

**COOPERATION BETWEEN LOCAL AUTHORITIES
AND THE CIVIL SOCIETY**

Conference Materials

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INTRODUCTION

Development of the third sector, as well as its active cooperation with the government guarantees successful democratic consolidation, as one of the key features of democracy is the legislatively fixed possibility for the citizens to participate in the development and implementation of public policies. The government's objective necessity to solicit help from the public is conditioned by the need of the local officials to define in a prompt manner the areas that need most active and urgent interference, as well as to use the resources available as efficiently as possible. Since the number of NGOs operating in the country is one of the best and most democratic ways to articulate and protect the interests of the public, the issue of their cooperation with the authorities (the local ones in particular) is often raised in the course of discussions on the establishment of the democratic administration at all levels of territorial organization.

The civil society finds itself between the state and the people, but represents the interests of the latter. Therefore, it is important to look for the forms that can be used by NGOs in order to participate in the public life at the local level. Among other, it is important to answer how the third sector expresses the interests of the society and how it demands that the government meet such interests.

The problems related to the organisation of a constructive dialogue between the authorities and the civil society can be generated by the feeble development of the NGO system and the fact that it is still rather inefficient when it comes to the mediation between the authorities and the society; in addition, bureaucrats are often unwilling to ensure the openness of the decision-making process. That is why the study of the particular features of cooperation between the authorities and the civil society should focus on different levels of such cooperation, both on the legislative and the practical one.

Defining the role of the civil society in the process of democratic consolidation, one can think of a number of reasons that testify the importance of such cooperation:

- *NGOs can be used by the public to get involved in the decision-making process at the national and local levels;*
- *The civil society provides for the civic control of the public administration and division of the resources available;*
- *With the civil society there is a possibility to separate the tasks on provision of public services between the public and the civic sectors;*
- *There are non-governmental organisations that can mediate among the public authorities of different levels and help to find consensus between them; and*
- *There is a mechanism to ensure legitimisation of decisions taken by authorities.*

For the processes of democratic consolidation, it is important that the authorities realise the advantages of cooperation with non-governmental organisations which should stimulate their interest in broadening public participation in the social and political life both of the region, and the state in general. On the one hand, the necessity of such cooperation is induced by financial factors, while on the other the decisions taken by public authorities need to be legitimised. In addition, looking into the cooperation between NGOs and public authorities at the local level it is important to remember that adoption of certain decisions or policies by local communities makes it much easier to implement them.

In April 2004, the Congress of Local and Regional Authorities of the Council of Europe performed in April 2004 defined the following main reasons of weak local democracy in the countries of Southern and Eastern Europe:

- *Lack of transparency and responsibility in the activities of local authorities which often follow non-democratic standards practiced at the central level of public administration. This principally concerns:*
 - *Restricted access to the official documentation; and*
 - *Lack of the system of regular information of the population on the local policies (e.g. timely and complete publication of official documents, for example those related to the local budget);*
- *Low level of involvement of national minorities and citizens with limited possibilities to the decision-making at the local level; and*
- *Passive attitude demonstrated by NGOs as concerns their influence on the activities of local authorities, as well as a trifling media support to the democratic process.*

Firstly, the above conclusions made by the Council of Europe evidence that NGOs have a key role to play in ensuring a successful dialogue between the authorities and the public. Nevertheless, functioning of the local democracy presupposes a trilateral communication involving NGOs, authorities represented by officials and politicians, and broad public circles which are not just bearers of group interests, but are also among the main users of the products generated by the civil society.

The above makes it possible to single out the main issues that should be considered in a study of the interaction between the authorities and the public at the local level, in particular:

- *the ways to involve the public into the process of solving the issues of local importance, the forms of their fixation, and the problems of their practical implementation;*
- *the forms of NGO cooperation with local authorities, the reasons of their successful and unsuccessful use;*
- *transparency in the activities of local authorities; and*
- *mechanisms to improve the efficiency of cooperation between the public and the local authorities, as well as to ensure transparency in the activities of the latter.*

In this context it is important to study the experience of foreign countries in terms of organisation of such cooperation, as well as the methods used to overcome any problems in this sort of interaction. There is also a need to analyse the Ukrainian context as the field for the cooperation between the civil society and local authorities, as well as to develop the ways to solve the current problems with due consideration of the foreign experience.

SECTION 1. International Standards and Practice of Cooperation between the Local Authorities and the Public

1.1. The Nature of Cooperation between Local Authorities and the Public as the Source of Local Democracy

Legislation of democratic countries fixes a number of regulative grounds for the creation and establishment of the system of cooperation between the authorities and the public both at the national and local levels. Constitutions often list the rights that lie in the basis of democratic governance, in particular such as the right to:

- participate in the governance of the state (the possibility to exercise political rights) both directly, and through the elected representatives;
- participate in peaceful demonstrations;
- create or participate in non-governmental organisations in accordance with the rules established by the national legislation;
- address public authorities with private and collective appeals and complaints; and
- contest the decisions taken by public authorities in court or through advocacy organisations.

In addition, constitutions of certain countries (e.g. Hungary) establish explicitly that public authorities are obliged to cooperate with NGOs both when they are developing their decisions, and when they are implementing them. This means that participation of the public and the third sector in the political life of the country is a necessary precondition of the democratic governance.

Ensuring cooperation between public authorities and the public at the local authorities has a rather peculiar nature as it means the necessity of rapid response to the problems in the conditions where they emerge. Even though at local authorities decisions are taken by officials, such steps need to be controlled by the public which should check the efficiency of the use of the resources available, as well as whether the steps made meet the real needs and interests of the citizens.

The fact that the local authorities lack a wish to cooperate with the third sector on a systemic basis is characteristic of the countries with an unstable political system, in particular for the former social camp countries where activity of NGOs as participants of a political dialogue is rather uncommon. The foreign practice of how this problem can be overcome suggests the use of the following mechanisms that can be employed by NGOs to spur their cooperation with the authorities:

- ensuring publicity through the active use of the media for the presentation of the public opinion;
- participation in the work of the local self-governance bodies;
- encouragement of the local self-governance bodies to express the interests of the communities in the local representative bodies (lobbying mechanisms);
- participation in the organisation of public events initiated by the local authorities;
- expression of specific problems faced by citizens at public hearings, and debates;
- involvement of experts in the events the results of which can be used in the decision-making by the local authorities;
- organisation of advocacy campaigns;
- initiation of local referenda; and legislative initiatives.

It is possible to say that cooperation between the local authorities and the civil society envisages both the proper legal regulation, and the initiative on behalf of the authorities and the public aiming at the implementation of the possibilities provided by law.

1.2. Legal Basis for the Cooperation of Local Authorities with the Public

It is obvious that at the local level many issues can be solved by the direct means envisaged by law as the community representatives are no less aware of the local problems than professional administrators. In order to make it possible for the public to participate in the governance process local representatives authorities should become more open in their work. Alternative ways to make local representative authorities more open include the following:

- public hearings;
- public fora (debates initiated by local authorities to find out the position of the citizens on certain issues of local significance the results of which are not obligatory);
- submission of appeals, proposals, or complaints to local authorities;
- public initiatives (discussions initiated by the public to find the ways to solve the problems of public concern); and
- contestation of decisions issued by local authorities in courts either directly or through advocacy organisations.

The above list of ways of public involvement in the settlement of local issues is not exhaustive. In addition, there is no universal requirement to fix this list by law. The table below provides examples of how forms of cooperation between the authorities and NGOs for the solution of local issues can be regulated in legislation.

**Table 1.2.1. Mechanisms of Cooperation Between Local Authorities and the Public:
Examples of Legislative Regulation**

	PUBLIC HEARINGS	PUBLIC DISCUSSIONS ARRANGED BY LOCAL AUTHORITIES	PUBLIC INITIATIVES	APPEALS, PROPOSALS, COMPLAINTS TO LOCAL AUTHORITIES AND CONTESTATION OF THEIR ACTIVITIES
Poland	Local councils can organise public hearings where citizens and NGOs can express their position, ask questions, and make suggestions on local issues. Citizens are entitled to be present at the meetings of local councils (unless they are closed). At open meetings, citizens	<i>No regulations</i>	<i>No regulations</i>	All citizens are entitled to contest decisions of representative authorities or their executive bodies to the high administrative court. The trial of such cases is not taxable.

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Slovakia	Citizens are entitled to be present at the meetings of local councils (unless they are closed). At open meetings, citizens can express their opinion and ask any question of their concern.	Municipal authorities can arrange public discussions, and any citizen may participate in them. Results of such discussions are not obligatory.	<i>No regulations</i>	<i>No regulations</i>
Hungary	Local councils should organise public hearings at least once a year. At the hearings, citizens and NGOs can ask questions to the local authorities.	Local councils themselves define the frequency and topics of such fora which are aiming to raise public awareness and to involve the people into the settlement of local issues.	The aim is to supplement the agenda with an issue of public concern attributed to the competence of the local representative bodies. An initiative is submitted to the mayor by 5-10% of voters depending on the status of the body addressed which shall arrange the relevant debates.	<i>No regulations</i>
Croatia	<i>No regulations</i>	Local self-governance authorities may initiate public discussions of the municipality problems or other issues defined by law or their statutes.	<i>No regulations</i>	Local self-governance authorities shall ensure a possibility for the citizens to complain about the work of such authorities or their executive bodies. Such complaints can be submitted either to the local self-governance body or its executive body. The answer shall be provided within 30 days. The above authorities shall provide citizens with a technical possibility to submit their complaints.
M	Public hearings are arranged on the	Different forms of initiatives envisaged by legislation		Anybody can address local self-governance authorities with a

<p>basis of a plan approved by the municipality council for the participation of citizens in the decision-making process on such issues as the local development programmes, plans for the land development and environmental protection, act regulating rights and obligations of the public, and other important local issues. Public hearings shall last for not more than 15 days.</p>	<p>1. Initiative. Citizens are entitled to address a competent authority with an initiative on the issue attributed to the local competence. The competent authority should notify the addresser of its decision with 30 days. In case of no reply, the citizen is entitled to complain to the chairman of the local council.</p> <p>2. Public Initiative. Citizens are entitled to address the local authorities with an initiative to adopt a regulation or amend the existing ones related to the important local issues. The municipality charter shall establish a list of issues that can be initiated. If an authorised body does not approve a public initiative, the issue shall be submitted to the local referendum within 90 days upon the adoption of the relevant decision.</p> <p>3. Public Assembly. The assembly has the right to support the public initiative on making an inquiry or proposal to the competent authority which, within 60 days, shall consider the request or proposal, and notify the citizens of the results. The procedure for the submission of the request or proposal, as well as the procedure for their consideration shall be regulated by the municipality charter.</p>	<p>complaint or information inquiry. The procedure of such an address is established by the municipal charter. The body that has received an appeal or a complaint shall make a decision or send the relevant information within 30 days.</p>
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A special method of direct public participation in the local decision-making is the **local referendum**. This institute has a possibility of multi-level regulation and various methods for the definition of its subject, announcement and administration. In other words, the place of the local referendum in the system of ensuring public participation in the solution of local issues depends on the political system of the state.

When analysing the local referendum as the mechanism for public involvement in the solution of local issues, it is important to focus on its initiator and announcer.

Table 1.2.2. Official and People's Initiative on Local Referenda

Country	Initiator and Announcer	People's Initiative
Austria	- Certain number of land council members; - Certain number of local officials (depending on the land).	Depends on the legislation of the relevant land
Belgium	Municipality Council	The share of the population that should support the initiative for a referendum depends on the size of the administrative unit/province.
Bulgaria	Municipality: one fourth of members of the local council, the mayor of the municipality Region: mayor of the region Local council of the city: one fourth of the members of the local council, chairman of the local councils, head of the municipality. Decision of the local council shall be the last and final one.	One fourth of registered voters (at all levels: municipality, region, city)
Denmark	Decision of the local council	
Estonia	The local council makes a decision on	1% of the population, but not less than 5

	approval of the text submitted for the referendum.	signature for the submission of the referendum proposals to the local council
Ireland	Local council	
Spain	Mayor (with the support of the majority of members of the local council and confirmation by the government)	
Italy	Majority of municipalities: mayor, qualified or simple majority of the municipality council, as well as its qualified minority	1/5 of the voters of the region
Lithuania	Local authorities	
Luxembourg	Local council	1) 1/5 of the voters of the municipalities with more than 3000 people; 2) ¼ of the voters for all other municipalities
Malta		10% of the municipality voters
Netherlands	Local council	+
Poland	Consultative meetings of the local and regional authorities	1) 10% of the district and municipality voters; 2) 5% of the region voters. (Within 30 days upon the receipt of the referendum petition, the local administration should decide on whether to accept it or not. Should the petition not be considered or approved, its initiator may complain to an administrative court within 14 days).
Portugal	Local community meeting	The relevant number of voters (depends on the size of the administrative unit) is entitled to request that the local council arrange a referendum but the final decision is taken by the council, and not the community.
Hungary	Local council; one fourth of council members; one of council committees	10-25% voters (depend on the local legislation)
Finland	Local council	5% of voters can initiate a referendum by passing a relevant request to the local council, but the latter is not obliged to support the initiative.
France	Consultative meeting under the local or regional authority	
Czech Republic	Local council (e.g. on the issue of unification of municipalities)	A defined number of voters (30% of the voters for the administrative units with more than 3000 citizens)
Switzerland	Local and regional meetings (consultative referenda)	
NO REGULATION:	<i>Greece, Italy, Cyprus, Latvia, Malta</i>	<i>Greece, Denmark, Ireland, Spain, Cyprus, Latvia, Lithuania, France, Sweden</i>

It is rather widespread to regulate the forms of influence of the public as such (i.e. the term “the public” means both individual citizens, and NGOs) on the process of the local decision-making. This rule, however, is not universal. Thus, the Local Self-governance Act of Montenegro separates the participation of citizens in the solution of local issues from the cooperation between the third sector and authorities. The aim of such cooperation is defined as ensuring development of the open and democratic society. The means of such cooperation include:

- provision of the information necessary for the functioning of the non-governmental sector;
- consultations with NGOs on the local development programmes and draft regulations that govern the life of the community;

- involvement of public representatives into working groups that develop new legislation development programmes;
- organisation of joint public hearings, round tables, seminars etc;
- funding of NGO projects that are important for the life of the community and belong to the competence of local authorities; and
- ensuring proper conditions for the operation of NGOs.

Lack of the unified approaches to the legislative regulation of the cooperation between local authorities and the public evidences about different development trends characteristic of the civil society in different countries, and about the difficulty with finding a universal model of legal support to the efficient cooperation between the public and authorities at the local level.

1.3. Practical Support to the Efficiency of Cooperation between Local Authorities and the Public

Even though the above legislative mechanisms have been developed to provide support to the participation of the public in the local governance, their practical use is often not approved or not perceived by the authorities, and therefore it remains formal. Members of local council are inclined to see their mandate as a means of almost total control of the community of a certain period of time. Therefore, any supplements to the governance on the basis of the above mentioned procedures with involvement of the public to the decision-making process are not so popular.

Sometimes, difficulties in the cooperation between the public and authorities emerge due to the reasons related to the weak legislative regulation, not related directly to the regulation of the forms of public participation in the solution of local issues. In Slovakia, for example, despite of the normative establishment of a certain list of forms for cooperation between the authorities and the public at the local level, the efficiency of such cooperation is rather low, in particular at big municipalities. The reason behind this trend is that the social system of councils, created for conducting elections, has not been replaced by any other functioning system of cooperation between the people and the elected members of the local councils. Under such conditions, regular meetings of the elected representatives with the people are not necessary, and they are conducted mostly with political objectives (in particular, in the period of elections to the local councils). This example demonstrates how difficult it is to create beneficial conditions through the legislation in order to stimulate, and not prevent the successful cooperation between the public sector and the authorities at the local level.

Despite of the possible drawbacks of the legal regulation, the majority of the reasons behind the feeble efficiency of cooperation between local authorities and the public are related to lack of the will or ability on behalf of the authorities and the public to use such possibilities. Thus, one of the main problems of the transitional societies (including Ukraine) in terms of efficient involvement of the public into the local governance is that the citizens and NGOs are unaware of the available legal regulation of the possible participation in the solution of local issues, as well as about the advantages provided by such participation. In addition, the level of public trust to the local representative authorities is rather low since local self-governance bodies are perceived as state institutions, and not representatives of the will of the community. This evidences of the violated balance in the triangle of the Power – Civil Society – Community which lies in the basis of the democratic governance at the local level. This means that an important issues issue is not just legal fixation of the relevant possibilities, but also the way NGOs and citizens are using them.

The problems of practical organisation of the cooperation between the authorities and the public at the local level are related not only to the undeveloped legal regulation, but also to the lack of interest or will on behalf of the authorities, as well as the citizens and NGO to use the possibilities

available. This makes solution of the problems related to the establishment of an efficient dialogue between the authorities and the public should be solved at the level where they emerge, i.e. not only in the legislation, but also in the area of democratic practices.

1.4. Ways to Improve Transparency of Local Authorities and Efficiency of Their Cooperation with the Public

The 2001 study done by the Organisation of Economic Cooperation and Development has divided the forms of public participation in the process of the official decision-making into five groups:

1. Information and influence – public authorities inform the citizens unilaterally;
2. Consulting – public authorities consult with the citizens (normally the authorities assess the positions of the citizens due to the restricted number of options);
3. Advisory involvement – involvement of the public in the political decision-making (the citizens get a possibility of the final assessment before a certain decision is taken or declined);
4. Stimulated participation – authorities leave the right of the final decision to the citizens; and
5. Free participation – citizens are actively involved in the decision-making; their position is obligatory; responsibility for the steps taken lies both in the authorities, and the public.

Generally, the system of the public influence on the local authorities in the countries that go through the process of democratic consolidation can be taken down to the forms mentioned as groups 1 and 2. This situation can be overcome (i.e. the public participation can be intensified through popularisation of the forms of cooperation attributed to groups 3, 4, and 5) through a number of steps aiming at the organisation of a dialogue between the authorities and the population.

For this purpose it is important **to develop integral programmes aiming to activate systemic cooperation between the authorities and the public**. Such programmes should be targeting not only at the local officials and the third sector representatives, but also the community, the interests of which should be represented and protected as the main aim of the efficient cooperation between the authorities and NGOs at the local level. An example of such strategic approach to the reform of the cooperation between the public and the civic sector is described in the table below.

Table 1.4.1. Programmes of Cooperation between NGOs and Local Authorities: Hungary

In 1997, the Foundation for Development of Democratic Rights launched its Local Government in Partnership with Civil Society Programme aiming at searching for NGO partners among local authorities and at establishing a systemic cooperation between the third sector and authorities at the local level. The main implementation method used by the programme was the support to the development of the local public sector through arrangement of a series of trainings. The main cooperation priorities included the following:

- strengthening of civic organisations in the context of establishment of democracy, development of the system of social services, economic development and protection of environment;
- development of strategies for stable functioning and evolution of the civic sector;
- development of possibilities for the organization and implementation of advocacy programmes;
- stimulation of cooperation between NGOs, business, and local authorities,
- improvement of the qualification of the experts working for NGOs; and
- ensure the influence of civic organisations on the local decision-making.

Another problem that should be solved in the process of reform of cooperation between the local authorities and the citizens lies in the treat of non-transparent activities of authorities. The necessity to ensure transparency in the operation of the authorities at the legislative level proceeds from the civil right to participate in the governance of local affairs which is directly related to the right for full and reliable information on the activities of public authorities and local self-governance bodies.

Awareness of the citizens on the areas, directions, and specific steps of the authorities operation is no less important for ensuring their efficient functioning, than awareness of the policy-makers of the needs and interests of the society/community.

A new trend aiming at the increased cooperation between NGOs and local authorities is introduction of the method of **on-line collection and systematisation of information on how citizens could influence solution of local issues**. The use of computers as an instrument for collection of information for the needs of the citizens is aiming at more efficient dissemination of information on the activities of local authorities, as well as the possible ways of cooperation with the citizens. This should result in the improved quality of the provision of public services at the local level. The risk here is that introduction of this system of information collection and analysis requires its positive perception by the citizens and readiness to use it, as well as a responsible policy for the computerisation of the population. This process also involves additional expenses for the technical support to the process: authorities should care not only for equipping the citizens with technical possibilities to participate in the electronic governance, but also propose a high-quality information product that can be used by the people (in particular, the relevant websites, electronic mailing etc).

One more possibility to involve citizens into the local governance is **to set up a network of civic councils composed of local representatives that have a real influence on the use of resources offered by a certain territorial unit**. Brazil seems to have made a good use of this system as it has been quite intensively reforming the local system of governmental cooperation with the public.

Table 1.4.2. Setup of Civic Council Network: Brazil

Since 1989 a number of Brazilian municipalities have been using the system of “participatory” distribution of local budgets as the means of involving citizens into the local governance. This system envisages establishment of civic assemblies composed of representatives of the citizens from the cities and regions. Such assemblies take decisions on the optimal use of the resources available to the municipality, while municipality councils take the effort for practical implementation of the decisions and proposals of the assemblies. Such system is attractive for the citizens for two reasons: firstly, it shows to the people that they influence the local decision-making, and secondly, it optimises the use of the resources, which in its turn improves the quality of local living standards.

Coming back to the importance of information technologies for ensuring efficient cooperation between the local authorities and the public, it is worthwhile mentioning that as a next step the Brazilian reforms have introduced the system of the “participatory” distribution of funds through the Internet.

Table 1.4.3. Introduction of the Distribution of Local Funds through the Internet: Brazil

In 2001 a number of Brazilian municipalities started launching **the system of participatory distribution of funds through the Internet**. The population computerisation programme was completed in four months. Public access to the network was provided through installation of computers at municipal schools. Special trainers explained to the people how to use the equipment. In addition, a broad information campaign has been started to popularise this initiative which has been, and this has been done both with participation of NGOs and the media. In such a way, the citizens has got a real possibility to protect their interests even before the local assemblies raise any issue before municipality councils. Another example of how information technologies can be used is **provision of citizens with a possibility to become a fiscal agent**. Using this system, people can get information through the e-mail to the network of special websites on all the projects related to the local development. Before any project is launched, the local authorities would organise its discussion that would last one month or two. In addition, over a year citizens were able to suggest any alternatives through the Internet.

The above examples of efficient reform of the system of the governmental cooperation with the public are not solitary. They, however, illustrate how important it is that all participants that influence official decisions in any way participate in the process of changes.

Successful implementation of the mechanisms aiming at the improved transparency of local self-governance bodies and their efficient cooperation with the public envisages both encouragement of the citizens that should get real dividends from the participation in the local governance, and the interest on behalf of public authorities which should aim at an open dialogue not as such but for establishment of the local democracy.

SECTION 2. Cooperation between Local Authorities and NGOs in Ukraine: Status, Problems and Solutions

2.1. Third Sector in Ukraine: Achievements and Problems

NGOs in Ukraine are acting in a rather broad range of social life: charity, protection of interests of individual social groups (women, veterans, disabled individuals etc). They are also using various forms of activities such as public events, information campaigns, analytical work and others. This characterises the Ukrainian civil society as rather versatile.

Noticeable positive changes have occurred in the functioning of the third sector in Ukraine in the recent years. This evidences the general increased weigh of NGOs in the social and political life of the Ukrainian regions. If previously the complete lack of attention to public appeals resulted in very low activity of NGOs, now the growing capacity of the civil society stimulates the general activity of the civic organisations. In other words, broadened scale of the activities of Ukrainian civil society is a logic response to the social demand. **Positive aspects of the activities of Ukrainian NGOs** includes the following:

1. Broadening of areas and forms of NGO activity. Such changes have occurred due to the increased interest of the citizens in the results of the operation of the third sector. In addition, broadening of the possibilities of influence on the social and political situation in the regions in different areas and in various manners proves that there is a growing interest in the results of NGO on behalf of not only the population, but also the authorities.

2. Attraction of more foreign grants. This process has not become ubiquitous, however. In general terms, the trend towards improvement of the conditions in which the civic sector exists and develops becomes noticeable when various funding programmes are being developed for different types of civic organisations with competitive distribution of funds.

Table 2.1.1. Examples of Funding Programmes for NGOs through Competitive Distribution of Funds

REGION, CITY	PROGRAMME, EVENT
Vynnytsya Region	To support initiatives of NGOs, the Main Department for Interior Policy, Media, and Public Relations organised two stages of a competition for the civic organisation programmes in order to consolidate the public around the establishment of the Ukrainian statehood and development of the civil society; 18 out of 33 NGOs have won and received funding;
Volyn	Volyn oblast council provides financial and organisation support to the unions of veterans, youth, women and other NGOs for the fulfilment of publicly important projects.
Lviv	Lviv city council has signed a memorandum on cooperation with NGOs for the introduction of innovative models of social services.

3. Higher professional standards in the civic sector (in particular in the political area). Examples here include the gradual mastering of the methods of work in the public lobbying and advocacy campaigns in Lviv and Sumy regions. Civic councils have become a quite widespread method of influence on the authorities (or rather cooperation with them). This is one of the most popular means of public participation in the decision-making process. However, despite of the declarations made on the importance of consultative and advisory functions of such institutions, in the majority of the regions such councils exist only formally and their recommendations are often ignored.

4. More think tanks are established in the regions due to high professional standards in the third sector. Over the recent year, numerous projects are being implemented aiming not just to extend the network of NGOs in Ukraine, but also bring the civic sector of Ukraine to a new level of development. Partially, such changes can be explained by the increased understanding of the role and importance of the civic sector in the social life.

5. NGOs tend to unite for the implementation of joint projects. This evidences that there is a movement towards the understanding of the problem of solidarity of the civil society. In many regions NGOs set up civil coalitions (e.g. in Kherson region, the Communal Self-Defence coalition has been set up to protect the interests of the citizens in the communal area).

Any objective assessment of the influence exercised by NGOs on the regional processes is possible on the basis of both quantitative, and qualitative indicators. The network of regional NGOs in Ukraine is fairly numerous one and growing. Nevertheless, in its aggregate the third sector has a rather weak influence on the decision-making and political processes in the regions. The reasons behind such negative dynamics are often related to the systemic problems of the civil society functioning in Ukraine in general. Thus, the low efficiency of a dialogue between the authorities and the civil society should not be regarded as a separate trend, but only in the context of general weakness of the Ukrainian NGOs. **The problems of the Ukrainian civil society** include the following:

1. No link between the activities of civic organisations and the aim of the civil society. This problem is caused by the development of the civil society, as many civic unions were set up to meet private interests, and as soon as such interests would lose their importance, such unions would stop functioning. There is no regularity in the influence of the third sector on the processes in the regions and thus NGOs lose their status of a full-fledged participant of the social and political dialogue.

2. The civil society organisations are rather weakly supported by the population as the for a long state the state has been limiting NGOs in their possibility to play a certain role in solving the urgent problems of the people.

3. A big number of fictitious regional NGOs. It should be noted that quite a big number of NGOs exist only on paper. This is due to the low development of the NGO network, as well as lack of the practice of public participation in the regional policy-making. Since the activities of the civil society organisations are often aiming at individual or group interests, there is no need for the lasting existence of certain NGOs, and therefore many organisations disappear after a few years of their active life or after the fulfilment of a specific order.

4. Insufficient funding. Many third sector organisations in Ukraine exist on the budget money which is not always evenly distributed. The constant search for the sources of funding creates a real threat to the independence of the civil society forcing NGOs to approach business and state organisations whereupon they often lose their independent position.

5. Insufficient development of horizontal links between individual civil society entities and authorities (exchange of information, organisation of joint events) as each of them occupy their own niche where they are rather self-sustainable and act independently.

Over the recent three years the dialogue between the authorities and the public has considerably intensified. This, however, does not mean a systemic and stable wish of the local authorities to attract the third sector into the policy-making processes with the exception of rather few individual officials. In other words, the dialogue between the authorities and the public is not regarded as a strategy.

2.2. Cooperation between the Civil Society and Local Authorities

Despite of the functioning problems of the third sector in Ukraine, it is still possible to see a certain positive dynamics in its influence on the governmental processes. It is related to the search of new ways to activate a dialogue and to find the channels that can be used by the third sector and authorities to influence the centres of decision-making. As an example, the oversight of the activities of local authorities and the events aiming to influence the decision-making processes have become rather popular after 2004. They unite a big range of actions from monitoring projects to the active protest campaigns and submission of complaints to the prosecutor's office and are rather popular in almost all Ukrainian regions. On the other hand, there are more cases of social orders for the civil society services (e.g. in Lviv its city council has signed a memorandum for cooperation with NGOs as concerns the provision of innovative social services). The areas and ways of influence that are used by NGOs are described in a table on the next page.

**Table 2.2.1. Areas of Activities of NGOs in the Ukrainian Regions
Aiming at Activation of the Dialogue between the Civil Society and Authorities**

SECTORS	CONTENT	EVENTS
Social Services	Health Care	<ul style="list-style-type: none"> • Anti-drug and anti-smoking campaigns (Volyn); • Events arranged by the Anti-criminal Choice Organisation and Kherson Oblast Charity and Health Care Fund (Kherson).
	Charity	In Chernihiv region , the AHALAR Centre together with the oblast state administration organised an art exhibition to which they invited 100 richest people of Chernihiv; the funds collected were used for charity purposes.
	Gender Policies	In Volyn , the Gender Centre and Volyn Perspectives NGO arranged a number of events to support equality of men and women, against gender violence, and gender stereotypes.
Youth Projects	<ol style="list-style-type: none"> 1. Information campaigns; 2. Use of various forms of influence on the authorities; 3. Scout projects; 4. Physical training and health improvement. 	<ul style="list-style-type: none"> • Introduction of the youth veto on the decisions of the local council and establishment of the Youth Council under the City Council Executive Committee (Odesa); • Establishment of student councils under the regional authorities of different types.
Civil Sector Development	<ol style="list-style-type: none"> 1. Extension of the NGO network; 2. Improvement of the NGO functioning. 	<ul style="list-style-type: none"> • Training seminars for public organisations aiming at optimisation of cooperation between authorities, business and politics (Sumy region); • Numerous which have become methodological campaigns for the principles of NGO operation (Volyn).
European Integration	Discussion and raising awareness	Establishment of the EU information centre; annual celebrations of Europe Days (Volyn, Sumy region ; similar events have been arranged in other regions as well).
Tariff Problems	This issue has become up-to-date and is raised in almost all regions.	<ul style="list-style-type: none"> • Approval of the Vinnytsya Oblast Trade Union Address to the President and the Cabinet of Ministers with the request to cancel all decisions on the increase of prices and tariffs for the population (Vinnytsia region); • Dissemination of leaflets by Lviv Office of OPORA Public Network, Public Forum of Lviv and the Taxpayer Association of Lviv Oblast explaining how citizens can reimburse their excessive expenses related to the illegally established tariffs for the water supply and sewage services (Lviv region); • Arrangement of consultations with participation of NGOs and local authorities on the residential and communal economy (Chernihiv region).
Protests	<ol style="list-style-type: none"> 1. Protests against land development and destruction of historic and cultural monuments; 2. Environmental campaigns; 3. Law-enforcement events. 	<ul style="list-style-type: none"> • STOP campaign arranged by OPORA Lviv Office aiming to protect and preserve the historical and cultural heritage (Lviv); • Public campaigns against excessive construction activities in Kharkiv; • Public campaign against building a radio location station near Chernihiv initiated by the Green Party and OPORA; they were requesting that authorities prohibit the commissioning of the dangerous station; as a result the station was replaced by a safer one, and than moved further from the city.

The back side of the medal is that NGOs currently use rather traditional forms of influence on the authorities and means of participation in the decision-making process. The main types of such activity include the monitoring of the activities of the public as concerns control of the election process and the degree of fulfilment by the officials and members of local councils of their promises. Other forms of activity are as follows:

- information campaigns;
- public events;
- lobbying (NGOs have started addressing the authorities and officials with open appeals and official requests, but they are often being ignored);
- non-active protest campaigns (statements, appeals, information events criticising individual official actions or decisions);
- conduct of expert and sociological studies, examination of the public opinion, preparation of expert reports and analytical materials etc.

Despite of quite a broad range of the forms that can be used by the third sector to influence the authorities, there is no regularity in their choice, as well as it is difficult for them to define the most efficient mechanisms of public influence.

Analysis of the forms and directions of NGO operation in the regions suggests that there is a number of **trends characteristic of the cooperation between the civil society and the authorities**, in particular:

1. Dependence of the content and form of NGO activities on the position of the regional authorities and the nature of the political representation at the national level (i.e. political situation). In Ukraine, the public influence on the political life often changes due to the external factors, such as the interests of the politicians and business circles from the capital. This situation grows particularly threatening in the regions of so called traditional support of certain national political forces.

2. Corporatisation of the third sector when it becomes popular to establish organisations that represent the interests of certain business circles. In other words, the shadow politicisation of business is supplemented by the emergence of the civic business environment. This phenomenon has become rather widespread in Lviv and Sumy oblasts, being noticeable not only at the regional level, but also in the districts. On the one hand, such dynamics is an evidence of activity of regional businessmen, and on the other hand it means that the understanding of the purpose of NGOs is being diluted: instead of protecting public interests they start functioning to satisfy private or group interests.

3. Approximation of the civic sector with local power circles in some areas. On the one hand, civic activity is one of the possibilities to acquire power. Thus, many civic figures in Volyn participated in the elections and became members of local councils. In Sumy region, the civic initiative *The Night Guard* now has its own faction in Sumy City Council and representatives in the oblast and district councils. In Kharkiv, the civic movement *The City Guard* is not represented in the councils, but acts as an opposition to the city leadership. On the other hand, there is a trend towards politicisation of civic organisations, as well as their support by certain groups of politicians. Civic councils are sometimes used to acquire power (e.g. in Sumy oblast the current chairman of the oblast council is a former chairman of the civic council established under the oblast state administration). Unfortunately, however, examples of cooperation between the civic sector and local authorities are rather solitary and are often opportunistic (e.g. in Chernihiv region, think tanks are mainly monitoring election campaigns and programmes, organise information campaigns etc). Quite often initiatives and programmes of NGOs find no support on behalf of not only authorities, but also their partners among other NGOs. In other cases, pseudo-organisations are set up for the specific politically and economical influential individual with the aims that are far from achieving the public benefit.

Summarising the above it is possible to attest that the main feature of the regional civil society is its variety, multi-vector orientation, decentralisation, and motley political tastes. In their aggregate, however, civic organisations have a rather weak influence on the regional decision-making and political processes. One of the reasons behind this is the closed nature of the local authorities and lack of attention to any external recommendations. The only thing that civic organisations can influence is development of the relevant public opinion and attempts to change the attitude of the public to the negative social phenomena in the society. Therefore, it is probably more correct to define the influence of civic organisations on the decision-making as a limited one.

2.3. Mechanisms to Increase Efficiency of the NGO Information Activities for Transparency of Local Authorities

The essence of the civil society as a mediator between the authorities and the society which envisages the use of a certain range of instruments for the expression of the interests of the latter in order to ensure the influence of the public on the state and regional politics conditions a need of multi-sided awareness of the activities of NGOs. In other words, it is the third sector that has the potential to establish stable and regular mechanisms for informing the people on the activities of the authorities, therefore its role in ensuring transparency of the authorities should not be underestimated. Thus, one of the main means of the macro-level aiming at improving the transparency of the authorities both at the national, and local levels is for NGOs to take more active efforts in this direction.

Assessing the situation in Ukraine from the point of view of the efficiency of the involvement of the third sector into the process of ensuring transparency of the local authorities, one has to confess that NGO generally act in a rather non-transparent manner. A considerable number of NGOs provide no information on their activities which raises doubts about how systemically their work. In Lviv region, only 20% of 4,000 organisations (or 300 organisations) are working on a systemic basis; in Odesa region, not more than 10% of the registered NGOs are functioning; in Kharkiv region, only 26% of the total number of NGOs report on their activities in accordance with the procedure established by law, even in pure formal terms; in Kherson regions, out of a few hundred of the registered civic organisations on 53 or 9.5% are recognised as operational. Such limited information on the NGO activities prevents them from ensuring transparency of the local public authorities.

The system existing for the dissemination of information on the activities of NGOs in Ukraine is inefficient due to both internal systemic, and external reasons. The main problem generated by the low efficiency of the information potential of the civil society itself (this is as concerns the internal systemic reasons) lies in the fact that the majority of NGOs in the regions have not been using the instruments that could bring their operation to a public level. A substantial impediment to this is that regional NGOs have no their own information resources and due to the lack of funds to disseminate information on their activities through other media they cannot notify other civil organisations of the projects that they implement and find new partners for their efficient implementation. This results in the weak development of the horizontal connections between regional NGOs.

In such a way, only a limited number of NGOs can be conventionally called “news-makers” due to the involvement of their experts into the comments in the media, various programmes etc. An insignificant share of NGOs can be regarded as public as they often conduct public events information which are then described in the press. The majority of Ukrainian NGOs, however, cannot be called public and open.

Even though resonant events of public life are not closed for the population, NGOs are not used to inviting purposefully the media to their events and presentations of the results of their activities. They also often prepare no reports on their efforts (including financial reports). IN Kherson region, for

example, only 10% of organisations disseminate information on their activities in the media, while in Chernihiv such information can be found only on 4-5 organisations. NGOs actually have no practice of issuing reports on their activities.

As to the external factors, the publicity of the third sector is not promoted by many regional media that refuse not only to publish information on NGOs, but even to mention them. Another important aspect is the lack of interest on behalf of the local authorities to ensure transparency of their own activities. Such undeveloped tradition of publicity complicates the functioning of the third sector considerably in terms of raising the awareness of the local authorities.

The above suggests that the overcoming of the irregular nature of information efforts of the third sector is one of key mechanisms for increasing the transparency of the local authorities. NGOs themselves can also be partially blamed for the insufficient public awareness of their work, therefore it is important to focus not only on the change of the position of the authorities in terms of access of the public on the information on their activities, but also in increasing the efficiency of the information system at the level of the NGOs themselves, i.e. establishment of stable information mechanisms and ensuring the transparency of the authorities. Specific steps that can be done for this purpose may include the following:

- Development of NGO websites. Despite of the inability of the majority of NGOs to have their printed publications, this can become one of the important priorities for ensuring publicity and openness of the civic sector;
- Creation of information resources for the media with the help of those civic organisations that could receive up-to-date and timely information on the condition of the third sector in Ukraine and the region, activities of the donor organisations or learn about the functioning of other NGOs in the regions and present the results of their work; and
- Establishment of resource centre that can generate information environment. Ukrainian regions often use progressive approaches to the public information policy: Sumy and Kharkiv have their oblast reform press clubs that are involved not only in monitoring, but also in the information exchange between the regions in the context of introduction of the latest practices.

As to the steps done by the authorities in order to make their own functioning transparent, such examples are rather rare. One of such solitary examples is described below.

Table 2.3.1. Cooperation between the Authorities and the Public: Donetsk Region

At the beginning of 2006, the Head of Oblast State Administration issued Instruction No. 461 establishing an experiment on improvement of the mechanisms for involvement of the public in the process of decision-making by local public authorities, development of an efficient dialogue between such authorities and civil society institutions. For this purpose, an expert group was set up at the oblast state administration to consider the issues and make proposals on how the implementation of the state regional policies can be improved. The members of the expert group were selected through a competition. Altogether 10 representatives of civil organisations of Donetsk region became members of this group which was supposed to assess the draft decisions, proposals on the improvement of the local and regional regulations, their efficient implementation, assessment of the consequences of the adoption or non-adoption of a certain decision through development of conclusions, decisions, recommendations, and proposals for the oblast state administration. The group has been working for one year, whereupon it issued its opinions and recommendations on 12 draft decisions, oblast programmes, and regulations. Unfortunately, the current legislation does not stimulate the officials of public authorities to subject their decisions, provisions, and programmes to the public expert analysis, therefore the role of the expert group is still not clear for many players and is perceived as an excessive bureaucratic structure.

It is demonstrative that local offices of political parties are almost not doing any steps to deepen their cooperation with NGOs in order to raise public awareness of certain initiatives and activities of political party factions. Practically no consultations are held with NGOs as concerns the development of the municipal policy, implementation of the approved programmes, reform of the local self-governance etc. The joint events that do take place are main declarative. There is almost no cooperation between the political and civic sector.

Generally, the authorities are not very enthusiastic about any regular cooperation with NGOs. In such a way, the weak institutional and resource capacity of the third sector in Ukraine described above is supplemented by the lack of the initiative on behalf of the local authorities to establish a constructive dialogue with the public. This can partially be explained by the fact that the authorities do not see the civil society as its strategic partner, as both of this macro level players pursue their own (individual or group) interests.

CONCLUSIONS

- 1. The local democracy system envisages cooperation between local authorities and NGOs as an instrument for articulation and lobbying of the interests of the people as main addressees of the local politics. It is important that the problems of the cooperation between authorities and the public concern the will and ability of all three players to get involved into this process. Under such conditions, the full-fledged study of the cooperation between local authorities and the public should focus on such issues as involvement of the public in the settlement of the local issues; form of cooperation between NGOs and local authorities; transparency of local authorities; mechanisms to improve the efficiency of cooperation between the public and local authorities, and ensuring transparency of the latter.*
- 2. Methodological approach to the consideration of the cooperation between local authorities and the public should take into account the level of legal regulation of such cooperation and practical problems related to use of the possibilities provided by law.*
- 3. Analysis of the examples of legislative regulation of the cooperation between local authorities and the public suggests that there are the following main forms of such cooperation: public hearings, public discussions, public initiatives, appeals and complaints to local authorities, courts or advocacy organisations, local referenda etc. Practically each of these forms needs a serious element of information, i.e. requires transparency in the activities of both public authorities, and NGOs.*
- 4. Analysis of the practice of cooperation between local authorities and the public suggest that the majority of reasons behind the inefficiency of cooperation lies beyond the legislative regulation, i.e. in the area of implementation of the possibilities provided by law. This suggests the importance of the availability of the political will on behalf of local authorities and the initiative on behalf of representatives of the public.*
- 5. Development of the third sector in Ukraine as the main instrument for informing the authorities of the interests and needs of the people has the following features:*
 - On the one hand the number of NGOs and areas of their operation is steadily growing, and on the other – their activities are often fictitious due to the low level of funding and institutional capacity;*
 - There are no grounds to speak about the existence of beneficial conditions for the development of the civil society sector;*
 - NGOs still do not work on a systemic basis; civil organisations are often politicised; there is often no understanding of the necessity to establish efficient communication with the media and to aim at publicity;*
 - Lack of system in the operation of NGOs is related to the full-fledged understanding on behalf of the third sector of its purpose in the society, and also lack of human and material resources necessary for the uninterrupted implementation of their function; and*
 - Both local authorities and NGOs demonstrate lack of interest in the cooperation between the authorities and the civil society.*