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INTERACTION ELEMENTS OF LOCAL GOVERNMENT AT THE MUNICIPAL LEVEL: INTERNATIONAL EXPERIENCE AND NATIONAL CHARACTERISTICS

This paper examines the current state of the elements of interaction SMS in Ukraine at the level of villages, towns and cities: municipalities; village, town or city council; executive bodies of the Council; The village mayor; district councils; NGOs; the typical problems of interaction of these elements by analyzing acts of local government and self-practice in many communities. BSP specific work as a form of citizen participation in local government and elements of the SMS and got the following results: BSP certain activities as subject to influence agencies and officials of local government decision-making, identifying the most important life support functions of local residents; formulated seven key areas of impact on BSP MLA in the context of the BSP to promote in society; Conceptual scheme of interaction with other elements of the local community BSP SMS.

Present models of interaction elements SMS-level territorial communities formed in Ukraine. Was emphasized that the concentration of a significant amount of power in the executive council, has a significant dependence of the management of local affairs on the personal qualities a principal officer of the local government. An important tool is on the one hand, providing leverage of checks and balances that will balance the role and weight of each item in the SMS, the other - of giving the public the real levers of influence on the activity of OMS. The article stated that in Europe and in Ukraine it is representative bodies - councils are the main carriers of self-governing powers, the main form of self-organization of local communities and their associations. It is emphasized that the implementation of national self-feature is that the districts and regions, there are no executive bodies of local councils.

Keywords: local government, territorial communities, decentralization, territorial organization of power, municipal level.

Штиршов О.М. Взаємодія елементів системи місцевого самоврядування на муніципальному рівні: зарубіжний та вітчизняний досвід

У статті проаналізовано зарубіжний досвід та вітчизняні особливості щодо функціонування та взаємодії елементів самоврядування на муніципальному рівні, вказано на необхідність запровадження існуючих зарубіжних напрацювань у вітчизняну практику.

Ключові слова: місцеве самоврядування, територіальна громада, децентралізація, територіальна організація влади, муніципальний рівень.

Штиршов О.Н. Взаимодействие элементов системы местного самоуправления на муниципальном уровне: зарубежный и отечественный опыт

В статье проанализирован зарубежный опыт и отечественные особенности, касающиеся функционирования и взаимодействия элементов самоуправления на муниципальном уровне, указано на необходимость введения существующих зарубежных наработок в отечественную практику.

Ключевые слова: местное самоуправление, территориальная община, децентрализация, территориальная организация власти, муниципальный уровень.

Introduction

For modern European country imprescriptibly is availability of the institute of local government.

That is such system of the organization of power on places, in which the local communities (the association of the habitants of territorial unit) through the structures made by themselves, have real opportunity to solve the local problems

and questions concerning of life activity of any territorial unit regardless of the state and its institutions

Analysis of recent research

The interaction of elements of SLG dedicated to the works of Ukrainian, Russian and foreign scientists such as Arnstein, Sherry R., M. Bay-

muratov, P. Bilenchuk, V. Bordenuk, V. Vakulenko, O. Vasylyev, D. Vulkoks, M. Gremberger, Y. Dehtyarenko, V. Kampo, V. Knyazev, V. Kujbida, O. Lazor, M. Orlatov, M. Pitcika, V. Pogorilko, N. Postovij, M. Pukhtynskiy, V. Udovichenko, A. Chemeris. Despite the large amount of developments there are the need to analyze the interaction of local governments on the basis of international experience especially in context decentralization of power and administrative reform.

Statement of research objectives

The aim of this article is the definition and analysis of the characteristics of international experience and national peculiarities of the interaction of elements of local government at the municipal level.

Results

In international practice of the territorial organization of the power were such types of the system of local government: Anglo-Saxon or Anglo-American typical for the UK, the USA, Canada, India, Australia; continental, Romano-Germanic or European which entered distribution in Francophone Africa, much of Latin America, the Middle East, Belgium, Spain, Italy and France; iberian implemented in Brazil, Mexico, Portugal; soviet, which continues to operate in the Democratic Republic of Korea, China, Cuba, Vietnam; combined or hybrid system with was formed in Ukraine, Russia, Germany, Japan, Austria [1, p. 45-48; 3, p. 13-21]. Despite the verity of national traditions of self-government in these countries and also regardless of the specific administrative-territorial structure in these countries, the institute of local government is being explained as solution of local affairs on the basis of a combination of representative and direct democracy, as election of local government. Under the local control means the organization and opera-

tion of local authorities, who are appointed by the central government. At the level of municipalities (urban and farmer settlements) in many countries has been spreading these basic models of organization of interaction of elements of SLG: “strong mayor - weak council” (big cities in Canada and Japan); “strong council - weak mayor”(Austria, the UK, Denmark, Spain, France, Czech Republic; “council –manager” (Ireland, Norway); “commission” (Belgium, Holland); “combined”. The criteria for the designation of a particular model is the scope of authority of local governments; the method of inauguration and functions of the head of the municipal administration where the name of the position vary depending on the country (e.g. prefect, the mayor, alkald, rehidor, prymator, head of the municipality ect.); order of interaction between the mayor, council and the community. The features of organization of interaction of elements of SLG, inherent to a particular model, are shown in the list 1.4, table are based on modifying the approach of authors [10, p.194-206.] and summarize the results of individual studies on the international experience of local government [3,5,6,11]. Note that the U.S., Germany, Finland, Sweden refused to unify local government and at the level of municipalities operate different models of local government(hereinafter – SLG).Municipal constitutions of German states differ in content and each land independently select one of the organizational models. Municipal charter in the United States reflects the practice of self-governing local communities and has different requirements for candidates for mayor. In Sweden and Finland introduced “commission” model and “council-manager” as well. Advisable to implement this approach in Ukraine, as discussed below.

Organization of interaction elements of local government based on the model of «council – manager»

Name of item	The main functions of the element features and interact with other elements of the system local Government.
Mayor	Performs representative functions and role of political arbiter.
Council	Selects the mayor from among its members appoint and dismiss the manager who takes on a contractual basis administrative functions: makes appointments; supervises and coordinates the activities of the municipal administration, reports on its activities to the Board; prepares a draft budget recommendations for Council decisions and ensure their implementation.
Community	Elects Board and has little effect on the administration

This model reflects a pragmatic approach to the management and organization at the professionalism and productivity of the local administration. According to the changes made in 2010 to the Law of Ukraine "On capital of Ukraine Kyiv Hero City" [7] the mayor is elected by the community and the head of the Kyiv City State Administration appointed by the President of Ukraine. This model is actually implemented within the metropolitan local government and probably will become development. Today most of the functions entrusted to professional

managers loyal to the central government and the Mayor performs mainly representative functions, due to the special status of the city. Similar model, in our view, would be appropriate to imply in another city with special status - Sevastopol, which ensures effective control of the state as local affairs. Strengthened the role of territorial community in this system of relations can occur due to the development of BSP and ensuring effective public control over the city council and its executive branches.

**Organization of interaction elements of local government on a «commission» model
(«Council - Presidency of the Council»)**

Name of item	Main functions and features of the element of interaction with other elements of local government
Council	Play a role and representation, and an executive body of local self-government, which is formed from members of the board Selects and re-elected head of the commission from among the members of the Board who presides over its meetings, performs representative functions. Each commissioner is responsible for a particular direction of the community, that is headed by a structural unit of the municipality.
Community	Elect and recall members of the board of commissioners.

Due to the fact that according to the Law of Ukraine "On Local Self-Government in Ukraine" [8, 11, p. 3] in villages with a population of 500 inhabitants The Executive bodies of the Council cannot be created, and their functions are performed by the village head alone, consider it appropriate to provide for the organization of rural governance in a «commission» model. First

of all it will increase the influence by community members on the activities of each deputy, as it is personified as responsible for the preparation and implementation of solutions in a particular area of the community. Second, this model meets the historical traditions of self-government in Ukraine and is a natural for large rural communities.

**Organization of interaction elements of local government based
on the model of «weak mayor - strong council»**

Name of item	The main functions of the element features and interact with other elements of the system local Government
Mayor	Performs most representative and some organizational features Approves the appointment of municipal officials with the council organizes the activities of the municipal administration. Accountable and controlled council, preside at its meetings. Entitled to a partial «veto» on the decisions of the council or deprived of such rights has the standard-setting initiative.
Community	Selects the main municipal officials (Secretary, Treasurer, Controller, Attorney, tax officials) that causes their administrative and political responsibility to the community.

Implementation of this model of organization of interaction of elements of local government in the domestic practice of rural self-government would provide effective representation of the interests of the inhabitants of large rural communities that merged to form joint local governments (here-

inafter- LG). Increase the powers of the village council while the level of exposure of local residents to the activities of executive branches meets self-governing Ukrainian traditions that have long been actively involved in addressing public affairs and contributes to community cohesion.

Organization of interaction elements of local government based on the model of «strong mayor - weak rada»

Name of item	The main functions of the element features and interact with other elements of the system local Government
Mayor	Interaction with the executive council – the administration takes place on the basis of unity of command and subordination. Categorizes powers of local self-government between the structural units of the municipal administration, directs, coordinates and supervises their activities. Alone appoints and dismisses administration officials. Prepares recommendations for rulemaking board, which declares in his letter to the Board determines the principles and local policy Requests for approval to the Council a draft local budget and reports on budget execution. With the power to «veto» (sometimes completely) on the decisions of council. Responsible for the coordination of various stakeholders in the community
Rada	Can be used to overcome the Mayor’s «veto» to the decisions of the Council by a qualified majority. Approve or reject the draft budget proposed by the mayor
Community	Elects Board. Selects the mayor and may terminate his powers by local referendum. Interacts with other elements of SMS, mainly due to the appeal.

Similar model of organization of interaction of elements at the level of territorial communities formed in Ukraine. Village, town and city mayor in the public eye represents the local government that is personally politically responsible for solving local problems, for the consistent implementation of the chosen strategy of local development. Concentration of a significant amount of power in the executive council, significant dependence of the management of local affairs on the personal qualities of a principal officer of the local government, high likelihood of conflicts with opposition MPs demand: on the one hand, providing leverage of checks and balances that will balance the role and meaning of each element of SLG; on other hand - empowering the community with the real levers of influence on the activity of the LG. Note that the active participation of people in decision-making on local development is a defining feature of local government in foreign countries with a strong exponent of autonomy of SLG – that is such countries as Norway, Denmark, Iceland, Finland, Switzerland, the Great Britain,

Canada, Netherlands, the USA, Sweden. Citizens of these countries are endowed with substantial volume of rights and freedom. Consideration of appeals (proposals, claims, complaints, initiatives) is mandatory and extremely important part of the administrative activities of local governments. There is a high level of public control over the authorities and elected local government officials. One of the most effective forms of such control is the Institute of Local and Regional Ombudsman. The experience of formation of the ombudsman is expedient to adopt and implement more widely in domestic practice of local government (today ombudsman conducts activities only in Skadovs’k Kherson region, the possibility of such proceedings positions provided by the charter of the territorial community of Vinnitsa). Ukraine is the member of Council of Europe since 1995. According to the recommendations of the Congress of Local and Regional Authorities of Europe 61 (1999) [186], the activity of ombudsmen activity increases the level of protection of citizens’ rights and in many cases prevents lawsuits to the Administrative

Court, the procedure of consideration which is usually a long and expensive. A number of other recommendations of the Council of Europe in particular, Rec 19 (2001) "The participation of citizens in local public life", Rec. 113 (2002) "About the relationship between the public, the local council and the executive in local democracy (the institutional framework of local democracy), Rec. 182 (2005) «public participation in matters of local importance and elections» [2] highlights the basic principles of European "democracy participation": 1) encouraging citizen participation in local public life, raising public awareness - clarification of responsibility that is vested on each individual in a democratic society, promote awareness of the possibilities and forms of participation by developing educational and school educational programs; consolidation of ethical standards in their respective codes enforcement and local government officials; establishment of centers of public activity; support volunteering and charity; grants to solve local problems; 2) high level of public control over the provision of local government, ensuring transparency of activities, including public decision-making, the publication of the agenda of the Council meetings, publication of the minutes of sessions, ect.; the sessions devoted question - answer, improve access to public information; 3) development of so-called "forms of association neighbors" - of which delegated advisory and information functions of local governments; 4) practice of citizens participation, and their associations in the process of making decisions in local development - conducting public debates, public hearings, advisory referenda; involvement of citizens into governance through representative structures - Committee Members, Affiliate Board, advisory committees and councils of the "lower chamber"; 5) public review of draft legal acts, policies, programs and other documents of local development; 6) individual and collective appeals to the local authorities with complaints and suggestions on solutions to problems; 7) public opinion research on local development as during meetings with representatives of municipalities, and through surveys; 8) development of e-government. Summary results of the author [3; 4, p. 83 – 106; 9, p. 193; 11, p. 51-70] and own observations make it possible to allocate the following trends in the interaction of elements of SLG in democratic Europe (such as France, Germany, Poland, Bulgaria, Switzerland):

1) leading role in resolving the local issues play elected representative braches - councils.

However, the shortcomings of representative democracy led to the search for new conceptual foundations of SLG that reflected in the principles of «participatory democracy» and the principle of "good governance", outlined in the European Strategy for Innovation and Good Governance at Local Level; 2) expanding the scope of functions and powers of the executive bodies of local councils, which increases the impact of local government officials and increase the level of professionalism of municipal government; 3) impact of sustainable development has led to the appearance of new local government functions - strategic planning, environmental, which in turn led to the need for broad public involvement in the process of making important decisions to allocate responsibility; 4) a significant amount of life support functions of local residents transferred to NGOs and local self-organizations; 5) industrial and social infrastructure are being moved to the suburbs, occurs the relocation of the middle class to the suburbs, and the poor to the city, and there are agglomerations that require new approaches of interaction between elements of the local government; 6) actively developing inter-municipal cooperation, the basic forms of which is the creation of joint management, joint services, joint investments, exchange of experience, technical and information support; 7) municipal cooperation at the regional level due to the need to strengthen the resource bases of local government leads to consolidation of grassroots administrative units and the growing influence of associations of LG; 8) developments in IT-technology and e-governance, opportunity to participate in interactive surveys that are available at the web site of local authorities will allow more actively engage citizens in governance. For example, the average citizen of Switzerland during the year is involved in 6 elections and 30 referendums [12], numerous surveys. Implementation of such electronic voting system in Ukraine will save funds that re allocated from local budgets to ensure the holding of local referendums and significantly simplify the surveys. World experience shows that local government today is an important factor in the democratization of public life, decentralized management and a prerequisite of becoming civil society, the approach to its power source - the people.

World experience shows that it is representative branch are the main carriers of self-governing

powers, the main form of self-organization of local communities and their associations. Feature of committed national governments is that the districts and regions have no executive branch of local councils. All executive authority at the indicated levels performed by local public administration which in addition to its own responsibilities perform the powers delegated by the councils of the respective levels. Senior official in the region - the head of the local administration, subordinate to the Government and the President of Ukraine. A special place in the local government takes a village, town, city mayor, who is a chief executive of the respective territorial communities of villages, settlements, towns. He is elected by local communities and carries out their authority on a regular basis, led by the executive committee of the village, town or city council, preside over its meetings. Addressing the sole representative of the territorial community village, town, city mayor publicly called to balance the appropriate council. The Chairman is personally responsible for carrying out statutory powers granted to him, be accountable, controlled and accountable to local communities and council. For the implementation of the enforcement proceedings shall be responsible to the appropriate executive council. Doing it up, it should be emphasized that Ukraine is characterized by a system of local councils - the representative council and their executive committees, the emergence and operation of which is due to the low level of participation of territorial communities in solving local problems, and expressed as total amount of delegation of powers of territorial communities by local governments. This condition is so-called bifurcation point for local government.

Analysis of the Ukrainian experience of local authorities allows to state that for Ukraine at this stage of social and political development of the most appropriate is this model of local government, which is characteristic for implementation of general (universal) functions by local government; combination of direct state control in place, and local government; The presence of a unicameral grassroots and intermediate representative councils, "collegial" of local executive councils formed by the Mayor, who, as chairman of the executive committee, combines peer function with some administration duties. The state should retain political functions, transferring control to the field of economy, social and cultural spheres.

Also note that the barriers to cohesion of local communities and establishing them as a

major economic interaction in SLG are a number of common reasons set back the implementation in 2001-2003 UN «thanks to the development of society», and the factors we identified for the survey of the actual state of interaction with OLG population: the crisis of the Institute of collective action, misunderstanding the importance and necessity of social mobilization; lack of faith in their own abilities, distrust of OLG, passivity and indifference; wont shift responsibility for the quality of life on the other, low initiative and unwillingness to take responsibility; lack of knowledge and experience, lack of qualified specialists community activists with vibrant leadership skills and organizational skills; alienation of the population from the government and significant dependence of local authorities on the instructions of government agencies and officials; insufficient to popularize the ideas of self-organization as the OLG and the media; consumer self-interest, not the public perception of the active position as ideological values; poor democratic culture inability to agree on the principles of mutual concessions and compromises, tolerance for different mindset, lifestyle, personality traits, which eventually hinder cooperation and understanding; concerns of local government officials that a broad public involvement will slow down the decision making process, and sometimes deliberate elimination of local people from the process, denial of effective leverage over the local government (as evidenced by the low level of legal support interaction with public – no statute of community provisions on forms of local democracy and other relevant local authorities which determine the order of realization of the right to participate in the management of local affairs). These factors should be considered when developing a strategic plan for development of the local community effective tool unite all local development actors around common interests.

Conclusions

Thus, the system of local government - a collection of local governments, local communities, community organizations and their executive bodies formed by democratic means based on the principles of legality and publicity to address local issues.

Recently in Ukraine at the level of the highest legislative body being heated debate on the reform of local government. Politicians calculate the various options and how such reforms. In modern conditions require priority reform consti-

tution Ukraine, which will open the possibility to update the legal framework of local government. The consequence of this reform should be to solve existing problems of local communities and closer to optimal for Ukraine model of local government. Territorial communities should receive independence, which will consist of five types of sovereignty carried out within the legislation of Ukraine

It should be emphasized that further development of Ukraine aimed at decentralization and the development of democratic, legal state

and civil society; should lead to a gradual release of the fore most of local governments level, enhancing the role of the latter in the formation of regional and local policy on the basis of foreign developments in this area. Therefore, the provision of public (community) to independently, or through their representatives, to resolve as many issues of local concern, should be the main result of initiated reforms that will ensure meeting the needs of the population and the nation in general.

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