: 275).

As part of a “public sector strategy”, SCHOLES develops a “practical tool for public managers” to map stakeholders so that political priorities can be determined accordingly (SCHOLES 2001: 166). Stakeholders are mapped according to their levels of interest and power: a map is created “in relation to specific strategies so a judgement must be made as to whether these groups are likely to exercise their power in relation to this particular strategy” (SCHOLES 2001: 168). SCHOLES mainly concentrates on managing potential influence from stakeholders that may have an impact on the chosen strategy. The “appropriate style” to deal with disinterested stakeholders with low power is generally “direction”, i.e., the “[u]se of authority to set direction and means of change” for the benefit of “clarity and speed” (SCHOLES 2001: 176f.). Clearly, SCHOLES prefers the authoritative model of communication in this case.

It may indeed be expedient to structure stakeholders according to certain characteristics in order to better respond to them. Here the approach to create maps of stakeholders in relation to specific strategies seems especially useful. However, SCHOLES does not put the emphasis on enlightening stakeholders and informing them about public administration, but on assessing the feasibility of policies. “[P]romoting the interests of those most affected by a strategy – whether or not they have interest or power” is mainly an “ethical” consideration (SCHOLES 2001: 183); in principle, he recommends to deal with disinterested stakeholders without power with “minimal effort” (SCHOLES 2001: 167). Obviously, this is contrary to the goal of transparency.

A general comment needs to be made about the stakeholder approach. In the interviews and the literature, a rising demand for information and greater activity of citizens are mentioned as reasons for an increased transparency of governments. If transparency depended only on the demand by stakeholders, the administration would not be, or become, transparent unless its stakeholders demand transparency. However, such an approach could not solve the problem of information that would be of interest to some citizen segments (or “needed”, according to Bea/ Haas 2005: 266) but of which it is not known that it could be asked (as, e.g., one stakeholder assumed to be the case for results reporting).

The discussion actually returns to the research design which left open whether an essence of, or a consensus about, transparency should be the looked-for result. As for consensus, it appears that within a group of stakeholders a consensus exists on the meaning of transparency (i.e., on information that is according to their needs). As for essence, it is not possible to come to a conclusion about this on the basis of the research undertaken in this study. Yet it has become obvious that only one perspective on transparency does not suffice because it would exclude important aspects of the administration and its transparency.

From the perspective of the administration, a strategic concept for transparency will be difficult to put into practice. In view of a constant lack of time, it would be unrealistic to assume that the administration would be willing to spend extra time on such a concept. However, where there is an awareness, elements of the concept of transparency could be integrated into a strategic management approach, in particular into the communication strategy of the administration.
Appendix

The questionnaire for local governments

0. Background information (size of municipality, no. of employees, role and position of the department interviewed, etc.)

A. Transparency of public services
1. What information do citizens mainly request?
   1.1 What information is especially important to them?
   1.2 Is there information that is not documented/recorded?
   1.3 Is there information exempted from publishing?
   1.4 Which department is most in demand?

2. How is the citizen informed about services and products?
   2.1 Which medium is used to get information from the administration? Which of the different channels are most important? (press, website, publications, personal contact — electronically or paper-based …)
   2.2 Internet: Is anything offered in addition to the legal requirements?
   2.3 Are any lectures or workshops organised to inform the public about certain issues?
   2.4 What kind of information is mostly offered?
   2.5 Where can official notifications be found? how often/for how long?
   2.5 Do people make use of the information offered?

3. How is access to information ensured?
   3.1 How do citizens know whom to address, who is competent in what cases?
   3.2 To whom do they address their requests? Do they need to address different departments, according to the subject?
   3.3 How do they know which information is available?
   3.4 What (electronic) filing system exists?
   3.5 Is there a central information service? A helpdesk/advisory service?
   3.6 Are there rooms for the public to search/access documents, a possibility to copy?
   3.7 What are the main difficulties for the administration in implementing freedom of information legislation (resources, organisational, …)?
   3.8 Have there been any conflicts, how were they handled? What were the reasons?
   3.9 Are requests met within five working days? Or is it necessary to extend the term (e.g. because of unspecified questions)?

B. Transparency of administrative processes
1. Decision-making process and participation
   1.1 What possibilities for participation exist, which are the most frequent? How are they communicated? (e.g., public hearings/expert opinions, discussions, public debates, suggestion schemes, workshops, …)
   1.2 When is information about forthcoming projects and decisions available?
   1.3 In which stage is participation possible (project idea, planning and elaboration, implementation/execution, control)?
1.4 How long before the final decision does participation take place (first notification, first participation)?
1.5 Who is mainly interested in participation? (always the same persons; many/ few persons; mainly lobbies, NGOs, etc.)
1.6 How are the inputs/results processed? (sporadically?) Do the citizens get informed about the processing?

2. **Administrative procedures** (permits, processing of applications, etc.)
2.1 Is an applicant aware of the state of affairs of his or her application and who is involved in the decision? (Is the process clear to the applicant?)
2.2 Is it difficult to understand how the administration works internally? What could be difficult?

C. **Organisational transparency; accountability**
1.1 What information is available about the organisation itself?
1.2 Is the success of administrative action measured and published? How is the service evaluated?
1.2 How are public relations organised? Have any deficits been observed?

D. **General**
1.1 How was the informing of people handled in the past (previous years, during transition, before independence)? What are the main differences?
1.2 What do you think were the main reasons that the situation changed? (main motivation, deficits)
1.3 What do you consider most important to improve the informing of citizens?
1.4 What do you think are the main conditions for better information and communication? What are the main difficulties for implementation? What needs to be changed? Is there room for improvement in informing the public?
1.5 Do you believe that the public is informed sufficiently?
The questionnaire for NGOs (and companies)

0. Questions about the organisation (objective, size, role of the person interviewed) and their contacts with the administration in general.

A. Transparency of public services
1. What kind of information do you need from local government? (examples)
   1.1 What information is especially important for you?
   1.2 Is there information (important for you) that is not documented/recorded?
   1.3 Is there information exempted from publishing, apart from legal exemptions?

2. How do you get informed about specific services/products?
   2.1 Which medium do you use to get information from the administration? Which of the different channels are most important? (press, website, publications, personal contact — electronically or paper-based ...)
   2.2 Internet: Is anything offered in addition to the legal requirements?
   2.3 Are any lectures or workshops organised to inform the public about certain issues?
   2.4 Which department is most important for your requests? Most frequent? contacts?
   2.5 Are the services offered clear to you?

3. Is it difficult to get access to information?
   3.1 How do you know whom to address/who is competent in what cases?
   3.2 To whom do you address your requests? Do you have to address different departments, according to the subject?
   3.3 How do you know which information is available?
   3.4 Is it easy to find the information: What (electronic) filing system exists?
   3.5 How is help organised: Is there a central information service? If so, is the helpdesk/advisory service helpful?
   3.6 Are there rooms for the public to search/access documents, a possibility to copy?
   3.7 Are official notifications sufficient? (location, time period)
   3.8 What are the main difficulties when trying to get information from the administration? Do you get all the information you need?
   3.9 Have there been any conflicts, how were they handled? What were the reasons?

B. Transparency of administrative processes
1. Decision-making process and participation
   1.1 What possibilities for participation exist, which are the most frequent? How are they communicated? (Sufficiently? e.g., public hearings/expert opinions, discussions, public debates, suggestion schemes, workshops, ...) Have you taken part, can you describe how it was (examples)?
   1.2 When is information about forthcoming projects and decisions available?
   1.3 In which stage is participation possible (project idea, planning and elaboration, implementation/execution, control)?
   1.4 How long before the final decision does participation take place? (first notification, first participation)
   1.5 Who is mainly interested in participation? (always the same persons; many/few persons; mainly lobbies, NGOs, etc.)
1.6  How are the inputs/ results processed? (sporadically?) Do you get informed about the processing?
1.7  Do you know who makes the final decision and why?

2.  Administrative procedures (permits, processing of applications, etc.)
2.1  Are you aware of the state of affairs of your application?
2.2  Do you know who is involved in the decision? (Is the process clear?)
2.3  Is it difficult to understand how the administration works internally? Why? What could be difficult?

C.  Organisational transparency; accountability
1.1  What information is available about the organisation itself?
1.2  Is the success of administrative action measured and published? How is the service evaluated?
1.3  Would you be interested in evaluations (the achievements) of the administration? In its internal organisation?

D.  General
1.1  How was information handled in the past (previous years, during transition, before independence)? What are the main differences?
1.2  What do you think were the main reasons why the situation changed? (main motivation, deficits)
1.3  What do you consider most important to be better informed? And why?
1.4  What do you think are the main conditions for better information and communication? What are the main difficulties for implementation? What needs to be changed?
1.5  Do you believe that the public is informed sufficiently?
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- Public Information Act


Quoted websites


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