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### COOPERATION OF TERRITORIAL COMMUNITIES: INTERNATIONAL EXPERIENCE AND NEW POSSIBILITIES FOR UKRAINE

#### | Abstract

- ▶ *Goal* – the research is focused on two main goals: 1) study of international experience of inter-municipal cooperation which is considered together with the widespread trends for consolidation of communities; 2) definition of the ways for inter-municipal cooperation development in Ukraine on the basis of the best European practices and taking into account the implementation of the territorial organization reform at the present stage.
- ▶ *Research methodology* – for the realization of the research the methods of synthesis, generalization, comparison, observation as well as other general scientific methods were used.
- ▶ *Score/results* – various types of inter-municipal entities created in different countries, their legislative basis, responsibility area, financial resources and other aspects were examined in the context of further implementation of the best foreign models in Ukraine.
- ▶ *Originality/value* – as a result of the conducted analysis recommendations were elaborated for the more successful development of inter-municipal cooperation in Ukraine as an efficient way for the solution of local economic problems and sustainable development of communities.

| **Keywords:** inter-municipal cooperation, municipalities, communities, communes.

## 1. Introduction

Local self-government strengthening, decentralization and further democratization of society are the priorities for modern Ukraine. Thus the sustainable development of communities is one of the main objectives for the reform of the whole system of territorial organization.

Traditional approaches to local self-government activities do not correspond to new realities. One separate community is no longer a place for the whole life of a family. The office where a person is employed may be situated in one town, but his home, favorite place of culture and recreation, school where his children study – in another one. Mutual dependence between different areas and between population from different administrative units becomes more and more apparent [Demchyshen, Tolkovanov, 2010].

In European countries, the principle of subsidiarity is realized through the delegation of a significant part of the authority from the central executive bodies to the local ones. This guarantees more efficient solution of existing problems at the local level and improves the quality of services provided to the population. In addition, there is a noticeable trend towards consolidation of administrative-territorial units with the aim of optimizing administration. At the same time, the territorial communities' capacity is provided not only by their consolidation, but also through inter-municipal cooperation (hereinafter IMC).

IMC is a relatively new form of local and regional development policy. Its essence lies in the fact that local authorities join their resources and efforts on contractual basis to address common development challenges. The ultimate goal for such cooperation consists in improving the quality of life in the communities [Tolkovanov, Zhuravel, 2016: 5].

The Ukrainian administrative science has recently started paying attention to inter-municipal cooperation, including the international IMC experience. These issues were considered by M. Baimuratov, O. Bobrovska, R. Hertsog, L. Olenkovska, M. Pittsyk, Y. Sharov, V. Tolvovanov, V. Vakulenko, and others. With the support of some international projects working in Ukraine, several round table discussions, conferences and seminars have been held on this topic. At the same time, on our opinion, the problem of establishing horizontal cooperation between local self-government bodies in Ukraine for economic development and attracting investment in the regions is not sufficiently studied. There are no deep comprehensive investigations analyzing IMC as an efficient mechanism for

sustainable economic development of the communities in the context of present day large scale administrative and territorial reform.

In particular, the European experience of inter-municipal cooperation needs further consideration. It could become the necessary practical ground for Ukraine allowing to increase the IMC efficiency all around the country taking into account the reform of administrative territorial system, which in turn will give the possibility to solve a considerable number of local development issues.

## 2. Communities' consolidation and inter-municipal cooperation: European trends

It is striking, indeed, that a lot of the European Union countries have reached in a few decades to dramatically reduce their number of communities... except France. In Germany or in Belgium, in Great Britain or in Denmark, the reduction varies between 40% and 80%, and this list is not exhaustive. Such reduction has been, in France, of 3% only.

This process analyzed by P. Mauroy [2000] is presented in Table 1.

*Table 1.* Reduction of basic territorial units' number in some European countries

Country	Year	Communities number before the reform	Communities number after the reform	Reduction (in %)
Germany	1968–1970	14 338	8 414	-41
Belgium	1975	2 359	596	-75
Denmark	1967	1 387	277	-80
Netherlands	1951	1 010	775	-23
United Kingdom	1974–1975	1 549 districts	522	-66
France	1971	37 708	36 394	-3

Source: compiled by the author.

At the same time, European experience shows that such reforms were not carried out voluntarily. A. Tkachuk noted, that communities are united only if they understand: the state will make them united anyway, but doing it voluntarily means an opportunity to obtain additional resources [Tkachuk, 2015: 2].

In Sweden, a voluntary association had been taking place from 1960 to 1974, until a policy decision was taken. In Latvia, the state had been allocating money for a voluntary communities' consolidation from 1998 to 2008, but during this period only about 20 joint municipalities were formed [Tkachuk, 2015: 1]. After this, the ministry developed a map, according to which there are now 9 cities of republican significance in Latvia and 110 territories having the status of administrative-territorial units. The validity of this division was confirmed by the appropriate research. It was discovered that: only in territories with more than 5000 people, more than 90% of their tasks can be performed by local authorities; in settlements with a population of 1000–5000 people – about 75%; and in settlements with a population of up to 1000 people – no more than half [Reforma dlya lyudyny..., 2005: 17].

The significant reduction of municipalities was realized within the framework of the reform in Finland. Between 2006 and 2013, their number decreased from 431 to 320, and in addition, inter-municipal cooperation was intensified [*Decentralization at a crossroads...*, 2013]. A. Matvienko notes that the Finnish approach to the consolidation of territorial communities solely on a voluntary basis, fully complies with the principles of democracy and local self-government, but requires significant financial costs to stimulate this process [Matvienko, 2007].

The consolidation of the lower-level territorial units is a common feature of the reforms that have taken place in European countries in the recent decades. At the same time, only Finnish experience proves the theoretical possibility of purely voluntary communities' consolidation, while in other European countries the state set a certain framework for this process.

On the other hand, the preservation of small municipalities made it possible to achieve the purpose of ensuring the interrelationship between population and authorities, while operational objectives of local importance were solved by the formation of intermediate structures of inter-municipal cooperation [Danylyshyn, 2012].

France is a leader in Europe as to the local communities' number. There are more than 36 thousand of them in the country. Communes of less than 20,000 inhabitants account for more than 60% of the French population, those with less than 10,000 inhabitants – for more than 50%. More than one-third of the population lives in communes of less than 3500 inhabitants [Boyer, 2012].

At the same time more than 2500 IMC institutes were created in France. Their establishment and operation is voluntary and is obtained at the initiative

of the communities, whose functions they have to perform. This approach differs significantly from a centrally-planned consolidation of communities and provides individual solutions for various territorial problems [Danylyshyn, 2012].

Inter-municipal cooperation is realized in the form of syndicates (associative form of inter-municipal cooperation), which allow the municipalities – members of the association to co-manage municipal budgets and services as well as to carry out various actions. The communes can freely decide whether to unite their efforts in one or several fields or to solve the tasks independently.

Along with the syndicates there is such form of IMC as district, which first appeared in 1959 and since then has undergone some changes. Originally the district was created as a form of large urban communes' consolidation. Subsequently, this form of association was extended to medium size towns and then – to rural areas. In fact, the district combines in most cases a small city with the surrounding suburban and rural municipalities.

Districts and syndicates as forms of communities' associations are largely similar to each other. Such common features can be mentioned:

- they both include municipalities only on voluntary basis;
- the decision adopted by a qualified majority of votes is required for their creation.

Rural communities and urban communities are relatively new forms of institutional inter-municipal cooperation in France. These associations have the same powers that are delegated by communes: land improvement and economic development. The difference consists in the size and type of the communes within them. The urban community is provided for combining urban agglomerations with population over than 20,000 people, and the rural community – for rural and small and medium-sized municipalities [Cykalov, Kuzmenkov, 2016].

In Spain there are also associations such as syndicates of communes (mancomunidades). It is a voluntary association created for the joint implementation of certain works which fall within the competence of municipalities interested in the implementation of such cooperation. These inter-municipal associations have a legal entity status. They have their own budgets (mandatory contributions from municipalities-members, grants from the state budget, loans, and partially payments for the use of facilities). At the same time, they are not allowed to establish their own taxes. The syndicates of communes include half of communes' total number. The favourable investment regime is guaranteed by the state to these syndicates [Tolkovanov et al., 2011: 14].

The syndicate is directed by the Committee, which consists of communities' representatives with the Chairman at the head. The mixed syndicates can include not only municipalities, but also the departments (territorial units related to the public administration field) and NGO. Thereby, this form of cooperation belongs more to cross-sectoral collaboration [Olenkovska, 2013].

It should be noted that along with horizontal IMC, vertical cooperation is spread in Spain too. It can be carried out between communities of different levels and between communities and government [Coussy, 2010].

Long-term experience of cooperation between municipalities has been gained in Germany. There are two directions of such cooperation:

- combining different types of municipalities in the union (association) for the upholding of joint interests of municipalities and dialogue with the senior levels of local self-government (*landkreis*) or public authorities (federal lands and the state);
- cooperation for joint solution of local significance issues in the field of administration and economics.

In Germany public and special purpose agreements are concluded. The main area of their application concerns public facilities operation such as cultural, sports and other community's facilities. Inter-municipal cooperation can have a purely contractual nature, without creating new legal entities (administrative contracts). That is the basis for the creation of private legal persons such as business entities for providing services to the population.

In Denmark a number of smaller municipalities enter into a payment agreement with a larger one in order to buy its services in the most advantageous way. The interested municipalities discuss the services cost which must be approved by the local councils of all municipalities. The examples of such IMC can be: inter-municipal rescue teams and fire brigades, local power plants, municipal treatment facilities, waste dumps, municipal airport, companies for natural gas supply and central heating installation. Inter-municipal cooperation in the form of companies usually requires the approval of the supervisory board.

Inter-municipal cooperation is gradually spreading in the countries of Central and Eastern Europe. For example, in Poland it is carried out in the form of "Special Purpose Associations of *Gminas*" (SPAGs). Since the implementation of some tasks is not feasible for one *gmina* (municipality), the creation of SPAGs in Poland has become widespread. Besides this it provides access to EU funding. So, 40 *gminas* located to the North of Krakow in the Malopolska Voivodship joined

the SPAG association with the aim of developing tourism in a region marked by a large number of tourist sites. Association members designate tourist routes, provide training for local residents to support the development of the tourism industry, promote the region during national and international tourist fairs. The association has released a high-quality advertising film dedicated to the outstanding places and infrastructure of the region [Tolkovanov, Zhuravel, 2016: 26].

In addition, Polish legislation provides for the possibility of forming county (*powiat*) unions in order to jointly fulfil public tasks. Decisions on the unit formation, entry into it, or withdrawal from the union are taken by the councils of interested counties. The decision-making and monitoring body is a union meeting, consisting of two representatives from the participating counties. The union executive body is a board elected among the assembly members [Pro Povitove Samovryaduvannya..., 1998].

Joint interest is the main motive for creation of municipalities' associations while the voluntariness is a dominant principle for their interaction. However, consolidation of communities via IMC is also reached under compulsion. Mandatory inter-municipal cooperation takes place in Finland, Hungary, and the United Kingdom. In Hungary, the law stimulates the creation of common municipal offices, each of them covering at least seven communities. In the Netherlands, inter-municipal cooperation precedes the consolidation of communities. If the consolidation process comes to a standstill, the regional authority can initiate its formalization [Popova, 2016].

The mandatory inter-municipal cooperation usually concerns transport, energy and water supply, waste disposal, work of the police, fire services, health care and education institutions.

So, IMC development varies considerably subject to a country. Some of these differences derive from culture, traditions and patterns of development.

- 1) In some countries, municipal autonomy is recent and IMC has developed through the initiatives of individual Mayors rather than as a result of Government policy (e.g. Hungary and Bulgaria).
- 2) In some countries, municipal autonomy is strong from both historical and political perspectives, and IMC has been seen as the only way for small municipalities to deliver many services effectively (e.g. France).
- 3) In some countries, municipalities are large and IMC plays only a limited role (e.g. UK).
- 4) In countries coming out of a period of conflict, IMC may be particularly difficult and needs to start with initiatives that build confidence [*Toolkit...*, 2010].

IMC is developing not only in Europe. In Canada, the municipalities actively cooperate when the local problems cannot be solved on their own, or because of their unwillingness to be attached to more affluent communities.

According to Canadian legislation the provincial governments have the right to consolidate municipalities and they actively use this possibility. The policy of consolidation led to the formation of territorial units, which included socially and economically diverse communities. In large consolidated communities, residents have lost the opportunity to influence the decisions of the municipality. Sometimes after consolidation the budget expenses increased, instead of being reduced.

Therefore, consolidation of communities in Canada did not become a universal solution for regional development problems. Examples of communities' separation after decades of coexistence within one consolidated territorial-administrative unit are clear confirmation of this [Kalashnikova, 2017].

The imperfection of the communities' consolidation stimulated the municipalities of Canada to consider cooperation as an alternative way. Thus, the system of regional administration in the province of British Columbia is built on IMC principles. Realizing the controversial nature of the communities' consolidation mechanism, the government of British Columbia has chosen the way of cooperation, creating one of the most effective local self-government systems in Canada.

British Columbia has two-level local self-government system where municipality is the first level and regional district – the second one. The municipality is the basic local self-government unit. There are 157 municipalities in the province. Regardless of the municipality size, it is responsible for policing, water supply and sanitation, solid waste disposal, provision of other municipal services.

Regional district is a federation of municipalities at the district level, which comprises several adjacent communities. The province has 27 regional districts. Regional district is administered by Board of Directors, whose members are partially appointed by the municipalities-members, and partly elected on the territories unincorporated to the municipalities.

Regional districts undertake the powers that are impossible or difficult to implement at the municipal level. In fact, the district actually “borrows” the powers of municipalities to provide quality services in all areas. Regional district is not a hierarchical structure of regional administration but horizontal cooperation of local self-government bodies [Kalashnikova, 2017].

The legislation of foreign countries determines the nature of the relationship between the state and unions of municipalities. In particular, public authorities are given fixed powers on the implementation of supervisory activities in relation to inter-municipal associations.

In addition, there is widespread practice of legal guarantees of state support to municipalities associations. For instance, in France, in order to facilitate the IMC implementation, the law has prescribed the establishment in each department of a departmental commission of the inter-municipal cooperation. Its composition is as follows:

- 40% representatives of the communes of the department,
- 40% representatives of IMC association,
- 5% representatives of mixed syndicate and unions of municipalities,
- 10% representatives of department (general) council,
- 5% representatives of regional council elected in the department.

The departmental commission has the task of establishing and keeping up to date inter-municipal cooperation in the department, as well as formulating proposals for its strengthening [*Quelles formes prennent...*, 2016].

It should be acknowledged that IMC is relatively weak in some countries due to the large size of municipalities (eg. Scandinavia and Great Britain). In the states where the democratic system of local self-government is young enough (Serbia and some other countries of the former socialist camp), the culture of partnership between local authorities is not well developed, and the implementation of IMC initiatives and projects is complicated by many factors [Tolkovanov, Zhuravel, 2016: 87].

At the same time, the experience of most countries proves that baseline territorial communities are never completely self-sufficient regardless of their size and population. In this regard, IMC is topical and innovative form of activity for many municipalities. It suggests logical solution for neutralizing the consequences of inappropriate distribution of functions and resources between local authorities, as well as imperfect organization of territorial administration.

### 3. Inter-municipal cooperation development in Ukraine

Creation of self-sufficient territorial communities is an important component of local self-government and territorial organization of power reform, which has

been implemented in Ukraine since 2014. In particular, the territorial communities' consolidation was launched within the framework of special legislation adopted by Ukrainian parliament. Financial advantage is an important factor stimulating the process. According to Article 64 of the Budget Code of Ukraine, consolidated communities, in addition to the general income base, receive significant additional resources in the form of 60% of personal income tax, which will allow an average 2.5 times increase of their revenue share. So, the people have seen the results of budget decentralization which contributes to further communities' consolidation [Holynska, 2015: 102].

At the same time the process is not easy. The heads of communities who are afraid of being unemployed are resisting to consolidation. Beside this, according to national traditions the community played an important role for Ukrainian society at all times. That is why the information component of the reform becomes of paramount importance. The state should explain to people that conservation of municipality that does not have enough resources and development prospects is senseless.

The financial calculations proved that the statements of some village councils about their financial capacity and self-sufficiency are confirmed only by the fact that the local authority is able to finance its local self-government body only. In particular, in 2015, among 439 village and settlement councils of the Odesa oblast, from 50 to 100% of budget funds were spent for the maintenance of local councils. Only 6% of local councils spent some part of local budgets on the development of their territories [Molodozhon, 2015: 166–167].

However, it should be noted that even consolidated territorial communities will not become fully self-sufficient and able to bear 100% of their responsibilities. In such circumstances, inter-municipal cooperation is an important and effective tool for a decentralized administrative system.

In Ukraine, taking into account its European integration aspirations, there are all grounds for the development of IMC on the basis of the best European practices. The issue of inter-municipal cooperation becomes of particular importance in the context of the implementation of a large-scale local self-government reform which, in particular, provides for optimization of administrative-territorial organization system and improvement of communal services.

A holistic solution of local development problems often requires joint efforts by several neighbouring communities (eg, construction and maintenance of solid waste landfills, river and forestry clearing, forest protection, natural resources development, joint internal infrastructure development, tourism development, etc.).

The need for inter-municipal cooperation is regularly proclaimed by representatives of Ukrainian communities through their networks – the Association of Ukrainian Cities, the Congress of Local and Regional Authorities, etc.

It is obvious that uneven economic development of territories and population density is functionally related to the uneven development of territorial communities. Small administrative-territorial units and their territorial communities located far away from large cities tend to have a significantly lower tax capacity index, less development resources to provide quality services to their residents, than settlements situated within the economic scope of the agglomerations. On the other hand, a lot of economically powerful urban communities have problems related to the limited territory as they have no possibilities to interact with the entities which are situated beyond their administrative boundaries. The disadvantages of infrastructure in turn negatively affect investment attractiveness.

In the independent Ukraine a general decrease of the population was accompanied by a tendency to increase the number of administrative and territorial units. The average population of the village council in Ukraine has decreased from 1,800 in 1991 to 1,450 in 2007. At the same time the number of village councils has increased from 9211 (28 804 settlements) to 10 279 (28 540 settlements) [Parasiuk, 2010].

About 50% of the territorial communities in Ukraine have less than 1000 inhabitants. Almost all of these communities are subsidized by the state. That is why IMC becomes an effective tool for improving the quality of communal services and municipal administration, as well as a flexible form of preparation for a comprehensive administrative and territorial reform [Tolkovanov, Zhuravel, 2016: 5].

By legal nature, IMC is one way of implementing local self-government. According to its legal content, IMC is a municipal-legal relationship between local self-government bodies that arise in connection with the need for cooperation on a contractual basis with a view to resolving issues of local importance [Prykhodko, 2011].

The legal basis for IMC development was laid down with the adoption of the Constitution of Ukraine in 1996. Article 142 determines that territorial communities of villages, settlements and cities may unite on a contractual basis communal property objects, as well as budget funds for joint projects or for co-financing (maintenance) of communal enterprises, organizations and institutions. They are allowed to create appropriate bodies and services for this purpose [Konstytuciya Ukrainy, 1996].

The implementation of inter-municipal cooperation is guaranteed in the European Charter “On Local Self-Government”, adopted in 1985 and ratified in Ukraine. Article 10 of the Charter specifies that “Local authorities shall be entitled, in exercising their powers, to co-operate and, within the framework of the law, to form consortia with other local authorities in order to carry out tasks of common interest” [Charter, 1985].

In 2014 the Law of Ukraine “On Inter-Municipal Cooperation” was voted by the Parliament. According to it “cooperation of territorial communities is a relationship between two or more territorial communities, which are carried out on a contractual basis in the form prescribed by law” [Pro Spivrobitnitstvo Terytorialnykh Hromad..., 2014]. The law defines five forms for such cooperation. They are:

- 1) Delegation to one of the parties of the right to perform one or more tasks together with the transfer of appropriate resources;
- 2) Realization of joint projects involving coordinating activities of the parties and accumulating for a certain period of resources in order to jointly implement appropriate measures;
- 3) Joint financing (maintenance) by parties of enterprises, institutions and organizations of communal ownership – infrastructure objects;
- 4) Formation of joint communal enterprises, institutions and organizations;
- 5) Formation by the parties of joint administrative body for the joint fulfilment of the powers determined by the law [Pro Spivrobitnyctvo Terytorialnykh Hromad..., 2014].

So, the necessary legislative base for IMC implementation has been created in the independent Ukraine. According to the Register of Agreements on Cooperation of Territorial Communities, conducted by the Ministry of Regional Development, Construction, Housing and Communal Services of Ukraine (Minregion), there are 672 such agreements registered throughout the state [Rejestr dogovoriv..., 2021]. At the same time, cooperation of territorial communities has not become yet widespread in all regions of the country.

The Poltava oblast was chosen to be a pilot region for working out a methodology for implementing joint projects of several territorial communities aimed at solving their urgent problems. Due to the joint initiative of the Minregion, Oblast State Administration and Oblast Council 5 projects were selected on a contest base. In 2015 these projects-winners received grant co-financing from German

Society for International Cooperation (GIZ) Project “Administration Reform in the East of Ukraine” for a total amount of 100 000 Euros.

Poltava Oblast State Administration fully supported the development of inter-municipal cooperation, including clarifications, and advisory assistance to the communities of the region for the conclusion of aforementioned agreements [Dosvid Poltavshchyny..., 2017]. This pilot region demonstrated a successful combination of active regional authorities’ efforts for IMC development with the use of international support instruments.

In addition to the afore-mentioned project “Administration Reform in the East of Ukraine”, the other one, namely “Support for Decentralization in Ukraine” (DESPRO) should be mentioned. This project, funded by the Swiss Confederation through the Swiss Cooperation Office, has also made an important contribution to IMC development in Ukraine. DESPRO provides technical assistance and improves the quality of municipal services in villages of Vinnytsia, Dnipro, Ivano-Frankivsk, Poltava and Sumy regions, in particular via IMC. It should be noted that other international, financial and donor organizations working in Ukraine in the field of local self-government and/or housing and communal services reform are also taking care of IMC development. Among them there are: ONU, USAID, CIDA and others. So, cooperation with international financial and donor organizations working in Ukraine can become one of the important mechanisms of resort support for increasing the IMC efficiency.

#### 4. Conclusions

The most institutionalized form of IMC in European countries provides some kind of joint administration, which does not replace existing legal entities, but creates a more or less institutionalized connection between them.

Inter-municipal cooperation could be one of the possible ways to help Ukrainian municipalities to solve their development problems by joining forces and resources. In accordance with the norms of the Constitution of Ukraine and the existing legislative base it is possible to encourage formation on a contractual basis of voluntary associations between territorial units for effective solving of their common problems and better public services delivery.

The implementation of IMC in Ukraine could first of all contribute to the solution of such urgent problems:

- reduction of expenses for administrative tasks and services,
- achievement of the minimum economically reasonable size for the services provision,
- achievement of the same quality of the services delivered in all municipalities,
- solving problem situations when citizens reside and pay taxes in one municipality, but use services provided by another one etc.

At the same time, in order to achieve more significant results in further development of IMC, it is appropriate to create and implement a new strategy and institutional framework for interaction and coordination between public authorities, local self-government bodies and international organizations.

Therefore, basing on the experience of the countries with successful IMC system, Ukraine should develop a clear national policy to stimulate this form of cooperation. The state policy can be realized in particular via appropriate legal conditions and financial support. On the other hand, the common interests and pragmatism of economic development should be higher than political contradictions and personal ambitions of local leaders. That will eventually become a powerful impetus for the development of inter-municipal cooperation within the entire state.

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