Effective Public Participation in Decision-making from Latvian Perspective

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Legal Framework on Public Participation in Decision-making

- Article 115 of the Constitution of the Republic of Latvia → positive obligation upon the State to adopt and enforce effective measures of environmental protection
- Article 9 Paragraph 5 of the Environmental Protection Law → prohibition of unfavourable treatment or adverse consequences, including civil claims for damages to be raised against a person, who has exercised his or her rights by applying in judicial institutions
- Article 4 Paragraph 4 of the Law on Administrative Procedure → prohibition of unfavourable treatment or adverse consequences when private person is exercises his/her rights
- Draft Law on Whistleblower Protection
Areas of Regulation of the Public Participation in Decision-making

I State Level
The involvement of civil society in political and legislative processes → The freedom of speech, which includes the right to freely receive, keep and distribute information; the freedom of assembly; the freedom of association.

**Example of Coastal Protection of the Baltic Sea with regard to human caused activities**

II Municipal Level
Every citizen of Latvia can participate in state or local government representation. Everyone has the right to address submissions to state or local government institutions and to receive a materially responsive reply.
Interlinkages between Territorial Planning and Public Participation in Decision-making (a case on establishing a contemporary cemetery)

• The Law on Information Accessibility regulates the procedure for physical or legal persons to acquire information within state administrative and local government institutions and the use of it.
• The Law on Local Government stipulates the right of the residents of an administrative territory to participate in city and district council meetings.
• In accordance with Article 4 of Territorial Planning Law a public discussion is mandatory in cases of the creation of a territorial plan.
• A permanent resident and an owner of the realy estate residing in a medium-size municipality of Latvia near coastal area of the Bay of the Baltic Sea has submitted an enquiry to the Ministry. A permanent resident is disappointed of an outcome of Draft Territorial Plan which also includes creation/building of a contemporary cemetery and ritual infrastructure. Enforcing its rights of public participation in decision-making the questions submitted are as follows:
Questions Submitted by the Permanent Resident of Latvian Municipality

• Have competent authorities conducted proper assessment of environmental consequences regarding planned activities of felling in large areas and construction in coastal dunes?
• Have competent authorities conducted proper assessment of long-term protection of valuable and threatened species and habitats? What are the measures of protection to be enforced within adopted Territorial Plan?
• Have competent authorities conducted proper assessment of the vicinity of artesian well of drinking-water with a contemporary cemetery?
• Have competent authorities conducted proper assessment of the well-being, life quality of individuals and their families as well as value fluctuation of a real-estate after construction of the cemetery?
Thank you!

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