

EU POLICY TOWARDS PROMOTING LOCAL DEMOCRACY IN UKRAINE

Kateryna CHABANOVA

Odesa Regional Institute for Public Administration of NAPA
under the President of Ukraine
Odesa, Ukraine
katerynachabanova@gmail.com

Abstract: *Administrative-territorial structure of Ukraine is far from being the one that is aimed at providing even social-economic development and promoting prosperity in its regions. The system of local government doesn't meet the needs of Ukrainian society. Not only it doesn't grant getting essential public services and having equal opportunities in justice but also doesn't provide the creation and maintaining of the favorable living space for the development and self-realization of the human. After "the revolution of dignity" Ukraine embarked on public administration and local government reform. The research supports an idea that transformations in Ukraine may be achieved with local solution. Strengthening the capacity of local communities is the only way to empower people. European Union provides constant advice, expertise and financial support to Ukraine. The main aim of this article is to investigate EU policy toward promoting local democracy in Ukraine and analyze the EU activities in democracy-building as well as to present the different challenges that EU facing within implementation of the Association Agreement.*

Keywords: *local democracy, local government, local community (gromada), decentralization, devolution, administrative-territorial reform, public administration reform, europeanization, integration*

INTRODUCTION

Reforming public administration in line with European standards is an integral part of the Ukrainian integration into EU administrative space. It supposes the approximation of the Ukrainian law to the standards, principles and rules that are based on the fundamental values of freedom, democracy, rule of law and respect to human rights and freedoms.

The current system of governance in Ukraine and its spatial division does not meet the needs of Ukrainian society, the criteria of its European choice and principles of "good governance": effectiveness, transparency, accountability and social cohesion (Council of Europe, 2014). Its drawbacks lead to the slowdown of Ukraine's development and low competitiveness of the country in the world.

Ukraine is a unitary state with the following tiers of sub-national government: (1) oblasts (could be compared to a region within the European Union context), (2) rayons, (3) city councils, (4) rural councils. Local communities (gromadas) in Ukraine are quite fragmented and, besides, vary in terms of population size, infrastructure, financial capability and in some cases ethnic compound as well. That is a great obstacle to effective management and control and in the terms of European normative understanding of good governance this sub-division is far from ideal.

UKRAINE ON THE WAY TO REFORM

The signing up of Ukraine – EU Association Agreement (political provisions were signed on 21 March 2014; economic part - 27 June 2014) opens the way to the various progressive changes for Ukraine. The treaty becomes a pointer to the profound economic and social reforms ensuring the irreversibility of Ukraine's European integration and confirming a final choice in favor of a European model of social and economic development (Chernykov, Khorolskyi, Synookiy, 2014).

Ukrainian government has been taking active measures for the development and modernization of public administration and local government. On April 1, 2014 the Government of Ukraine approved “The Concept of Reform Local Self-Government and Territorial Organization of Government in Ukraine” (Verkhovna Rada, 2014). Then on June 24, 2016 it approved the Public Administration Reform Strategy 2016-2020 (Verkhovna Rada, 2016).

From the other side European Union provides constant hands-on advice, expertise and financial support. The focus of European financial aid for 2015/2016 has been on decentralization and public administration reform (European Commission, 2016).

Decentralization is a priority reform area due to many factors. Firstly, Decentralization is an integral part of democratization – the real right of people to define the form of their governance, representation, policies and service delivery. Secondly, Decentralized governance can be an important element for the strengthening of civil society. The more power is decentralized, the stronger local government capacity is. Besides, the existence of local government along with the emergence of local institutes of civil society is the sign of political pluralism, which is the best mean of ensuring democracy (UNDP working paper, 1999).

One of the strongest forms of decentralization is devolution. It is defined as a mechanism for reconciling territorial autonomy with the unitary state where regions have a key role as intermediaries, between central and local government and between state and civil society (Keating, 2009). High level of civil society development and participatory democracy as well as the developed accountability mechanisms are the key characteristics of “devolution in action”.

Civil society organizations serve as stakeholders in the decentralization process and a “city” is a center of modernization, innovation and an engine of change. Unfortunately in Ukraine there is a problem of the structural weakness of civil society an urban activism in general. Realizing the importance of cooperation between civil society and local government authorities in order to promote democracy, local development and social capital nevertheless Ukraine constantly deals with the limited transparency, mistrust between them and lack of financial capacities. As CSOs are the main stakeholders in the decentralization process, the development of local democracy is of the highest importance in the context of the administrative reform.

The notion of autonomous self-government as a form of local democracy is not well rooted in Ukraine. This reflects the strong Soviet expectations that the state rather than community should take care of people needs. As a result, citizens of Ukraine have

little knowledge of and interest in local self-government, preferring either to passively wait for the resolution of their problems by local authorities with state support, or to solve the problems by themselves with no consideration for the wider community. This is a key challenge for the effective delivery of all EU programs and initiatives, and prohibits the adoption of EU norms with democratic life in Ukraine (Aston Centre for Europe, 2011).

BACKGROUND OF EU POLICY

The EU's mandate to support democracy in its neighborhood derives from the article 21 of the Treaty of the European Union (1992), which states that democracy, the rule of law and the universality and indivisibility of human rights and freedoms are the guiding principles of the Union's external action.

Human rights and democracy remain high on the EU agenda as shown by the EU Action Plan on Human Rights and Democracy for the period 2015-19.

The EU implements its democracy-assistance activities through a range of specific policies and their attached instruments. Much of the EU's democracy assistance work in the countries neighboring the Union is conducted within the framework of the European Neighborhood Policy (ENP) which is based on mutual commitments to common values such as rule of law, good governance, respect for human rights and sustainable development.

Realizing the differences in historical, cultural and political background of the countries ENP was further complemented by additional initiatives. One of them is the Eastern Partnership (EaP) which includes Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Under the objective of accelerating political association and economic integration, the EaP includes a program of visa liberalization and enhanced access to European market through the Association Agreements, including Deep and Comprehensive Free-Trade Agreement. Through ENP Action Plans, the EU covers a variety of issues including economic development, promotion of democracy and human rights, energy, transport, environmental protection, people-to-people contacts, development of political institutions and cross-border and regional cooperation (International IDEA, 2016).

Since its adoption, the ENP has faced quite a lot of challenges connected with the post-soviet tradition of state-building and authoritarian resilience. Despite differences countries share many political and social economic challenges, including fragile institutions, corruption, poverty and conflicts.

Trying to address the drawbacks of its policy, EaP introduced a new tool toward the more bottom-up and locally driven democracy support. One of the most important EaP innovations has been a greater involvement of broad range of non-government actors (including NGO, local citizen's groups, trade association and cooperatives, trade unions, local organizations involved in decentralized regional cooperation and integration, scientific organization, communities, the media and independent foundations etc.) in the EU's cooperation with neighboring countries.

In order to promote contacts among civil society organizations (CSOs) and facilitate their dialogue with public authorities an EaP Civil Society Forum was created. In addition one more independent institution – A European Endowment for Democracy was established in 2012 to complement the initiatives of the EU instruments – support civic-society actors and other stakeholders in their efforts to deepen democracy and human rights. The Neighborhood Civil Society Facility, and dedicated funding at regional and country level proves that engagement with civil society is a key element of the Eastern Partnership. The EU strategies for promoting political reform in the neighborhood continue to develop by raising the budget of existing aid instruments and consulting local CSOs (Shapovalova, Youngs, 2012).

For Ukraine (and for the five other eastern European partners as well) the institutional plurality is still a recent phenomenon. The structural weakness of local democracy goes back to the communist period, when civil participation was prohibited.

CHALLENGES FOR DEMOCRACY

An in-depth analysis of EU activities on reshaping its democracy promotion policy through stronger civil society support illustrated quite serious challenges (Shapovalova, Youngs, 2012). Here are the following:

- The empowerment of civil society actors is an obstacle for the further development. The granting system is too complicated for local NGO's and seems to have a focus mostly on the well-established and highly professional ones (Sator, 2010).
- Weak environment for civic society. The existence of the GONGO (a government-organised NGO) phenomenon as well as an attitude to foreign-funded NGOs as foreign agents and traitors of the national interest is quite widespread (Lisnychuk, 2013).
- Inefficiency and bureaucratic nature of the local government authorities. Effective mechanisms of accountability are not developed.
- The lack of awareness of the population about the running EU projects and about the Association Agreement negotiation process in general raises the public mistrust and as a result leads to the low civic engagement. Civil society is not involved in the consultations related to the Association Agreement negotiation process and that's why not informed about the benefits of future agreement. It provokes the reluctance of the further EU integration.
- The absence of effective monitoring and evaluation tools (except from ENP Action Plan's progress reports) makes very difficult to assess the real state of civic society in the country.

CONCLUSION

All things considered the EU in supporting local democracy in Ukraine is accelerating mutual cooperation and providing constant advice and financial support. Nevertheless it faces some challenges that preclude democratic development in Ukraine. The EU should improve the balance between aid going to Ukrainian state and non-state

actors. Reforming funding procedures and making them more transparent would raise the awareness of population on the hand and strengthen the participatory mechanisms from the other hand. Due to the problem of constant mistrust between civil society and state authorities building the bridges is of the highest importance. EU should also find ways to reach out the group that do not embrace European values as there is a tendency of polarization in Ukrainian society. By using more diplomatic tools and international arrangements there is a chance to promote a more conducive environment for SCOs. The EU should also cooperate with local philanthropists considering the low level of corporate and individual philanthropy in Ukraine and create more effective schemes and evaluation procedures.

A reform of local government to make it independent of central government interference is not simply desirable for Ukrainian democracy, but absolutely essential. This fact cannot be overlooked. Only democratic local government reform can bring an end to the temptation for central government to use administrative resources in order to pursue their own interests. And only local government reform can end the Soviet-era direct chain of command from the centre to the smallest locality that frustrates local democracy, local economic development and the advance of Ukrainian society.

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