

**Regionalization in European Economic Area**

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**DEMOCRATIZATION
OF CITIZEN PARTICIPATION
IN REGIONAL MANAGEMENT****Abstract**

The authors consider the forms of citizen participation in the state and regional administration. The basic principles of democratic participation of citizens in local government and interaction with the public, developed by international organizations, are underlined. Formation of the legal framework for public participation in Ukraine and its disadvantages are shown. The practice of public participation in Ukraine, especially experience 2015–2016 as for the reporting of main managers of funds of the regional budget in Ternopil region, is analyzed and its problems are shown. The main directions of improvement of mechanisms and forms of public participation in the regional administration in Ukraine on the bases of the synthesis of existing international standards and analysis of public participation practice are suggested.

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Introduction

Strategic goals of building democracy in Ukraine means an activation participation of citizens in the process of state and regional management and establishment of effective public control over the authorities. The experience of many foreign countries provides us with examples of various forms of citizen's participation in public life, in addition the approaches to the organization of interaction authority organs with public and the bases of citizen participation formulated by international organizations, including the Council of Europe.

In Ukraine on the base of international standards the necessary legal framework of interaction authority and public is set. The problems of theoretical foundations and practices of public participation devoted a number of Ukrainian scientists such as Abramyuk I., Vashchuk-Ohdanska L., Kohalyk H., Latsyba M. Lyska O., Lukerya I., Zasadko V., Yurchenko M., Tomnyuk O. However, with the purpose of intensification the process of democratization of our society it is necessary to carry out further research in this area, analyze international experience, and summarize the achievements of national practices. Special urgency is scientific research in the development of citizen participation in the regional administration within the started decentralization of public administration.

The article aim is to justify of directions of improvement the mechanisms and forms of public participation in the regional management on the base of synthesis of existing international standards and analysis of practice public participation in Ukraine.

1. International Standards of Interaction of Public and Public Participation.

The basic principles of democratic participation of citizens at the local level by the Committee of Ministers of the Council of Europe (2001) include:

1) guarantee citizens the right to have access to clear, comprehensive information on various cases involving their local communities and the right to speak out about important decisions that affect their future;

2) the search for new ways to rise civil awareness and common with communities and local authorities promoting a culture of democratic participation;

3) raising of awareness of belonging to a community and encourage citizens to take responsibility and contribute to the life of their communities;

4) paying more attention to relations between public authorities and citizens, encouraging local leaders to emphasize the participation of citizens and be attentive to their needs and expectations in order to provide an appropriate response to the needs that they (citizens) have expressed;

5) formation of a common approach to the issue of citizens' participation, given as a mechanism of representative democracy, and the forms of direct participation in decision making and in the management of local affairs;

6) avoid of too abrupt decisions and a permission to experiment, while providing the advantage to empowerment, not establishing regulations; respectively, providing a wide range of participation instruments and their possible combinations adapting methods of their application as appropriate;

7) primary comprehensive assessment of citizen participation at the local level; determining appropriate points of reference and implementation of monitoring systems to track any changes and determining the causes of any positive or negative trends in this participation and impact assessment of undertaken measures;

8) creating conditions for exchange of information inside and between the countries about good practices related to the participation of citizens; support joint training of local authorities on the effectiveness of different methods of participation and to ensure full public awareness of the whole range of available opportunities;

9) give special attention to those categories of citizens who have more difficulties in the process of participation, or to those who de facto remain on the sidelines of the local public life;

10) recognizing the importance of a fair representation of women in local politics;

11) recognition of the potential of children and youth for sustainable development of local communities and emphasize the participation that they can take;

12) recognition and elevation values of citizen associations as important partners and as a driving force in the development, support and practical realization of democratic participation;

13) support from local authorities at all levels in accordance with the principle of subsidiarity, each authority is responsible for appropriate action within its competence (Electronic recourse, 2001).

Citizens' participation in democratic processes is an important part of the international concept of «good governance», which has evolved over the past decades and aims to improve the efficiency of the tasks at local level and ensuring the participation of citizens in local decision-making processes. UN Program «Governance and Sustainable Human Development» formulated the following basic principles of «good governance»:

- participation – all men and women should have a direct or indirect (through legitimate intermediary institutions that represent their interests) vote in the decision-making process. Such broad participation is based on freedom of association and speech;
- legitimacy – the legal framework must be clear and fairly applied, namely in the laws on the rights of people;
- transparency – direct access to information;
- sensitivity – institutions and processes serve all interested parties;
- consensus orientation – good governance mediates between different interest groups to achieve a broad consensus;
- equality – all men and women have the same opportunities to improve or maintain their well-being;
- effectiveness and efficiency – processes and institutions produce results according to the needs of the most rational use of resources;
- accountability – decision makers in government, the private sector and civil society organizations are accountable to the public and institutional group interests;
- strategic vision – leaders and the public have a broad and long-term good governance and human development (Kohalyk H., 2012, p. 51–52).

Code of best practices in public participation in decision-making, developed by the Council of Europe in 2007 focuses on two interrelated dimensions of process of involving civil society:

- 1) the level of involvement from the simple provision of information to consultation, dialogue and finally partnership between NGOs and public authorities;
- 2) stages of the political decision-making: agenda setting, drafting of policy, decision-making, policy implementation, monitoring and re-formulation of policy (Electronic recourse).

Organization of Security and Cooperation in Europe within the project «Civil Society – Study of international best practices» summarized the most common instruments of cooperation of community and authorities, which are:

- *providing of information*: laws provide / access to information, instructions for officials and citizens, minimum standards for information that is made public mandatory standards unify the provision of information, use of websites / portals by the public authorities;
- *consultations*: codes of good practice / recommendations, creation of consultative bodies at all levels of decision-making, coordination of main stages and stages of the process of public consultation, web portals participation / consultation, civil forums / agora / jury;
- *accountability*: monitoring bodies with representatives of civil society, public contracts / joint statements as mechanisms to ensure transparency and accountability, initiatives on participatory budgeting, electronic technologies (Electronic recourse, p. 103–104).

2. Formation of the regulatory framework for public participation in Ukraine

It should be noted that in Ukraine on the basis of using best international standards and practices generally advances of regulatory legal formed a basis of interaction with the public authorities and citizens' participation in decision-making bodies. The main regulations that govern these processes include:

- Constitution of Ukraine 28.06.1996;
- Budget Code of Ukraine from 07.08.2010;
- Law of Ukraine «On information» from 02.10.1992;
- Law of Ukraine «On local government in Ukraine» from 21.05.1997;

- Law of Ukraine «On the BSP» from 11.07.2001;
- Law of Ukraine «On the open use of public funds» from 02.11.2015;
- Strategy of state policy to promote the development of civil society in Ukraine and priority measures for its implementation. Approved by the Decree of the President of Ukraine on 24.03.2012;
- Concept of reforming the local self-government and territorial organization of power in Ukraine approved by the Cabinet of Ministers of Ukraine on 01.04.2014.

Thus, in the Constitution of Ukraine citizens are guaranteed the right to freedom of thought and speech, free expression of opinions and convictions (Art. 34). Also enshrined the right of citizens to participate in public affairs, in national and local referendums, free choice of election to state authorities and local authorities (Art. 38). Also indicated that all citizens have the right to file individual or collective petitions or to personally appeal to the state authorities, local government officials and officers of these bodies are obliged to consider the petitions and to provide a substantiated reply within the term established by law (Art. 40) (Constitution of Ukraine, 1996).

The Law of Ukraine «On information» regulates relations concerning the creation, collection, receipt, storage, use, distribution, security, information security (Law of Ukraine «On information», 1992). In particular, it defines that the main directions of the state information policy are:

- Ensuring that everyone has access to information;
- Ensuring equal opportunities for creating, collecting, receiving, storage, use, distribution, security, information security;
- Creation of conditions for the formation of information society in Ukraine;
- Ensuring the openness and transparency of activities of government agencies;
- Information systems and networks, development of e-governance;
- Constant updating, enrichment and storage of national information resources;
- Information security of Ukraine;
- To promote international cooperation in the sphere of information and the entry of Ukraine into the world's information space.

Law of Ukraine «On the BSP» defined legal status, the organization and activities of community organizations (Law of Ukraine «On the BSP», 2001). One

of the basic principles of such bodies identified transparency and accountability. Among the powers of community organizations aimed at developing forms of public participation, provided the power to:

- Making the established procedure proposals to draft local socio-economic and cultural development of the administrative units and draft local budgets;
- Monitoring the quality of citizens living in residential homes in the activities of community organizations, housing and communal services and quality conducted in such residential houses repairs;
- Promoting the deputies of respective local councils in organizing their meetings with voters, citizens' reception and carrying out other work in constituencies;
- Informing citizens about the activities of community organizations, the organization discuss draft its decisions on critical issues.

Speaking about the specific manifestations of citizen participation in the life and management of local community should take into account that the mechanisms of citizen participation in the life and management of local community should be considered, above all, the only mechanisms of public activity that provide response mechanisms of power in a certain way. That form of participatory democracy is only those methods or participations citizens have certain legal consequences (Abramyuk I., 2014).

Specific forms of civic participation in the Law of Ukraine «On Local Government in Ukraine» include: 1) local referendum; 2) meetings of citizens residence; 3) local initiatives; 4) public hearings; 5) the BSP (Law of Ukraine» On local government in Ukraine», 1997).

The local referendum is a form of resolution of the territorial community of local issues by direct vote. The subject of a local referendum could be any issues delegated by the Constitution and laws of Ukraine in the jurisdiction of local governments. On local referendum cannot be put matters within the jurisdiction of state authorities (Association of Cities of Ukraine, 2015). Decisions taken by local referendum are binding in the territory. Procedure for appointment and conduct of local referendum and a list of issues resolved exclusively by referendum are determined by the law on referendums.

General meetings of citizens residence is a form of direct participation in solving local problems. The decision of the general meeting of citizens is taken into account by local authorities in their activities. The order of the general meeting at the residence of citizens is defined by law and the charter of the local community.

Local initiatives. The members of territorial communities have the right to initiate proceedings in the Council (of local initiative) any matter within the jurisdiction of local governments. The procedure of making local initiative to the Council is determined by representative body of local government or territorial community charter to meet the requirements of current legislation. Local initiative submitted to the Council in due course, subject to mandatory review at a public board meeting with members of the initiative group on local initiatives. Council Decision taken on a matter submitted for its consideration by local initiatives manifests the procedure established by the representative body of local government or the charter of the local community.

Public hearings. Territorial community has the right to hold public hearings – to meet with members of the relevant council and local government officials, during which members of the territorial community may hear them, ask questions and make suggestions on local matters belonging to the jurisdiction of local governments. Public hearings are held at least once a year. Proposals are made to the results of the public hearing, subject to consideration by local authorities. The procedure for organizing public hearings is determined by statute of the local community.

BSPs. Village, town, city, city district (if established) councils may authorize the initiative of residents, the creation of house, street, block and other BSP and assign them part of their own competence, finances and property. Legal status, organization and activities of BSPs residence determined by law.

The Law «On Local Government in Ukraine» provides the right of local communities to participate in decision-making on the local level but not set the order of the appropriate mechanisms. In particular it is noted that the conduct of public hearings, the General Assembly or local initiatives are defined by the statutes of local communities or specific provisions in local councils. Given the fact that, for example, in 2013 only about 20% of communities had statutes, most people in Ukraine were deprived of legal procedures influence the decisions of local governments (Latsyba M., Lukerya I., Vashchuk- Ohdanska O., 2013).

It should be noted that in those places where the procedure is regulated using the mechanisms of public participation, they are adjusted primarily for the convenience of local governments, not citizens. The results of the study regulation mechanisms of local democracy initiated by the Ukrainian Centre of Independent Political Research (Latsyba M., Lukerya I., Vashchuk-Ohdanska O., 2013), the cities actually blocked the use of mechanisms of citizen participation, public hearings, local initiatives, general meetings of citizens in the community. In particular, it is identified the following shortcomings of legal regulation of permitted forms of social participation:

1) significant restrictions on the right to local initiative: a large number of members of the initiative group; excessive demands on the number of signatures

required for making initiative to the Council; lack of clear procedures of dealing with local initiatives;

2) the complexity of the procedure of public hearings, a significant limitation of subjects initiate public hearings, unreasonably large number of signatures to initiate hearings;

3) establishing artificial requirements to initiate community meetings (such as signatures from 10% to 1/3 of the total number of residents);

4) unclear definition of procedures for consideration of making hearings or the consideration of local initiatives at a meeting of local councils.

Thus, in Ukraine there are significant discriminatory restrictions that significantly complicate and sometimes make impossible right of citizens to participate in decision-making. As a result, we have, on the one hand, poor management, illegitimate decisions, which are not fulfilled, the general fall in confidence in the basic institutions of government, and on the other – the aggravation of social conflicts and creating conditions where the only instrument of dialogue for community members is street actions of public protest (Latsyba M., Lukerya I., Vashchuk- Ohdanska O., 2013).

Basic principles ensure the availability of information on the state and local government finances in the Budget Code of Ukraine (Budget Code of Ukraine, 2010). In Art. 7 to the principles of the budget system includes the principle of openness and transparency – that is to inform the public in the preparation, review, approval, execution of the state budget and local budgets, as well as control over the state budget and local budgets. Mechanism to ensure the availability of information on local budgets provides:

- Local authorities to ensure publication of information on local budgets, including decisions on the local budget and quarterly reports on their performance.
- Local budget decision must be published no later than ten days after its adoption in newspapers determined by local authorities;
- Information on local budgets (except the budget villages and settlements) shall be published no later than on 1st March of the year in newspapers determined by local authorities;
- The main managers of local budgets in case of program budgeting in the budget process are placed on their official websites of passports of budgetary programs;
- The main spending units with information on the budget also advertise the time and place of the public presentation of such information;

- Public reporting of performance of local budgets (except the budget villages and settlements) is carried out by 20 March of the year following the reporting one.

In 2014 the concept of reforming local self-government and territorial organization of power in Ukraine was approved, which identified areas, mechanisms and terms of forming effective local self-government and territorial organization of government to create and maintain a full living environment for citizens, providing high quality and accessible public services, establishment institutions of direct democracy, satisfying the interests of citizens in all spheres of life on the territory, reconciling the interests of the state and local communities (Electronic recourse, 2014).

This strategy document emphasized the need for effective and quick solutions to outstanding issues, in particular the lack of development of forms of direct democracy, the inability of the communities to joint actions aimed at protecting their rights and interests in cooperation with local governments and local authorities and achieving common goals of community development.

These are expected to solve the problem by maximizing public involvement in decision-making, promoting forms of direct democracy, including by:

- Formation at local government advisory bodies the consultation with the public, promote public examination of draft resolutions and decisions of local governments;
- Ensuring the right of local communities to local referendum;
- Improving the procedure of formation of self-determination of a clear procedure for granting them powers of local governments, as well as providing funds for these powers, spending such funds by them, reporting on their use;
- Widespread practice of formation of community organizations, including the local communities, which include residents of more than one locality.

An important milestone in the formation of civil society in Ukraine and improving the forms of public participation was the adoption in 2015 of the Law of Ukraine «On the open use of public funds», which defines conditions and procedures for providing access to information on the use of public funds managers and recipients of state and local budgets, entities of state and municipal property, funds of obligatory state social insurance (Law of Ukraine «On the open use of public funds», 2015).

The law mentioned above provides the establishment of a single web portal using public funds, defined the content information on the use of public funds to be disclosed and the timing of its publication, officials found responsible for

violations of openness on the use of public funds. The adoption of this law has created the necessary legal framework for public access to information, which must contribute to enhancing the participation of citizens in public and local affairs.

3. Best Practices of Public Participation in Ukraine

The practice of civil society in our country shows that according to current legislation forms the public participation is realized not in full, singly and irregularly, local initiatives are episodic. This concerns public participation in addressing both national and local issues. In this regard, the «Strategy of state policy for promoting the civil society in Ukraine and priority measures for its implementation» stressed that the mechanisms for public participation in the formulation and implementation of public policy is not properly implemented, resulting in a low level of socially significant volunteer activity citizens (Electronic recourse, 2012).

The level of mutual trust between the authorities, business and civil society is low, which is manifested in alienation instead of joint and several liabilities for the state of social development. The low level of awareness of citizens of the mechanisms of participatory democracy and self-organization in the process of solving social problems caused by the absence of established democratic practices and civic culture (Liska O. G., Zasadko V.V., Yurchenko M. M., Tomnyuk O. Y., 2014; Openness and interaction with the public, 2015).

Despite the overall poor state of the mechanisms and forms of civic engagement in Ukraine the process of formation of civil society develop institutions of direct democracy, and apply emerging local initiatives for the organization of interaction with the public authorities. These best practices and initiatives of local authorities in recent years include:

- The creation of centres of civil initiatives in microdistrict in Berdyansk in Zaporozhye region to unite and harmonize existing structures of government and self-development of social activity of people and involving them in cooperation with the local government (2004);
- The introduction of e-governance and the creation of centers of administrative services in Vinnitsa to ensure a maximum transparency of local government (since 2008);
- The use of modern technology to a greater understanding of the public through the implementation of the project «Creation of mobile applica-

tions for smartphones and tablets with information about Ivano-Frankivsk city executive, administrative services» (2013);

- Obtaining information from primary sources through the «call of the mayor,» when Mayor of Kamenets-Podolsky in Khmelnytsky region in the presence of the Press Secretary and one of the assistants dial a casual phone number from the database of pensioners interested in their life problems and promotes their solution (2012);
- The creation of an integrated information system of interaction between deputies of the city and the voters «Power + Community» in Slavutych region within which ensured maximum awareness of citizens about the work of the City Council, providing them an opportunity to submit their proposals and thus influence on the decision board decision (2010);
- Improving the mechanisms of participation and increased public activity through the implementation of the project «Creating a public platform for local democracy» in town Ukrainka, Kyiv region, which contributed to the introduction of a number of instruments of public monitoring of local government (2013);
- Introduction of new methods of monitoring and control of residents of Kherson over budget expenditure on utilities of city within the project «Kherson counties map» aimed at providing public awareness and reduce corruption among officials (2013);
- Ensuring maximum transparency and openness of the City Council in Lviv and each of its members using their own potential information portal (2013);
- The creation of sensory information kiosks to provide public access to municipal information resources online in the premises of district councils in the city and other urban facilities in Krivoy Rog, Dnepropetrovsk region (2014);
- Creating a page «Finance City» on the website of City Council in Chernovtsy to familiarize citizens with the process of formation and using of the general and special funds in local budgets (2015);
- Making available to the public objective and accurate information on the activities of utility companies, implementation of transparent mechanisms of formation of tariffs and charges for utilities consumed through municipal portal created in Pavlograd, Dnipropetrovsk region (2011);
- Coverage of local government practice, the introduction of public control over their activities, establishing civilized forms of cooperation be-

tween government and communities, a mechanism of feedback, prompt informing citizens about the major events of urban life with the help of created in Zaporizhzhya «Municipal television network» (2004) and municipal press centre.

In the context of development of forms of interaction with the public authorities in the Ternopil regional council created an electronic reception through which citizens can turn to the leadership council, MPs, heads of executive departments apparatus. Also they singled out the website of Regional Council rubric «Public Finance», which provides information on the reports of major managers of regional budget, there are agreements concluded by managers of regional budget and reports on the implementation of regional programs.

In February 2015, at the first time in Ukraine, Ternopil Regional Council adopted a decision «On the order of public reporting of main managers of funds of the regional budget in Ternopil region,» the implementation of which certainly deserves a spread to other municipalities. The mechanism of public reporting provides a number of tools and procedures that will promote public participation. Thus, the above mentioned regulation established that:

- Public reporting on spending units should take place in the presence of journalists, local councilors, academics, representatives of NGOs and other stakeholders;
- The format of reporting provides the possibility of the answers of the person presenting a report and presentation of alternative opinions on the issues discussed;
- the presented reports subject to mandatory disclosure reports, including the official sites main funds and regional state administration no later than five days prior to the public presentation;
- The main managers should report indicated basic information about the work and activities implemented during the fiscal year;
- Report on the use of funds for the implementation of regional programs should provide information about the program achievement of the goal and the tasks required (Electronic recourse, 2015).

During 2015–2016 in Ternopil, were held series of major public reporting of managers of regional budget, which were accessible to all comers. Such reports of managers of main funds launched by Ternopil regional council, of course, is a positive initiative of concerned citizens, supported by local authorities, which should help to ensure transparency of local finances, public involvement in decision-making by local authorities, thus – to solve local cases. However, organized events of reporting revealed a number of negative trends, including:

- Indifference and withdrawal from the regional council of deputies processes control the formation and use of the regional budget as a result of some reporting spending units failed;
- «Theatricality» of the existing opposition deputies, no political force that would really could control the activities of the authorities;
- A certain formality to conduct reporting spending units;
- Insufficient activity of members of the local community, their low level of professional training;
- The lack of effective tools to control by the community over the implementation of the proposals and suggestions;
- Low visibility reporting weak participation of the media, not their interest in the effectiveness of such measures.

4. Vectors improving the mechanisms and forms of social participation

Researches of experts of AUC Ukraine have vivid description of the general state of development of forms of public participation. The polls of the citizens have shown that most people are sceptical about their capacity to influence the decisions of local authorities (77%), more than half of respondents believe that their city officials did not heed public opinion and their opinion will not be taken into account by local authorities during the decision making. And about 70% of pessimistic citizens believe that in their city the interests of the local authorities are more important than the interests of the majority (Liska O. G., Zasadko V. V., Yurchenko M. M., Tomnyuk O. Y., 2014; p. 4–8).

Experience of implementation of the forms provided by the law of civic participation and identified local initiatives based loyalty confirms the findings of the National institute of strategic research under the President of Ukraine on major issues of public participation in local government in the cities of Ukraine, among which stated:

- 1) lack of confidence of the public in their own abilities as a subject of cooperation with local authorities;
- 2) underestimation of the population associations as a platform for effective interaction with local self-government;
- 3) frequent disregard for public opinion when making decisions by bodies of representatives of local governments;

4) improper quality of informing people on the activities of local authorities and the fact that the money spent on taxpayers, partly due to shortcomings of the legislation;

5) passivity of citizens in search of information about the activities of local authorities, resulting in an incomplete and incorrect understanding of the situation in local politics;

6) lack of effective use of local authorities the tools and techniques of co-operation with local community (Directions of activization of public participation in local government in the cities of Ukraine, 2015).

By the above-mentioned problems associated with the intensification of public participation in public life we should, in our view, include the absolute disinterest representatives of state and local authorities in ensuring the openness and transparency of their work, creating greater opportunities for public access to information on the formation and use public funds, the resistance of the majority of the bureaucracy democratic processes taking place in the country.

To overcome these negative tendencies directed strategy of state policy to promote the development of civil society in Ukraine, which provides a range of measures to ensure the organizational conditions for public participation in the formulation and implementation of policies at all levels and the implementation of public control over the activities of executive bodies and local authorities (Electronic recourse, 2012).

In today's information society has gained wide application use of so-called «electronic democracy» (e-democracy), characterized by the extensive use of information and communication technologies (ICT) to implement democratic procedures and public involvement in the shaping of public policy. Prospects for the increase in the use of ICT for the availability of direct democracy procedures due to: the need to create conditions for the systematic involvement of the public in the management and resolution of all outstanding issues; the need to channel public initiatives in the plane of constructive interaction with the state; requirements to ensure openness and transparency in the management apparatus (Electronic recourse).

Conclusions

Summarizing it should be noted that government policy document stipulates that the government must create the conditions for full support and stimulate public activity, including through ensuring openness and transparency of its activities, involving citizens and their associations to policy formation and implementation at all levels. This harmonious combination of public influence on deci-

sion-making and control over the authorities should increase the level of public confidence in the competence and power to become a guarantee of democracy in Ukraine (Electronic recourse, 2012).

In the process of realizing this goal it must be taken into account the national heritage of Western scientific thought developed international standards for interaction with public authorities and public participation, as well as the best world and Ukrainian experience of participation of citizens in social life. We agree with the findings of scientists that the involvement of residents in decision-making in local life requires not sporadic, haphazard and often formal interaction between individual members of the territorial community of authorities and implementing a strategic approach to citizen participation in governance, consistent use of various forms of cooperation, stimulating activity and initiative of community members, ensuring the realization of self-potential (Liska O. G., Zasadko V. V., Yurchenko M. M., Tomnyuk O. Y., 2014).

Further development of forms of participation of citizens in public life is not possible without the formation of effective incentive mechanisms aimed at creating the conditions in which both communities and local authorities will be interested in the development of civil society by establishing close cooperation between government and citizens, development of forms of public participation. To achieve this goal possible by improving the legal framework for public participation, providing unconditional implementation of the adopted laws, establish effective state control over observance of the legislation.

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