

Cykl konferencyjno-monograficzny

STUDIA NAD SAMORZĄDEM TERYTORIALNYM
EUROPY ŚRODKOWO-WSCHODNIEJ

25 LAT POLSKIEJ SAMORZĄDNOŚCI

SAMORZĄD TERYTORIALNY
EUROPY ŚRODKOWO-WSCHODNIEJ
A MODEL SAMORZĄDU TERYTORIALNEGO
DLA UKRAINY

redakcja

IWONA LASEK-SUROWIEC

CHEŁM 2016

Conference Cycle

THE LOCAL GOVERNMENT STUDIES
FOR CENTRAL AND EASTERN EUROPE

25 YEARS OF POLISH SELF-GOVERNANCE

SELF-GOVERNMENT
IN CENTRAL AND EASTERN EUROPE
VS. THE MODEL OF LOCAL
SELF-GOVERNMENT FOR UKRAINE

EDITOR

IWONA LASEK-SUROWIEC

CHEŁM 2016

Recenzent:

dr hab. Andrzej Stępnik, prof. nadzw.

Redakcja:

Iwona Lasek-Surowiec

Projekt okładki, skład i łamanie:

Krzysztof Kowalczyk

Wydawca:

Państwowa Wyższa Szkoła Zawodowa w Chełmie
ul. Pocztowa 54, 22-100 Chełm
www.pwsz.chelm.pl

Chełmskie Towarzystwo Naukowe
ul. Nowy Świat 3
22-100 Chełm
www.pwsz.chelm.pl/chtn

Druk:

Partner Poligrafia Andrzej Kardasz
Białystok

Nakład: 200 egz.

ISBN 978-83-61149-91-0

SPIS TREŚCI

| | |
|--|-----|
| WSTĘP | 9 |
| CZĘŚĆ PIERWSZA | |
| SAMORZĄD TERYTORIALNY W POLSCE I W EUROPIE | |
| <i>Polska tradycja samorządowa i jej wpływ na kształt samorządu terytorialnego w III Rzeczypospolitej, Waldemar Kozyra</i> | 24 |
| <i>Rola Senatu RP w przygotowaniu reformy samorządowej w Polsce w okresie przelomu, Waldemar Bednaruk</i> | 41 |
| <i>Samorząd i problem upartyjnięcia polityki w Polsce – kilka uwag, Jan Paweł Hudzik</i> | 53 |
| <i>Od reglamentacji do animacji – działalność kulturalna w samorządzie terytorialnym, Wojciech Wytrązek</i> | 63 |
| <i>Search for the Instruments of Self-Government's Empowerment in Lithuania in 1990-2015, Arvydas Mikalauskas</i> | 75 |
| <i>Changing institutional models and reforms in Lithuanian local government, Liudas Mažylis, Vaida Leščauskaitė</i> | 93 |
| <i>Prawne aspekty funkcjonowania samorządu województwa, Kamil Jaszczuk</i> | 103 |
| <i>Aktualny model finansowania samorządu terytorialnego. Próba oceny, Sandra Czyżma</i> | 117 |
| <i>Kształtowanie się struktur samorządu terytorialnego w dobie transformacji w wybranych państwach Europy Środkowej, Iwona Lasek-Surowiec</i> | 125 |
| <i>Samorząd terytorialny w realizacji celów polityki spójności – doświadczenia powiatów chełmskich, Dorota Jegorow, Lech Gruszecki</i> | 137 |
| <i>Efektywność polskiej demokracji bezpośredniej na poziomie lokalnym. Przypadek miasta Olsztyn, Agnieszka Magdalena Zaręba</i> | 149 |
| <i>Decentralizacja systemu oświaty szczebla podstawowego w Polsce w latach 1990-1996, Beata Fałda</i> | 166 |
| <i>Wyzwania współczesnego rozwoju regionalnego a społeczno-gospodarczy potencjał małych miast grodzkich w Polsce, Iwona Koza</i> | 180 |
| <i>The cantons and municipalities in Switzerland as public administrations confederation, Katarzyna Krzywińska</i> | 195 |
| CZĘŚĆ DRUGA | |
| TRADYCJE SAMORZĄDOWE NA CHEŁMSZCZYŹNIE | |
| <i>Tradycje samorządowe miasta Chełm z okresu międzywojennego, Zbigniew Lubaszewski</i> | 210 |
| <i>Znaczenie Komitetów Obywatelskich Solidarność w wyborach samorządowych z 1990 r. na terenie województwa chełmskiego. Wybrane aspekty, Eugeniusz Wilkowski</i> | 228 |

Arvydas Mikalauskas

Search for the Instruments of Self-Government's Empowerment in Lithuania in 1990-2015

Introductory remarks

In the Western world today, the empowerment of the people to directly and actively participate in the decision-making process of the government is an undisputable virtue. Development of various concepts (*participatory democracy, representative democracy, network democracy, deliberative democracy* etc.) demonstrates that solutions are actively sought at both the academic and the practical level to reduce the gap between the government institutions and the society. These issues receive a lot of attention at the level of self-government. It is emphasised that the citizens' participation in the decision-making processes encourages a dialogue between the public and the local government, increases the transparency, responsibility of the activities of governmental institutions in addition to trust, also helps solve community problems and ensures that the citizens' opinion is taken into account when making political or administrative decisions, encourages the community's creativity, promotes its consciousness, responsibility etc.¹⁵⁷

However, the public sector's orientations towards good management obligate the institutions themselves to take care of the citizens' activity and their empowerment instead of waiting for the local communities to mature. The CLEAR model, created by academics in the first decade of the 21st century, makes it possible to understand the stimuli that urge the citizens to participate in local self-government. Gerry Stoker, Vivien Lowndes and Lawrance Pratchett point out five factors that ensure effective involvement of citizens in local self-government¹⁵⁸:

- Can do** – have the resources and knowledge to participate;
- Like to** – have a sense of attachment that reinforces participation;
- Enabled to** – are provided with the opportunity for participation;
- Asked to** – are mobilized through public agencies and civic channels;
- Responded to** – see evidence that their views have been considered.

157 Gero valdymo principų taikymas Lietuvos savivaldybėse, Vilnius 2015, p. 16.

158 V. Lowndes, L. Pratchett, CLEAR: Understanding Citizen Participation in Local Government—and How to Make it Work Better, p.1.

The emphasis is on the importance of socioeconomic status: for active involvement in self-government, the individuals' material resources, education and skills are significant. Likewise, the local identity or sense of community promotes civic activity. Still, for the empowerment of the citizens, the active position of self-government institutions is particularly important: local communities must be ensured favourable conditions for activity (first of all legal); municipal management has to be based on citizen involvement strategy (citizens are more actively participating in the management when asked); the institution has to ensure to the citizens feedback regarding the proposals they provide.

The aim of this paper is, by introducing the Lithuanian self-government system, to explore the fundamental state initiatives in ensuring representation of community interests in local self-government. The preparation of this paper is based on the analysis of scientific literature and legal acts.

Local self-government is a relevant topic in the Lithuanian academic discourse analysed from the perspective of various scientific fields. The research by A. Astrauskas, G. Žilinskas, L. Mažylis, A. Lazauskienė and other authors is worth mentioning. From the perspective of research of citizen empowerment in local self-government, works by S. Nefas should be highlighted.¹⁵⁹ The paper also makes extensive use of studies initiated by the Lithuanian Ministry of Interior and Ministry of Social Security and Labour that focus on the needs of Lithuanian self-government. Additionally, it is also worth underlining the studies launched by the non-governmental sector that are aimed at cooperation of public and non-governmental sector. The comparative studies of self-government organization, conducted by various international institutions, were relevant as well.

Issues of (no) reliance in local self-government

The Law on Local Self-government of the Republic of Lithuania establishes the fundamental principles upon which local self-government is based. One of these principles is that of the municipality's citizen participation in the management of public matters of the municipality: "Municipal institutions create the conditions for the municipality's citizens to directly participate in the preparation and consideration of proposal projects, the organization of surveys, meetings, gatherings, public discussion of petitions, and encouragement of other forms of civic initiatives. Municipal institutions instil the principles of self-government in educational, cultural and other institutions, and support associations' initiatives related to management of the public matters of the municipality".¹⁶⁰

159 S. Nefas, *Funkcionalios vietos bendruomenė Lietuvos kaimuose ir miesteliuose*, Doctoral dissertation, Vilnius, 2007.

160 *Lietuvos Respublikos Vietos savivaldos įstatymas*, s. 4, 1994 m. liepos 7 d. Nr. I-533, Valstybės žinios, 1994-07-20, Nr. 55-1049.

Available at: <https://www.e-tar.lt/portal/lt/legalAct/TAR.D0CD0966D67F/YAqdPQFmws> (Accessed: 5 February 2016).

The increasing attention to the efficiency of public management over the last decade in Lithuania also makes relevant the issues of citizen participation in public policies. Looking at the legal basis, the country's legal acts, international obligations, national strategies and programmes recognise the importance of active citizenship and citizen involvement in policy forming,¹⁶¹ but the implementation of these principles, especially at self-government level, creates a lot of tension between the citizens and the administrative institutions because of various political, administrative, and cultural reasons.

The academics establish a whole host of reasons for the weakness of the Lithuanian self-government: the municipal management's territorial structure, which is ineffectual from the perspective of democracy; insufficient attention paid to development of community life; insufficient involvement of the local communities into the municipal policy-forming process; the municipal government does not have enough power and does not receive the funds required to perform its functions.¹⁶²

It has to be concluded that community self-government in Lithuania is fundamentally eroded because of the Soviet occupation. Even though community self-government is being revived by various top-down initiatives (i.e. by central government) but the citizens are quite indifferent to most of those initiatives. The fact that the sense of community is lacking is quite well exhibited through the comparison of today's situation with the First Republic of Lithuania (1918-1940), when the central government had to suppress the citizens' great desire to handle everything themselves, to create their own forms of self-government.¹⁶³ Today we are talking about the reverse process. Thus the understanding of democracy has changed substantially compared to the times of the First Republic of Lithuania.

The empowerment of Lithuanian citizens to handle the self-government matters after the reestablishment of statehood 25 years ago seems like an almost insurmountable goal. The obstacles that emerged in the first year of the statehood could be justified by the youth of democracy and the attention paid to the statehood itself, but eventually the stagnation of the local self-government's democratization became an anachronism.

When analysing the issues of citizen empowerment, first of all, the emphasis should be placed on the lack of responsibility on the part of the citizens themselves when solving local problems. The data of sociologi-

161 *Lithuania: Fostering open and Inclusive Policy Making. Key Findings and Recommendations*, OECD, 2015.

162 A. Kulakauskas, *Vietos bendruomenės – teritorinės savivaldos pagrindas*, Pranešimas konferencijoje „Vietos savivalda ir bendruomenės Lietuvoje“, Vilnius, 2010, p. 26.

163 A. Morkūnaitė Lazauskienė, *Vietos savivaldos sistema Pirmojoje ir Antrojoje Lietuvos Respublikoje*, „Darbai ir dienos“, Kaunas 2010, nr. 53, p. 116.

cal research demonstrate low civic activity in Lithuania. Even though the number of NGOs is rising, the number of persons participating in them is not fundamentally changing and constitutes about 9 per cent of the population of Lithuania¹⁶⁴. The reasons for this apathy are diverse: shortage of time, distrust in NGOs, doubts in the significance and transparency of the NGOs' activities¹⁶⁵, the country's low wage base that restricts the public activity initiatives. It could be concluded that the society does not have established norms of volunteering behaviour. These attitudes are confirmed by the representatives of Lithuanian municipal administrations (wardens) in their joint public address to the highest institutions of the state, urging them to take action: "The remnants of the citizens' soviet mentality that they cannot influence anything and everything is decided by the government, and, in turn, the local government's reluctance for the citizens to participate in the decision-making of the local self-government institutions, prevent the development of civil society. As a result, the citizens are passive and apathetic participants in the solving of general local and social problems"¹⁶⁶.

International research demonstrates that, because of the current financial and legal problems, as well as shortage of organizational and other abilities, the NGOs in Lithuania face more serious sustainability challenges than those in the neighbouring countries (Poland, Estonia, Latvia).¹⁶⁷ Sociological polls reveal that citizens are more active participants in voluntary activities as "informal members", i.e. about 20-30 per cent of members of society indicate that they participate in environmental management (working bees) or community events,¹⁶⁸ but these flashes of activity demonstrate only singular initiatives by the citizens.

The regularly conducted representative surveys of Lithuania's residents that introduce the extent of the trust in state and municipal institutions demonstrate sceptical assessments of the activities of the most important state institutions, as well as rather poor trust in them. The population survey conducted in January 2016 (N=1031) shows comparatively positive assessments of municipalities, in contrast to those of the central-level state institutions. The indicator of those trusting and mistrusting municipalities is +11.7 %.

164 *The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, p. 138.

165 *Nevyriausybinų organizacijų žinomumas ir savanoriška veikla. Reprezentatyvi Lietuvos gyventojų apklausa*, Vilnius 2012, p. 17.

166 *Lietuvos savivaldybių seniūnų asociacijos kreipimasis „Dėl socialinės paramos ir vietos savivados“*, 2016.01.12, nr. 9.

167 *The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, p. 6.

168 *Nevyriausybinių sektoriaus institucinio toarumo, savanorių įtraukimo, tarpusavio bendradarbiavimo, indėlio į šalies ūkio augimą ir galimybių plėtojimo tyrimo ataskaita*, Kaunas 2011, p. 21.

Table 1.
Do you trust or mistrust these Lithuanian institutions (percentage)

| | President | Municipalities | Courts | Government | Parliament | Parties | Fire and rescue |
|--|-----------|----------------|--------|------------|------------|---------|-----------------|
| Trust | 47.9 % | 32 % | 25.8 % | 22.8 % | 9.9 % | 7.9 % | 90 % |
| Mistrust | 22 % | 20.3 % | 27.4 % | 30.7 % | 55.6 % | 62.9 | 1.6 % |
| Ratio of positive and negative assessments | +25.9 % | +11.7 % | -1.6 % | -7.9 % | -45.7 % | -55 % | +88.4 % |

Public opinion and market research centre Vilmorus. Population survey conducted on 14–22 January 2016 (N=1031). <http://www.vilmorus.lt/index.php?mact=News,cntnt01,detail,0&cntnt01articleid=2&cntnt01returnid=20> (Accessed: 5 February 2016).

More detailed research where the trust in municipal institutions and wards (*seniūnija*, the Lithuanian municipal administrative units) is measured separately reveals the perspective of the assessments and demonstrates that the trust in municipalities is first determined by the positive assessment of the wards located the closest to the residents.

Table 2.
Trust in municipal institutions (percentage)

| Municipalities | | | | | | | | | |
|----------------|------|------|------|------|------|------|------|------|------|
| | 2013 | 2012 | 2011 | 2010 | 2009 | 2008 | 2007 | 2006 | 2005 |
| Trust | 43 | 46 | 40 | 34 | 32 | 47 | 44 | 46 | 44 |
| Mistrust | 43 | 41 | 50 | 53 | 48 | 42 | 44 | 41 | 43 |
| No opinion | 14 | 13 | 10 | 13 | 19 | 11 | 13 | 14 | 13 |
| Wards | | | | | | | | | |
| | 2013 | 2012 | 2011 | 2010 | 2009 | 2008 | 2007 | 2006 | 2005 |
| Trust | 48 | 52 | 48 | 46 | 44 | 50 | 52 | 53 | 48 |
| Mistrust | 34 | 33 | 40 | 38 | 33 | 36 | 30 | 29 | 36 |
| No opinion | 18 | 15 | 12 | 16 | 23 | 14 | 18 | 18 | 13 |

Public opinion and market research centre Vilmorus. *Pasitikėjimo valstybės ir savivaldybių institucijomis ir įstaigomis ir aptarnavimo kokybės vertinimas. 2006 – 2013 metų tyrimo ataskaitos*. Available at: <http://vakokybe.vrm.lt/index.php?id=307> (Accessed: 5 February 2016).

Survey results demonstrate that, in 9 years (2005–2013), the ratio of positive and negative assessments of wards remained positive, while the entire political administrative level of municipalities receives quite strongly negative assessments. The number of those who mistrust municipal institutions fluctuates between 41–53 per cent, while the number of those who mistrust wards is between 30–40 per cent. When answering the open question of why the citizens mistrusted the institution, the majority of the respondents mentioned its poor and irresponsible work (18 %), unfair and imperfect laws (15 %), corruption (6 %).¹⁶⁹

¹⁶⁹ *Pasitikėjimo valstybės ir savivaldybių institucijomis ir įstaigomis ir aptarnavimo kokybės vertinimas. Tyrimo ataskaita*, Visuomenės nuomonės ir rinkos tyrimų centras „Vilmorus“, 2013.

In part, the mistrust in municipalities is also a result of almost total mistrust in parties (see Table 1). The mistrust in municipal councils is likely to be a result of the political parties' leaders' dictate to establish coalitions in the municipal council that are based on political logic and calculation, instead of concentrating on local issues.

The election system itself is also worthy of criticism: starting from 1995, members of municipal councils were elected on the basis of the proportional election system. Until 2011, candidates to the list of municipal council members could be proposed by political parties only. The only change to this system was that since 2000 the voters could give priority votes to three selected candidates. In 2010, implementing the 9 February 2007 ruling of the Constitutional Court, the Law on Municipal Council Elections was amended, introducing the right for individuals to nominate themselves as candidates after collecting a certain amount of voter signatures.¹⁷⁰

Nevertheless, the lower number of voters participating in the municipal elections, compared to the more active participation in the election of the country's other institutions, is in part a testament to the citizens' certain preferences in the evaluation of the institutes that influence the quality of their lives.

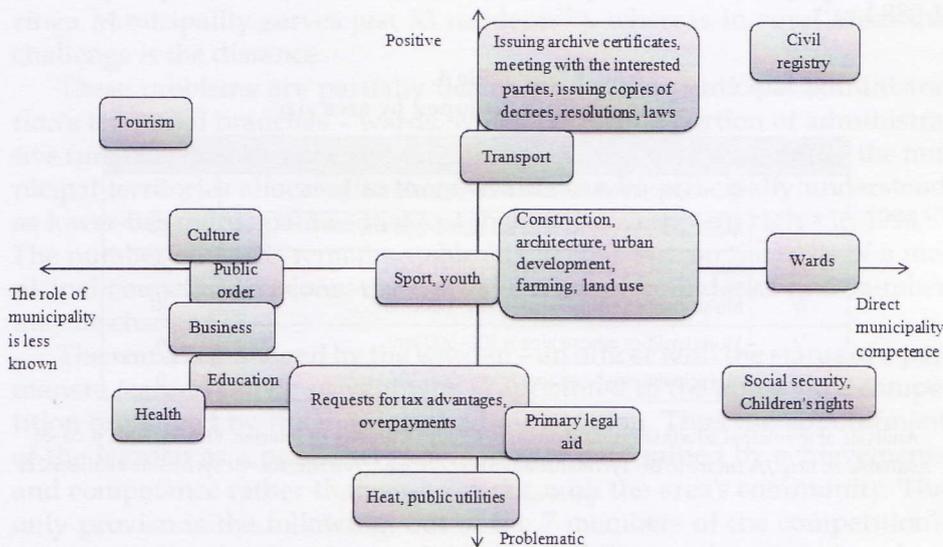
Table 3.
The number of voters participating in the election, compared to total number of voters (percentage) (data of first stage of election)
Central Electoral Commission of the Republic of Lithuania. Election results.
Available at: <http://www.vrk.lt/> (Accessed: 5 February 2016).

| Election | European Parliament | President of the Republic | Seimas (Parliament) | Municipal councils |
|----------|---------------------|---------------------------|---------------------|-------------------------|
| 1993 | | 78.6 | | |
| 1995 | | | | 39.93 |
| 1996 | | | 52.92 | |
| 1997 | | | | 35.60 |
| 1998 | | 71.45 | | |
| 2000 | | | 58.63 | 58.63 |
| 2002 | | 53.92 | | 49.23 |
| 2004 | 48.38 | 48.40 | 46.08 | |
| 2007 | | | | 41.30 |
| 2008 | | | 48.59 | |
| 2009 | 20.98 | 51.76 | | |
| 2011 | | | | 44.08 |
| 2012 | | | 52.93 | |
| 2014 | 47.35 | 52.23 | | |
| 2015 | | | | 47.18 (council members) |
| | | | | 47.17 (mayors) |

¹⁷⁰ V. Kurpuvesas, *Vietos savivaldos principų įgyvendinimas Lietuvoje*, Pranešimas konferencijoje „Europos vietos savivaldos chartija ir Lietuva“, Vilnius 2011, p. 9.

The aforementioned reasons presuppose the disinterest in the matters of self-government. Furthermore, the citizens have a poor understanding of the functions for which the municipality is responsible.

Figure 1.
Assessment of municipality services



Public administration in Lithuania. Review of 2011. Vilnius 2011, p. 52.

Available at: <http://vakokybe.vrm.lt/index.php?id=523> (Accessed: 5 February 2016).

Organization of local self - government

It is likely that the citizens' scepticism is also a result of the modern local self-government system functioning since 1995, when the two-stage system was abolished and territorial self-government started working at only one level. According to A. Kulakauskas, this reform distanced self-government away from the people and the local communities at physical, psychological and political levels. First of all, this is because the election of local government and the formation of municipal policies were based on the principle of the municipality's *political territorial unity*. The citizens' interests related to the living conditions in a specific part of a large municipal territory are clearly uneven, thus it is impossible to adequately represent them by treating the municipality's territory as politically uniform. In this model of local self-government, the municipal council elected by the municipality's residents deals with issues according to its own knowledge and may ignore the legitimate interests of territorial communities. Therefore the self-government reform basically created the conditions for the local government to implement policies that were relatively independent from the local community.¹⁷¹

171 A. Kulakauskas, *Vietos bendruomenės - teritorinės savivaldos pagrindas*, p. 26.

It is important to note that Lithuania stands out not only because of centralized management, but also because it has some of the largest municipalities (both in population and area) in the European Union. As a comparison: in 2011 a typical municipality in EU member states was 49 km² in area and had a population of about 5 630;¹⁷² In Lithuania (the country's area is about 65 300 km²) the average area of one municipality exceeds 1 000 km² (about 1 088 km²).

Table 4.
Municipalities grouped by area size

| Group | Area, km ² | Number |
|-------|--|--------|
| I | Municipalities whose area exceeds 2 000 km ² | 3 |
| II | Municipalities whose area is 1 500–2 000 km ² | 10 |
| III | Municipalities whose area is 1 000–1 500 km ² | 25 |
| IV | Municipalities whose area is 500–1 000 km ² | 10 |
| V | Municipalities whose area is 100–500 km ² | 6 |
| VI | Municipalities whose area is less than 100 km ² | 6 |

Analysis of municipal administration structures (Study). Ministry of Interior. Vilnius, 2010, p. 53–55. Available at: http://vrm.lrv.lt/lit/Tyrimai-ir-analizes/221?mod_rewrite_file=lit.Tyrimai-ir-analizes.221 (Accessed: 5 February 2016).

According to the data of Statistics Lithuania, in early 2016 the population of Lithuania was about 2 889 thous.,¹⁷³ i.e. the arithmetic average of populations in the municipalities was about 48 150.

Table 5.
Municipalities grouped by population size

| Year | Municipality population | | | | | | Number of municipalities | Population average in municipalities | Population of the Republic of Lithuania |
|------|-------------------------|---------------|----------------|-----------------|------------------|--------------|--------------------------|--------------------------------------|---|
| | Less than 1 000 | 1 000 – 5 000 | 5 000 – 10 000 | 10 000 – 50 000 | 50 000 – 100 000 | Over 100 000 | | | |
| 2015 | – | 2 | 2 | 46 | 7 | 3 | 60 | 48687.7 | 2 921 262 |
| 2011 | – | 2 | 2 | 44 | 7 | 5 | 60 | 50876.5 | 3 052 588 |
| 2007 | – | 2 | 1 | 44 | 8 | 5 | 60 | 54166.4 | 3 249 983 |
| 2000 | – | 1 | 1 | 39 | 14 | 5 | 60 | 58534.6 | 3 512 074 |

Statistics Lithuania. Available at: <http://www.stat.gov.lt/> (Accessed: 5 February 2016).

¹⁷² F. Vallier, A. Boulanger, *Subnational public finance in the European Union*, 2012, p. 6.

¹⁷³ Lietuvos statistikos departamentas. *Informacinis pranešimas 2016 01 29*. Available at: http://osp.stat.gov.lt/documents/10180/1333188/Metinis_pranesimas_2015.pdf (Accessed: 5 February 2016).

Municipalities with populations between 10 000 and 50 000 are dominant in Lithuania; this number exceeds the standards of most European countries at least several times. Thus, for the residents, the municipalities are hard to reach: in the cities, this is because of the highly concentrated population (e.g. according to the data of 2013, one officer of Vilnius City Municipality has to serve 540 citizens; in comparison, one employee of Neringa Municipality serves just 33 residents¹⁷⁴), whereas in rural areas the challenge is the distance.

These problems are partially dealt with by the municipal administration's territorial branches – wards, which perform a portion of administrative functions and provide certain public services to the residents of the municipal territories allocated to them. Wards can be principally understood as lower-tier municipalities that lost their self-government rights in 1994.¹⁷⁵ The number of wards remains stable (about 550), but, on the basis of a municipal council's decisions, the wards' territorial boundaries and number may be changed.¹⁷⁶

The ward is managed by the warden – an officer with the status of a permanent (career) public servant who is appointed to the office via a competition organized by the municipal administration. Thus the appointment of the warden as a public servant is mostly determined by achievements and competence rather than associations with the area's community. The only proviso is the following: out of the 7 members of the competition's commission evaluating the candidate's suitability, no less than 3 and no more than 4 members must be representatives of the local communities of that ward, i.e. elders.¹⁷⁷ Therefore, even though the wards deal with the questions of bringing services closer to the residents, there are basically no community connections between the residents and the administrations of the wards.

Lately there have been efforts by the academics and self-government representatives to promote the idea of internal self-government decentralization: to empower the wards, in cooperation with community representatives (elders), to function as primary-level self-government, and to elect the community representatives (elders) together with members of municipal councils. The aim is to make the principle of subsidiarity function in reality: the wards would be delegated the powers of decision-making and implementation; they would be allocated no less than 10 per cent of the municipality's budget¹⁷⁸.

174 *Savivaldybių veiklos tyrimas 2013 metais*, Vilnius 2013, p. 35 - 36.

175 V.Staponienė, G.Žilinskas, *Lietuvos Respublikos seniūnijų raidos aspektai*, „Viešojo politika ir administravimas“, 2012 nr. 11.1, p. 118.

176 LR *Vietos savivaldos įstatymas*, Str. 4, 1994 m. liepos 7 d. Nr. I-533, Valstybės žinios, 1994-07-20, Nr. 55-1049.

177 *Ibidem*.

178 *Lietuvos savivaldybių seniūnų asociacijos kreipimasis „Dėl socialinės paramos ir vietos savivados“* 2016.01.12, Nr. 9, Available at: <http://www.seniunai.lt/naujienos/item/897> (Accessed: 5 February 2016).

The Lithuanian self-government system does not prevent the increase of the number of municipalities through their division or modification of the existing administrative territories. In 2000, the number of municipalities increased from 56 to 60. Notably, in 1994, when the new territorial administrative procedures were being prepared in the country, there were plans for 85–93 (or even 113) municipalities.¹⁷⁹ Legal acts foresee that after satisfaction of certain conditions new municipalities may be founded, i.e. in the survey of the to-be-founded municipality's residents, more than half of the respondents should support the establishment of the new municipality. Other criteria are also important:¹⁸⁰

- 1) no less than 20 per cent of the municipality's budget, excluding the budgetary allocations by the state of Lithuania for municipal budgets, should consist of the income tax paid by the residents of the territory;
- 2) total population of the municipality should be no less than 10 thous;
- 3) the population of the municipality centre should be no less than 3 thous;
- 4) the municipality centre should be 20 km or further away from the closest current municipality centre;
- 5) the municipality should share borders with no less than two municipalities.

Even though sometimes these initiatives reach the political discourse, because of financial and demographic aspects, this path is not very promising. Due to the especially high migration and negative population change (mortality rate exceeds birth rate), demographical changes are drastically reflected in the statistics of almost all municipalities.

On the other hand, the need for minimal reforms remains: the possibility to reform the so-called "ring" municipalities (the city municipalities and the district municipalities that surround them in a ring) is still relevant, since the administrative centres of some of them coincide and create competition between municipalities for the taxes paid by the residents.

However, neither the rapid statistical population changes nor the possibilities for the establishment of smaller new municipalities can solve the problem of the lack of democratization in self-government. Another path is to democratize the local management, i.e. to create a local self-government system that would respect the interests of the municipality's entire community. This path is considered to be promising because the processes of democratization can also be realized within the limits of the existing municipalities.

The academics emphasise that, for a long period of time, the local community basically did not function as an independent subject at all in the

179 V. Kurpuvesas, *Vietos savivaldos principų įgyvendinimas Lietuvoje*, p. 6.

180 Lietuvos Respublikos teritorijos administracinių vienetų ir jų ribų įstatymas. 7 str. Available at: <https://www.e-tar.lt/portal/lt/legalAct/TAR.0120FD7BCFFC/ZhxPsGFEBL> (Accessed: 5 February 2016).

Lithuanian self-government system. It was only a mechanical collection of individuals living in an administratively defined territory which usually has no sense of community at the local policy level. After electing the local government, the local residents become the objects of the policies implemented by this government at its own discretion. Thus, a paradoxical situation emerged: territorial sense of community developed beside the local self-government system and was treated as an additional, complementary element of local politics.¹⁸¹

There is no shortage of the state's top-down initiatives aimed at bringing the government closer to the citizens, but most of those efforts demonstrate poor communication with local communities and the resulting discord with the expectations and initiatives of the local residents.

The first more significant attempt to make the citizens more active could be the establishment of the institution of the mediator between the citizens (as the community of the area) and the municipality. Its predecessor, i.e. the *local community representative*, which functioned until 2000, was replaced in 2009 by the institution of the elder. Both institutions are connected by similarities of activities: public-based work, i.e. no payment for the performance of duties; the main task is to serve the society's interests as community representatives.¹⁸²

It could be claimed that the first experiment (community representatives) did not fulfil its promise due to the institution's representative-only status and the municipalities' scepticism, e.g. some municipalities delayed the approval of the procedures of local community representatives' election for many years.¹⁸³

Discussions are also still ongoing about the need for the institution of the elder, because quite often his activities overlap with those of the already functioning communities. In rural, less accommodated areas, the significance of the elder's functions is often not understood and he is labelled a "rumour-monger". In the cities, the elder's functions are evaluated as more meaningful, but unfortunately their essence is frequently overshadowed by political or personal ambitions. Still, because of the mandatory nature of the election of the elder, he is to be considered an integral subject of local self-government.

Elderates (ward sub-territories) are established in the territories of wards after taking into consideration the relevant or implicit interests of the community. In the elders with population of 500 or less, the elder is elected in a citizen meeting organized by the warden; whereas in elderates with pop-

181 A. Kulakauskas, *Vietos bendruomenės – teritorinės savivaldos pagrindas*, p. 29.

182 A. Patapas, J. Maculevič, *Seniūnaitijų organizavimo ir veiklos probleminiai aspektai*, „Viešojo politika ir administravimas“, 2011 nr. 10.4, p. 404 – 405.

183 LR Vyriausybės atstovo Marijampolės apskrityje raštas Kalvarijos savivaldybės tarybai. 2005 m. vasaris. Available at: <http://vyr-atstovai.lrv.lt/marijampole/> (Accessed: 5 February 2016).

ulation of over 500, the elder is usually elected by resident survey. Therefore, the limits of the elders' electorate remain unclear, and the possibility is not eliminated for the warden to influence the list of candidates and the final election results.

The elder is granted the right to explain the needs of the residents in the territory he represents individually or via the institute of the elder meeting. Nevertheless, the activities of the elder (as well as the elder meeting) are restricted to functions of only recommendatory nature, therefore his opportunities to efficiently function at local political level is fundamentally dependant on the subjective views of the local government – the mayors, municipal councils, administration.¹⁸⁴ The elder often becomes the handyman of the warden in the elderate and rarely actually represents the interests of the elderate as a neighbouring community. Thus, the establishment itself of the institutions of the elder and the elder meeting does not empower the residents of the elderate and the ward to become politically vibrant and functional territorial communities.

Therefore, after the changes of 2009, the local communities that had the status of public associations remained outside the margins of the system; their role was basically entrusted upon the institution of the elder, which was not initiated by the residents themselves, who greeted it sceptically. This reconfirmed the notion that government institutions are reserved in their trust in the local community and any of its initiatives.

Promotion of local communities programs

The central government's initiatives are at least partially rehabilitated by its programmes. The programmes conducted in 2011–2015 were: Community Social Development Programme (*Bendruomenių socialinės plėtros programa*) (2011–2013), Nongovernmental Sector Development Programme (*Nevyriausybinio sektoriaus plėtros programa*) (2011–2013), and Local Community Self-Government Programme (*Vietos bendruomenių savivaldos programa*) (2012–2015). Also worth mentioning is the Law on Citizen Income Tax (*Gyventojų pajamų mokesčio įstatymas*), which foresees the right for any employed and tax-paying citizens to allocate 2 per cent of the income tax they have paid for an NGO of their choice.

The Seimas (“highlighting the significance of local communities in the implementation of the European Union’s and national regional politics; taking into consideration the aim to strengthen local self-government as the foundation for the formation of civil society; regarding the citizenship and activity of local communities as the most important condition for local economic, social and cultural development”¹⁸⁵) declared 2016 to be the *Year of Local*

184 A.Patapas, J.Maculevič, *Seniūnaitijų organizavimo ir veiklos probleminiai aspektai*, p. 410.

185 LR Seimo nutarimas Dėl 2016 metų paskelbimo Vietos bendruomenių metais, 2015 m. balandžio 23 d. Nr.XII-1647. TAR, 2015-04-27, Nr. 6388.

Communities (Vietos bendruomenių metai). The government of the Republic of Lithuania has approved the aim of the agenda of the *Year of Local Communities*: to highlight the significance of local communities, strengthening the civil activity and participation in local self-government by the citizens, to establish environment favourable to community development and to improve the public opinion of local communities and their work.¹⁸⁶

This section will discuss in more detail the successful *Local Community Self-Government Programme*, which was conducted in 2012-2015. It encouraged a sense of community, a higher degree of activity and independence of communities, and partially – their partnership with state and municipal institutions. EUR 2.3-2.6 million were allocated annually for the implementation of the programme (funds were allocated in accordance with the number of residents who were employed and paying the citizen income tax in the municipalities); this was seen as an encouragement that stimulated the communities' involvement in social, cultural, educational or other activities.

It was hoped that the communities (through the elected Local Community Councils – LCCs) would assume more responsibility and initiative with regards to usage of funds by making decisions that meet their public needs. The goals of the programme declared that this “increases the interest of local community members in the public matters of their communities, consolidates the connections between the organizations and institutions functioning in local communities as they solve issues relevant to the entire community, establishes a model of decision-making in local communities, and solidifies the practice of local community members' participation in the making of decisions relevant to the local community”.¹⁸⁷

Upon the ruling of a LCC, activities can be funded that satisfy the public needs of local communities, i.e. social projects dedicated to the most vulnerable community members and groups, youth employment and child activity, cultural and educational activities, quality improvement of public spaces and environment, sports and health promotion activities, organization of community activities and other initiatives that improve the quality of community life.

The LCC is composed of individual members of local community, representatives of the local community's residents (elders), as well as representatives of the community organizations, religious communities, nongovernmental organisations, and state, municipal or other institutions that function in this territory. Since 2013, the rotation principle is applied: annually, rotation of no less than a fourth of LCC members has to be carried out.¹⁸⁸

186 LR Vyriausybės nutarimas Dėl Vietos bendruomenių metų plano patvirtinimo. 2015 m. gruodžio 9 d. Nr. 1277. TAR, 2015-12-11, Nr. 19694.

187- Vietos bendruomenių savivaldos 2012 metų programos įgyvendinimo analizė, Vilnius 2013, p. 3.

188 Vietos bendruomenių savivaldos 2013-2015 metų programos įgyvendinimo aprašas. Valstybės žinios, 2013-03-13, Nr. 27-1297.

In spite of the positive aspects of this project, its analysis, based on the survey of the programme's implementers, makes it possible to indicate the project's weaknesses:¹⁸⁹

- The passivity of the communities, their reluctance to participate in LCC activity (lack of time for the employed, lack of motivation for the unemployed), because it is additional unpaid duty which demands assumption of responsibility. It is stated that the elders are elected, community organizations and their councils are founded, and therefore it is unreasonable to establish another council.
- Projects are too small to influence activities of local communities.
- Since every decision of LCC was verified by the municipality administration, the LCC members sensed interference of the government in their decision-making and this reduced their self-confidence and independence.
- Money allocated for the LCC were used by the municipality to "patch up" their incomplete tasks.

Analysis of the programme in 2014 (N-566) allows a more detailed specification of problems.

Table 6.
Difficulties in the activities of the Local Community Councils (2014):

| | | |
|---|---|--|
| Were there difficulties in establishing LCC? Yes – 16 No – 84 | Most significant difficulties in establishing LCC | Citizen passivity – 34 % Shortage of potential representatives – 24 % Hard to preserve proportion of representatives – 21 % Performing the rotation – 16 % Other – 5 % |
| Were there difficulties in LCC decision-making? Yes – 16 No – 84 | Most significant difficulties in LCC decision-making | Great variety of opinions – 41 % Dominance of narrow community interests – 25 % Dominance of personal interests – 14 % Insufficient understanding of programme's goals – 13 % Other – 8 % |
| Were there difficulties in implementing decisions made by LCC? Yes – 23 No – 77 | Most significant difficulties in implementing decisions made by LCC | Application of procurement procedures – 29 % Late start of programme implementation – 20 % Changing the made decisions – 17 % Changing estimates / fund redistribution – 17 % Fund use in quarters – 15 % Other – 3 % |

Presentation of the results of survey on implementation of the 2014 Local Community Self-Government Programme. 11 December 2014. Available at: <http://www.socmin.lt/lt/neyriasybiniu-organizaciju-sektorius/igyvendintos-programos.html> (Accessed: 5 February 2016).

¹⁸⁹ Vietos bendruomenių savivaldos 2012 metų programos įgyvendinimo analizė, p. 15.

Nevertheless, the start of 2016 marks new changes: upon the ruling of the Minister of Social Security and Labour (this ministry is entrusted with the provision of programmes associated with NGOs and communities), the model of the community activity funding is being changed: the money will reach the communities directly without mediators, after selecting the projects through competition. The aims of the programme remain fundamentally unchanged: the funded activities are those dedicated to the promotion of community members' solidarity, performance of social activity, consolidation of the communities' togetherness, encouragement of the residents' employment and self-education, improvement of the quality of public spaces and environment, establishment of favourable environment for community activities in collaboration with public and private sector, and institutional solidification of communities. The higher priority is given to applicants who will conduct activities that meet the following conditions: encourage cross-generational collaboration; for the project's implementation, 10 per cent of the project's worth of funds are to be allocated from their own or other funding sources; volunteers are involved in the project's activities.¹⁹⁰ The largest amount that can be allocated for one project is EUR 12 000 (the programme's budget is EUR 2.6 million).

This decision is baffling to the communities themselves. The Council of the Lithuanian Local Community Organizations' Union concluded that the Ministry of Social Security and Labour had violated various national and international obligations to consult the NGOs regarding the changes to their status or funding. The ministry, by singlehandedly terminating the Local Community Self-Government Programme, has also terminated the local community councils. The outrage was directed not only at the one-sided and partially unpredictable actions of the ministry, but also at the conditions created by the new programme to distribute the funds unevenly as a result of the differing abilities of the rural and urban communities.¹⁹¹

Thus, a paradoxical situation emerges: even though state institutions are seeking measures that promote a sense of community and citizenship, but the removal of communities from the decisions at the political level and the refusal to consider them equal partners diminish the significance of participation in community activities.

Here it must be highlighted that the Law on Local Self-Government is based on several concepts related to local community.

190 LR Socialinės apsaugos ir darbo ministerija. Įsakymas dėl Bendruomeninės veiklos stiprinimo projektų finansavimo 2016 metais atrankos konkurso organizavimo nuostatų patvirtinimo ir projektų atrankos komisijos sudarymo. 2015 m. gruodžio 28 d. Nr. A1-805. TAR, 2015-12-29, Nr. 20686. Available at: <https://www.e-tar.lt/portal/lt/legalAct/cad35410ad5911e5b12fbb7dc920ee2c> (Accessed: 5 February 2016).

191 Lietuvos vietos bendruomenių organizacijų sąjungos 2016 01 11 d. raštas „Dėl 2016 metų bendruomeninės veiklos stiprinimo projektų finansavimo atrankos konkurso“. Prieiga internete: <http://www.kbca.lt/articles/view/1071>.

Table 7.
Definitions of community in the Law on the Local Self-Government
of the Republic of Lithuania

| | | |
|--|--|---|
| Municipality's community – permanent residents of the municipality who are connected to the municipal council as well as other municipality subjects performing functions of public administration by the public needs and interests and the legal relationship of the self-government. | Community of residential area – the residents of the municipality's residential area (its part or several residential areas) who share common needs and interests of life in the neighbourhood and, in satisfaction of those needs and interests, function in various forms of direct participation (meeting, public debate, survey, activity through representatives, community organisations etc.). | Community organisation – an association whose founders and members are the residents of the residential area (its part or several residential areas) and whose goal is to create initiatives to implement public interests related to life in the neighbourhood. |
|--|--|---|

Law on Local Self-Government of the Republic of Lithuania. Article 4. 7 July 1994. No. I-533. Valstybės žinios, 20 VII 1994, No. 55-1049. Available at: <https://www.e-tar.lt/portal/lt/legalAct/TAR.D0CD0966D67F/YAqdPQFmws> (Accessed: 5 February 2016).

Thus the law determines that the main features of a community are common, uniting interests and the desire to satisfy them, i.e. the community can function even without being a formally founded association. By the way, there are about 1 800 of the latter, i.e. community organizations, and the organizational skills of most of them, especially in project management, are minimal.¹⁹²

The Lithuanian governance system is often still based on the traditional bureaucratic system and, in spite of the opinion or active resistance of the local communities, is frequently unwilling to change its decisions. Therefore, despite the broad but unfortunately just declarative political calls to arms that the self-government is the foundation of democracy, it is doubtful that government institutions are prepared for active roles of the citizens.

Almost all municipalities declare that, in some forms, the residents participate in the solving of local public matters, but it occurs rarely.

Table 8.
What is the most frequent form of participation of the residents in the handling
of local public matters in your municipality? (Data reflects results of the survey
of 55 out of present 60 (92 per cent) municipal administrations)

| Direct participation in preparation and consideration of draft decisions | | Cases | |
|--|--|-------|------|
| | | 2013 | 2014 |
| Local resident surveys | On general municipality issues | 9 | 11 |
| | On area boundaries and naming procedures | 19 | 17 |
| Public hearings | | 33 | 33 |
| Meetings | | 33 | 31 |
| Other | | 14 | 11 |
| Residents do not participate in the handling of local public matters | | 2 | 2 |

Monitoring of local resident surveys in municipalities in 2013–2014. Vilnius 2014, p. 10. Available at: <http://old.vrm.lt/Tyrimai-ir-analizes168> (Accessed: 5 February 2016).

192 Bendruomeninių organizacijų ir bendruomenių centrų veiklos ir galimybių plėtojimo tyrimas. Vilnius 2011, p. 9.

The conducted research confirms that negative interaction is dominant between the municipality and the residents: the residents only bring complaints regarding a specific problem, without proposing its solutions themselves. The citizens' involvement in the decision-making process (both at ward and municipal level) is additionally complicated by the legal framework¹⁹³, which does not regulate the procedures sufficiently, and by the shortage of information on how to represent one's interests in the handling of public matters¹⁹⁴.

On the whole, it has been noted that the relationship between the communities and the self-government institutions is based on mutual mistrust, thus one of the most mobilising factors for the local communities is not positive action but confrontation: opposition against undesired policies or projects.¹⁹⁵ There are plenty of examples when the municipality council or administration made decisions (which possibly deteriorate the quality of life for the residents of specific areas) without consulting the local community beforehand (construction of shopping malls, changes of public transport routes etc.).

Also noteworthy is the reserved attitude of the central government itself towards the development of self-government: for instance, the idea of direct mayoral elections, which the public welcomed very favourably, was stalled for at least a decade before its realization (in 2015). Many other independent initiatives that emerge from local communities are also unsuccessful, usually because of political reasons.

It is unlikely that the situation can be fundamentally shifted by the principle of direct mayoral elections implemented since early 2015 and by the likewise increasingly popular possibility of direct warden elections. Since the institutions' functions do not fundamentally change, fragmented alterations of the self-government system cannot compensate for the core of democratic self-government: the participation of the citizens in local government and the assurance of decision-making.

Concluding remarks

To summarize the aforementioned state initiatives for the closer cooperation between public sector institutions and the public, the following can be concluded: single-level self-government (at least the Lithuanian model) is incapable of dealing with the arising challenges and the processes of democratization. Self-government subdivisions, wards, are the municipality's administrative branches and do not represent (or can not represent) the territorial community. As long as the residents do not have actual decisive

¹⁹³ *Gyventojų dalyvavimas vietos reikalų tvarkyme (Studija)*, Vilnius 2010, p. 12.

¹⁹⁴ *Vietos gyventojų apklausų 2013 – 2014 metais savivaldybėse stebėseną*. Vilnius 2014, p. 13.

¹⁹⁵ M.Bileišis, A.Guogis, A.Šilinskytė, *Government-Community Conflict: the Lithuanian Public Governance Challenge*, p. 34.

powers in the management of the administration of a municipality council or a municipality branch, they remain passive observers. The advisory powers of the residents are not very motivating.

The present self-government system is not favourable towards active influence of local communities, on the contrary – it is distanced away from the making of significant decisions. The duality of the present situation is noteworthy: the functioning legal framework mentions numerous forms of direct participation by the local residents and the possibilities for them to participate in the decision-making and implementation at the local level. However, due to both the dominant political and administrative culture as well as the public passivity, the instruments of community empowerment are often used only in a fragmented manner, many a time even formally. For this reason, the Lithuanian self-government is to be assessed from different perspectives: the façade, which is based on declarative self-government, and the expectations and special efforts by the enthusiasts from local communities.

Common processes of the democratization of the country's governance and the orientation towards good governance practices obligate state institutions to solve the issues of empowering self-government which is based on active communities. However, some of the state initiatives for the promotion of civil society or the implementation of self-government system corrections are assessed rather controversially. By singlehandedly establishing forced institutions that are supposed to represent communities (e.g. the elder), the state rather compromises the idea of democracy instead of promoting it. Thus, without denying (but rather the opposite, emphasising) the significance of the initiatives by the state and the municipal administration, a solid basis – consideration of the opinion, interests, initiatives and contributions of the residents – is of high importance to the encouragement of community life.