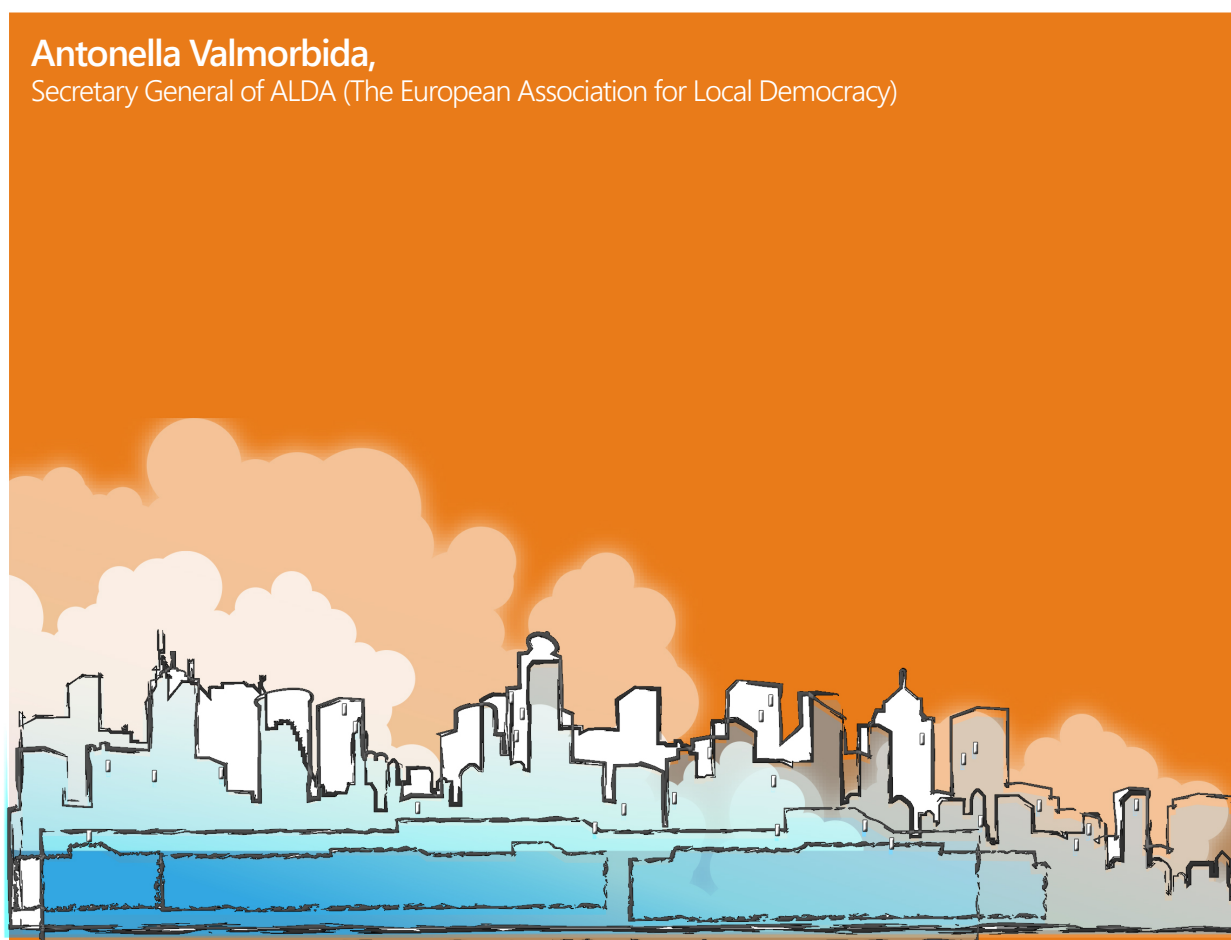


COOPERATION WITH CIVIL SOCIETY TO PROMOTE PUBLIC ADMINISTRATION REFORM IN THE EASTERN PARTNERSHIP COUNTRIES

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Objectives of the paper:

1. To raise awareness and knowledge on the possibilities and importance of working together with civil society organisations (CSOs) as key stakeholders to support Public Administration reform and decentralisation, in EaP
2. To present the key points as for PAR from the point of view of CSOs
3. To present good practices of CSOs cooperating to support Public Administration Reform and Decentralisation

¹ The elements on the EaP are provided by the Subgroup on LGPAR (see composition at the bottom of the document).

i. Context/importance of PAR in the Neighborhood. The role of Public Administration Reform and Decentralisation/strengthening local government in Neighborhood

PAR and Decentralisation represent crucial and cross-cutting elements among the objectives of the Neighborhood policy and in the EaP. They affect systemically the governance of the State, its functioning, its capacity to deliver service as well as its relationship with citizens. PAR is a fundamental bone of a well functioning democratic State. The European Neighborhood Policy aims at engaging in a privileged relationship and at creating special conditions for a better and more efficient cooperation. ENPI and EaP represent an enhanced set of objectives for a progressive econom-

ic integration between the EU and the partner countries. It needs to create homogeneous ways of working that will make easier cooperating and living in proximity. The *Acquis Communautaire* of the Enlargement are here represented by key elements based on values and systems of governance: transparency, accountability, effectiveness of policies, democratic representation, and fight against corruption. Final beneficiaries are citizens and development of businesses for a global and fair, shared welfare.

ii. Why working with Civil Society in promoting Public Administration Reform

a) **The reform of Public Administration is NOT an essentially legislative process but it is strictly connected with cultural and systemic elements in the community.** It is therefore essential to consider the existence/non existence of the relation between institutions and citizens. PAR and the legislation cannot be developed without considering a constant process of information, dialogue and exchanges with citizens that will **establish trust** from both sides that will then allow the laws/provisions to have a certain chance of being implemented.

b) **The reform of the Public Administration and the processes of decentralisation address the organisation of powers, responsibilities and competences.** The processes are participated by two essential parties: institutions and citizens. Both need to go through their own process of capacity building, training and development. If we implement training for local authorities (politicians and civil servants), the same should be done for citizens and CSOs. **The improvement should address both the sides of the governance & institutions, and civil society.**

c) **These two components of the governance (CSOs&citizens and public institutions) CANNOT develop and improve in parallel paths without never meeting and crossing each other. They have to develop thanks to joint, cooperative processes.** Their developed capacities should be built together in a constant exchange and dialogue. Having a *perfect* legislative system and then start working on citizenship and governance cannot be the goal!

d) **Participation of policy makers (local and national)** is not a process that follows one point after the other, rule by rule, but should actually be an **"attitude" towards participative governance.** This attitude should frame the whole approach. Some very effective and innovative way of participatory democracy come actually from less democratic states with new ideas for matching a big divide between citizens and authorities.

e) **Generally speaking, there is a global problem as for the recognition of the importance of laws and regulations.** The legislative processes exist and sometimes can also be very good (i.e. the different legislative provisions existing in the Armenian law as for citizens participation), but the problem lies within its **implementation** and in the fact that, culturally speaking, there is a gap between legislation and real perception and recognition of its value.

f) **Why to focus on Neighborhoud.** The Neighborhoud policy raised objectives since it aims at building systems that are more homogenous with Europe in terms of value and governance (labour, public and private, governance).

iii. Common issues at stake and highlights by civil society in the Neighborhoud

From the point of view of civil society groups active in Public Administration Reform programmes, several are the issues at stake.

a) **Improvement of Civil Service:** In all the countries concerned, civil service represents an issue at stake. The targets in this case are a) de-politicising the civil service b) creating effective conditions of working c) creating systemic efficiency and liaison with the political and administrative body d) reducing possibilities of corruption e) developing competences & capacities of civil servants to implement their work

b) **Decentralisation and strengthened competences of local governments, local democracy, fiscal decentralisation for a more efficient functioning of local governments.** In all the countries concerned (in particular in the Eastern partnership countries), municipalities and local bodies are still extremely weak and cannot fully implement their expected role. For most of them, there is only one source for funding from the transfer from the State. Some of the Local governments have hardly resources for a minimum functioning and they cannot represent a real centre of decision-making.

c) **Lack of participative approach.** Legislation on citizens' participation for policy making (including the element of Public Administrative reforms) differs country by country. Some are more advanced but they globally lack practices and implementation. The legal provisions miss spaces for dialogue and engagement with citizens and CSOs. The gap between institutions and civil society is big and needs to be bridged over.

d) **Lack of transparency and corruption.** Public institutions (national and local) are heavily affected by corruption, which is preventing a virtuous growth in democratic, social and economic terms. Public administration reform should address the problem of corruption, which is cultural and systemic.

iv. Added value of civil society in Public Administration Reform

a) **CSOs as key stakeholders of community:** Public Administration Reforms should engage in a systemic change all the stakeholders of the community. PAR is a cross cutting process, with public and private actors. Civil society organisations represent key stakeholders of community development. CSOs can **mobilize general attention** and **public awareness** on the importance to have good governance and accountable, reliable institutions.

Case box:

****The Local Democracy Agency in Armenia** is engaged in a set of simple and very accessible courses on local democracy and local governance in the high schools of Gyumri/Shirak region. The students learn the basic elements of local governance as provided by the European Charter on Local Self Government of the Council of Europe. ^{2**}

b) CSOs can inform and engage citizens in collecting information and opinions while the process of reform is ongoing, and can help disseminating and implementing legislative provisions. They can naturally become partners of the PAR reform as a go-between the institutions and the citizens.

Case box:

****In Ukraine – the Local Democracy Agency in Dnipro** is implementing a series of local seminars to explain to citizens the impact and rules of the territorial reforms in Ukraine. They **provide very direct and easy to get information** on important processes for the rest of the Country. The Oblast of Dnipropetrovsk is partnering with local civil society group³.

****In Belarus**, the role of civil society is particularly important. It is organised mainly through the National Platform of the Civil Society Forum for Eastern Partnership. In this country, the human potential of local authorities is non sufficient. Despite the difficulties, in some case, we have seen the creation of CSOs expert councils, i.e. independent group of citizens aimed at solving specific problems at the local level. These have been established in particular linked to social and cultural activities, protection of environment, youth and health. ^{**}

c) CSOs working together with public institutions are able to work at the cultural level of the issue and they build trust thanks to a process of awareness of shared problem solving. By having direct contacts, elected representatives can meet and work with citizens and CSOs and engage on a dialogue, which will benefit the entire community.

Case box:

In **Georgia**, the Association of Municipalities of Georgia (NALAG) has developed a two years programme on mobilizing citizens for local democracy. They have addressed and trained local community leaders to build a constructive dialogue with local authorities. Thousands of people have been trained by this project in Georgia, thus substantially increasing the understanding of the role of local authorities in the country.

The programme **LADDER** of ALDA is creating a vast platform of awareness-raising, by making local authorities and CSOs work together on global citizenship issues and shared responsibilities.⁴

2 http://www.alda-europe.eu/newSite/lda_dett.php?id=13

3 http://www.alda-europe.eu/newSite/lda_dett.php?id=14

4 <http://www.ladder-project.eu>

d) CSOs can work on a participative processes and attitude of elaboration of public policies, both at the local level and at the national level. The added value of the participative processes is the possible identification of best solutions to give problems and the mediation of critical interests.

Case box:

In **Armenia**, the city of Dilijan has funded and supported some local initiatives proposed through consultations with citizens. The process was participative and engaged the public institutions and local CSOs.

The Subgroup on Local Government and PAR of the CSF EaP has produced a report on Citizen Participation in EaP (2012) (attached) highlighting the different possible documents to refer to: the European Charter on Local Government of the Council of Europe and its additional protocol on Citizens participation⁵ and the Code on Good practices for Citizens participation of the Conference of the INGOs of the Council of Europe⁶.

***** In Ukraine**, two important civil society platforms were created to support these processes: "The reanimation pack of reform" and the "New country". The experts of these platforms have influenced the content of the reforms in the Parliament and governments. There is a quite effective commission of dialogue between the experts of CSOs and institutions. The National platform of the Civil Society Forum for Eastern Partnership is effectively included in this dialogue with institutions. Even the Public Service reform is among the good success of this cooperation. Within the National Agency dealing with questions of civil service, a Consultative Council was created, where the CSOs were particularly active in identifying legislative steps. Now even the monitoring of this reform is composed of a group on CSOs representatives⁷.

e) Building the process of working together for a community approach to development. A joint process in identifying solution (CSOs and public institutions, at the local and national level) creates the best conditions for addressing problems in such difficult conditions as we often meet in many of the countries the Neighbourhood. The awareness process for citizens is improving the sense of common responsibility for public affairs, and opening a dialogue with public institutions

Case box:

In **Belarus**, several regranting activities joining efforts of local institutions and CSOs have been initiated by the **Lev Saphieh Foundation and its citizens' centers, and ALDA**. The programme is supported by ALDA and the European Commission - Project Tandem II (rehabilitation of a play ground for sport, cycling path for sustainable tourism, cultural heritage, etc.)

5 http://www.coe.int/t/congress/Texts/conventions/charte_autonomie_en.asp

6 <http://www.coe.int/en/web/ingo/civil-participation>

7 <http://reforms.in.ua/en/skorkardiy>

iv. Recommendations for improvement of PAR and involvement of CSOs

From the Civil society point of view, the following steps and priorities are proposed in order to increase the impact of our common work in promoting Public Administration Reform in the Neighborhood.

a) To increase support to **decentralisation** and strengthening of local authorities, local democracy, including **fiscal decentralisation**⁸. The legislation must provide the norms defining the status of municipalities⁹. They must be provided with sustainable financial sources so that they can carry out their responsibilities, and possibilities of the application of shared taxes system must be considered by making changes to the legislation

b) To work on **capacity and awareness of both local authorities** (elected official and civil servants) **and civil society** on the role and importance of local governance and possibility to work together

c) To move for the ratification, alignment and implementation of the principles of the **European charter on Local Self government** and the use of the principles and instruments proposed by the **Code of Good practice for civil participation in decision-making processes of the Council of Europe**

d) To focus on **Local democracy** – understood as decentralisation of powers, competences and responsibilities, entailing elections at the local level as well as the development of the concept of the local community, accountability, transparency, cooperation between public stakeholders and civil society

e) To focus and strengthening the capacity building for **associations of local authorities** and the network of **networks of civil society**, that working together have a broad national impact

⁸ Specific point on Georgia- improving legal basis (Self-Governance Code of Georgia and Budget Code of Georgia) of fiscal decentralization in line to improve independence and budgetary resources of municipalities and reduce dominant position of central government in public finances allocated to the needs of municipalities;

Specific point on Azerbaijan Legal barriers for the establishment of a single municipality in Baku city must be removed and a special law be adopted about "status of Baku city" to regulate the complex relations around the status of Baku city;

Implementation of the second stage of the local public finance reform must lead to strengthening the fiscal base of the local public administration authorities. The implementation of the second stage of financial decentralization reform is a key element for the success of the whole decentralization process. Without concrete actions and real progress on this dimension, there is the risk of discreditation of the whole reform.

Revision of the current system of public funds allocation for financing investment projects by establishing clear rules, increase transparency and involvement in the supervisory board the local governments and civil society representatives, based on parity criteria.

⁹ Note from Moldova: Creating an appropriate institutional framework at the level of Government and Parliament, in order to ensure proper implementation of the reforms in public administration and decentralization domains. At Government level it would be a Deputy Premier for the reform of decentralization, regional development, strengthening local autonomy and public administration reform. At Parliament level, the Special Committee on decentralization and strengthening of local autonomy should be revitalized

f) Introduction of **systems of efficiency for public service delivery**, in cooperation with civil society organisations

g) To increase the **participation of civil society in the decision making process at the local and national level** with full implementation of the existing legislation and identification of more possibilities

h) To define the **spheres and/or direction or level of reform where the resources of local and international CSO's** will be used effectively

i) To **ensure inclusiveness of CSO's in the process of planning implementation of Public Administration reform and the Law on State Service**

j) To **develop and implement effective mechanisms of permanent institutional dialogue** between Government, Parliament, the central authorities on the one hand, and representatives of local public administration, civil society, experts in the field, on the other hand.

k) To focus and strengthen **common activities** (planning, elaborating processes and implementation) **between CSOs and public institutions**. Working together is probably the best way to develop an effective PAR.

l) To Focus on **micro support for working together**. Re-granting schemes could be a good opportunity to disseminate initiatives of cooperation and awareness raising throughout the country and being able to reach the remote provinces.

Annexe 1 - Composition of the Subgroup LGPAR of the Civil Society Forum for Eastern Partnership

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