

Policy Brief no. 47, April 2016

How many years does a country need to become inclusive, participative and open to its citizens? The answers may be difficult and very different from one case to another. Romania is still struggling to make its participative mechanisms functional, to open data or to develop a culture of active civic involvement. Recent years have shown that people can protest when their green space is at risk or if politicians abuse power and civic rights. Still, is it enough? Can we do more?



DEMOCRACY FROM THE FJORDS: CIVIC PARTICIPATION AND TRANSPARENCY IN NORWAY. A PERSONAL EXPERIENCE

We searched for some answers of our own, in a study tour in Norway, a country that the public opinion sees as one of the most developed in the world. Norway rates good, together with other Nordic countries, in several rankings regarding corruption, public integrity of the level of living. It is ranked as the best democracy in the world by the Democracy Index Ranking. The World Bank rates the country highly regarding the control of corruption and rule of law. What makes Norway a good example and what can we learn from the Nordic experience?

Expert Forum undertook a study visit in April 2016 in Sogn og Fjordane county and in Oslo, in order to find out more about public participation, freedom of access to information, elections and simple citizens. We met with the county governor of Sogn og Fjordane, in Leikanger, with the mayor of Sogndal, ministries, non-governmental organisations and media in Oslo¹. The research includes conclusion of the meetings with these

¹ The full list of meetings can be consulted at the end of the paper. We thank all our interlocutors and the County Governor of Sogn og Fjordane for the support for this visit. Special thanks go to Mr. Gunnar Hæreid, Vice-Governor of Sogn og Fjordane County

public institutions, as well as analysis of the Norwegian legislation.

The challenges of managing Norway

With a length of 2,800 km and its particular fragmented geography, Norway is an inherently decentralized country. It has 3 levels of government: municipality, county and central government. Municipal and county councils are directly elected by the citizens and are the backbone of local government; the mayors are elected by the councillors. Norway is divided regionally into 19 counties, each governed by a Council.

It has, overall, 428 municipalities with an average population of 12,000. Still, there are many localities with much smaller population; the smallest one is Utsira, with just 209 inhabitants. While this fragmentation follows the geographical particularities of the country, there is an on-going reform to consolidate small municipalities by voluntary, incentive-driven mergers into larger communities, to ensure that local governments can indeed provide local services in a financially sustainable manner and at acceptable levels of quality.

Counties and municipalities get their money from income taxes and some local revenues such as building permits or fees for garbage and water supply. These latter revenues are earmarked – for example, municipalities cannot spend fees from building permits on anything but expenses connected to building permits. Municipalities may impose property tax; in 2010, a number of 340 out of 428 municipalities imposed property tax². Moreover, the biggest

part of the money come from the central government.

Municipalities receive money taking into consideration the geographical position, number of inhabitants, the surface of the county, in a general transfer formula. Essentially, unlike in Romania, **the intergovernmental fiscal transfers are very transparently and objectively allocated; political interference in the allocation is limited to a minimum³.**

Municipalities cannot go bankrupt, but should they have a deficit, this needs to be balanced in the next 3 years or otherwise the municipality is placed on a “black list” and will suffer administrative restrictions on loans. There are rather few municipalities in this situation and, interestingly, both smaller and larger communities; for example, in Sogn og Fjordane, 5 out of 26. This indicates that fiscal responsibility depends critically on the leadership’s accountability, not only on the municipality's own resources.



Sogn og Fjordane region. Source: www.commons.wikimedia.org/wiki/File:Norway_Counties_Sogn_og_Fjordane_Position.svg

[/archive/00196/Local Government in 19 67 45a.pdf](#)

³ See our study on public money and political clientelism here: <http://expertforum.ro/clientelism-2016/>

² *Local Government in Norway*, www.bergen.kommune.no/bk/multimedia

Norway is a country where the politics is based mostly on political parties. Very few independent candidates step up in the electoral competitions. At the same time, in Norway the political market is liberalized and there are virtually no barriers to setting up new parties. Also, there are very many local parties which run for elections at the local or regional level.

The central government is represented at the local level by the County Governor (similar to the Romanian Prefect, but with more powers). There are 17 county governors in Norway, appointed directly by the Government. Their role is to ensure that central governmental decisions and guidelines are

citizens. Therefore, the Governor can get involved more directly in the decision making process if illegal decisions are being taken. Our interlocutors stated that in most cases, the Governors do not intervene on the political side of the decisions, but mostly on the administrative and legal aspects; in general, such interference is extremely limited and very well thought through and motivated, to avoid abuses against local autonomy. Mayors are not always happy with this power that the Governor can put into practice, but this is part of Norway's checks and balances system.

Although the county governors are politically appointed, should the

Political parties' financing, 2014

Statistics home page | Tables (7) | About the statistics | Archive

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Tables

Number	Table title	New window	Excel	CSV
Table 1	Funding of political parties, total all political parties by source of income, NOK and per cent			
Table 2	Funding of political parties by source and political party, NOK			
Table 3	Funding of political parties by source of income and political party, Per cent			
Table 4	Contributions by political party and group of contributors, NOK 1 000			
Table 5	Party financing, accounts per political party, NOK			
Table 6	Skriv inn engelsk tittel			
Table 7	Central government subsidy by political party, NOK			

FIND MORE FIGURES
Find detailed tables with time series, and more detailed data in StatBank

Norway Statistics, www.sbb.no

implemented by the municipalities, serving also as a **regional ombudsman**.

The governor is entitled to overturn decisions of the local governments, either *ex officio* or at the request of local administrations, but mostly as a consequence of complaints filed by

governmental cabinet be replaced, the county governor cannot be dismissed. Their mandate is for 6 years and can be renewed once. Their areas of responsibility are broad, from agriculture and climate and environment to supervision of municipal primary and lower secondary education and civil

protection and emergency preparedness. The Governor also has the role of encouragement and support of local development, not just monitoring. For example, it can help municipalities to coordinate in developing certain projects.

One of the most important tasks is to oversee that the freedom to information act (FOIA) is properly enforced. The county governor also trains public officials on topics related to government, including FOIA.

In Sogn og Fjordane are concentrated most matters concerning e-government given that the region has the human resources and a strong educational system focused on technology. The Governor of Sogn og Fjordane has also developed and is currently managing the registry of political party financing, for the entire country. The portal www.partifinansiering.no centralizes the incomes and expenses for all political parties in the country and can be viewed as a best practice. Such portal is very useful for electoral authorities to put all political funding together and for citizens to see what money their representatives get and spend, in a reusable format⁴.

Getting the right information

The transparency of the administration is regulated by FOIA, law of public administration and the local government act. The Freedom of Information Act⁵ states that:

- access to public information is free
- it is applicable for all governmental agencies and institutions, as well as state-owned companies. It also applies to corporations that are 51% state owned, with the exception of those listed on the stock exchange or that function on the competitive market. There is an on-going discussion to extend the applicability of the FOIA act also to private companies operating in fully regulated, natural monopoly areas, as well as for companies with state ownership below 51%, as local watchdogs (particularly investigative journalists) are constantly challenging the limits of access to public information.
- It covers all new forms of information (video, phone calls etc.)
- Requests need to be answered in **3 days maximum**. Some institutions deliver it in one day
- There are documents that do not fall under the jurisdiction of FOIA, especially those related to economic competition, state secrets or security issues. Documents drawn up for an agency's internal preparation of a case are also not available. However, in this case, the citizens or journalists asking for information on FOIA and not receiving the information on grounds of national security issues or other considerations have the option to complain to the Ombudsman. The Ombudsman has the right to receive all the information from the public institution and assesses whether the claims of

www.expertforum.no
⁴ More centralized, open data format can be visualized on the website of Statistics Norway,
<https://www.ssb.no/en/valg?de=Funding+of+political+parties>

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⁴ <https://lovdata.no/dokument/NL/lov/2006-05-19-16>

non-disclosure for security or state secrets considerations are justified (if not, the Ombudsman makes the recommendation to the public institution to release the information). The Ombudsman, a very credible institution in Norway, also found it important to clarify the approach to the access to such sensitive information on FOIA and set precedents for transparency.

- Another grey area on which information may or may not be disclosed concerns internal documents or internal correspondence of institutions. For example, the notes of the ministers that are discussed during the cabinet meetings

these notes are not final decisions, but documents for discussion; on the other hand, journalists and activists for transparentization argue that such notes are essential to understand the process of decision-making inside the government. Economic contracts are also in the grey area. The general trend is to open up for the public the access to information, and the media actively and continuously pushes for more access.

Norway uses an interesting tool that seems to be quite unique in the world; Iceland and Switzerland failed to develop such platform. In order to grant access to information more easily, governmental agencies use

can be interpreted as non-discloseable, though there is on-going discussion about releasing such information. On one hand, ministries argue that

OEP – the Electronic Public Records Platform, administered by the Agency for Public Management and eGovernment⁶ (DIFI), in Leikanger.

⁶ <https://www.difi.no/om-difi/about-difi>

The history of data publishing is quite old, starting from 1993. Initially the access was just for media. In 2010, the OEP had 16 million records, available for all the citizens. This comprises e-mails, letters and documents. A number of 10.000 documents are entering the portal each day.

OEP is a collaborative tool which 120 central government agencies (initially 20) used to publicise their journals of correspondence – meaning the information that gets in and out of the institutions. Some institutions also publish internal communications, although it is not explicitly required by the law.

Public record data is stored in a searchable database with metadata which users can search to locate case documents relevant to their field of interest. Having located relevant case documents, users may submit requests to view these. Requests are sent to the respective agencies responsible for the case documents and public record entries; the person who published the document must manage the request.

The agencies themselves then process requests, sent to them via OEP, and reply to users directly, in 3 days maximum. The responsible agency can grant or deny access to documents, but a denial needs to be motivated. Since 2010, an estimative number of 1 million request have been processed. The media is the most frequent user, with more than 50% of the requests. More than 80% of the requests are answered to immediately. For the remaining 20% (a part of which could be more sensitive, for good reasons or not), there are very good mechanisms and alternatives to ensure that access is not unjustifiably denied. The

journalists or citizens can complain to the Ombudsman; and can sue in courts. Institutions can ask the opinion of a specialized department dealing with FOIA in the Ministry of Justice to interpret the right to access that information. For instance, the County Governor may submit a request to the Ministry of local government and modernization, to have a statement from the legal department of the ministry of justice regarding principal matters. Watchdogs are very active in pushing for more transparency in the “grey” areas.

In 2013, 61 % of the requests were based on professional reasons, 28 % on private reasons and 7 % were demands based on different groups of civil society⁷.

The platform only offers metadata, not documents. Anonymous users can also grant access to documents. An e-mail address is enough to get an answer.

DIFI is currently working on a new, improved version of the platform. This is scheduled to be functional by 2018. The element that DIFI is looking to improve is, first of all, direct accessibility to documents and not just metadata. This would lower the number of requests for information drastically which, similar to other countries, has been deemed by public servants as quite voluminous. The OEP, in its current version, does not include municipalities, but these are planned to be included in the future version; at the same time, many municipalities already publish the vast majority of the documents available on FOIA on their own website. In the efforts to build the new platform, Difi consulted citizens, press organisations or academia.

7

http://www.opengovpartnership.org/sites/default/files/Self%20Assessment%20Report%202013_1.pdf

A poll done by Difi shows that handling the documents in the platform involve a lot of resources that are increasing, according to the institutions. While institutions would prefer to have the documents uploaded directly, citizens believe that it takes too much time to get an answer.

OEP does not cover all the data institutions should publish. There are good practices when it comes to publishing information related to the municipalities. For example, the commune of Jolster (www.jolster.kommune.no) publishes on the website data that got out of the institution, for each day. Still, this is not necessarily the rule.

Open data is not a rule neither, as not all the institutions are accustomed to publish this type of information; still, there is an increasing trend to use it. According to the Global open Data Index⁸, Norway ranked 10th in 2015, with high rates for company registry and national budgets.

On the other side, there are institutions who try to cheat the system. For example, they try to modify the names of the records in OEP, so that citizens cannot find them easily. Municipalities try to hide documents related to the activity of the local councils. Such attempts are however kept under "check" in Norway by the fact that the country has a very active investigative press, which acts like a watchdog and continuously challenges such initiatives to limit access to public information.

In order to ensure a better understanding of public documents and to make public them more

⁸ <http://index.okfn.org/place/norway/>

concise and clear, the government set-up the **Plain Language Project** (www.klarsprak.no). The project is focused on the language used in the legislation, regulations, circular documents, information materials or letter. The project included a web-based toolbox for civil servants (including advice, tools on how to write in a user friendly and clear manner), courses for civil servants, project grants, the Plain Language Prize and best practices⁹.

Moreover, according to the Open Government Partnership Action Plan¹⁰, Norway is aiming to make use of the public information financed through public funds, especially if it may become an opportunity for innovation and new business opportunities. All state enterprises are asked to make public data available electronically and in a user-friendly format. Norway has also developed **StatRes**¹¹, a program that shows statistics on state resources use and results.

The freedom to information is an important right in any democratic country. In Norway, journalists, county governors, mayors, Parliamentary Ombudsman, Ministry of Justice representatives and NGOs, each feel responsible for safeguarding it, one way or another.

Still, the law is not always applied as it should. There are public institutions that refuse to answer and the answer comes after a very long time. The citizens have the option to send a complaint to the superior institution

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<http://www.sprakradet.no/Klarsprak/Diverse/Toppmeny5/In-English/>

¹⁰

<http://www.opengovpartnership.org/country/norway>

¹¹

<https://www.ssb.no/en/sok?sok=statres&tart=0>

(for example, a ministry); or go to the Ombudsman; or seek an interpretation on the access to that information to the Ministry of Justice; or go to Court.

The Sivilombudsmannen

(Parliamentary Ombudsman) is an essential institution in ensuring the freedom to information, with a major impact in Norway¹². The modern Ombudsman has been established in 1963, although regulations were in place since 1814. Its main task is to make sure that people are not subjected to injustice by the public administration. It also manages issues related to taxes, social security, immigration, planning and building or prevention of torture¹³.

Although the Ombudsman is appointed by the Parliament and reports annually to the Parliament, the institution is independent; the former Ombudsman remained in office for 24 years. The current Ombudsman is Aage Thor Falkanger, appointed in 2014. The most important criterion for appointing an Ombudsman is that he/she should meet the qualifications to be a Supreme Court judge. Appointing a person who would not be perceived as independent and of excellent competencies would simply be inconceivable for the Norwegian Parliament - the powers of the Ombudsman derive mostly from the credibility and impartiality of the Ombudsman, perceived as an independent referee between the citizen and the state. The person is appointed by a general consensus of the Parliament (unanimous vote),

which provides an additional confidence in his impartiality.

The Ombudsman receives more than 3000 complaints every year. The institution has a special department dealing with complaints regarding freedom of information. In 2014 it received 3,211 complaints, of which it dismissed 1,721, considered 1,490 and expressed criticism in 182 cases. Of these, 637 were related to local administration and 258 cases were accepted; in 41 cases it expressed criticism.

The investigations conducted by the Ombudsman rely entirely on the legality of the decision, not morality or ethics.

When it comes to freedom of information, a person could complain to an institution, the Ombudsman or directly to a Court. The opinion that the Ombudsman issues at the end of the investigation is not legally binding for the public administration. The Ombudsman makes recommendations and, in the vast majority of cases, the recommendations are followed precisely because of the credibility and impartiality. It is not common for the administration not to comply with its opinions and recommendations. Should they not comply, the Ombudsman can recommend that the plaintiff go to Court, offering financial support to pay for legal assistance. But a plaintiff cannot go to Court and the Ombudsman at the same time, neither can they appeal to the Ombudsman after having gone through regular judicial procedures. It is very important to mention that the judiciary has strong credibility in Norway and there are strong ethical norms that judges internalize in their behaviour to avoid any perception of lack of impartiality.

www.expertforum.no
¹² Norway also has other types of institutions defending citizens' rights: Norwegian Consumer Ombudsman, the Ombudsman for Children, the Gender Equality and Anti-Discrimination Ombud

¹³

As we concluded from our discussions with civil society representatives and journalists, the Ombudsman is a reliable, credible institution. A lot of the complaints that the Ombudsman receives on access to information are from journalists. One of the most interesting cases it had to investigate was regarding the request some journalists had made to have access to the phone invoices of the prime-minister. They were denied access by the Government and thus complained to the Ombudsman. According to the investigative procedures, after receiving a complaint, the Ombudsman writes to the institution requesting the documents that were denied and the explanation. It then analyses the documents and demands a written response from the institution. The Ombudsman is, of course, not allowed to disclose the documents or any other confidential information to the plaintiffs.

***If you ignore the citizens,
you can have a storm.***
Helsinki Committee

Finally, the Ombudsman issues an opinion on whether or not the institution should grant access to the documents to the plaintiff. Out of the investigations it conducts, the Ombudsman criticizes the public administration in about 20% of the cases. In this case, the Government had claimed that should the invoices be disclosed, information about the location of the calls will be made public, jeopardizing foreign affairs and confidential information. However, the argument was refuted because the agenda of officials is public and in this case the location of the phone calls could not be interpreted as confidential.

In 2015 it registered 149 complaints on FOIA. The Ombudsman can choose which requests to follow up. For example, it can refuse big companies, due to the fact that they can hire

lawyers. The institution is oriented more on citizens, media and creating precedents.

The Ombudsman can also make proactive investigations regarding a certain institution, if there are several complaints about its activity. Such case is the Ministry of Defence, where a lot of requests for information are consistently rejected for claims of sensitivity for national security; in this case, the Ombudsman recommended the transparentization of many documents. Moreover, the institution can send opinions regarding legal initiatives in the Parliament. The Ombudsman can also take issues regarding ministries to the Parliament.

Civil society and its voice in public matters

Being part of an association is important in the Norwegian society. There are 2,200 nationwide organisations and 120,000 local associations registered in Norway, with around 10,000,000 members. Many of them are small ones, with less than 50 members and with no substantial budgets, interested in culture or sports¹⁴. On average, every citizen in Norway is a member of at least 2 NGOs. The procedures to set-up an NGO are quite simple, on-line; they have some financial benefits according to the Norwegian law. The NGOs in Norway are „not afraid to raise criticism of public authorities and neither are they completely dependent on support from the authorities.”¹⁵

¹⁴ Transparency International Norway, *Norway's Integrity System - not quite perfect?*, www.transparency.no/wp-content/uploads/sites/10/engelsk_versjon_av_NIS.pdf

¹⁵ *Idem*

But to become an inclusive society, Norway has had a long history of building up democratic values and procedures, which take time and patience. Protests, criticism in general, are not viewed as threatening by public authorities, local or central, but of proof that people feel that they need to be included in the decision making process. This is especially true in smaller regions, at the local level, where the community is more united and decisions have a direct impact on them.

Active civic involvement is a matter of democratic tradition in Norway, which is reflected in the engagement of citizens throughout the country. This has led, in time, to a very high level of trust in their public authorities. As one will surely be told by anyone living in Norway, one of the main assets is trusting other people and authorities. According to the UN's World Values Survey¹⁶, Norway rates highest in people's trust in other people. On the other hand, all decisions at the administrative level take into account that this high level of trust is fragile and should not be lost.

To keep this high level of trust, transparency on decision-making in Norway is a matter of common practice, going beyond the strict requirements of the law. As an example, ministries generally publish for debate all documents supporting a certain policy, well before it is adopted (the equivalent of the "impact studies" and "public policy documents" in the Romanian legislation). Though the law would require only to publish on website for decisional transparency, ministries organize debates and hearings out of their own accord, as they are genuinely interested to get

as much feedback as possible from the public. At the central level, most of the important pieces of legislation are under public consultation for about three months.

In its turn, the Parliament usually consults the NGOs through hearings and consultations when preparing regulations. The public can also take part in meetings of the parliamentary commissions. The Parliament arranges its own hearing, where outside participants can register for short speeches, but written statements can also be sent. Of course, however, there is no guarantee that the opinions of the public change the final decision.

To enhance the consistence and readability of documents of public interest, but also to ensure proper accountability to the public, in 2005, the Parliament published **Instructions for Official Studies and Reports**.¹⁷ This has the purpose to ensure the "proper preparation and administration of all work relating to official reforms, amendments to regulations and other measures". The main purpose is to ensure that financial, administrative and any other significant impact are clear and that the costs of the laws or reforms are visible. The instructions make mandatory the publication of these consequences, prescribe rules for preparatory steps of reforms and ensure that evaluations really happen and that all the institutions that might be affected are consulted. They are applied to ministries and subordinated agencies when it comes to official studies, regulations, reforms and measures, as well as reports and propositions to the Parliament (Storting).

Moreover, the government published in 2009 the **Central Government Communication Policy** that shows the principles on which the communication with the citizens should be based during the legislative process: openness, participation, access to relevant information for all citizens, activeness, coherence and line management¹⁸. Electronic means are the main medium of communication and *the government must see to it that citizens who are not able to make use of digital channels, do get corresponding information and an opportunity to participate through other, suitable channels.*

The alert watchdog

Of course, Norway is not a perfect society. Corruption evolves as well into new and modern forms. Petty corruption may not be a problem in Norway, but international corruption in big corporations and state-owned companies has been growing in recent years. Conflicts of interests are a visible problem, especially in small communities where everybody knows (or is related to) everybody. A report in 2015 published by Difi shows that ½ of the population thinks that favouritism is a problem in the Norwegian administration. Procurement is one of the most sensitive topics when it comes to corruption. You can also find corruption in more specific topics such as sports or humanitarian aid. There are scandals related to companies bribing foreign states in order to get contracts, to buying city buses, as well as political influence scandals in big cities such as Bergen, where the

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https://www.regjeringen.no/globalassets/upload/fad/vedlegg/informasjonspolitikk/satkompol_eng.pdf

former mayor is under investigation for receiving favours; she has not been re-elected during the September 2015 elections. The local administration also seems to be a risky area when it comes to issues such as corruption or conflicts of interest, particularly because the little population makes it impossible to ensure there are no personal relationships between decision-makers and owners of local businesses.

The role of the **media** is essential in checking possible corruption or abuses of the state. Journalists play an important role in investigating and exposing such cases of corruption. Journalists are also extremely vigilant concerning attempts to hide information and continuously challenge the interpretation of the FOIA limits. Both the public and the Government view the media as having a massive contribution to the transparentization of the public decision-making.

What is critical and very relevant for Romania as well, in Norway, the journalists have a strong self-governing and regulatory body that imposes ethical standards on its members. The Press Association has a committee that receives and analyses in detail complaints from people who claim that journalists were unfair to them in their articles. It does not judge these complaints based on legal provisions, but on ethical standards.

Self-governance amongst journalists has helped raise the level of professionalism of journalists in Norway. The local media is abundant and active, on both political sides, and in the past 30 years the media has become very professionalized and less party-biased. This means that, e.g., a conservative journal is today equally critical on conservative politicians and must be as objective as possible in

exposing facts and considering all sides of each story, regardless of the political affiliation of those involved. Media ownership is transparent. There is a clear separation of ownership and management and editorial matters.

Does the citizen matter? Local examples from the Sognefjord

Maybe one of the most important questions is if citizens matter when it comes to making actual decisions. Although the opinions may be diverse, we may think that in general the voice of the citizens is heard by the authorities, although not always taken into account. The participation seems to take into account the personal needs of each community and in many cases debates organized by public authorities do not have interlocutors, due to the fact that people are simply not interested enough in a particular topic. Participation in small communities seems to be more active. Here, consultations seem a question of tradition. Moreover, people can gather and decide more quickly about their interests.

Citizens need permits from the Police for organizing public meetings, but mostly for their safety. Municipal and county councils can organize consultative referenda. Between 1970 and 2014 a number of **727 referenda** took place, on different topics. Although the voter turnout differed, it was lower than in general, local or county elections¹⁹. Between 2010 and 2014 most of them were territorial, but some also concerned topics such as variants of

There is a strong tradition that the government wants to hear what the people want.

Helsinki Committee

the Norwegian language, district and identity, environment.

CASE STUDY 1. PEOPLE'S VOICE ON MERGING MUNICIPALITIES

An example related to merges comes from the municipalities of Bjugn and Ørlandet, Sør-Trøndelag county:

The municipalities of Bjugn and Ørlandet held referendums on merging the municipalities. The turnout was 54 per cent in Ørland and 65 per cent in Bjugn. In Ørland, 63 per cent of the eligible voters voted in favour of merging the municipalities, while in Bjugn, 64 per cent voted against. The process of merging the municipalities was halted as a result of the majority in Bjugn opposing a merger²⁰.

Norway is undergoing intense debates, discussions and even local referenda on the subject of an administrative reform, more precisely, merging small municipalities all over the country, in their efforts to join forces (financial and human resources) to become better and stronger.

In the county of Sogn og Fjordane, the furthest municipality is 4 hours away from the County Council's office, while its smallest municipality has just 851 inhabitants. The main advantages of merging municipalities is that bigger municipalities have better professionals in their administration on subjects such as environment, legal or architecture and zoning. Furthermore, pooling resources together gives small municipalities a better chance in developing business and creating jobs. Nonetheless, unification of any kind needs, as a main rule, to be voluntary.

Still, the Cabinet has stated, since the process started, that if a „natural“ merger of four municipalities is feasible, and that if one out of the four suddenly rejects, it is possible for the Parliament to decide against that municipality's will.

Multiple referenda took place so that communities decide by themselves how to merge (or not) with other municipalities. There seems to be a struggle, as not many of them want to give up their independence or resources. For example, in the latest referenda that took place in April in several municipalities in Sogn og Fjordane, the voter turn-out was between 43 and 73%²¹. Some of the citizens had 3 possibilities, while other had just two. The poll asked the citizens to join some communes or other or not merge at all. For example, the citizens in Askvoll had three choices:

- A. Merge with Fjaler, Hyllestad and Solund
- B. Merge with Førde, Gaular, Jølster and Naustdal
- C. Do not merge

40% voted C, 36% voted B and 24% voted A. The turnout was 50.6%. In another commune, Flora, more than 70% voted against the merger and almost 30% for the merger with another commune in the region. But in Førde 53% of the people voted for the merge with 3 communes, while 17% against. Therefore, the results are not unitary and in some communes people want to merge, while in other this does not seem to be an option.

²¹

<http://www.nrk.no/sognogfjordane/her-er-resultata-fra-folkeroystingane-1.12885404>

CASE STUDY 2. DOES THE PEOPLE'S VOICE REALLY MATTER?

Sogndal is one of the biggest municipalities of Sogn og Fjordane county with around 7800 inhabitants. It has a good job market with low unemployment and diverse opportunities for its citizens; the educational system is one of the most important employers. Apart from this, there is a famous local jam factory, a well renowned college that brings about 3000 students to the region every year and a relatively successful football team with a modern stadium which is also used for accommodating students and businesses, well known in Norway.

The mayor is not directly elected, but is appointed by the municipal council. Some of the larger cities, have "city cabinets", appointed by the city council and the mayor is not a part of that cabinet. The citizens directly elect the

members of the municipality's council by voting for a list. In Sogndal this list is for 25 people. The mayor is elected among the councillors. Most frequently, the mayor is the councillor on the top of the list. Since the mayor is not directly elected, he can't be dismissed by the council or by the citizens. Dismissal is possible for extremely rare and serious cases, such as criminal charges.

Among Jarle Aarvoll's plans is to become a "5 minutes society", where you can get to all important places in this time; walkers and bicycles should receive priority before cars. But he admits that he may not always be right, when telling us about a zoning plan that the municipality had been invested for years that did not go

through after it failed to round up support during consultations with around 200 citizens.

The question was where the main road through the city should be constructed. The mayor supported the construction of a short tunnel under the city centre so that the traffic bypassed the city and would not disturb the citizens. The community, including the local businesspersons refused this version and asked for the road either to pass through the city center or through a longer tunnel under the city, with a, probably unrealistic, request for the state to pay. Politicians were initially divided. Students agreed with the mayor's plan. In open consulting meetings, a great opposition arose, objecting to the two "holes" that the short tunnel would need as entrances. The mayor regrets that his version did not pass the political vote.

For all of these decisions to be taken in the interest of the citizens, a lot of consultations are needed. Beside the organized consultations, citizens can also participate in the council's meetings, but they cannot intervene in the meetings. The Local Government Act states that the council's meetings are generally public and can be secret if motivated (e.g., if acts not available on FOIA are discussed). The minutes of the meetings are kept in a book. The agenda and documents of the meetings are public in most cases. The meetings open to the public "shall be announced in an appropriate manner".

Participation in public consultations or the municipality's meetings is quite low in the youth segment. Most of the people that attend public hearings are 50-60 years old. So, the mayor reaches out to the younger public by proactive measures, e.g., by

attending the meetings of the youth council. The youth council is made out of teens aged 12-18 who meet regularly, discussing and organizing for various events of their interest. The mayor attends their meetings and consults with them on various subjects, giving them real life information from the cases that the municipality deals with. It also organizes 1-2 meetings per year with 13-14 year old children; he considers it a good exercise to get a new perspective and new solutions. One of the most interesting examples on how the municipality makes use of the resources available and takes into account the opposing views of various stakeholders was the local sports arena. This is important especially as the public space is limited and claimed by stakeholders with diverging opinions.

Sogndal has a football premier league team that uses the arena for its matches, but during the week the facility is used for the high school and college activities. In order to build the stadium, consultations with schools, county council and the county governor were organized; discussions on optimizing the use of the facility continued even after the stadium was built. The main idea is that the mayor achieved a Pareto-optimal compromise among various stakeholders for the construction of the stadium by negotiating the sharing of the facility.

Still, there are also examples that show that the political power does not always change their decisions despite the opposing opinions of the citizens. Contrasting to the earlier example, the municipality gave the building permit for the only six-level block of flats and offices in Sogndal on the shore of the fjord. The building replaced a derelict factory. More than 1800 citizens signed a petition disapproving the construction, especially due to the fact

that it blocked the view to the scenery. The law²² says that 300 signatures are enough in order to present a petition to the municipal

councils (and 500 for the county level). The councils are obliged to discuss the issue that is raised and vote upon it in less than six months.

In this particular case, the local politicians decided to move forward with the project despite the petition opposing the construction of the building. Indeed, no protest took place after the building was built. However, the mayor, who must be accountable to the community and needs local support even between the

There are, of course, important cultural differences between Romania and Norway. The Norwegian public administration proactively seeks inputs and feedback from the general public. The climate of trust, as well as the mechanisms to protect the citizens against abuses of the state, have been built over centuries; whereas the civic involvement in Norway and the role of the media as a watchdog are simply beyond comparison to Romania.

However, there are some things that can be learnt from the Nordic States. Of course, you can find corruption there, even if they are viewed as the best countries to live in. And there will always be abuses, a politician willing



elections, continues to support publicly the benefits of the project to the community. His arguments are that the project also opened the access for pedestrians to the shore and cleaned up the site, which had previously been the site of an abandoned factory.

Conclusions

Developing a trustful relationship between the state and the citizens is a never ending process, even in countries where this practice has been internalized for centuries like in Norway. Institutions and citizens can learn from each other and be partners.

²² The Local Government Act, <http://app.uio.no/ub/ujur/oversatte-lover/data/lov-19920925-107-eng.pdf>

to receive money to influence some decision, a political party hiding its finances or a company bribing for a procurement contract. But successful countries like the Nordic states have also built the safeguards to limit such abuses. Here are some lessons that can be learnt.

1. Public institutions need to become trustworthy

People in Romania (and not only) see political parties as some of the most corrupt institutions. The Parliament is in the same league, at the bottom of the trust pyramid. In Norway most of the processes are based on the public trust in institutions and political parties.

One cannot build trust overnight. In Norway this trust was built over

centuries. But political parties and institutions in Romania must start to understand that citizens will not be a true partner until they quit using corrupt practices and start to organize consultations, publish data or meet with their constituency.

As shown above, Norwegian citizens voted against the former mayor of Bergen, under investigation for corruption; and all of our counterparts indicated that it would be inconceivable for citizens in Norway to vote politicians under suspicions of corruption. Apparently, Romanians are not that different: a recent poll²³ shows that over 82% of the population in Romania would not vote for a corrupt candidate. It is therefore critical for parties to build up the credibility of political institutions (Parliament, central and local governments) by proposing as candidates and political appointees credible citizens with no issues of integrity.

Appointments in key positions must be transparent and obtain broad support from the political spectrum. As shown, the Norwegian Ombudsman is a highly esteemed professional and the Norwegian practice is that he or she must be appointed with unanimous support from all parties in Parliament. He is also irremovable during his fixed-term mandate; and, having the possibility to return to his previous position as a Supreme Court Judge, cannot be pressured with the threat of dismissal. It is the Ombudsman's credibility that is the basis of the Ombudsman's powers and influence. In the case of Romania, as even the case of Norway indicates, **the selection of a new,**

²³ http://adevarul.ro/news/politica/sondaj-psd-pnl-intra-umar-umar-alegerile-locale-1_570d0e695ab6550cb8e90fbe/index.html

professional, broadly-supported Ombudsman, independent from political pressures is vital to ensure the protection of the citizen against abuses of the state.

2. Transparency of institutions

Although the FOIA exists in Romania since 2001, serious flaws still exist, and these **do not concern the actual provisions in the law, but the way in which it is applied.** Institutions refuse to give data, do not publish for themselves and they are afraid of open data. The paper and the scanned pdf is the favourite tool of the administration.

Norway understood that by using on-line tools and publishing as much as possible directly on the institutions' websites things **become cheaper and more practical and they stop being pestered with requests for information.** By publishing the information proactively, institutions spare time and redirect their efforts towards other priorities.

However, it is essential that **watchdogs push permanently for the transparentization of data.** Access to information in the "grey areas" can become more transparent through **pushes from journalists** and the Romanian Ministry of Consultations.

Very importantly, institutions become more transparent where is a **very active, well self-organized and highly professionalized media.** The Norwegian media became credible in the past 30 years by self-regulation and internal ethics codes and committee; self-organization, professionalization, and a high statute of the journalist also help resisting any kind of political pressures, management interference with editorial policy and compromises.

Open data should be a priority. Until now, in Romania, the OGP work comprised mostly the central institutions and just some modest local contributions. Local institutions must become more open and publish essential data (such as revenues and expenses or urban planning) proactively. Norway has found that providing open access to data in a useable format also increases the credibility of public decisions and institutions can obtain free analysis from researchers, think tanks and watchdogs processing this data and publishing the results.

Even more importantly, Norway assumes international leadership in opening data by strategic flagship initiatives. For example, Oslo hosts the international secretariat of EITI, an initiative increasing the transparency of revenues to the state from the extractive industries, included in OGP. Norway promoted the idea of hosting the EITI secretariat because the data for Norway was already available in a very detailed format and joining EITI was a low-cost, high-reward initiative, providing a free "international advertisement" for Norwegian good governance and transparency.

In the context of the endless discussion about the proper sharing of profits with the state in extractive industries (most notably, oil and gas) **Romania should also join EITI.** Publishing data on how much money the companies pay to the state and how much money the state receives and reconciling the figures are an excellent starting point for the discussion on the right level of taxation and the technocrat Government's public image could benefit this transparentization. Even countries where the level of corruption in extractive industries is much higher

than in Romania, governments agreed to join EITI to improve their public image (e.g., Ukraine, Central Asia etc.).

3. Defend the rights of the citizens

A functional system of defending the rights of the citizens must be a priority. The differences amongst the role of the Ombudsman are quite visible.

The Ombudsman (a highly credible and independent professional, as explained above) must really become the **defender of the civic interests and respond with priority to concerns from the citizens** (who have less resources for redress than, say, companies that can hire expensive lawyers and go directly to courts). Challenging to the Constitutional Court the emergency decrees of the government of grounds of non-constitutionality is a critical means to defend the public's rights against abuses of a Government that may trespass the limits of its Constitutional powers. Also, the Ombudsman must start inquiries in very visible cases, e.g., whether the medical and emergency rescue procedures in the "Colectiv" case protected the rights of the persons involved.

4. Stop proposing corrupt and fishy electoral candidates

Citizens in Norway would simply not vote for a corrupt candidate. In Romania, several candidates that were in preventive arrest were voted by the citizens in the past years - for lack of a better alternative, and parties continue to nominate controversial candidates. The efforts should be common. Citizens should not vote for people who lack public integrity and the parties should not put them on the lists. It is a long way to go here,

because the political class does not just change; but small pressure, from new parties, independent candidates can be a start in this direction. It is also very important to **liberalize as much as possible the political market and to ensure representation**, e.g., in Norway it is very easy to set up local parties and authorities proactively promote measures to facilitate voting to citizens. **The excessive regulations in the Romanian electoral system (numbers of signatures needed to run for local or general elections, the single-round voting for mayors etc.) restrict the political competition.**

5. Reform the less functional administration

A significant part of the Romanian communes are bankrupt. They cannot pay even for the salaries of the employees and they become captive to the central government. In Romania, the fragmentation of communes goes hand in hand with the clientelization and discretionary transfers from the central budget to local budgets against political support before elections. On the contrary, Norway's intergovernmental transfers are objective, formula-based and allow very little discretion.

The Norwegian example shows that municipalities should join forces in order to function better. Therefore, merging the communes seems to be the correct way, while making them smaller and powerless is surely the wrong one. **We have advocated in the past for an administrative reform²⁴ to promote voluntary mergers of small municipalities, with fiscal incentives, and introducing clear, objective,**

formula-based intergovernmental transfers.

6. Educate for democracy

Democratic involvement is difficult without civic education. Education in Norway is widespread and is seen as one of the best in world. Participation also seem to be a natural, traditional mechanism, even though young people tend to get less involved. In Romania, education for civic involvement is essential and must be supported as an obligatory school course. This is one of the reasons EFOR implements the **School for Democracy** program that envisages to develop civic skills in students, teachers and activists²⁵. In the last year 18 teachers and more than 500 students learnt more about democracy and public participations and met their local authorities, in order to show their views over the development of the locality they live in.

18²⁴ www.expertforum.ro/en/communes-reform/

25 www.expertforum.ro/en/school-for-democracy-2015/

Full list of meetings

Sogn og Fjordane County Governor
Agency for Public Management and
eGovernment

Municipality of Sogndal

Ministry of Local Government and
Modernisation

Sivilombudsmannen

Helsinki Committee

Norwegian Press Association

Transparency International Norway

EITI Secretariat

Ministry of Justice

Authors

Cezara Grama – rule of law

Septimius Pârvu – elections & civic engagement

Otilia Nuțu – energy

Review

Gunnar Hæreid - Vice-Governor,
Sogn og Fjordane county

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