

Analytical Brief

research of public participation in the process of amalgamation and development of local communities

Analytical Brief is prepared within the project "Social dialogue for community development in Ukraine in the context of decentralization reform", which is implemented by the Odessa Institute of Social Technologies with the participation of specialists of Association for Community Self-organization Assistance" (hereinafter - the Association) and partner organizations supported by the International Renaissance Foundation.

• **Providing of research process**

Comprehensive interregional research of public participation in the process of amalgamation and development of local communities (LC) was conducted in six regions of Ukraine: Volyn, Dnipropetrovsk, Lviv, Lugansk, Mykolaiv and Odesa regions.

46 LC was researched in these regions. Three types of LC were researched separately: those which have been amalgamated (20 amalgamated local communities (ALC)), those which plan to be amalgamated (12 LC) and those which tried but failed (14 LC).

While assessment of public participation in the process of reform decentralization, the following issues were studied: 1) creation of conditions for public participation in voluntary LC amalgamations by the government; 2) participation of LC members in the process of initiation, amalgamation and development of amalgamated communities; 3) implementation of mechanisms for government-public interaction on the basis of partnership and solidarity.

Public participation was studied at all major stages of amalgamation and development of amalgamated communities. Possible forms of public participation were studied at each of these stages. Based on estimates of public participation made by the experts for each phase of amalgamation and development of studied ALC, ALC rating was formed on the basis of the level of public participation.

Study was conducted by means of the following:

- Analysis of 12 types of local regulatory legal acts concerning public participation;
- Analysis of the results of the expert survey of 597 respondents;
- Analysis of 69 interviews;
- Analysis of sites and local mass-media (78 sources).

• **Analysis of 12 types of local regulatory legal acts concerning public participation**

Most analyzed ALC Charters contain the following forms of public participation: local elections, local referenda, general assemblies, conferences of community members, public hearings, local initiatives, ALCs creation and activity, participation in the activity of self-governing authorities coordination consisting of temporary commissions, working groups, advisory bodies at local authorities.

In Regulations of ALC councils, the analysis of the forms of public participation in the preparation and decision-making demonstrated the following:

1) Collection of information about community needs shall be performed through the deputy of village council in electoral district or entire parliamentary forming the rating of electors' requirements. These requirements are taken into account when developing plans and programs of LC economic and social development.

2) Planning of Council activity shall be implemented based on proposals of labor collectives, public organizations, associations, movements, people, etc.

3) Development and submission of draft resolutions in studied Regulations is not guided.

4) Discussion of draft resolutions to be discussed shall be made through their publication on the bulletin boards and official websites.

5) Formation of the Council's agenda. Most Regulations enable a general meeting of residents and separate ALCs and even political parties to have the right to submit proposals regarding inclusion of the Council sessions to the draft agenda.

6) Participation in the plenary public council meetings (representatives of public associations, labor collectives) is provided by the Council and invitation of the chairman or deputy chairman of the Council.

7) Public participation in the voting. If the public examination, public hearings or consultations is held before the project, the chairman announces the text of the examination, hearings and discussions conclusion after proclamation of the issue.

8) Public participation in the Standing Committee of the Council. Analyzed Regulations of ALC Councils do not contain rules that would point to public participation in the activity of standing committees, although the standing committee can involve the public representatives.

Approximately 30% of the Regulations of the executive authorities of Councils, ALCs enable the public to submit proposals to the draft resolutions of Chairman, Executive Committee's decisions and acts of other executive bodies of ALC. However, they do not contain the procedure of submission of these issues that prevents implementation of thus opportunity.

Regulations of executive authorities assume three main forms of openness and transparency of these authorities: publication of the draft resolutions of the executive committee; openness and publicity of the Executive Committee; reporting to the Executive Committee.

Most studied Regulations contain specific mechanisms of its interaction with the community which is represented and its public institutions including: acceptance of citizens and assistance to them in the preparation of documents; acceptance of applications from

the residents for transfer to ALC management; participation in organization and conduction of residents meetings; monitoring of the compliance with the rights and interests of community members; interaction with ALCs, recording and summarizing of residents suggestions on service quality, reporting before the meetings of residents on their work.

The program of civil society development is present only in Baltic Local United Community of Odessa region. According to this program, the following budgets are presented: competition of neighborhoods - \$ 30 thous. UAH, participation of ALC - 8 thous. UAH, public organizations - 12 thous. UAH.

ALC Development Strategy as of September 2016 is developed or to be developed in more than half amalgamated communities. In some communities (Holob village amalgamated community of Volyn region), the representatives of the initiative public are included in the working group, public surveys were held (over 600 people) and focus groups were conducted. Often, Strategy development is supported by independent experts of regional resource centers that operate within the Association network.

Problems with access to public information in ALC were detected while study. Only about 1/3 of communities provided answers to the first request. Repeated requests and phone calls provided about 60% of the information required for the study. In addition, only 2/3 ALCs have their Internet sites.

• Analysis of the results of the expert survey regarding involvement of residents in the processes of amalgamation and development of local communities

Survey was conducted by means of interviewing of local experts (representatives of the authorities and public).

According to the survey results, regional administration attracted mainly local authorities (66.1%) and 24.5% of social activists in the amalgamated LC while development of long-term plan for formation of LC capable.

Initiator of LC amalgamation were representatives of government - village, town and city mayors (72.9%) and local council's deputies (35.7%).

Public consultations were held quite actively by the mass participation of residents in the form of general meetings (70.5%) and public hearings (35.2%).

The residents were motivated to LC amalgamation, most of all, by the prospect to get more powerful budget (78.7%), prospects to improve social services (59.6%) and hope for a rich community (22.5%).

During the information meetings with the Reform Office's representatives, local authorities and public bodies, the residents frequently asked questions regarding the reason for which this reform is required and the benefit which can be obtained from the amalgamation.

Village, town, city heads and LC were introduced to the explanation of the nature of the reform and helped in organizing and conduction of meetings with population.

According to most experts (62.3%), historical, natural, ethnic and cultural features of other communities were taken into account in the process of communities amalgamation.

Some of the experts surveyed have been already turned to the newly elected chiefs

on the issues of organization and improvement of municipal services. Overall, more than half of public experts believe that the mayor actively defends the interests of effective community.

Currently, the community continues to develop strategies for their development. The third of the experts noted that significant part of residents actively participated in the discussion of the Draft Strategy.

In general, the experts at this stage is quite positive about the effects of reform: improved quality and availability of services provided in the community after amalgamation (71.5%); budget of integrated community has increased in several times (67.8%); additional funds are widely used for the repair of social facilities and land improvement (60.4% and 56.7%).

The experts' opinion that the allocation of funds, in general, assumed the interests of peripheral settlements and their communities (64.9%). These needs are determined through the submission by deputies (48.0%), meetings of the residents of peripheral communities (36.9%) and survey of public opinion by the residents of peripheral communities (24.0%).

On the opinion of the majority (65.9%) of government representatives, the local authorities should conduct an ongoing dialogue with residents. Although 17.0% of respondents believe that the residents shall be consulted from time to time and only if required.

Analysis of experts survey regarding the course of local government allowed to reveal certain trends, including:

- development of a long-term plan for formation of capable local communities involved, mainly, the representatives of the local council; government authorities acted as the initiators of community amalgamation as well;
- public hearings were quite actively conducted in the community: most common form of discussion were the general meeting of residents;
- residents heard about the reform but still do not fully understand its essence; main source of information on decentralization is the local authorities: head of the community and local deputies and, secondly, mass media;
- argument that most encouraged and encourages residents to support the amalgamation is the prospect to have more powerful budget;
- in communities that have failed while trying to amalgamate and in communities that are planning to amalgamate, there was a an opposition on the part of residents. In addition, it was managed to discover that sometimes the pressure on the decision is made by district authorities and even some particular deputies.

The following arguments were put against the amalgamation: risk of closure of budget institutions and enterprises and, as the consequence, loss of jobs; all funds are remained in the center of community and peripheral villages will be in decline; mistrust to reform and central government, fear of new, disbelief and general incomprehension of prospects.

• **Survey analysis**

In the course of survey, semi-structured interviews with the heads of local government communities which are amalgamated, plan to be amalgamated and which failed at the first attempt to amalgamate.

Some respondents (23%) noted that reform is difficult and slowed at the level of the government and district authorities, through ALC weak human resources; lack of information and awareness; unwillingness of the communities to amalgamate.

Existing shortcomings that impede successful reform include the following as well: imperfect legislation and complications of the use of local budgets through the introduction of «PROZORRO» system.

41% of interviewed executives outlined low activity of residents, their lack of awareness of reform and disbelief in the government. Respondents from Lugansk region noted that the negative attitude of the residents of communities regarding reform is affected by the proximity of military actions.

Most ALC executives surveyed (57%) believe that the residents of their communities are interested in amalgamation with other communities. After all, they want change for the better, they review the decentralization as the opportunity for business development and modernization of infrastructure, improvement of service quality, approach of the government to citizens.

The most active participants of public reform discussion in the village, according to interviewed executives, are representatives of local businesses, farmers (29%), local deputies (28%), representatives of budgetary institutions and social sector (16%), young people (13%), public organizations and activists (13%).

According to the majority of respondents (58%), the interests of the residents of peripheral ALC are completely taken into account: infrastructure projects, repair of schools are implemented in them as well as landscaping is performed.

More than half of community leaders (57%) believe that consultations with community residents on the issues of amalgamation are constructive and necessary.

Vast majority of respondents (59%) is interested in self-development and sees the prospects for community development.

The majority of respondents (64%) believes that the adoption of the Charter will completely contribute to the amalgamation of LC. The Charter shall fix the mechanism of cooperation between ALC members, population and government within ALC. The Charter also shall contain the warranty for consideration of the interests of peripheral communities. At this, most people are not aware of the existence of the Charter and do not participate in solving local problems.

• **Analysis of web-sites and local mass-media**

In the course of the project implementation, the experts reviewed publications for each of abovementioned regions that have been posted on the websites of RSA, regional council, reform offices, ALC as well as in newspapers of regional council and RSA council and other regional and district newspapers.

The analysis of publications shows that exactly the web-sites of regional councils, RSA and Administration shall be the major source of information with coverage of public participation in the process of local government reform.

The largest number of publications from a number of studied ones is devoted to inform the public about the goals, objectives and LC amalgamation procedure (30.6%). However, not enough attention is paid to the normative public participation.

Web-sites of government authorities, mainly, uniformly pay attention to all the issues concerning public participation in LC amalgamation, however, not covering the protection of rights and interests of peripheral communities and implementation of public control over ALC and LC authorities.

ALC web-sites are not yet complete resource for coverage of issues on public participation in the process of LC reforming and development.

Official newspapers of regional councils and RSA, except Odesa and Mykolaiv regions, do not use their complete information potential for the promotion of local government reform.

Instead, the problem of ALCs creation and their existence is widely covered in the pages of other newspapers of regional and district level which focuses on all the issues analyzed during the project implementation.

Monitoring of web-sites and mass media regarding public participation in community amalgamation found that the spectrum of means of information on the goals, objectives and procedure of LC amalgamation has expanded and has been supplemented with new effective forms such as: web conference, "The libraries for local government reform", online school of local government councils, public meetings, lectures, workshops, strategy sessions, skype conferences, meetings of press-clubs.

Analysis of critical publications regarding the reform has found that most people are not aware of the processes taking place, and it shows a lack of information and outreach, including through the mass-media and Internet resources.

CONCLUSIONS

According to the assessment of public participation in the process of ALC amalgamation and development, it was found that the highest levels of public participation at all stages of this process have been achieved in Marazliyivsky rural ALC (Odesa region) - 87.1%, Bilokuratyn rural ALC (Lugansk region) - 85.4% and in Velykomykhailiv rural ALC (Odesa region) - 82.3%.

The following problems were identified in the course of survey:

- lack of a comprehensive regulatory support of local government reform in Ukraine;
- lack of mechanisms and procedures for public discussions of the reform at the local level. According to Ukrainian law, public participation in decision-making is governed by local regulations - statutes, provisions. At this, these documents are absent in most communities;

- low awareness of residents of local communities on the prospects for local government reform in Ukraine. Local authorities and residents of communities are against the amalgamation due to lack of awareness.

The initiators of amalgamation were mostly government officials - village (town, city) chairman and deputies of local authorities.

Public discussions were quite actively conducted in communities.

Residents have heard about the reform but still do not completely understand its essence.

The main stimulus to support the amalgamation was the prospect to get more powerful local budget.

In communities, opposition was observed exactly on the part of residents that have failed in the attempt to amalgamate. The arguments made against the amalgamation: risk of closing the budget institutions and enterprises and the consequent loss of jobs; all funds are remained in the center of the community, peripheral villages will be in decline; distrust to the central government, fear of new, disbelief, incomprehension of prospects in general.

Place of chiefs in the LC management and operation as well as development systems are not clearly defined.

In general, the experts from the amalgamated communities, at this stage, are quite positive about the effects of reform. Improved the Quality and availability of services provided in the community after integration are improved and ALC budget are significantly increased. Additional funds are widely used for the repair of social facilities and landscaping.

ALC leaders intend to intensify the formation of village, rural committees in peripheral areas and include them in the process of community development.

RECOMMENDATIONS

Verkhovna Rada of Ukraine shall:

- Create a comprehensive legislative support for local government reform in Ukraine, in particular, approve legislative drafts proposed by the Cabinet of Ministers of Ukraine on improvement of the system for local authorities reform in the sphere of decentralization and voluntary amalgamation of communities.

- Raise the status of chiefs. For this purpose, Verkhovna Rada should adopt amendments to the Law "On local government in Ukraine", aimed at clearer definition of territorial basis of chiefs and expansion of their powers. However, it is also required to implement clear mechanisms for responsibility and accountability of chiefs, at the legislation level, which, however, shall remain independent of the local council and ALC chairman.

- Approve bills No.2466 "On the BSP" and the number 2467 "On general meeting (conference) of members of the local community on the place of residence", registered in Verkhovna Rada of Ukraine on 03/24/2015. Approval of these bills will help to establish clear procedures for public consultations on amalgamation and community development as well as to avoid violations and litigation in this area.

- Systematically involve the community experts, including representatives of regional analytical centers to the development and decentralization of bills in the

Committee of Verkhovna Rada on the issues of state construction, regional policy and local self-government.

Cabinet of Ministers of Ukraine shall:

- Develop and implement a comprehensive information campaign aimed at detail explanation to the citizens of the objectives and content of reforms. Particular importance in this campaign should be given to adequate disclosure of the first ALC success history.
- Ensure development and implementation of the following into the learning process of the institutions of NAPA system and (under their methodical leadership) - regional centers for improvement of educational programs for local government officials and local executive authorities on the subject of decentralization and LC amalgamation in the framework of local self-government reform.

Regional administrations and regional councils shall:

conduct extensive consultations with representatives of local communities separately in each area while development of prospective plans for formation of capable local communities. Invite the government and civil society representatives for consultation;

Local governments authorities of amalgamated local communities shall:

develop and approve the Charter of local community with the involvement of the public experts where it is required to provide procedures for protection of the rights and interests of residents of peripheral communities, mechanisms of coordination of their interests with the interests of ALC.

- The following is proposed while development of new Charter and update of the existing one:

- define the basic procedures for development and public discussion of the draft ALC Development Strategy with involvement of the public.

- define the procedure and criteria for monitoring of settlements development that are the part of ALC to take into account their needs in the formation of plans and programs.

- The regulations of ALC council activity and the activity of its executive authorities shall define and detail in the separate articles the mechanisms for public participation at all stages of decisions development.

- Among other types of local NPA authorities, ALC shall adopt the procedure of public consultation, provisions on the ALC establishment and activities (village committees) and Standard Regulations on ALC; Program on ALC development and other forms of civic participation, Program for development of civil society, Regulations on advisory bodies.

- Support establishment of ALC in peripheral communities to ensure proper representation of the interests of the community in ALC local government. Clearly define the purpose and objectives of ALC joint activities with the chiefs and members of local councils.

- Supplement the Regulations on the chiefs on the provision regarding the chief's approval of the council and executive committees draft decisions concerning the interests of the territory which is represented by the chief; procedures and mechanisms of their

interaction with ALC to establish constructive cooperation.

- Create official council web-site to publish projects and made decisions.

Recommendations to civil society institutions, mass media:

- Plan and conduct in LC and ALC the educational activities provided information of local officials and community activists on existing forms of self-organization and public participation in decision-making processes.
- Provide methodological assistance to the authorities and officials of local governments while the development of local NPA in arrangement of consultations with the residents in order to identify public opinion regarding the problems and prospects of community development.
- Conduct community educational workshops for activists and employees of local self-government authorities on the issues of dialogue and public participation in the budget process, monitoring of services quality, involvement of additional resources of residents in solving of local problems, etc.

Authors:

Krupnik A.S., Director of the Institute, Head of the Analytical Center - Deputy Chairman of the Association, Associate of ORI NAPA at the President of Ukraine, Project Manager (development of Research Methodology, coordination of experts activity, editing of Analytical Report).

Kalashnikova O.E., analyst of Association (development of application form and guide for interviewers, processing of overall results of in-depth interviews).

Dzyupin M.O., analyst of Association (development of forms for NPS analysis, comprehensive study in Lviv region, processing of the overall results of NPA analysis).

Orlova A.I., Deputy Director of the Institute (development of forms for analysis of websites and mass media, comprehensive study in Odesa region, procesing of the overall results of the analysis of web-sites and mass media).

Balasanyan V.g., Expert of Association of sociological issues (development of application forms and guide for interviewers, processing of overall results of interviewing).

Kolesnikov O.M., Expert of Association on the issues of elections, local democracy and regional policy (recommendations on management of amalgamated local communities).

Regional experts – representatives of public organizations (PO) which act as regional resource centers on the development of local democracy in the network coordinated by the Association: **Kirillova T.Yu.**, **Kalinina K.M.** (comprehensive research in Lugansk region); **Gayduchik I.I.**, **Datsyk Z.S.** (comprehensive research in Volyn region); **Pylypenko A.A.**, **Ivanchenko S.I.** (comprehensive research in Dnipropetrovsk region); **Zinko S.V.** (comprehensive research in Lviv region); **Zelinska T.L.** (comprehensive research in Mykolaiv region); **Petrova L.S.** (comprehensive research in Odesa region).