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*Strengthening Access to Information and Public Participation in Transition Countries-Latvia as a Case Study in Administrative Law Reform*

54 Admin. L. Rev. 459 (2002)

Abstract by Carl Tugberk

After the fall of Communism, many transition countries have struggled to establish governmental systems that can adequately support their new market economies. In particular, these nations need to reconstruct public administration systems that create accountability mechanisms to monitor bureaucracies which once had virtually unchallenged discretion. Malcolm Russell-Einhorn, Jeffrey Lubbers, and Vedat Milor examine the challenges that face these countries and provide some thoughtful inside as to how they can be resolved, based on experience and research from a year in Latvia.

Most of these nations originally tried to establish government accountability by stressing the separation of powers with checks and balances through legislative oversight, constitutional judicial review, and increased presidential and cabinet control (horizontal accountability). However, the authors explain the difficulties of achieving “horizontal accountability” when state institutions have little credibility, scarce resources, and few qualified civil servants. In short, these nations’ governments are extremely susceptible to corruption and collusion between the separate branches. In response to this problem and other political and economic incentives (i.e. possible accession to the European Union), many of these countries have tried to create “vertical” accountability which incorporates more public participation. Specifically, “vertical” incorporation employs such mechanisms as: government-civil society councils, laws requiring government to provide certain information to the public, laws providing public access to other information, procedures allowing for public participation in rulemaking, and administrative procedures facilitating public challenges to bureaucratic decisions both in agencies and in courts. In order to successfully implement such policy reform, the authors suggest that transition nations focus on policy legitimization, consistency-building, resource accumulation, organizational design, resource mobilization, and impact monitoring. Russell-Einhorn, Lubbers, and Milor conclude that administrative law reform is essential to enabling transition nations to establish governments in synch with their economies and further promoting democracy and the rule of law.