



Project: **Capacity Building of NAPA for Open Local Governance**

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## **Citizen Engagement**

**Editor:**  
**Daniel Klimovský**

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## Capacity Building of NAPA for Open Local Governance

### Citizen Engagement

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## Teaching module: Citizen Engagement

Responsible experts: Daniel Klimovský, Volodymyr Vakulenko

**Planned time allocation:** 2 hrs lecture, 2 hrs seminar, 4 hrs exercise

**The purpose of the module:** to provide the relevant knowledge in regard to the inclusion and participation of citizens in policy making and to train the skills related to those tools which bring some opportunities for a more collaborative and open governance.

**After studying this module students should:**

- understand both the importance of public/citizen participation/engagement in policy making processes;
- be aware of the pros and cons of the inclusion and participation/engagement of citizens within the relevant stages of policy cycles;
- be oriented in the present relevant Ukrainian and Slovak legislation, as well as European recommendations;
- be able to propose participatory tools for a more efficient or higher public/citizen participation/engagement.

### Plan

Public/citizen participation/engagement and its pros and cons

Importance of public/citizen participation/engagement with policy making

Slovak legal environment in regard to public/citizen participation/engagement and other European recommendations

Ukrainian legal environment with regard to public/citizen participation/engagement and possibilities for its further development

Possible ways for implementation of proposed tools

### Clearing the concepts: Inclusion and participation/engagement in policy making

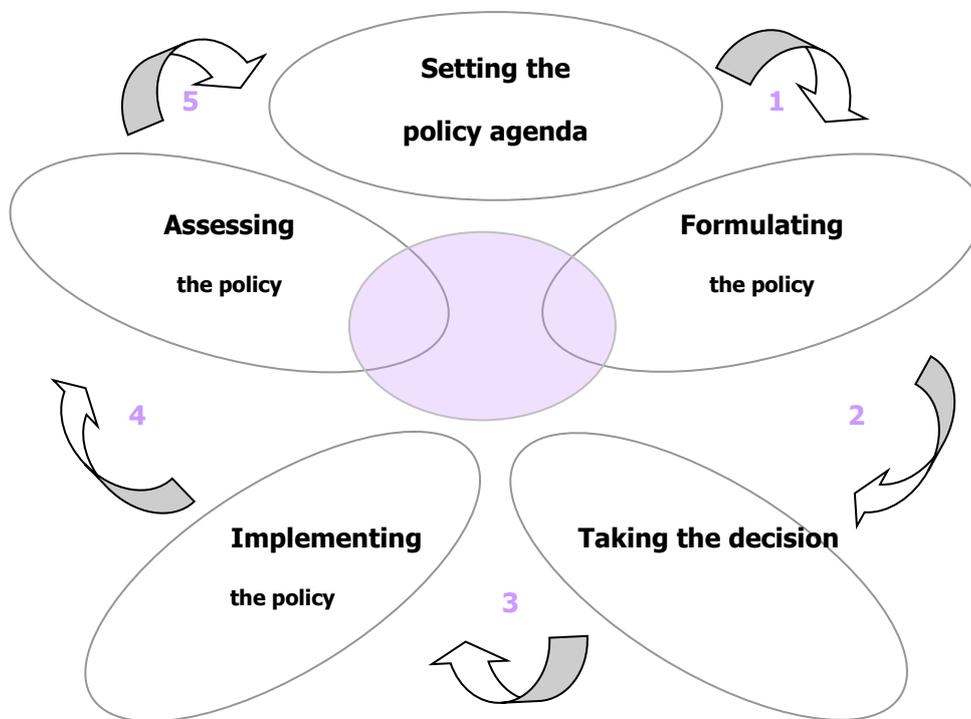
In search of legitimacy, as Bishop and Davis (2002) recently argued, public/citizen participation has become an attractive strategy, targeted not only at improving the policy-making process, but also, at inducing in “frustrated” citizens a certain feeling of trust in the authorities and their consequent activities. A concrete analysis of the relationship between public participation and processes of acquiring legitimacy is given by Ucakar (1985) who underlines the



role of citizens' electoral participation. He considers this form of political activism as basic to election legitimacy. A similar opinion is held by Carroll and Carroll (1999) who emphasise the idea that the above legitimacy is transferred to concrete persons, i.e. representatives of the relevant political or administrative authorities. We can generalise this idea by means of Fung's (2006) approach which involves a rule that any public policy is legitimized if the citizens have a reason for complying with that policy or for its direct support.

Within this module, public/citizen participation is to be presented as a process by which public interests, needs and values are incorporated into the policy-making process. It will include information, consultation and the active participation of the Slovak Republic within the stages of the policy making cycle (Figure 1):

*Figure 1: The policy-making cycle (according to Iancu and Klimovský, 2008)*



1. Problem initiation, usually understood as the stage when the problem is being identified and integrated into the policy agenda (this step is also seen as the moment of setting the agenda).
2. Policy formulation, connected to the activities meant to develop and design solutions to the already identified problem.
3. Policy selection: it is described as the stage when the best alternative is chosen and a decision is made.
4. Policy implementation, linked to the previous stage since it refers to putting into practice the decision already taken.

5. Policy assessment: consisting in the evaluation or appraisal of the implemented decision, and determines the last one, which can have either a form of rediscovery of some problems (i.e. again problem initiation) or a form of policy conclusion.

If important issues arise within a community, it is unlikely that they will become visible to decision makers the moment they appear. Even if this happens, visibility does not always imply that the issue is being placed on the policy agenda. For the latter, an initiator is needed: be it an administrative body, a private firm, a company or NGO, a think-tank or an individual.

Analysis of the issue recently visible is included in the second stage of the policy making cycle – policy formulation. The main task of the actors involved here is both to analyse the given problem and to draft a few (at least) proposals for its solution (Fiala – Schubert, 2000:80). Policy selection is that stage which ends in the approval and adoption of a final decision concerning the issue initially raised (Fiala – Schubert, 2000:81). Klimovský (2006) pointed out that the output of the aforementioned first three stages has been the policy project that involves both tool mix and the expected results. At this point we cannot forget that dominant attitudes need not always be the majority attitudes. The attitude of a powerful or influential minority can indeed be more efficient (Kaplan – Lasswell, 1982:40). An interesting point has also been presented by Verba and Nie (1972), who stated that there are several possibilities for the actors engaged in the framework of policy selection – they can vary from simple voting to the utilisation of private time and energy within the scope of campaigns. However, Thomas (1990) has drawn our attention to five models of decision-making that can be identified in practice: autonomous managerial decision-making; modified autonomous managerial decision-making; segmented consultations with the public; unified consultations with the public, and open (public) decision-making.

Policy implementation is the stage whereby policy intentions gain quantifiable forms (Fiala – Schubert, 2000:82). This is followed by policy assessment, a process of interpreting the policy outcomes. Conceptually, policy evaluation is not strictly the last step taken in policy making. In fact, it can also occur during policy formulation (preliminary or ex ante policy assessment) or its implementation (continuous policy assessment). Therefore, if we speak about policy assessment and about the independent stage, we speak primarily about ex post policy evaluation.

The last stage of the policy making cycle can be identified in two forms – either it is a policy conclusion which is a rare possibility, or policy reformulation which starts a “new” policy making cycle.

## **Placing the context: Public participation/engagement inside the European Union**

In 2000, the Prodi Commission launched a reform of the European governance aimed, as stated then, at “the renewal of the European construction” (Prodi in Vignon, 2001: 42). Since then, several White Papers, communications, opinions, reports and working papers were devoted to the subject of improving public participation to the policy making processes (Iancu and Klimovský, 2008).

With regard to the candidate countries of the eastern and central European block (of which the Slovak Republic is part), in 1997, the European Commission reaffirmed, according to Iancu and Klimovský (2008), the need to “strengthen the institutional and administrative capacities” (Informative Note of the Commission on the New Coordination Policy of the PHARE Programme inside the Pre-Accession assistance, 25 March 1997) and suggested public reforms in a sphere where no *acquis communautaire* was provided [Dimitrova (2001:20); SIGMA (1998; 1999)].

How then was the assessment of the administrative structures of candidate countries to happen? Taking into account Iancu and Klimovský (2008), and quoting again from Dimitrova (2001:19) and one of her sources inside the European Commission, “we have never found a way to measure the administrative capacity for the Member States. We raised this barrier only when, on the Union’s doorstep, were the central and eastern European Countries”, without any previous “assessment mechanisms for the quality of administration” (The Economist, 2001:6). Hence, with no further recommendation regarding the administrative functioning inside the Union’s borders, and no previous agreement on the methods to employ in making administrative practices - good practices, the Commission asked Member States to efficiently apply European regional policies and effectively control the use of structural funds. In the same spirit, the Candidate Countries were requested to prove a “certain degree of local autonomy” (Fournier (1998a:112). Decentralisation was also taken into consideration and the need for an entrepreneurial approach from the state’s side was not neglected (Fournier, 1998b:113; 115; 116; 122). The state’s administrative structures passed the limits suggested by the sovereign territory, and became “interconnected realities” (Nizzo, 2000:2), integrated into a common space – one that should assure the national specificity whilst offering the stability necessary to the enlargement. It is at this stage that the European Court of Justice, through its efforts, meant to assure the definitions for the national public administration (Decision of 17 December 1980, Commission versus Belgium, ECR, p.3881) and the European administrative law, became a

creator of Europeanization. SIGMA (1999) caught this very aspect when naming the European Administrative Space (EAS):

[...] a set of common standards for action within public administration which is defined by law and enforced in practice, through procedures and accountability mechanisms. Countries applying for EU membership should take these standards into account when developing their public administrations. Although the EAS does not constitute an agreed part of the *acquis communautaire*, it should nevertheless serve to guide public administration reforms in candidate countries. In EU Member States these standards, together with principles established by the constitution, are usually embedded in, or transmitted by, a set of administrative laws, such as administrative procedures acts, administrative process acts, freedom of information acts and civil service laws (SIGMA, 1999:5)

Not surprisingly, public participation, as defined in *supra* section 1, was included in the informal guidelines provided by the Community for horizontal governance or national public administration and made part of the European Administrative Space.

In this regard, making use of the concept of Europeanization whilst assuming that candidate countries (as the Slovak Republic at the time when public participation was being introduced into national practice) did feel the pressure of the European demands in terms of their administrative capacity and thus designed more elaborated (or not) reactions. However, since our intentions for the moment deal mostly with offering a briefing on the idea of public participation inside the European Union, we will not elaborate further on the existence of a possible link between the European practice and that of the Slovak Republic's. Instead, in order to conclude, we will state that public participation benefited and still does benefit from interest inside the European Union and, since 2001 has enjoyed the privileged status of being one of the good governance principles (European Governance – a White Paper). In this case, reforming the public administration in one Member or candidate country of the European Union, making use of public participation tools, cannot really be a surprise. To what extent public participation is common to the Slovak Republic is what the next section aims at covering (Iancu and Klimovský, 2008).

### **Making the analysis: Public participation/engagement inside the Slovak Republic**

In the case of the Slovak Republic, democratisation was anything but simple and straightforward (Szomolányi, 2004). During the mid-90s the political situation in the Slovak Republic was characterised by the absence of a consensual elite in the polarity of society.



Although levers had already been created for the public to access the policy making process in the early 90s<sup>1</sup>, strengthening public participation was not really a priority. In this regard, as Ágh (1993) suggested, the Slovak case is no exception when compared to all the other central European countries waiting for multi-actor democracy to develop and civic culture to be created.

The clear qualitative change in regard to public participation developed after the parliamentary election in 1998 and consequently in 2002, when central governments, led by right-wing parties, decided to decentralise and modernise the administration. The first step taken consisted of the elaboration of few strategic documents<sup>2</sup>, which included a basic description of further developments. Every one of them invoked the necessity to strengthen public participation, whilst granting the authorities situated closer to citizens, extending powers to manage regional or local affairs.

### *Constitutional provisions*

The Slovak Republic, as a sovereign, democratic, and law-governed state (Article 1, Slovak Constitution – SkC), derives its powers from the citizens (Article 2, SkC). If we compare the position of state bodies and citizens, we can say that state bodies can act only on the basis of the Constitution, within its limits, and as provided by law. However, everyone (not only citizens) can do what is not forbidden by law and no-one can be forced to do anything that is not laid down by law.

From a public participation point of view, the most important constitutional articles are included in the second chapter of SkC, and especially in the third part where political rights are described (Iancu and Klimovský, 2008). Hence, people are equal in their rights and basic rights and liberties are guaranteed to everyone regardless of sex, race, colour, language, religion, political or other beliefs, national or social origin, affiliation to a national or ethnic group, property, descent, or any other status. No-one must be harmed, singled out, or discriminated

<sup>1</sup> Several important Acts were enacted in this regard: Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 83/1990 Coll. on Association of Citizens; Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 84/1990 Coll. on Right of Assembly; Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 85/1990 Coll. on Right of Petition; Act of the Slovak National Council No. 369/1990 Coll. on Community Establishment; Constitutional Act of the Federal Assembly of the Czech and Slovak Federal Republic No. 327/1991 Coll. on Referendum; Constitutional Act of the Slovak National Council No. 460/1992 Coll. the Constitution of the Slovak Republic; etc.

<sup>2</sup> For example Strategy of the Public Administration Reform; Conception of Decentralisation and Modernisation of Public Administration; Project of Further Decentralisation Development of Public Administration for Term of 2003 – 2006.

against on these grounds. Moreover, no-one must be restricted in his/her rights because he/she upholds his/her basic rights and liberties (Article 12, SkC). It means that participation tools that appear from basic rights or liberties<sup>3</sup> are conferred, not only to citizens, but also to all those who are on Slovak territory (see Table 1). Reading further, freedom of thought and conscience, speech and expression are granted, whilst state bodies and territorial self-government bodies are told to provide information on their activities. Everyone has, according to Article 27 of SkC, the right (alone or with others) to address requests, proposals, and complaints to state bodies and territorial self-government bodies in matters of public or other common interest. However, no petition must be used to call for the violation of basic rights as well as liberties, and moreover, no petition must interfere with the independence of a court. The right to assemble peacefully is guaranteed (Article 28, SkC) to everyone. Everyone also has the right to associate freely with others in clubs, societies, or other associations (Article 29, SkC). In addition, citizens have the right to establish political parties and political movements and to be associated with them. All such associations (i.e. political parties, political movements, clubs, societies or other associations) are separate from the state. As far as the employees are concerned, they have the right to collective bargaining (Article 36, SkC) and everyone has the right to freely associate with others in order to protect his/her economic or social interests.

Citizens have the right to participate in the administration of public affairs either directly or through the free election of their representatives. According to SkC, the most important body in relation to policy making at the central level is the Government of the Slovak Republic. As a body, it decides especially on draft laws; Government decrees; the Government's programme and its implementation; principal questions of domestic and foreign policy (mainly in the economic as well as social field), etc. Ministries and other bodies of state administration may, on the basis of laws and within their limits, issue generally binding legal regulations if empowered to do so by the law (Article 123, SkC).

*Table 1: List of rights/freedoms/liberties that are protected and guaranteed by SkC*

Rights/freedoms/liberties	Right/freedom/liberty belongs to:	
	Everyone	Citizens
Guarantee of non-discrimination	■	
Guarantee of absence of forced labour or	■ (possible	

<sup>3</sup> Limits to basic rights and liberties can be set only by law, under conditions laid down in the Constitution and every legal restriction of those rights or liberties must apply equally to all cases that meet the set conditions (Article 13, SkC). It is in Article 12 that we also find the reason for preferring *public participation* to *citizens' participation* (see *Supra* footnote 1).

services	legal exceptions)	
Freedom of thought and conscience	■ (conditions)	
Freedom of speech	■ (conditions)	
Right to information	■ (conditions)	
Right of petition	■ (conditions)	
Right to assemble	■ (conditions)	
Right to associate freely	■ (conditions)	
Right to strike	■ (conditions)	
Right to establish political parties		■ (conditions)
Right to participate in the administration of public affairs – self-government issues	■ (conditions)	
Right to participate in the administration of public affairs – state issues		■ (conditions)
Right to access elected or other public posts		■ (conditions)
Right to initiate a referendum on a national level and to participate in it		■ (conditions)
Right to appeal to the court to re-examine the lawfulness of decisions of a public administration body	■ (conditions)	
Right to use mother tongue in dealing with the authorities		■ (conditions)
Right to participate in the solution of affairs concerning relevant national minority or ethnic group		■ (conditions)
Right to put up resistance		■ (conditions)

Every citizen of the Slovak Republic who has the right to vote in the election of the National Council of the Slovak Republic is also entitled to participate in the referendum (Article 94, SkC). The referendum can be used to decide various important issues of public interest but there are some issues that cannot be the subject (basic rights and liberties, taxes, levies, and the state budget). The compulsory referendum occurs in the case of the necessity to confirm a constitutional Act on entering into an alliance with other states or on withdrawing from that alliance.

Of course, there are also guarantees of protection from incorrect decisions or actions of public administration bodies. For example, according to Article 46 of SkC, anyone who claims to have been deprived of his/her rights by a decision from a public administration body may appeal to the court for it to re-examine the lawfulness of that decision. If any damage has been incurred as a result of an unlawful decision by a court or another state or public administration body, or as a result of an incorrect official procedure, then everyone is entitled to compensation.

In terms of public participation within the frame of policy-making processes Article 31 of SkC is very interesting, as it contains a statement that the legal definition of all political rights

and liberties, as well as their interpretation and use, must enable and protect the free competition of political forces in a democratic society. Specific rights are declared by the Constitution to those citizens who are members of various national minorities or ethnic groups<sup>4</sup>. According to Article 34 of SkC and in terms of public participation, those citizens belonging to national minorities or ethnic groups have both the right to use their mother tongue in dealings with the authorities and the right to participate in the solution of affairs concerning a relevant national minority or ethnic group.

The last, but not the least political right that is involved in the Constitution is *ius residendi* (Article 32, SkC). In compliance with this article, citizens have the right to put up resistance to anyone who would eliminate the democratic order of human rights and basic liberties listed in the Constitution, if the activity of constitutional bodies and the effective use of legal means are rendered impossible.

### ***Citizen participation/engagement inside the policy making process***

As previously stated in this paper, public participation is understood in terms of the policy making cycle. As such, reading from the legal acts in force in the Slovak Republic at the time of this analysis and using the three-dimensional approach of the state level, the Tables that follow present a summary presentation of the tools of public participation in the Slovak Republic (Iancu and Klimovský, 2008 – modified).

*Table 2: Tools of Public Participation at the Local Level*

<b>Stages of Policy Making Process</b>	<b>Gramberger's (2001) Classification</b>	<b>Tools</b>
<b><i>Setting the policy agenda</i></b>	<b>Information</b>	<ul style="list-style-type: none"> <li>- obligatory publication (official communal panel) of communal board's programme before its session</li> <li>- optional publication (communal broadcast, telecast, web-site, newspaper, etc.) of communal board's programme before its meeting</li> <li>- publication of a report (minutes) of communal board's session</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- notices presented in the sessions of communal board (warnings and notices from the side of the deputies of the communal board or mayor)</li> <li>- membership in various committees of the communal board</li> <li>- involvement in the public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> </ul>

<sup>4</sup> Halász (2005) has pointed out that although minority groups are in a minority position in terms of power and have no representative in the Central Government, they always have sufficient power to influence some relevant public policies, i.e. especially educational policy or cultural policy.

		<ul style="list-style-type: none"> <li>- meetings of citizens-voters with their deputies</li> <li>- proposals presented in the sessions of communal board or addressed to the mayor (complaints and other incentives from the side of communal residents)</li> <li>- residents' petitions</li> <li>- residents' demonstrative activities</li> </ul>
<i>Formulating the policy</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- obligatory publication of communal board's programme before its session</li> <li>- publication of a report (minutes) of a session of the communal board (including presented proposals and counter proposals)</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- proposals and notices presented in the sessions of the communal board (proposals and counter proposals from the side of community deputies or mayor)</li> <li>- membership in various committees of the communal board</li> <li>- organising of public hearings or gatherings of communal residents</li> <li>- involvement in public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> <li>- proposals and counter proposals presented in sessions of the communal board (comments, remarks, etc.)</li> </ul>
<i>Policy Selection</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- obligatory publication of communal board's and mayor's decisions</li> <li>- publication of a report (minutes) of a communal board's session</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- voting (within the election)</li> <li>- polling (within the referendum)</li> <li>- appeal for the presentation of residents' requirements or perceptions in the sessions of the communal board</li> <li>- organising of public hearings or gatherings of communal residents</li> <li>- involvement in public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> <li>- initiation of gatherings of communal residents</li> <li>- initiation of election</li> <li>- initiation of referendum</li> <li>- involvement in sessions of the communal board</li> <li>- residents' petitions</li> <li>- residents' demonstrative activities</li> </ul>
<i>Policy Implementation</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- publication of the obligatory as well as optional information in regard to the implementation of selected tools</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- mayor's application for residents' assistance or co-operation in regard to implementation of selected tools</li> <li>- involvement in public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> </ul>

		- involvement in the implementation of selected tools (e.g. voluntary brigade)
<i>Policy Assessment</i>	<b>Information</b>	- publication of the information in regard to outputs that are associated with the implementation of selected tools
	<b>Consultation</b>	- appeal for presentation of residents' satisfaction or dissatisfaction in regard to policy implementation in sessions of the communal board - organising of public hearings - involvement in public opinion research or opinion polls
	<b>Active Participation</b>	- information call - meetings of citizens-voters with their deputies - proposals presented in sessions of the communal board or addressed to the mayor (complaints, remarks, and other incentives from the side of communal residents) - evaluation of outputs from the side of various NGOs, think-tanks, etc. - residents' petitions - residents' demonstration activities
<i>Policy Conclusion</i>	<b>Information</b>	- publication of the information in regard to the necessity to conclude relevant policy
	<b>Consultation</b>	- voting (within an election) - polling (within the referendum) - appeal for presentation of residents' requirements or perceptions in sessions of the communal board - organising of public hearings or gatherings of communal residents - involvement in public opinion research or opinion polls
	<b>Active Participation</b>	- information call - meetings of citizens-voters with their deputies - initiation of public hearings or gatherings of communal residents - initiation of election - initiation of referendum - involvement in sessions of the communal board - active refusal of realised policy, e.g. strikes, demonstrations, petitions - passive refusal of realised policy, i.e. lack of interest in regard to policy

Sources: Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 83/1990 Coll. on Association of Citizens as amended; Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 84/1990 Coll. on Right of Assembly as amended; Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 85/1990 Coll. on Right of Petition as amended; Act of the Slovak National Council No. 346/1990 Coll. on Bodies of Communal Self-Government Election as amended; Act of the Slovak National Council No. 369/1990 Coll. on Communal Establishment as amended; Act of the Slovak National Council No. 377/1990 Coll. on Capital of the Slovak Republic Bratislava as amended; Act of the Slovak National Council No. 401/1990 Coll. on City of Košice as amended; Constitutional Act of the Slovak National Council No. 460/1992 Coll. the Constitution of the Slovak Republic as amended; Act of the National Council of the Slovak Republic No. 211/2000 Coll. of Laws on Unrestrained Access to the Information and on Changes and Completion of some other Acts as amended; Act of the National Council of the Slovak Republic No. 416/2001 Coll. of Laws on Some Competences Devolution from State Administration Bodies on the Communities and Superior Territorial Units as amended.

Table 3: Tools of Public Participation at the Regional Level<sup>5</sup>

Stages of Policy Making Process	Gramberger's (2001) Classification	Tools
<i>Setting the policy agenda</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- obligatory publication (official superior territorial unit panel and website) of a programme of the board of the superior territorial unit before its meeting</li> <li>- optional publication (superior territorial unit broadcast, telecast, newspaper, etc.) of a programme of the board of the superior territorial unit before its meeting</li> <li>- publication of a report (minutes) of a session of the board of the superior territorial unit</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- notices presented in the sessions of the board of the superior territorial unit (warnings and notices from the side of deputies of the board of superior territorial unit or chair of superior territorial unit)</li> <li>- membership in various committees of the board of the superior territorial unit</li> <li>- involvement in public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> <li>- proposals presented in the sessions of the board of the superior territorial unit or addressed to the chair of the superior territorial unit (complaints and other incentives from the side of the superior territorial unit residents)</li> <li>- residents' petitions</li> <li>- residents' demonstration activities</li> </ul>
<i>Formulating the policy</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- obligatory publication of the programme of the board of the superior territorial unit before its meeting</li> <li>- publication of a report (minutes) of a session of the board of the superior territorial unit (including presented proposals and counter proposals)</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- proposals and notices presented in the sessions of the board of the superior territorial unit (proposals and counter proposals from the side of the deputies or chair)</li> <li>- membership of the various committees of the</li> </ul>

<sup>5</sup> Competences of regional state administration bodies have been markedly restricted by the Act of the National Council of the Slovak Republic No. 515/2003 Coll. of Laws on Regional Authorities and District Authorities and on Changes and Completion of Some Other Acts as amended. As far as public involvement is concerned, they cooperate with self-governmental bodies (i.e. superior territorial units and communities) but they have no special set tools for this.

		<ul style="list-style-type: none"> <li>board of the superior territorial unit</li> <li>- organising of public hearings</li> <li>- involvement in public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> <li>- proposals and counter proposals presented in the sessions of the board of the superior territorial unit (comments, remarks, etc.)</li> </ul>
<i>Policy Selection</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- obligatory publication of the decisions of the chair as well as the board of the superior territorial unit</li> <li>- publication of a report (minutes) of a session of the board of the superior territorial unit</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- voting (within the election)</li> <li>- polling (within the referendum)</li> <li>- appeal for a presentation of residents' requirements or perceptions in the sessions of the board of the superior territorial unit</li> <li>- organising of public hearings</li> <li>- involvement in public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> <li>- initiation of an election</li> <li>- initiation of a referendum</li> <li>- involvement in the sessions of the board of the superior territorial unit</li> <li>- residents' petitions</li> <li>- residents' demonstrative activities</li> </ul>
<i>Policy Implementation</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- publication of information in regard to the implementation of selected tools</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- chair's application for residents' assistance or co-operation with regard to the implementation of selected tools</li> <li>- involvement in public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> <li>- involvement in the implementation of selected tools (e.g. voluntary brigade)</li> </ul>
<i>Policy Assessment</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- publication of the information in regard to outputs that are associated with the implementation of selected tools</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- appeal for the presentation of residents' satisfaction or dissatisfaction with regard to policy implementation in the sessions of the board of superior territorial unit</li> <li>- organising of public hearings</li> </ul>

		- involvement in public opinion research or opinion polls
	<b>Active Participation</b>	- information call - meetings of citizens-voters with their deputies - proposals presented in the sessions of the board of the superior territorial unit or addressed to the chair (complaints, remarks, and other incentives from the side of the superior territorial unit residents) - evaluation of outputs from the side of various NGOs, think-tanks, etc. - residents' petitions - residents' demonstration activities
<b>Policy Conclusion</b>	<b>Information</b>	- publication of the information in regard to the necessity to conclude relevant policy
	<b>Consultation</b>	- voting (within the election) - polling (within the referendum) - appeal for the presentation of residents' requirements or perceptions in sessions of the board of superior territorial unit - organising of public hearings - involvement in public opinion research or opinion polls
	<b>Active Participation</b>	- information call - meetings of citizens-voters with their deputies - initiation of public hearings - initiation of election - initiation of referendum - involvement in sessions of the board of superior territorial unit - active refusal of realised policy, e.g. strikes, demonstrations, petitions - passive refusal of realised policy, i.e. lack of interest in regard to the policy

Sources: Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 83/1990 Coll. on Association of Citizens as amended; Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 84/1990 Coll. on Right of Assembly as amended; Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 85/1990 Coll. on Right of Petition as amended; Constitutional Act of the Slovak National Council No. 460/1992 Coll. the Constitution of the Slovak Republic as amended; Act of the National Council of the Slovak Republic No. 211/2000 Coll. of Laws on Unrestrained Access to Information and on Changes and Completion of some other Acts as amended; Act of the National Council of the Slovak Republic No. 302/2001 Coll. of Laws on Self-Government of the Superior Territorial Units (the Self-Government Regions) as amended; Act of the National Council of the Slovak Republic No. 303/2001 Coll. of Laws on Bodies of Self-Government Regions Election and on Completion of Civil Court Rule as amended; Act of the National Council of the Slovak Republic No. 416/2001 Coll. of Laws on Some Competences Devolution from State Administration Bodies on the Communities and Superior Territorial Units as amended; Act of the National Council of the Slovak Republic No. 515/2003 Coll. of Laws on Regional State Administration Authorities and District State Administration Authorities and on Changes and Completion of Some Other Acts as amended.

Table 4: Tools of Public Participation on a National Level

Stages of Policy	Gramberger's	Tools
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<b>Making Process</b>	<b>(2001) Classification</b>	
<i>Setting the policy agenda</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- obligatory publication (programme declaration of government) of central government's intentions at the beginning of its term of office</li> <li>- publication (e.g. website, broadcast, telecast, newspaper) of central government's/ministries' intentions during its term of office</li> <li>- publication of a report (minutes) of central government's meeting</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- involvement in public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> <li>- proposals presented by interest groups, e.g. NGOs or political parties (complaints and other incentives addressed to central government or relevant ministries)</li> <li>- citizens' petitions</li> <li>- citizens' demonstrative activities</li> </ul>
<i>Formulating the policy</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- publication of central government intentions</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- publication of a report (minutes) of central government's meeting (including negotiated documents)</li> <li>- involvement in public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> </ul>
<i>Policy Selection</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- obligatory publication of central government's and ministries' decisions</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- voting (within the election)</li> <li>- polling (within the referendum)</li> <li>- involvement in public opinion research or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> <li>- initiation of referendum</li> <li>- citizens' petitions</li> <li>- citizens' demonstration activities</li> </ul>
<i>Policy Implementation</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- publication of the information in regard to implementation of selected tools</li> </ul>
	<b>Consultation</b>	<ul style="list-style-type: none"> <li>- involvement in the public opinion researches or opinion polls</li> </ul>
	<b>Active Participation</b>	<ul style="list-style-type: none"> <li>- information call</li> <li>- meetings of citizens-voters with their deputies</li> <li>- involvement in the implementation of selected tools</li> </ul>
<i>Policy Assessment</i>	<b>Information</b>	<ul style="list-style-type: none"> <li>- publication of information in regard to outputs that are associated with the implementation of</li> </ul>

		selected tools
	<b>Consultation</b>	- involvement in public opinion research or opinion polls
	<b>Active Participation</b>	- information call - meetings of citizens-voters with their deputies - evaluation of outputs from the side of various NGOs, think-tanks, etc. - citizens' petitions - citizens' demonstrative activities
<b>Policy Conclusion</b>	<b>Information</b>	- publication of information with regard to the necessity to conclude relevant policy
	<b>Consultation</b>	- voting (within the election) - polling (within the referendum) - involvement in public opinion research or opinion polls
	<b>Active Participation</b>	- information call - meetings of citizens-voters with their deputies - initiation of a referendum - active refusal of realised policy, e.g. strikes, demonstrations, petitions - passive refusal of realised policy, i.e. lack of interest in regard to policy

Sources: Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 83/1990 Coll. on Association of Citizens as amended; Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 84/1990 Coll. on Right of Assembly as amended; Act of the Federal Assembly of the Czechoslovak Socialist Republic No. 85/1990 Coll. on Right of Petition as amended; Constitutional Act of the Slovak National Council No. 460/1992 Coll. the Constitution of the Slovak Republic as amended; Constitutional Act of the Federal Assembly of the Czech and Slovak Federal Republic No. 327/1991 Coll. on Referendum as amended; Act of the Federal Assembly of the Czech and Slovak Federal Republic No. 490/1991 Coll. on Manner of Execution of Referendum as amended; Act of the National Council of the Slovak Republic No. 1/1993 Coll. of Laws on Collection of Laws of the Slovak Republic as amended; Act of the National Council of the Slovak Republic No. 350/1996 Coll. of Laws on Rule of Procedure of the National Council of the Slovak Republic as amended; Act of the National Council of the Slovak Republic No. 46/1999 Coll. of Laws on Manner of Election of President of the Slovak Republic, on Plebiscite on His/Her Recall and on Completion of Some Other Acts as amended; Act of the National Council of the Slovak Republic No. 211/2000 Coll. of Laws on Unrestrained Access to the Information and on Changes and Completion of some other Acts as amended; Act of the National Council of the Slovak Republic No. 575/2001 Coll. of Laws on Organization of Activity of Government and Organization of Central State Administration as amended; Act of the National Council of the Slovak Republic No. 333/2004 Coll. of Laws on the National Council of the Slovak Republic Election as amended; Act of the National Council of the Slovak Republic No. 85/2005 Coll. of Laws on Political Parties and Political Movements as amended.

From the qualitative point of view, from Tables 2 - 4 we can see that public participation tools that are utilised at a local and regional level are quite similar, yet differentiated from those used at national level. The possible reasons for this are the following: first, local, as well as regional level, is an output of the state's decentralisation policy. Second, we can find state administration as well as territorial self-governmental bodies at both local and regional level. At the national level, there is no such division. Third, the public participation tools associated with local and regional level are less strictly defined and policy actors can act more freely. And fourth, it is

much easier to use those tools that can be characterised as tools linked to direct democracy at those two levels than at national level. At this point we have to emphasise that some differences between local and regional level can be detected. One example is the organisation of gatherings of communal residents – this tool can be utilised only at local level, and some authors, for example Lightbody (1998), have pointed out that it could be difficult to use this tool in the cases of large towns or cities, and so recommend its implementation in small communities or towns.

### **Seminar**

During the seminar students especially:

- a) Discuss the pros' and cons' of public/citizen participation/engagement.
- b/ Discuss the Slovak approach.

### **Exercise**

There are several exercises for students:

- 1) Analyse the Ukrainian legal provisions in regard to public/citizen participation/engagement and compare them with the Slovak provisions by means of a matrix: Gramberger's (2001) classification – policy making cycle.
- 2) Propose amendments to the existing tools or brand new tools which might be used in Ukraine.
- 3) Discuss the potential benefits as well as risks of own proposals.
- 4) Decide which of their proposals might be used and describe the way in which to implement them (e.g. nationally or only in some selected local governments).

### **References**

Ágh, A. (1993): Early and Mature Consolidation in East Central Europe: The Case of Europeanization in Hungary. In: Dvořáková, V. (ed.): Success or Failure? Ten Years after. Praha: Česká společnost pro politickou vědu & Slovenská spoločnosť pre politickú vedu & Nadácia Friedricha Eberta.

Bishop, P. – Davis, G. (2002): Mapping Public Participation in Policy Choices. In: American Journal of Public Administration, Vol. 61, No. 1, pp. 14 – 29.

Brewer, G. D. – De Leon, P. (1983): The Foundations of Policy Analysis. Homewood: Dorsey Press.

Carroll, B. W. – Carroll, T. (1999): Civic Networks, Legitimacy and the Policy Process. In: Governance: An International Journal of Policy and Administration, Vol. 12, No. 1, pp. 1 – 28.

Dimitrova, A. (2001): *Enlargement Governance and Institution Building in Central and Eastern Europe: The case of the European Union's administrative capacity requirement.* (version 2), ECPR General Conference, University of Kent, Canterbury, 6-8 September 2001.

Doern, G. B. – Phidd, R. W. (1992): *Canadian Public Policy: Ideas, Structure, Process.* Toronto: Nelson.

Featherstone, K. (2003): "Introduction: In the name of Europe", in Featherstone/Radaelli, *The Politics of Europeanization*, London: Oxford University Press, p.3 -26

Fiala, P., Schubert, K. (2000): *Moderní analýza politiky. Uvedení do teorií a metod policy analysis.* [Modern Policy Analysis. Introduction to the Theories and Methods of Policy Analysis.] Brno: Barrister & Principal.

Foret, M. – Foretová, V. (1999): *Public Opinion Research as Communication with the Public.* In: Jabes, J. (ed.): *Public Administration and Social Policies in Central and Eastern Europe. Proceedings from International Conference.* Bratislava: Network of Institutions and Schools of Public Administration in Central and Eastern Europe & Charles University, pp. 240 – 247.

Fournier, J. (1998a): "Administrative Reform in the Commission Opinions Concerning the Accession of the Central and Eastern European Countries to the European Union" in SIGMA: OECD, *Preparing Public Administrations for the European Administrative Space.* Paper 23, Paris: OECD, p.110-118.

Fournier, J. (1998b): "Governance and European Integration — Reliable Public Administration" in SIGMA: OECD, *Preparing Public Administrations for the European Administrative Space (CCNM/SIGMA/PUMA(98)39).* Paper 23. Paris: OECD, p.119-135.

Fung, A. (2006): *Varieties of Participation in Complex Governance.* In: *Public Administration Review*, Vol. 66, No. 6, pp. 66 – 75.

Gramberger, M. (2001): *Citizens as Partners.* OECD Handbook on Information, Consultation and Public Participation in Policy-Making. Paris: Organization for Economic Co-operation and Development.

Halász, I. (2005): *Menšinové práva v kontexte problematiky rovnosti.* [Rights of Minorities in the Context of Equality Issue.] In: Lengyelová, D. (ed.): *(Ne)rovnosť a rovnoprávnosť.* [(In)equality and Equality.] Bratislava: SAP, pp. 156 – 165.

Iancu, D.-C. – Klimovský, D. (2008): Thinking outside the box: Local government and the preference-holders participation to policy making processes in Slovakia and Romania. Public Policy and Administration: Challenges and Synergies [CD-ROM]. Bratislava: NISPAcee.

Kaplan, A. – Lasswell, H. D. (1982): Power and Society. A Framework for Political Inquiry. New Haven: Yale University.

Klimovský, D. (2006): Verejná politika na regionálnej a komunálnej úrovni. [Public Policy on a Regional and Local Level.] In: Kráľová, Ľ. a kolektív: Aktuálne otázky verejnej politiky. [Current Questions of Public Policy.] Košice: Typopress, pp. 225 – 296.

Lightbody, J. (1998): Why Study City Politics? In: Howlett, M. – Laycock, D. H. (eds.): The Puzzles of Power. An Introduction to Political Science. Oxford: Oxford University, pp. 404 – 412.

Nizzo, C. (2000) National Public Administrations and European Integration. SIGMA Paper, Web site: <http://www.oecd.org/puma/sigmaweb>

Salem, H. B. – Vengroff, R. (1992): Assessing the Impact of Decentralization on Governance: A Comparative Methodological Approach and Application to Tunisia. In: Public Administration & Development, Vol. 12, No. 5, pp. 473 – 492.

SIGMA: OECD (1998): Preparing Public Administration for the European Administrative Space. SIGMA paper no. 23, CCNM/SIGMA/PUMA (98) 39, Paris: OECD.

SIGMA: OECD (1999): European Principles for Public Administration. SIGMA paper no. 27, CCNM/SIGMA/PUMA (99) 44/REV1, Paris: OECD.

Szomolányi, S. (2004): Cesta Slovenska k demokracii: od “devianta” k štandardnej novej demokracii. [Path of Slovakia to Democracy: From “Deviant Case” to Standard New Democracy.] In: Gyarfášová, O. – Mesežnikov, G. (eds.): Slovensko: desať rokov samostatnosti a rok reforiem. [Slovakia: Ten Years of Independence and a Year of Reforms.] Bratislava: Inštitút pre verejné otázky.

Ucakar, K. (1985): Demokratie und Wahlrecht in Österreich: zur Entwicklung von politische Partizipation und staatlicher Legitimationspolitik. [Democracy and Right to Vote in Austria: On Development of Political Participation and State Policy of Legitimacy.] Wien: Verlag für Gesellschaftskritik.

Nie, N. H. – Verba, S. (1972): *Participation in America*. New York: Harper & Row.

Vigoda, E. (2002): *From Responsiveness to Collaboration: Governance, Citizens, and the Next Generation of Public Administration*. In: *Public Administration Review*, Vol. 62, No. 5, pp. 527 – 540.

Vignon, J. (2001.) “Gouvernance Européenne: « Un Livre Blanc »” in *Revue des Affaires Européennes*, 2001-2002, nr.1, 42-92.

Wehling, H.-G. (1975): *Einleitung. [Introduction.]* In: Wehling, H.-G. (ed.): *Kommunalpolitik*. Hamburg: Hoffmann und Campe Verlag, pp. 7 – 11.

### **Legislative and Official Documents:**

Act of the Federal Assembly of the Czechoslovak Socialistic Republic No. 83/1990 Coll. on Association of Citizens as amended.

Act of the Federal Assembly of the Czechoslovak Socialistic Republic No. 84/1990 Coll. on Right of Assembly as amended.

Act of the Federal Assembly of the Czechoslovak Socialistic Republic No. 85/1990 Coll. on Right of Petition as amended.

Act of the Slovak National Council No. 346/1990 Coll. on Bodies of Communal Self-Government Election as amended.

Act of the Slovak National Council No. 369/1990 Coll. on Communal Establishment as amended.

Act of the Slovak National Council No. 377/1990 Coll. on Capital of the Slovak Republic Bratislava as amended.

Act of the Slovak National Council No. 401/1990 Coll. on City of Košice as amended.

Constitutional Act of the Slovak National Council No. 460/1992 Coll. the Constitution of the Slovak Republic.

Constitutional Act of the Federal Assembly of the Czech and Slovak Federal Republic No. 327/1991 Coll. on Referendum as amended.



Act of the Federal Assembly of the Czech and Slovak Federal Republic No. 490/1991 Coll. on Manner of Execution of Referendum as amended.

Act of the National Council of the Slovak Republic No. 1/1993 Coll. of Laws on Collection of Laws of the Slovak Republic as amended.

Act of the National Council of the Slovak Republic No. 350/1996 Coll. of Laws on Rule of Procedure of the National Council of the Slovak Republic as amended.

Act of the National Council of the Slovak Republic No. 46/1999 Coll. of Laws on Manner of Election of President of the Slovak Republic, on Plebiscite on His/Her Recall and on Completion of Some Other Acts as amended.

Act of the National Council of the Slovak Republic No. 211/2000 Coll. of Laws on Unrestrained Access to the Information and on Changes and Completion of some other Acts as amended.

Act of the National Council of the Slovak Republic No. 302/2001 Coll. of Laws on Self-Government of the Superior Territorial Units (the Self-Government Regions) as amended.

Act of the National Council of the Slovak Republic No. 303/2001 Coll. of Laws on Bodies of Self-Government Regions Election and on Completion of Civil Court Rule as amended.

Act of the National Council of the Slovak Republic No. 416/2001 Coll. of Laws on Some Competences Devolution from State Administration Bodies on the Communities and Superior Territorial Units as amended.

Act of the National Council of the Slovak Republic No. 575/2001 Coll. of Laws on Organization of Activity of Government and Organization of Central State Administration as amended.

Act of the National Council of the Slovak Republic No. 515/2003 Coll. of Laws on Regional State Administration Authorities and District State Administration Authorities and on Changes and Completion of Some Other Acts as amended.

Act of the National Council of the Slovak Republic No. 333/2004 Coll. of Laws on the National Council of the Slovak Republic Election as amended.

Act of the National Council of the Slovak Republic No. 85/2005 Coll. of Laws on Political Parties and Political Movements as amended.

Koncepcia decentralizácie a modernizácie verejnej správy. [Conception of Decentralization and Modernization of Public Administration.] (2001). Bratislava: The Office of the Government of the Slovak Republic.

Programové vyhlásenie vlády. [Program Proclamation of the Government.] (1998). Bratislava: The Office of the Government of the Slovak Republic.

Programové vyhlásenie vlády. [Program Proclamation of the Government.] (2002). Bratislava: The Office of the Government of the Slovak Republic.

Projekt ďalšej decentralizácie verejnej správy na roky 2003 – 2006. [Project of Further Decentralization Development of Public Administration for Term of 2003 – 2006.] (2003). Bratislava: The Office of the Government of the Slovak Republic.

Stratégia reformy verejnej správy. [Strategy of the Public Administration Reform.] (1999). Bratislava: The Office of the Government of the Slovak Republic.

## Case study 1: The Engagement of citizens in Letanovce and Spišský Štvrtok

*Daniel Klimovský*

### Roots of the issue

Letanovce is located in the region called Spiš. The Roma settlements in this region occurred a few centuries ago during the time of the Habsburgs. Concerning Roma in Letanovce, they were forcibly exiled by the majority population from the village and settled in a segregated area (so-called Letanovský mlyn) in 1928 (Jurová, 2003). If one compares this with the situation in neighbouring villages, there is a significant difference because those villages did not experience such violence against the Roma minorities (Klimovský, 2008).

During the period of the Communist Party's regime, the segregated Roma settlement in Letanovce was repeatedly identified as one of the most undeveloped. There were few official attempts to destroy the settlement and resettle the Roma in other parts of Letanovce, e.g. in the 1960s, but these plans were never implemented. It led to a status quo situation and while in the 1960s less than 200 people lived in the settlement, in the 1990s almost 600 people lived there (Jurová, 2003). This rapid increase in the local population led, inter alia, to unacceptable socio-economic conditions, as well as to the necessity to push the "borders" of the settlement further.

### The issue and development

As mentioned by Klimovský (2008), a crucial moment came to light in 2000. Some of the local representatives, especially the mayor, indirectly supported by hate propaganda in some mass media, stated that the settlement had been illegally established. Internal dissatisfaction with the situation and pressure from the majority of the population led to a decision by the local council in 2001. According to this decision, the inhabitants of the Roma settlement in Letanovský mlyn lost their permanent residence in Letanovce. The main argument was linked to the fact that the settlement had expanded and overlapped with territory in the neighbouring municipality (Spišské Tomášovce). However, the mayor of Spišské Tomášovce rejected this decision, because the border between the municipalities was unclear; the settlement was always considered to be part of Letanovce and, last, but not least, Letanovce was the recipient of revenues from nationally collected taxes which were divided amongst the municipalities according to their population sizes.

Various stakeholders reacted after the decision of the local council in Letanovce. For instance, the office of the government Commissioner for Roma communities condemned the decision and

protested against the racist nature of the public debate in Letanovce, as well as the neighbouring municipalities (e.g. Spišské Tomášovce, Spišský Štvrtok, Hrabušice). Consequently, the district court in Spišská Nová Ves determined that the decision taken by the local council of Letanovce was illegal (Repčiak, 2002). The mayor of Letanovce was not satisfied with this decision, and asked the Constitutional Court of the Slovak Republic to decide. However, no court supported the decision of the local council of Letanovce.

This turbulent state led to the intervention by the central government. However, although it declared a provision of relevant resources, no solution was accepted by all of the relevant stakeholders. The destruction of the settlement and removal of its inhabitants to a new settlement (called Strelníky) was considered the most preferred solution (Toporcerová, 2004). However, this proposal was formally rejected by the neighbouring municipalities – namely by their political representatives and their inhabitants. According to them, the territory of Strelník is located very close to the centres of both Spišský Štvrtok and Hrabušice, but approximately 3 kms from the centre of Letanovce, and it would lead to an unacceptable additional load on the socio-economic facilities in the neighbouring municipalities (Klimovský, 2008). The central government tried to moderate negotiations between the local stakeholders but this failed repeatedly. In 2007, the inhabitants of Spišský Štvrtok organised a public hearing to which they also invited the mayor from Letanovce, where they clearly protested against the removal of the Roma settlement to Strelník. A similar situation occurred in Hrabušice, where a public meeting of the inhabitants was organized and where they similarly protested (Jesenský, 2007). They declared they were especially afraid of an increase in petty crimes (Klimovský, 2008).

Several years later, in 2013, the inhabitants of Letanovský mlyn were removed to Strelník anyway, and the Roma settlement in Letanovský mlyn was destroyed. The mayor of Spišský Štvrtok confirmed in February 2014 that the inhabitants of Strelník regularly visited the centre of Spišský Štvrtok (e.g. they began to use the services of the local post office and the local health centre) but, on the other hand, there was no clear increase in petty crimes (Prest'ahovanie letanovských..., 2014).

### **Lessons to be learned**

This case shows that citizen engagement might also be dysfunctional from some point of view (Higgins and Richardson, 1976). On the one hand, the existence of serious issues usually leads to a general acceptance of a need for solution/s, but, on the other hand, if the issue is somehow sensitive (e.g. because of its social, political, ecological nature), very often it causes the so-called

NIMBY (not-in-my-back-yard) syndrome. More precisely, although people support the need to solve some issue, they often reject every possible solution if it might influence the quality of their lives or values of their properties (e.g. location of centres for drug addicts, centres for homeless people, location of nuclear power-plants or wind power-plants) (Dear, 1992).

The behaviour of the inhabitants of both Letanovce and its neighbouring municipalities can undoubtedly be explained by the NIMBY syndrome, and one can clearly see the dysfunctional part of this phenomenon. Although they simply used their rights because they were in the position of stakeholders, their activity meant that the segregated Roma (including their children) had to live there (i.e. in a segregated settlement with unacceptable conditions) for a few more years.

## References

CREIGHTON, J. L. (1992): *Involving Citizens in Community Decision Making: A Guidebook*. Washington, Program for Community Problem Solving.

DEAR, M. (1992): Understanding and Overcoming the NIMBY Syndrome. In: *Journal of the American Planning Association*, vol. 58, no. 3, pp. 288-300.

FARRELL, C. M. (2000): Citizen Participation in Governance. In: *Public Money & Management*, no. 1, pp. 31-37.

HIGGINS, G. M. – RICHARDSON, J. J. (1976): *Political Participation*. London, The Politics Association.

JESENSKÝ, M. (2007): Rómov z Letanovského mlyna nechcú. In: *SME*, 8. 3. 2007.

JUROVÁ, A. (2003): Niekoľko poznámok k otázkam rómskych osád ("Kauza Letanovce"). In: *Človek a spoločnosť*, vol. 6, no. 1. On-line at: [www.saske.sk/cas/1-2003/jurova.html](http://www.saske.sk/cas/1-2003/jurova.html) (accessed on 24 July 2007).

KLIMOVSKÝ, D. (2008): NIMBY syndróm v slovenských podmienkach na príklade riešenia problému existencie rómskej osady v Letanovciach. In: *Verejná správa a spoločnosť*, vol. 9, no. 1-2, pp. 65-76.

Prest'ahovanie letanovských Rómov ovplyvnilo život v obci, 2014. On-line at: <http://www.teraz.sk/regiony/letanovce-romovia-stahovanie/75281-clanok.html> (accessed on 2 November 2016).

REPČIAK, T. (2002): Rómom z Letanoviec priznal súd trvalý pobyt v obci. On-line at: <http://www.rpa.sk/rpa.php?lang=SK&m=INF&id=RESE&show=332> (accessed on 21 March 2007).

TOPORCEROVÁ, M. (2004): Pripravuje sa presťahovanie známej letanovskej osady. On-line at: <http://www.cassovia.sk/korzar/archiv/clanok.php3?sub=20.3.2004/1193S> (accessed on 19 March 2007).



## Case study 2: The Engagement of citizens in Oravská Lesná

*Daniel Klimovský*

### Roots of the issue

Fiscal decentralisation followed a major devolution which was implemented in the period of 2002-2004 in Slovakia. The fundamental legal acts concerning fiscal decentralisation were the Act No. 523/2004 on Budgetary Rules of Public Administration, and the Act No. 583/2004 on Budgetary Rules of Territorial Self-Government. Consequently, in 2007, the Parliament approved a crucial amendment of the latter act. This amendment contained legal provisions linked to performance budgeting which, in Slovakia, is also called multi-year budgeting, and the Ministry of Finance, in cooperation with the think-tank Foundation of F. A. Hayek, began its implementation.

Whilst at the national level the implementation began earlier, the local self-government experienced performance budgeting a few years after the implementation of fiscal decentralisation. In other words, the Ministry, together with Hayek Consulting, Ltd., (this company represented the aforementioned think-tank) chose 30 self-government units and a pilot project of implementation of performance budgeting was implemented by those units in 2008. Since 2009, the self-government units (namely 8 self-governing regions, and 387 out of 2,891 municipalities, i.e. those with populations over 2,000 inhabitants) have had to implement performance budgeting (Klimovský, 2016).

Municipal budget is a basic tool of financial management, and it contains rules for financing municipality tasks. Each budget also contains the intentions and objectives (i.e. a municipal programme) which are followed by the municipality via means of allocated resources. Performance budgeting is obligatory for all municipalities with a population over 2,000 inhabitants. In the cases of municipalities with a population of up to 2,000 inhabitants, their municipal/local councils may decide on non-application of performance budgeting. Each budget, which contains the programme, is approved as a multi-year budget. The timeframe of a multi-year budget is at least three years. The first year's revenues and expenditures are definite and binding, whilst the revenues and expenditures which are planned for the next two years are tentative. A budget proposal is elaborated upon by a mayor and the municipal/local council is authorised to approve it. A financial or budgetary committee formulates comments on the mayor's budget proposal before its submission to the municipal/local council but it is at the mayor's discretion to decide on their application.

## The issue and development

The municipality of Oravská Lesná is located in the Žilina Region in the northern part of Slovak territory. Its population size exceeds 3,000 inhabitants, and therefore it belongs to the municipalities where the performance budget must be approved.

The period which followed the local election in 2010 was very turbulent. The head of the local government, i.e. the mayor, who was a Member of Parliament (as a member of the ruling party) at the same time, repeatedly argued with the local councillors. In practice, these tensions influenced not only the meetings of the local council, which were chaired by the mayor, but often also the performance of the municipal administration. The tensions escalated soon after the local election and some of the local councillors made a formal complaint to the mayor. In addition, they initiated a petition amongst the municipal inhabitants in order to organise a referendum on the recalling of the mayor. Last but not least, one of the local councillors initiated an infringement procedure at the Superior Audit Office of the Slovak Republic.

The Audit Office pointed out that there was no performance budget despite the fact that the municipality is obliged to have one, because its population size is over 2,000. Although the municipality had its own budget, there were neither programmes/projects nor measurable indicators. Last but not least, the mayor also broke other relevant legal provisions because she amended the budget during the year without official approval (the budget itself as well as its amendments has to be approved by the local council) (NKÚ, 2012). Although the results of the control were taken into account, and the mayor proposed a three-year budget for the next year, the proposed budget again included neither programmes/projects nor measurable indicators. In other words, she proposed a document in an outdated form, and her contribution was limited to compliance with multi-year budget requirements.

These activities were also observed by the inhabitants. They did not stay passive and some of them took part in the meeting of the local council, where they presented their dissatisfaction and disappointment towards the mayor and her activities. Furthermore, they cooperated with the abovementioned local councillors, and declared their readiness to both support the petition on a referendum for the recall of the mayor and vote for the recall. Last but not least, they communicated directly with the mayor and asked for a change in her behaviour.

Both internal and external pressure from the local councillors, as well as the inhabitants, together with pressure from the Supreme Audit Office of the Slovak Republic, led consequently to the approval of the performance budget in this municipality. The intelligibility of this

document, and the need for higher accountability of local politicians (especially the mayor) became the main engines of the municipal inhabitants' activities.

### **Lessons to be learned**

This case shows that the quality of governance can also be guaranteed and protected by citizens (Farrell, 2000). Besides their rights, they can declare and present their dissatisfaction, which is one of the conditions for the successful implementation of any reform or innovative measure. As mentioned by Metcalfe (1998), if there is a problem with a lack of political will or open/latent bureaucratic resistance, the internal dissatisfaction, as well as external pressure, may lead to the elimination of the influence of a problem.

Reforms and innovative measures are normally expected by citizens and their awareness seems to be a crucial requirement if government hopes to achieve the general acceptance of the implemented reforms or measures. From this standpoint, the local governments must be ready to communicate in a proper manner with their clients (i.e. citizens).

### **References**

- Farrell, C. M. (2000): Citizen Participation in Governance. In: *Public Money & Management*, no. 1, pp. 31-37.
- Kelly, J. M., Rivenbark, W. C. (2011): *Performance Budgeting for State and Local Government*. Armonk/London: M. E. Sharpe.
- Klimovský, D. (2016): Experience with managerial and political reform measures at the local level in Slovakia: Intended and unintended outcomes. In: Sadioglu, U., Dede, K. (eds.): *Comparative studies and regionally-focused cases examining local governments*. Hershey: IGI Global, pp. 135-160.
- Metcalfe, L. (1998): Meeting the Challenges of Accession. In: *SIGMA Papers No. 23: Preparing Public Administrations for the European Administrative Space*. Paris: OECD, s. 41-63.
- Miller, G. J., Hildreth, W. B., Rabin, J. (2001): *Performance Based Budgeting*. Boulder: Westview. Bjørnå
- Mussari, R., Tranfaglia, A. E., Reichard, CH., Bjørnå, H., Nakrošis, V., Bankauskaitė-Grigaliūnienė, S. (2016): Design, Trajectories of Reform, and Implementation of Performance Budgeting in Local Governments: A Comparative Study of Germany, Italy, Lithuania, and Norway. In: Kuhlmann, S., Bouckaert, G. (eds.): *Local Public Sector Reforms in Times of Crisis: National Trajectories and International Comparisons*. Houndmills/New York: Palgrave Macmillan, pp. 101-119.

NKÚ (2012): Správa o výsledku kontroly hospodárenia s finančnými prostriedkami a nakladania s majetkom v subjektoch územnej samosprávy na základe doručených informácií, poznatkov a odporúčaní od zainteresovaných a kompetentných orgánov, parlamentu, poslancov, inštitúcií verejnej správy, organizácií a občanov v Obci Oravská Lesná. On-line at: <https://www.nku.gov.sk/documents/10157/68d07bc5-8189-428f-a854-bc7631674fb8> (accessed on 10 April 2016).

Torres, L., Pina, V., Marti, C. (2012): Using Non-Mandatory Performance Measures in Local Governments. *Baltic Journal of Management*, vol. 7, no. 4, pp. 416-428.

Van Dooren, W., Bockaert, G., Halligan, J. (2010): *Performance Management in the Public Sector*. London: Routledge.

## Case Study: E-petitions in the System of Local Democracy

*Volodymyr Vakulenko*

### Introduction

This case study provides an analysis of the status of the introduction and first experience of the use of electronic petitions in cities of Ukraine. Its purpose is: on the basis of an analysis of the state of implementation and the first experience of the use of electronic petitions in the cities of Ukraine, to discuss the possibilities for improving the mechanisms for the submission and consideration of electronic petitions in order to increase their efficiency at the local level.

The study is based on an analysis of E-petitions in the system of local democracy in the oblast centres of Ukraine, which was conducted by the Analytical Centre for the Development of Local Democracy of the All-Ukrainian Public Organisations Association for Community Self-Organisation Assistance (author - Oleksiy Kolesnikov).

Electronic petitions, as a democratic mechanism of collaboration between government and society, are used in more than 70 countries worldwide. Ukraine has recently enforced their application, a little more than a year ago. This was a progressive step, dedicated to help bring government closer to the needs and interests of its citizens, and an active involvement of the latter in solving common problems. Thus, e-petitions are one of the easiest forms of civic participation that requires that “the participants” themselves make a minimum effort, and at the same time it allows them to communicate the claims and positions of the direction to those persons whose taking the necessary decisions depends on.

The first year of the functioning of electronic petitions lets us see to what extent they “became acclimatised” in Ukraine. With this, local experience is particularly interesting. On the one hand, to initiate petitions and achieve their implementation in communities is potentially easier and on the other, as our national practice shows, democratic instruments that might be successfully applied on sites according to the law-making body’s design and logic often do not work at this level.

The term “petition” (petitio) translates from Latin as motion, appeal or request. The Cambridge Dictionary defines it as a document signed by a sufficient number of people demanding action by part of a government or other governmental authority.

Petitions, as a mechanism of collaboration of government and society, have a long history and we know that they existed in the ancient world. In Europe, government authorities in England have the most ancient traditions with petitions where, in the Middle Ages, this type of application acquired official status. In the course of time, petitions came to more and more states.



In this respect, some standards for their submission to government authorities were formed: collective nature, obligatory written form, necessity to collect a certain number of signatures to support petitions and so forth. The capabilities of the Internet began being used actively in the course of the development of information and communication technologies.

At the local level, the first people who adopted electronic petitions were in the English cities of Bristol and Kingston-upon-Thames (2004). In English municipalities this instrument is used today very actively, but the same cannot be said about, for instance, Wales or Northern Ireland. In 2005, the pilot introduction of e-petitions began in 14 cities in Norway. However, this project was implemented with a fair amount of difficulties and conflicts. There is also a well-known petition service, Malmo, launched in 2008, which gave a boost to the development of local electronic petitions in Sweden.

E-petitions as an instrument of electronic democracy are also regularised today in international documents. In particular, Recommendation CM/Rec(2009) of the Committee of Ministers of the European Council regarding electronic democracy, dated 18th February, 2009, defines an e-petition as electronic lodging of an objection or recommendation for a democratic institution: citizens sign the petition and can take part in discussions, having supplied their names and addresses online. This means that electronic petitions assist in the delivery of information to Parliament and other democratic institutions, and their discussion and consideration amongst citizens. It is also indicated in the Recommendation that Parliament, or another formal institution, should pay appropriate attention to the thoughts expressed and provide reasonable feedback with the applicant concerning the decisions taken, in order to create trust in petitions.

### **Legislative regulation of e- petitions in Ukraine**

Until recently, citizens of Ukraine could not submit electronic petitions. Actually, the term “petition” did not exist in the national legislation. The situation began to change completely after introducing certain amendments to the Law of Ukraine “On applications from citizens”. The first specialised service for the submission of petitions was launched on the official website of the President of Ukraine; later such services were created at the locations and were also launched on the websites of the Parliament and Government.

In general, e-petitions have several functions. First, they help to participate in any problem on the agenda. Second, petitions are instrumental in offering a personal option for the solution of a problem, meaning that citizens participate in the process of decision-making. Third,

petitions animate horizontal communication between citizens, as the initiators have to persuade others to support petitions in order to collect the necessary number of signatures.

Sometimes electronic petitions are deemed as a form of direct democracy, but it is not right. Despite the fact that petitions let citizens directly join the process of formulation and making of decisions, they nevertheless have nowhere and never any mandatory power for those government authorities, which they are addressed to. So, in this case citizens do not make any decisions, and the final word always remains with chosen representatives or officials. Thus, petitions are a quicker form of participation by citizens in the decision-making process and a way of communication by government and society within the representative model of democracy.

The right of citizens to forward personal or collective written applications to state government authorities, bodies of local self-government, their officials and officers is guaranteed by Article 40 of the Constitution of Ukraine. The implementation of this right is ensured by the Law “On applications from citizens” that provides procedures for the submission and consideration of electronic petitions amongst others.

In Article 5 of this law, an electronic petition is defined as a particular form of collective appeal of citizens to the President of Ukraine, Verkhovna Rada, Committee of Ministers of Ukraine, and local self-government bodies<sup>1</sup>. Hence, it follows that as opposed to the applications from citizens forwarded to any government authority, official or not, electronic petitions may be submitted only to the aforementioned addressees. That is why they cannot be addressed directly to certain executive bodies, regional and district state administrations, or territorial subdivisions of executive bodies.

In accordance with Article 23-1 of the Law, citizens can appeal to the President of Ukraine, Verkhovna Rada, Committee of Ministers, or local self-government body with electronic petitions via the official website of the body to whom it is addressed, or via the website of the non-governmental association that is collecting signatures to support the petition. This very important item states that government bodies do not have the monopoly on the mechanism of electronic petitions, and any civil group can arrange and implement the petition process.

Electronic petitions, as applications from citizens, can be composed in free form. However, the legislation sets up certain mandatory guidelines to their content and structure.

First, an electronic petition should comprise a sense of appeal, surname, name, patronymic (of an initiator), and e-mail address. Therefore, the creation of anonymous petitions is not allowed.

Second, it is obligatory to indicate a date when the collection of signatures began and information about the general number and list of persons who have signed electronic petitions on a website of a corresponding authority or a civic group collecting signatures.

Third, the Law establishes that an electronic petition cannot include appeals to break the constitutional order, break the territorial integrity of Ukraine, for war propaganda, violence, cruelty, instigating ethnic, racial, religious battles, appeals for terrorist acts, and aggressing human rights and freedom. This requirement is mandatory, taking into account the public nature of petitions and is a reasonable limit for the freedom of speech in the climate of a democratic society.

The procedure for the submission and consideration of electronic petitions in Ukraine can be divided into the following stages (phases):

1. Initiation of the petition.
2. Verification of the electronic petition.
3. Promulgation of the petition on the official website of an addressee or on the website of a civic group collecting signatures to support electronic petitions.
4. Collection of signatures to support the petition.
5. Forward the petition to the addressee.
6. Consideration of the electronic petition.
7. Publication of the results of the petition.

The information about the number of signatures obtained for the support of electronic petitions and the terms of their collection is saved for no less than three years after promulgation of the petition. But, in this provision it is not clear when this data must be kept disclosed, or simply kept in closed electronic archives. In the same way, it is not evident whether the response to the petition must be kept together with the petition or not.

Lastly, it should be mentioned that there is no direct legally established obligation of local self-government bodies to adopt electronic petitions, although such an obligation logically arises from the civic right to submit such applications. In the same way, local councils are not obliged to execute own laws and regulations concerning this matter. The law simply recommends them to do this. On the other hand, taking into account the necessity to establish a procedure for the consideration of petitions and a legal framework still need be formed.

## **E-petition services in the regional centre of Ukraine**

On 31<sup>st</sup> December, 2016 the electronic petition services were adopted on the official websites in 21 of 22 of the regional centres studied. This service is absent only in Odessa, where the procedure for the consideration of electronic petitions was officially approved back in March 2016, but the inhabitants of Odessa still have not had the technical opportunity to initiate such applications.

Luts'k, Vinnytsia, Chernivtsi and Ternopil, where the oldest applications were in October 2015, were the first to adopt electronic petitions. Afterwards, there was Kyiv, Zhytomyr, Poltava, Ivano-Frankivsk and Kharkiv – who launched petition services prior to the end of 2015. In other cities these services only began in 2016, and the last included Kherson (the regulation was approved on 31.08.2016; the first petition was on 21.11.2016) and Zaporizhia (the regulation was approved on 30.11.2016; the service was created at the end of December).

At the end of 2016, the total number of e-petitions on official websites of regional centres of Ukraine went beyond 11 thousand. The largest number of petitions was registered on the website of the Kyiv City Council – more than 3500 and Kharkiv and Ivano-Frankivsk were second and third consecutively (more than 1000 petitions each).

However, the least number of petitions was recorded in Kherson (4), Uzhgorod (18), Kropyvnytskyi (32), Rivne (53) and Cherkasy (62), which is normal when we consider that these cities were last in introducing petition services. There are many more petitions on websites of other cities (the number is measured in hundreds). Among them are Poltava (158 petitions) and Sumy (171 petitions) which are conspicuous by their relatively small number. The most passive in using e-petitions are the inhabitants of Uzhgorod, where there were only 18 such applications during six months of the service's existence, and the inhabitants of Kherson (4 petitions in 2 months).

The presented data shows that citizens of Ukraine generally show a high activity level in using e-petitions. In comparison, in Norway, only 16 applications, of which 2 managed to collect the necessary 300 signatures, were initiated during the 2 years of the pilot project on the introduction of local electronic petitions in 14 municipalities.

## **Local laws and regulations**

Only nine out of 22 cities outlined the issues concerning the submission of electronic petitions in charters of territorial communities and, at the same time, adopted the regulation concerning electronic petitions or a procedure for their consideration, where they provided all

associated procedures in more detail. As a matter of fact, it was only these 9 cities which fulfilled the requirements of the law. The remainder of the regional centres confined themselves only to the adoption of the regulation/procedure and did not make any amendments to the charters.

So, in the course of the formation of a local legal framework for e-petitions, only 10 regional centres - Vinnytsia, Ivano-Frankivsk, Kropyvnytskyi, Mykolaiv, Kharkiv, Kherson, Khmelnytskyi, Cherkasy, Chernivtsi and Chernigiv – adhered completely to the requirements of the legislation. Odessa can also be added, where the decision was made according to the law, but where the petition service is not yet working. The other 10 cities resolved some of the problems relating to electronic petitions in a doubtful manner, as a matter of law. It therefore disrupts the legitimacy of the functioning of this local democracy instrument in the corresponding communities, and can become a reason for lawsuits.

Local laws and regulations often set additional requirements to electronic petitions. The most usual condition amongst them is that a petition shall not be released to the public for the collection of signatures if its contents do not correspond to the local council's powers or if it calls for surpassing them.

There is also an impossibility to create the specified petitions in some local laws and regulations which contain:

- information that demeans the reputation and dignity, human rights and legal interests (Vinnytsia, Dnipro, Zaporizhia, Ivano-Frankivsk, Kyiv, Lviv, Poltava, Khmelnytskyi, Chernivtsi);
- materials and comments dangerous for the national interests and national safety of Ukraine (Vinnytsia, Dnipro, Zaporizhia, Ivano-Frankivsk, Lviv, Poltava, Khmelnytskyi, Chernivtsi);
- materials and remarks of a pornographic, erotic or sexual nature (Vinnytsia, Zaporizhia, Poltava, Khmelnytskyi, Chernivtsi);
- materials and statements containing election propaganda, advertising of goods, works and services (Vinnytsia, Dnipro, Zaporizhia, Ivano-Frankivsk, Kyiv, Lviv, Poltava, Khmelnytskyi, Chernivtsi);
- obscene language (Kyiv, Lutsk, Lviv, Rivne, Ternopil);
- defamation and/or insults (Lviv, Chernigiv);
- use of the name of a legal entity or individual without consent (Lviv);
- false data (Dnipro, Lutsk, Ivano-Frankivsk, Lviv, Rivne, Ternopil);
- information discrediting state government authorities, local self-government bodies,

civic groups, unions of officials, managers and other

At the same time, some regulations/procedures stipulate the non-disclosure of petitions similar in content, for the support of which the period for signatures is in progress (Vinnytsia, Kyiv, Kropyvnytskyi, Uzhgorod), and of petitions where more than one question is indicated (Zaporizhia, Poltava).

A good deal of the indicated “local” requirements for electronic petitions are justified (as, for instance, the petition`s conformity with the powers of the body to whom it is addressed, or the absence of abuse or advertising in the text). At the same time, some requirements beg the question concerning their eligibility and/or opportunity for their practical implementation.

The majority of signatures registered on the websites of the regional centres of Ukraine correspond legally to the established requirements. The questions raised herein came within the authority of the local communities. At the same time, there were a significant number of petitions with problems that could not be settled by the local self-government bodies to whom these petitions were addressed.

For example, in Kyiv, Ternopil, Lutsk and Chernivtsi, signatures were collected for a claim to prohibit the use of disposable polythene bags, what cannot be disposed of by the city councils. Each Council individually settled the situation; the petition was supported in Kyiv, but the author was notified that the situation could not be settled; in Ternopil and Chernovtsi the petition was supported and the city councils submitted an application to the Verkhovna Rada of Ukraine; the Lutsk City Council confined itself to a formal note where it “reported” the situation in the city in order to minimise the negative effects from the use of polythene bags. It is obvious that it had no consequences in all of the cases.

*Other examples of the petitions that are “beyond the competency” are:*

- to prohibit the Russian anthem being played in public places (Dnipro);
- to legalise prostitution in Dnipropetrovsk (Dnipro);
- to influence the price of a passport (Khmelnyskyi);
- to bar people under the influence of alcohol from public places (Zhytomyr);
- to prohibit the use of plastic packaging in the food industry (Chernivtsi);
- to cancel the Decree of the Committee of Ministers of Ukraine with regards to official allowances for teachers (Ternopil);
- to cancel external independent testing (Kharkiv)<sup>1</sup>;
- to cancel biometric passports (Chernigiv);

-to set up the missions of the EU and UNESCO in Lviv (Lviv).

Appeals concerning the prohibition of holding LGBT marches in Kyiv, Ternopil and Chernivtsi were petitions containing calls for the restriction of human rights and freedom. In Kyiv, this petition was stacked against the officially announced “KyivPride” and gathered the necessary 10,000 signatures quickly. In honour of the Kyiv Government, the petition was cancelled on the grounds of non-conformity with the Constitution of Ukraine and international documents related to human rights. However, this was cancelled after collecting signatures, when legally this petition should not have been allowed to begin with. Regarding Ternopil and Chernivtsi, such events were not planned in either of these cities. Therefore, the petitions in themselves were senseless. Nevertheless, they were initiated and released to the public on websites. In Chernivtsi this petition even received the required number of signatures. The Chernivtsi City Council reacted to the appeal in the form of a formal note stating that such an event was not planned and did not mention the civic rights for a peaceful social gathering even once.

Another type of petition is one which we can call “trolling”. First, various funny petitions fall into this category, created not so much for results as for fun; second, petitions used as a tool for a political struggle (for instance, for attacking the reputation of opponents); third, counter-petitions initiated against other appeals. “Trolling” petitions can raise questions relating to the competency of city councils and questions that are outwith their authority. As a rule, they do not receive the necessary number of votes as they have little chance of implementation. However, in some cases they manage to attain a “petition” rate after all and then city councils have to “rack their brains” about how to react to them.

*Examples of “trolling” petitions:*

- To create “Fashion Police” to monitor the appearance of citizens (Zhytomyr) ;
- To rename Bank Street (Bankova Street) to Offshore Street (Ofshorna Street);
- To rename Gagarin Square in honour of the singer Lady Gaga (Vinnytsia);
- To let trams ram the cars parked on the rails (Kharkiv) .
- To create appropriate conditions for the use of marihuana (Kyiv) ;
- To allow being topless on the streets and in public places (Kyiv);

In general, “trolling” petitions are a type of “spam” that discredits electronic petitions as a mechanism of local democracy, trimming it down to absurdity. Over time, the most significant number of “trolling” and other strange appeals became the reason for changing the system for the

submission and consideration of electronic petitions by the Government of the United Kingdom. However, it is difficult to stop trolling in petitions as there are no exact criteria for their full “filtration”. In addition, trolling is a demonstration of the enforcement of the civic right for the freedom of expression and introduction of some limitations (except those that are specified in international documents in the field of human rights and in the Constitution of Ukraine) and can result in the violation of this right.

In many cases, the inefficiency of e-petitions and also their non-support on the part of citizens are associated with how petitions themselves are formulated. The performed analysis allows highlighting the following basic citizens’ mistakes in creating texts of electronic petitions: initiation of petitions that do not conform to the powers of local self-government bodies; petitions were formulated in a too abstract manner and did not contain specific proposals; petitions are unrealistic; petitions have a private nature and are often formulated as complaints and petitions are related to matters which have already been settled.

### **Summary and questions for discussion**

The conducted analysis of the status of the introduction and first experience of the use of electronic petitions in regional centres of Ukraine determined such specific features and problems as follows:

1. Electronic petitions have assimilated in Ukraine rather quickly as an instrument of local democracy and are actively used by citizens to influence the government. However, because of the group of factors (associated with the mechanism itself and the culture of submission of e-petitions) the efficiency of this type of appeal still remains comparably low.

2. The legislative control of electronic petitions comprises a group of “blank spots” and uncertainties that must be eliminated. The legal requirements to e-petitions are insufficient, and the preliminary evaluation mechanisms are inefficient. As a result, public authorities (including city councils) suffer from “petition spams” that are senseless and completely discredit electronic petitions as a democratic instrument.

3. The local legal framework of the functioning of electronic petitions does not conform with the effective legislation, according to many parameters. In the group of regional centres, personal “petition formulas” are determined, not in charters of territorial communities as required by law, but in regulations/procedures of the work with electronic petitions that, by the way, are approved not by local councils, but by the executive committee of the city mayor in some cases.

Local regulations often advance additional claims to e-petitions that are not stipulated by law, and basically empower local councils to ignore petitions without adhering to them. Besides, certain laws and regulations provide local self-government bodies with the tools for work with petitions, which are not stipulated by law, as removal from the disclosure mode at the time of signature collection; verification of the addresses of the registration of initiators and signatories, non-disclosure of a petition if there was more than one question raised therein, and so forth.

4. The culture of the initiation of e-petitions in Ukraine is far from perfect. A significant number of petition texts are formed in a too abstract way, do not contain specific proposals, are often too large in a volume and cover a whole complex set of problems, do not conform to the powers of those bodies to which petitions are addressed or are totally unreal regarding their execution. Therefore, it negatively affects the efficiency of e-petitions and actualises the need for more active educational work among citizens, and of the creation of a methodical instrument to help initiators formulate petition texts in a more quality manner.

*Due to this, at present, the following important questions arise:*

1. How are electronic petitions implemented in local communities?
2. How actively do the locals use this tool? Analyse and discuss the Ukrainian experience.
- 3 Do e-petitions affect the process of taking and implementing decisions?
4. What alterations are reasonable to be made in the mechanism of the submission and consideration of electronic petitions to increase their effectiveness at the local level?

## References

1. Constitution of Ukraine: Law as of 28.06.1996 No 254к/96-BP; final revision according to No 742-VII as of 21.02.2014, URL:  
<http://zakon3.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>
2. On applications from citizens: Law of Ukraine as of 02.10.1996 №393/96-BP; revision according to No 835- VIII as of 26.11.2015, URL:  
<http://zakon5.rada.gov.ua/laws/show/393/96-%D0%B2%D1%80>
3. About introduction of amendments to the Law of Ukraine “On applications from citizens” concerning the electronic appeal and electronic petition: Law of Ukraine as of 02.07.2015 No 577-VIII, URL:<http://zakon5.rada.gov.ua/laws/show/577-19/paran2#n2>
4. Lindner R., Riehm U. Electronic Petitions and Institutional Modernization.

International Parliamentary E-Petition Systems in Comparative Perspective // Journal of Democracy and Open Government, 2009, №1, p. 8.

5. Recommendation CM/Rec(2009)1 of the Committee of Ministers to member states on electronic democracy (e-democracy): Adopted by the Committee of Ministers on 18 February 2009,

URL:[http://www.coe.int/dgap/democracy/Activities/GGIS/CAHDE/2009/RecCM2009\\_1\\_and\\_Accomp\\_Docs/Recommendation%20CM\\_Rec\\_2009\\_1E\\_FINAL\\_PDF.pdf](http://www.coe.int/dgap/democracy/Activities/GGIS/CAHDE/2009/RecCM2009_1_and_Accomp_Docs/Recommendation%20CM_Rec_2009_1E_FINAL_PDF.pdf)

6. Олексій Колесников «Е-петиції у системі місцевої демократії: досвід обласних центрів України», URL: <http://acsa.com.ua/>