



LOCAL GOVERNMENT ON THE BASIS OF POLAND, SLOVAKIA, HUNGARY AND ROMANIA

Anton BULYNA,

postgraduate of administrative, financial, informational and European law department of Uzhgorod National University

Summary

This article examines the activities of local authorities and public participation in the process of self-government in Poland, Slovakia, Hungary and Romania. Based on the positive European experience of decentralization as a prerequisite for democratization researching, the author analyzes the main areas of local authorities legal distribution, that are sufficient to address the management of public affairs at the local level that will promote the development of the state in the context of European integration.

The author of the article pays attention the existing legal ways to establish the relationship of local authorities analyzing, the content and importance of public participation in government activities in Slovakia, Hungary and Romania is determining there.

Key words: local authority, municipality, local government, non-governmental organizations, services, participation of citizens in self-government.

Аннотация

В данной статье рассматривается деятельность местных органов власти и участие общественности в процессе самоуправления в Польше, Словакии, Венгрии и Румынии.

На основании изучения позитивного опыта европейских стран децентрализации как обязательного условия демократизации общества обозначены основные направления правового распределения полномочий местных органов власти, достаточных для решения проблем управления общественными делами на местном уровне, что будет способствовать развитию государства в контексте европейской интеграции.

В работе проанализированы существующие правовые способы установления соотношения полномочий местных органов власти, а также определены содержание и значение участия общественности в процессе самоуправления в Польше, Словакии, Венгрии и Румынии.

Ключевые слова: местные органы власти, муниципалитет, органы местного самоуправления, неправительственные организации, участие граждан в самоуправлении.

The statement of the problem. Democracy differs from other political systems just by the drawing of citizens in self-government. In open and transparent society citizens participation does not finish in voting box but it is manifested also in everyday activity.

While drawing the inhabitants in realization of the tasks that are to be carried out by the local community their personal interest in prosperity raising and better understanding of self-government can be achieved.

The purpose and intent of this article. In this investigation the citizens drawing in local self-government in the East European countries is analysed. These countries are conterminous with Ukraine. Though the most governments of these countries assert that this process is earning out the lack of general determination prevents from comparison display. In some countries the drawing in efforts are concentrated on providing of citizens by information, developing of communication and establishment of confidence between government and citizens; independent mass-media; public education about processes on local level. More extensive scale of drawing in, formation of public control and

consultative can be seen in municipalities in Poland and Slovakia, but it not so widely adapts in Hungary and Romania.

There are many aims and advantages in these countries. It helps determine the needs, troubles and citizens valuables just before taking decision. The real drawing in is way by means of which it is possible not only to hear public opinion but also to give people the opportunity to influence on decision making. It does not guarantee, that any decision will be taken as a result of consent but the open process of making decisions and the possibility for citizens to express their opinion and influence on results adds the legitimacy to the decision. It also helps to understand the essence of local self-government. When the efforts to draw in the citizens are real it always in favour of governing process. The community begins to support the undertakings and the collaborate with the authority to achieve common aims. If the local authority somehow compromise it causes the new partnership relations and raises independence level – i.e. some groups and communities begin to work for settlement of its problems. No doubt citizens' drawing in is the main element of democratic government, but the authority can not involve people to make all

decisions. In some cases it is determinate but other ones it is needless. In each particular case the local self-government organ must point out when drawing in is necessary, but if there are any doubts it is better to mistake concerning drawing in.

One of the main elements of democratic society is accurate objective information in time. As a rule, information strategy includes briefings, exhibitions, press-conferences, periodicals articles, advertisings and holdings, mailing, budgetary documents. But it is important by means of different strategies to give objective, reliable, trustworthy, well-considered information, that is necessary for well-considered participation. Only in such case social groups and communities will contribute structurally.

The significant forms intercourse between authority and citizens are public committee sittings and public. They are considered to be the main forms. The countries of East Europe have the constitutional guarantees concerning human rights to participate in such meetings. Though partially the level of participation differs very much. Somewhere transparency of authority processes is brought to naught by difficulties with which the citizens



encount in understanding of procedures and committees decisions.

Cities and towns in European countries make their budgets and decisions open and transparent while inviting the citizens to public hearings, but sometimes these efforts involve only a small part of population. For example, a Piatra Neamt (Romania) carried out the first in city history meetings citizens in February 1995. Though the city population is 126.000, only 26 persons took part in this historical event.

Public hearings and authority sessions – have to activate citizens' participation. They must fix the time when the most people are able to come besides such arrangements are to be well advertised in advance. And one more – the citizens must have opportunity to speak at a meeting before the decision will be taken.

But such official auditions and advices sittings – no matter how well organized – can not be the only mechanism of citizens' participation. One of widespread ways is collaboration in consultative councils and special purpose groups, which are good devices to carry out public opinion throughout the whole process of solving the problem.

Consultative councils are new phenomena for countries of East Europe. They are widely employed in Poland and Slovakia, especially while solving the problems of economic development. In Hungary the first consultative council was founded in 1997 with the aim to find the place for refuses dump. Fulfilment of different tasks can be entrusted to public consultative groups. They may analyze the complex arrangements and their fulfilment and give recommendations to local authority; may help in inform the community about new service or about change of it; may analyze the plans with citizens' designs.

Special purpose group is separate variety of consulting group. If the latter is mostly formed for the whole making decision process, the first one, as a rule, achieves its concrete aim and stops to exist. Due to these groups it is possible to find out innovatory practical decisions in solving community problems. These groups are valuable helpers of local self-governing organs.

The main material. Poland. Self-governing structure in Poland is on transitional stage. The number of local self-governing units in Poland (gmin)

is about 2400. The Constitution of the country gives to self-governing organs the wide rights in respect of «execution of public tasks, not fastened by Constitution whether laws for other organs of state authority [1].

As far as the central Government resigns its commission to local self-governing organs the authority activity step by step becomes more and more open and transparent. Participation in solving of local problems comes from principle which is laid in the Constitution preamble.

According to this principle the state organs have to seek for restriction of their participation in direct services providing and everywhere support the approach of leaning on own strength. This Constitution adopted by legislative congress of Poland on the second of April 1997 foresees freedom of speech, the press freedom, the right to receive information and to apply to authority organs. Besides the Article 15 foresees, that territorial country system «have to provide centralization of state power». The basic law of Poland demands to take responsibility for fulfilment of state tasks which are appealed to satisfy self-governing community interests; as well as to fulfil other state tasks according to laws. Besides there are laws which give the right to elect the local officials and to solve important questions by referendum.

Minimal demands concerning citizens' participation are stated in some fragments of different legislative acts. But there was no analysis to show how well the law principle is applied on local level. According to last investigations from 40 to 8 percent of gmins announced about such arrangements as informing about budget projects, involving the citizens to take part in sessions (including as members with suffrage) and other methods. But real existence of such practice was testified by only 37 per cent of polish families [2].

In Poland citizens' participation is widely spread, but not always it is successful. There are quite many self-governing units in which information companies were carried out and permanent workers were taken on duty of public relation. But accounts show that in citizens in information gmins were not success.

It is known that local self-governing organs and communities have different opinions on what tasks are priority for their gmin.

Many arrangements, carried out by gmins to provide citizens participation, were devoted to budget work. In Poland just this activity of gmin level lacks flexibility, transparency, clearness. As a rule, the accent in budgets was made exclusively on profits and expenses. So the communities made «coded budgets-accounts», i.e. the simple numeral columns based on instructions given by the Government and Ministry of Finance. The information mentioned above was not shown in the budget so it was impossible to see relations with services given to citizens. Krakiv is one the cities where the local authority have reformed the budget working out so the citizens could better understand the decisions adopted by elected officials.

Other arrangements had the aim to involve the citizens and public organizations to participation in economic revival of their area. Polish cities and towns suffer from lack of circulating capital during last 40 years. Therefore they found state and private unit which have to oversee devastation in areas, where profits are low, by involving the citizens in rebuilding of their own community. Poland leads to economy that is oriented on the market and its cities are eager to use their historic resources, increasing its potential in tourism and developing other economic branches in parallel with preservation of architectural and cultural monuments. Developing of citizens' participation and encouragement of state private sectors to close collaboration help the local authority organs to solve these complicated problems. Decisions which directly influence on social climate in the city and for which the priority questions must be pointed out, coordinate financial planning on different levels, are to be adopted by special purpose group (committee) of the city rebuilding. Such group includes active community representatives which elected authority. From autumn of 1996 the special purpose group exists in Bielska-Biala, which consults and takes part in preparing and fundamental rebuilding of old part of city. Group members help the local authority in technical analysis, in usage of concrete buildings with new purposes, preparing them for sale to new investors or retorting them. Special purpose groups for revival programmes are formed in other seven self-governing communities.



Municipality in Lublin also collaborate on city district levels with the aim to plan, provide and finance regulating works in city districts and evolving municipality, citizens, public organizations and enterprises to fulfil such initiative.

Municipality compensate 50 per cent of water, sewerage and electricity costs, 70 per cent of roads pavements costs, 100 per cent of drainage system and road cover costs. Waterline, sewerage and gas-pipe were build with help of Lublin citizens. Such initiative shows that evolving the people to development planning may lead towards improvement of organization public services and feel private investigations.

Besides some municipalities from the system to support and to use reverse connection with main interested participants and made the other to include their ideas and proposals while adopting the decisions. They provide studies for gmins to point out public organizations, enterprises representatives or other groups with interests, experience and skill can be used to solve concrete problems.

Slovakia. Slovakia delivered from its super centralized system and gave greater part of power to local self-government. Slovakian Constitution which was adopted on the first of September 1991 proclaimed, that «each municipality is independent to take decisions concerning territory self-governing». All questions of local self-governing, are solved on public meetings, local referendums or by municipality authority [3].

Paragraph 26 guarantees freedom of speech and rights to receive information. Censorship is forbidden and declared, that «the press is not subordinate to state power». Paragraph 30 gives for citizens «to take in governing by public affairs directly or by open election of their representatives».

There are 2871 municipalities in Slovakia. Two from three parts of settlements have less than 500 inhabitants. In particular taking into account small dimensions of slovakian communities masses, the citizens are involved to take decisions on local level. Self-governing Centre was founded with finance help of International Development Agency (the U.S.A.) in 1996 in order to help the self-governing organs to become subordinated to their citizens. Nowadays the efforts are directed firstly on providing the elected

officials with information necessary for better drawing people in making decision process. Though public organizations are rather strong in Slovakia everyday efforts are directed on study programs. Two study appliances are worked out, one of them will be the conceptual basis of study course, another will provide local self-governing organs and citizens with concrete instruments pointing out such themes as meetings, sessions, how to settle conflicts etc. Besides Slovakian teachers, public organization representatives work on probation mastering main governing principles, teaching to obstaches, to make strategy of drowing in. Study course of environment prevention began on public base, stimulating local self-governing organs, public consultative councils and community meetings to solve common problems.

Hungary. Autonomy of 3168 communities in Hungary were resumed by the local self-governing law. Administrative division units are district, city, town, village. The Hungarian Constitution with all changes and addition of 1989 provides their citizens the right for local self-governing - «autonomous and democratic work to solve local problems by certain communities and fulfilling by them of local state power in population interests» [4]. Local self-governing organs are provided with wide seal power to loves problems of their communities. 90 percent Hungarian communities are not large village communities.

The Constitution of Hungary defends the citizens to receive such information which causes public interests and also supports press freedom. Election procedure promotes citizens drawing in just more. Decision of any question is considered to be adopted if at least 51 percent of vote persons voted for it or 85 percent of total number of voting people. Hungarian Law System about open session gives the right to be present at official meetings. So many communities are attended actively by people. Relatively small quantity and homogeneity of the most hungarian communities give the chance to citizens to tare part in decision process. One of the laws of 1990 makes possible for national and ethnic minorities to found their own organizations to govern on local and all national levels. In regions with considerably big quantity of gipsy population local self-governing organs

took some not to leave this category of population out of decision process.

But as everywhere for Hungary a complicated problem is apathy and unbelief among people. Some settlements began to produce information campaigns but in general local self-governing organs do not carry out activity to inform people about their programs and measures. Therefore in many villages there are the so-called telehazes (TV cottages) – multifunctional information service centers. The first one was open at small library in settlement Nagymaros in 1994. Nowadays there 27 such TV cottages and 60 ones are in preparing process. They provide very valuable connection of small communities with external world. Some of them spread the information about local processes and problems.

The fact that central government demands from local authorities provide many necessary services using not big resources, stimulates to involve people. Local authority in many places appeals to citizens to know out what service providing level and what approach to it is satisfactory. And somewhere there are complex programs for detail analysis of people's needs. For example inhabitants of district Somogy took part in seminars intended to point out potential possibilities of their community, to analyze problems and needs and also to propose the ways to support existing owners' activity, to stimulate new enterprises and involve to participation another analogous ones. The same was in district Hajdu-Bihar. There the elected officials from three neighboring villages, representative of local self-governing organs and enterprises gathered to discuss and decide what the local authority could and what could not do for providing of economical development and for struggle with unemployment. Due to this the decisions are adopted not only by official power but also by whole community. Besides the inhabitation got the stimulus to feel like people able to solve problems. Some municipalities provide interests of people to make budget and decisions within this process. This gives the possibility to point out the aim and tasks for each program element and finance this work, result of which can be better estimated. Clear formulation of measures to be taken and also corresponding illustrative materials



– tables, diagrams etc. Help to understand how resources are used.

Romania. Romanian Constitution, which was adopted on referendum in December of 1991 has several statements that foresee transparency governing. Paragraph 30 defends freedom of speech and prohibits censorship. Paragraph 31 guarantees «access to any information, to which people are interested» [5]. Authority and private mass-media are also obliged «to give trustworthy information in which people are interested».

Last years the Government of Romania reviews the laws of self-governing. As it was foreseen the reforms will give more autonomy to local self-governing organs.

But nowadays Romanian city-communities are still controlled by the central government in all activity aspects and finance. Romanians considered to be complicated to collaborate with the government. After the revolution in 1990 administrative parts of municipalities were changed but their image and reputation remained on the same level. Little by little drawing in level raises as local self-governing organs become more and more open and transparent. Some communities, including Oradea and Piatra Neamt, reviewed their budget processes to make them more understandable for citizens. And though only 26 persons took part in the first city meeting in 1995 it became a turning point in relations between municipality and city community. In Romania to inform of citizens about budget process the special «letter-boxes» were installed. They serve as public advice for municipality to solve problems. Many communities organize public information centers which help to change information between authorities and citizens. There are 12 such centers in Romania and 22 are in organizing process. The study appliance «Activity of your public information center» is spread.

According to this analysis we can make the conclusions that drawing in citizens is the main aspect of democratic self-governing. Drawing level changes considerably depending on municipality. The most self-governing in Poland, Slovakia, Hungary and Romania provide this process more and more open, but few of them could involve the people in fact. The programs directed to activate citizens have to assistance to get information, to arrange mutual communication,

administrative structure to answer the remarks, make programs of people activation and partnership with public organizations and groups.

Involving of citizens to solve problems and proposals help the local self-governing organs to use resources rightly. Besides the citizens teach, to discuss, analyse and solve problems on local level.

Question of mutual relations of local self-government with ungovernmental organizations with view of effective settlement of areas of socio-economic problems administration units of territorial is by scantily explored aspect of constitutional right.

So, activity of unstated organizations in creation of public society and market environment is very important «marketing» economy characteristic, as we have considerable losses of market status undertermination in Ukrainian economy. International donor organizations prefer cooperation with more energetic unbureaucratic unstate organizations, which are to do important payment for achieving of steady economic growth.

Therefore the mentioned partnership and other possible steps allow to arise functioning effectiveness of local self-governing in Ukraine, to overcome a crisis of local self-government and to go out from the situation and achieve European Charter level concerning local self-government.

Conclusions. According to this analysis we can make the that drawing conclusions in citizens is the main aspects of democratic self-governing. Drawing level changes considerably depending on municipality. The most self-governing in Poland, Slovakia, Hungary and Romania provide this process more and more open, but few of them could involve the people in fact. The programs directed to activate citizens have to assistance to get information, to arrange mutual communication, administrative structure to answer the remarks, make programs of people activation and partnership with public organizations and groups.

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