



EASTERN PARTNERSHIP
Civil Society Forum

POSITION PAPER
of the
EaP Civil Society Forum (CSF)
on
Needs of Public Administration Reform (PAR) at Local and Regional Level
in
EaP Countries

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Introduction

The support of democratic processes and good governance in member countries are among the aims of the Eastern Partnership. To achieve these goals it is essential that the civil society organizations in the area are engaged in planning, implementation, and monitoring of forthcoming reforms. This participation has been institutionalized through Civil Society Forum (CSF), the first working platform of which implies preparing recommendations on the issues mentioned above.

The CSF welcomes the inclusion of local and regional authorities in the implementation of Eastern Partnership and the establishment of annual conference (CORLEAP) with this aim. This initiative will enhance dialogue between all stakeholders participating in the reforms in the countries ensuring that more consistent and consensus-based steps are taken.

Development of the local democracy is one of the main challenges in member countries as the legacy and elements of centralized governance remain dominant there. Moreover, few traditions of self-government exacerbate the problem, and the lack of public discussions hinders better understanding of the principles of self-governance in wider society.

The CSF welcomes the ratification of the European Charter of Local Self-Government by member countries and appeals to the Government of Belarus to join the Charter, thus, consolidating the faith in Belarus' aspiration towards the establishment of democratic principles in the country. On the same note, Azerbaijan falls short of the principles of the Charter by still needing to establish local self-government in Baku.

It is extremely important to encourage transfrontier cooperation for better integration of the member countries into the common European space. In the most member countries these avenues are quite unexplored and underdeveloped due to the lack of adequate resources and relevant experience. It is significant to focus more intensely on transfrontier cooperation of self-government units.

The cooperation between the local authorities and civil society is the vital element of local decision-making and the prerequisite for sustainable democracy. Such cooperation ensures better evaluation of societal needs and adequate response to them by local authorities.

The CSF is concerned that despite some steps taken by the member states towards the introduction of local self-government, there is no strategic vision regarding reforms in the area.

The CSF is convinced that deeper involvement of the Council of Europe and in particular of the Congress of Local and Regional Authorities in the process of implementation of Eastern Partnership goals towards local self-government will greatly increase chances of success in this direction.

Challenges and Needs for Local Self-Government Reforms

- Member countries have not approved strategy of the development of local self-government;
- Despite ratification of the Charter, legislation in member countries still contains norms that are inconsistent with the Charter;
- In most member countries transfrontier cooperation is of a declarative character and is rarely practiced;
- Although the associations of local self-governing units exist in most member countries, in practice their role/participation in decision making at national level on matters concerning local self-government is negligent;
- The participation of independent (non-party) candidates in the local elections is limited in a number of countries, making the councils dependent on partisan politics to a greater extent; On the other hand in some countries participation of political parties in the local elections is prohibited undermining political parties exposure to local challenges;
- In several countries local executive authorities are not accountable to the elected councils;
- Local government's own competences in member countries are inadequate as defined by the principle of subsidiarity as they do not cover a number of public issues of local importance. There is no clear delineation of functions between local and national governments causing additional administrative and financial expenses. The legislative basis of delegated authority is mostly disorderly and necessary resources for these functions are not considered;
- Insufficient local budget revenues translate into extremely low fiscal independence of local governments;
- Municipal services are of rather low quality in member countries due to significantly antiquated infrastructure while local resources for its rehabilitation are inadequate. In most countries the situation is aggravated by the absence of established municipal service standards or their merely formal character. Underdeveloped property basis of self-government is also a matter of concern;
- Despite the legal provision for citizen participation mechanisms, their practical application is insignificant, since in a number of cases legislative norms are not supported by relevant mechanisms as established by local governments or are over-bureaucratic, thus, almost any citizen initiative can be blocked; in addition, some country legislations lack even basic mechanisms for citizen participation;
- The qualification of civil servants in local self-government bodies and staff stability remain problematic due to legislative restraints, limited financial resources, and/or incomplete reforms of public service.

Challenges and Needs for Carrying out Administrative Reforms on Regional Level

- Administrative reforms at regional level are not on the policy agenda in most of the member countries;
- In a number of countries where there are elected representative bodies at regional level the actual power is concentrated in the hands of the executive branch which is mainly accountable to the national authorities; The lack of democratic participation and centralized decision-making hinder efficient and transparent allocation of resources.
- In member countries where elected regional authorities exist overlapping of functions with those of local self-government is the main challenge. This results in overspending of public resources. Additionally, the regions suffer from low level of fiscal independence.
- Taking into consideration the recent study findings on the needs of public administration reform in EaP

countries, conducted by the PAR subgroup of WG Platform 1 of the CSF, the CSF considers it necessary to evoke recommendations delivered to the various stakeholders in 2009-2010 and present the following recommendations in order to respond to the challenges and needs as described above:

Recommendations

The CSF Appeals

A) To the Committee of Regions:

- To ensure the engagement of the CSF in CORLEAP annual events;
- To ensure strong political support in the issues of decentralization and the involvement of civil society in the process;
- To encourage launching of common projects for good local administration and active local citizens in support of CSF and its participant organizations;
- To consider civil society as one of its main partner in consultations while developing policy and opinions;
- To encourage holding debates on issues within the framework of the CSF 1st working group platform;
- To ensure the involvement of civil society organizations as constant CSF observers (and financial support of their participation) at CIVEX commission meetings;
- To call for clear delineation of functions among various government levels and their provision with adequate resources as required by the principle of subsidiarity;
- To call on Belarus to join the European Charter of Local Self-Government;
- To call on Azerbaijan to grant the status of municipality to the capital city of Baku
- To ensure monitoring of the implementation of the relevant legislation of member countries through close cooperation with the Council of Europe and in particular the Congress of Local and Regional Authorities in accordance with principles and in the spirit of the European Charter;
- To encourage the use of the instrument of transfrontier cooperation by member countries as set out by national legislation placing the focus on the role of local and regional authorities.
- To encourage the self-governing units to join Innovations and Good Governance Strategy of the Council of Europe and the introduction of its principles;
- To promote conformity of inner institutional structures of local self-governments with European practices where applicable;

B) To Local Governments:

- To be actively engaged in the implementation of Eastern Partnership;
- To take active part in the implementation of public administration reforms going on in their respective countries at local and regional levels;
- To strengthen cooperation with civil organizations in order to ensure implementation of citizen-oriented policies and augmentation of their independence from national government;
- To ensure effective citizen participation in local decision-making;
- To join Innovations and Good Governance Strategy of the Council of Europe and the introduction of its principles;
- To be actively involved in the process of regional project planning to better promote local interests.