



LOCAL SELF-GOVERNMENT AND RULE OF LAW IN UKRAINE

NEW FBA PROJECT 2014 – 2017

The Folke Bernadotte Academy (FBA) is launching the project Local Self-Government and the Rule of Law in Ukraine. The project aims to strengthen and integrate rule of law principles in public services at the level of local self-government. An important part of the project is to increase awareness among citizens about their rights when claiming services, while also strengthening civil society's capacity in ensuring accountability in public institutions at the local level. The project will complement ongoing reform processes in decentralization and local governance, and contribute to greater transparency in the public administration in Ukraine.

THE RULE OF LAW IN PUBLIC ADMINISTRATION

The FBA's rule of law programme works with policy, research and development. We address current and future trends and challenges to rule of law reform in post-conflict and crisis states. The FBA strives to actively promote the Rule of Law as a systemic concept with relevance for all state and individual interactions, specifically in relation to public administration and local governance. In 2008, the FBA published the research report "Rule of Law in Public Administration", which addressed the necessity of rule of law programmes targeting public administration in countries in transition.

Linking the Rule of Law and performance in public service delivery serves several objectives essentially related to human rights and empowerment, development, recovery, reconciliation and conflict prevention. As the main interface between the state and the people, the public administration has a key role and obligation as a duty bearer, to uphold international human rights principles and standards, and ensure equal access for all to quality services, including traditionally less empowered groups, such as young people and women.

PROJECT BACKGROUND

In 2010, the FBA and the UNDP Bureau for Development Policy in New York started working together to develop a self-assessment toolkit for helping administrative agencies assess and analyse their performance in light of rule of law standards, "Users' Guide for Assessing the Rule of Law in Public Administration".

In 2011-12, two parallel pilot assessments were conducted in Lviv in western Ukraine and in Feodosiya in Crimea, to test the relevance and veracity of this self-assessment toolkit. Both studies were conducted by respective city council and housing department, supported by local experts and organisations. The studies generated recom-

mendations for improving civil society participation in the work of local authorities. For example through directly assessing levels of transparency and accountability and ensuring the right to appeal and the right to be heard. The studies also identified reform needs on capacity development of staff, legal awareness of rule of law and its importance for public service delivery and access to information.

The results of the pilot studies as well as the consensus-oriented and participatory approach of the pilot assessments generated a high level of interest at city council, municipal and civil society level. Over the course of late 2013 and 2014, the situation in Ukraine has changed radically in the aftermath of the Euromaidan. To meet these new rule of law challenges, the FBA has now developed a larger project framework built on the lessons learned and best practice from the pilot project. The project will be implemented by the FBA together with its partners Razumkov Center and the NGO Association of Small Cities in Ukraine.

PROJECT OBJECTIVES

The overall objective is to support to the strengthening and integration of rule of law principles in local governments' public service delivery in Ukraine.

Specific objectives:

1. The capacity of local authorities to deliver public services in accordance with rule of law principles and their influence on decision-making at the central political level has been strengthened.
2. Different groups of citizens', including men and women, understanding of how to exercise their rights when claiming services has been increased.
3. Civil society has been strengthened in holding public institutions legally accountable at the local level.

PROJECT COMPONENTS

The project consists of three components: Self-Assessment of Rule of Law in Public Administration, Capacity Building and Development, and Legal Awareness and Advocacy.

Component 1 – Self-assessment of the Rule of Law in Public Administration

The purpose of the self-assessment component is to get a better understanding of the governance, institutional and capacity bottlenecks that hamper a responsive delivery of a particular public service. These bottlenecks can deprive women and men from enjoying their rights and benefiting from development, which can lead to a decreased level of confidence and trust amongst the users of these services in the ability or willingness of governments to deliver on their promises.

The self-assessment toolkit, developed together with the UNDP, focuses on rule of law challenges in administrative agencies and processes, particularly at the level of local governance regarding the service provision interface between the agency and ‘users’ of the system. The toolkit employs a set of rule of law principles as indicators, including (1) legality, (2) accessibility, (3) the right to be heard, (4) transparency, (5) the right to appeal and (6) accountability.

The self-assessment will be carried out by the municipality or city council (or by a specifically designated local government body) with the support of a team of experts. The FBA has chosen twelve self-assessments as a rough indication prior to selecting the specific target oblasts/cities to participate in the project.

The results of the surveys are analysed and compiled into a report with recommendations for improvements to the specific agency and its staff. Specific courses of action based on the results of the self-assessment would entail drafting an action plan for the local authority on how to address a potential rule of law deficit in its administration.

Component 2 – Capacity Building and Development

One of the main findings that came out from the self-assessment during the pilot project in Ukraine was related to capacity development of the rule of law dimension of public service delivery in local self-government. With the support of the FBA, the implementing partner will liaise with universities, think-tanks, NGOs and others to devise a training curriculum for civil servants.

The capacity building measures and initiatives will be based on the recommendations of the self-assessment and tailor-made for each local government, taking into account the perceived needs and concerns of women and men. The National Academy of Public Administration (NAPA) has already confirmed their interest and will be involved in the development of a training curricula as well as the implementation of capacity building measures and training initiatives.

Component 3 – Legal Awareness and Advocacy

Throughout the project, the role of civil society is a crucial element to ensure that the assessment results are acted upon and implemented in the long term. In order to achieve this, CSOs will require capacity strengthening in rule of law in public administration concepts, institutional and context analysis and designing advocacy strategies with a specific rule of law focus.

A legal awareness campaign will be devised to complement the draft action plans for participating local authorities following each self-assessment. This communicative ‘bridging’ effect of translating result-oriented action plans into easily understood and practical everyday issues engages citizens in the monitoring and the oversight of the provision of administrative services in Ukrainian oblasts and creates awareness on their rights when using these services.

CONTACT

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