

National Agency of Ukraine on Civil Service

Center for Adaptation of the Civil Service
to the Standards of the European Union

**LOCAL SELF-GOVERNANCE IN EASTERN
PARTNERSHIP COUNTRIES**

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LOCAL SELF-GOVERNANCE IN EASTERN PARTNERSHIP COUNTRIES

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National Agency of Ukraine on Civil Service

Central executive government authority that is responsible for the state policy formation and realization in the area of civil service, it carries out functional management of the civil service. Methodological support to the activity of personnel management services in government authorities is one of the main objectives of the National Agency of Ukraine on Civil Service.

Center for Adaptation of the Civil Service to the Standards of the European Union

Government organization that is in the sphere of management of the National Agency of Ukraine on Civil Service. Among the priority areas of activity of the Center for Adaptation of the Civil Service to the Standards of the European Union are the following: improvement of acting as well as support to implementation of new standards and procedures of activity of local self-government officials, enhancement of local self-government authorities' activity taking into account the best world practice.

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INTRODUCTION



Implementation of the reform on local self-governance and decentralization of power, which is identified as one of the key priorities of the Strategy for Sustainable Development “Ukraine-2020” has started in Ukraine. Formation of the effective local self-governance and territorial organization of power in order to create and maintain a healthy living environment for citizens, providing high-quality and available public services, formation of direct democracy institutions, meeting the requirements of citizens’ interests in all spheres of life on the relevant territory as well as coordination of interests of the state and territorial communities foresee initiated course of reforms.

Effective realization of the local self-governance reform also requires strengthening the capacity building of local self-government authorities, which are an important institution of real democracy and an effective tool for realizing interests of the territorial community. However, they do not always have at their disposal the latest technologies on human resources management and sufficient personnel potential with the required professional competence.

Local self-governance reform, which provides the establishment of new legal and organizational foundations on local self-government service as a professional and politically impartial activity for the benefit of the state and the community as well as to ensure the equal access for the citizens of Ukraine to the local self-government service started in Ukraine in order to achieve objectives set and in according to the Strategy for Reforming of Civil Service and Local Self-Government Authorities in Ukraine for the period until 2017 and the Concept of Reforming of Local Self-Government and Territorial Organization of Power in Ukraine.

Implementation of structural reforms in Ukraine, in particular, public administration, local self-government and territorial organization of power require a high level of professional competence and professional development of local self-government officials and local councils’ deputies.

In this regard today we are working on developing a Concept of Reforming the System of Professional Training of Civil Servants, Local Self-Government Officials and Local Councils’ Deputies, which will provide professional development competence that will be oriented on needs

of the individual in professional development throughout life and will promote the implementation of the good governance principles.

Effective realization of the local self-government reform is impossible without direct involvement, support and assistance of the representatives of the expert sphere, public institution, international partners as well as taking into account best international experience and European principles of good governance.

This brochure is an attempt to make a brief review and an analysis of local self-government systems of the Eastern Partnership countries and priorities of their development.

*Head of the National Agency
of Ukraine on Civil Service*

Kostiantyn Vashchenko

*Reforming of local self-governance in the countries
of foreign policy initiative “Eastern Partnership”*



Foreign policy initiative “Eastern Partnership” applies to 28 EU Member States and 6 EU Eastern European neighbors – Azerbaijan, Belarus, Armenia, Georgia, Moldova and Ukraine.

The initiative was launched in May 7, 2009 at the Prague Summit in order to strengthen cooperation between the states of Eastern Europe and South Caucasus with the EU, update the legal basis between the EU and Eastern Partnership countries through replacing acting partnership and cooperation agreements while introducing the Association Agreement, as well as establishing a deep and comprehensive free trade area and visa liberalization between the EU and partner countries, etc.

Multilateral cooperation of “Eastern Partnership” is carried out by means of a wide range of issues, starting with the support to democracy, good governance and stability through the lens of economics, energy security and human contacts.

The multilateral cooperation of “Eastern Partnership” operates on four levels:

- Summits with the participation of the Heads of States and Heads of Government of the EU Member States together with the representatives of partner countries (that are conducted every two years).

- Meetings of Ministries on Foreign Affairs of the EU Member States and partner countries (that are usually scheduled once a year in Brussels).

The meetings are focused on the progress achieved and the prospects of further development of Eastern Partnership relations. Political approval of key goals and work programmes of multilateral thematic platforms of Eastern Partnership takes place.

- Thematic Platforms of Eastern Partnership.

In the context of reforms and institutional changes realization, thematic platforms provide exchange of information and experiences among the partner countries. Activity of multilateral platforms above mentioned facilitates establishment of direct communication between experts of partner countries and the EU Member States. Meetings of such platforms are conducted at least twice a year. The platforms are accountable to the meetings of Ministries on Foreign Affairs.

- Working groups (panels) for providing support to overall activity of thematic platforms in specific areas.

Currently “Eastern Partnership” is based on four thematic platforms in the definite areas:

“Democracy, Good Governance and Stability”. It covers the issues of democracy and human rights; justice, freedom and security; security and stability. Furthermore, it coordinates the issue of implementation of two flagship initiatives: “Integrated Border Management” and “Prediction, Preparation and Prevention of Consequences of Natural and Man-Made Disasters”.

“Economic Integration and Convergence with the EU Policies”. It focuses on trade and regulatory approximation; social and economic development; environment and change of climate. The platform incorporates the flagship initiative “Tools to Promote Small and Medium-Sized Enterprises”.

“Energy Security”. It considers the issues of reinforcing solidarity; support to infrastructure development, interconnections and diversification of supply; harmonization of policies in the energy sector. The platform coordinates the issues of implementation of flagship initiatives “Development of Regional Electricity Markets, Energy Efficiency and Renewable Energy Use” as well as “Environmental Management”.

“Contacts between People”. It covers the issues of culture; education and science; information society and media.

Within the framework of the thematic platform “Democracy, Good Governance and Stability” there is the working group on public administration reform that is aimed at solving six tasks:

1. To encourage the governments of Eastern Partnership countries to adopt and implement the National Strategies of Local Self-Governance and Public Administration Reform after consultations with the civil society organizations; reduce administrative burdens on taxpayers; cut down the number of government authorities with the similar functions; disseminate information and raise public awareness on reforms, advanced experience and current situation in different countries regarding public administration reform; adhere to the European Charter of Local Self-Governance.

2. To ensure independent oversight of public administration reforms realization as well as the EU projects, including the projects of budget financing and projects that are funded by the Integrated Development of Institutional Capacity Programme.

3. To facilitate the signing by the Republic of Belarus of the European Charter of Local Self-Governance.

4. To involve the civil society in the decision-making process while conducting governmental negotiations with the EU on the issues of support or making assumptions on projects, strategies and joint programmes in the area of public administration reform.

5. To create an additional platform within the framework of joint programmes that will allow local public associations to provide prompt and effective training of local self-government officials.

6. To organize professional development and training of civil servants and local self-government officials on the basis of the analysis conducted.

Public administration reform as well as reforming of local self-governance in the Eastern Partnership countries are considered to be priority tasks for the for the coming years. Furthermore, according the Action Plan for 2016-2017 approved in the Conference of the Regional and Local Authorities for the “Eastern Partnership” (CORLEAP) solving of three following key tasks is foreseen:

- decentralization as well as reforming of state and municipal governance;
- exchange of best practices of the state and municipal government as well as economic development, including in the context of territorial cooperation;
- possible sources of funding for local and regional government authorities.

The institute of local self-governance is one of the baseline of a modern democratic system of governance, the embodiment of power of the people in a specific form and at the appropriate level. Presentday all of Eastern Partnership countries have formed their own legal and regulatory framework, which establishes the basic principles of allocation of powers between government authorities and local self-government authorities, as well as core rules of functioning, competences and objectives of local self-governance that is based on the European principles of good governance. Though the local self-government system of each country has its own peculiarities, objectives and

development priorities. In this regard experience exchange and sharing best practices of the EU Member States and Eastern Partnership countries in this area take on particular importance for strengthening the capacity and further development of institutions of public administration and local self-government of the Eastern Partnership countries.



*REPUBLIC
OF AZERBAIJAN*



Geographical location: it has common borders with the Islamic Republic of Iran, Georgia, the Russian Federation, the Republic of Armenia and the Turkish Republic.

Capital: Baku.

Territory: 86,6 thousand sq. km.

Population: population size of the Republic of Azerbaijan at the beginning of 2017 was 9 million 810,0 thousand people.

Ethnic groups: the majority of the country population – Azerbaijani people (91,6 %). Furthermore the following ethnic groups live on the territory of Azerbaijan: Russians (1,3 %), Armenians (1,3 %), Talish (1,3 %), Avars (0,6 %), Turks (0,4 %), Tatars (0,3 %), Ukrainians (0,3 %), Tsahurs (0,1 %), Georgians (0,1 %), Jews (0,1 %) Kurds (0,1 %), other (2,5 %).

Official language: Azerbaijani.

Form of state: Azerbaijan is the democratic, legal, secular, unitary, presidential republic. State power is based on the principle of allocation of powers: Milli Majlis of the Republic of Azerbaijan exercises legislative power, the executive power belongs to the President of the Republic of Azerbaijan, the judiciary power is exercised by the courts of the Republic of Azerbaijan.

Currency: Manat (AZM).

Legal regulation

The legal regulation of local self-government in the Republic of Azerbaijan is carried out in accordance with the following legal acts:

- ☑ Constitution of the Republic of Azerbaijan;
- ☑ Law of the Republic of Azerbaijan “On the Territorial Structure and Administrative-Territorial Division” as of 13 June, 2000 No 892-IG;
- ☑ Law of the Republic of Azerbaijan “On the Status of Municipalities” as of 02 July, 1999 No 698-IQ;
- ☑ Law of the Republic of Azerbaijan “On Municipal Service” as of 30 November, 1999 No 765-IQ;
- ☑ Law of the Republic of Azerbaijan “On the Administrative Supervision of the Activities of Municipalities” as of 13 May, 2003 No 454-IIG.



Administrative and territorial structure

The legislation on the territorial structure and administrative-territorial division of the Republic of Azerbaijan consists of the Constitution of the Republic of Azerbaijan, the Law of the Republic of Azerbaijan “On the Territorial Structure and Administrative-Territorial Division”, as well as other legislative acts of the Republic of Azerbaijan.

Territorially the Republic of Azerbaijan is divided into 66 districts, 1 autonomous republic and 78 cities. In total there are 1607 municipalities in Azerbaijan.

City is an administrative-territorial unit with the population of more than 15 thousand people, the majority of which are employed in the industry, economy, social or non-productive spheres (in the civil or municipal services, in communal services, at the public catering establishments, cultural or historical sites etc). The city is an administrative, economic or cultural center of the surrounding territorial units.

Milli Mejlis of the Azerbaijani Republic publishes a collection of information on the administrative-territorial division of the Republic of Azerbaijani once every ten years.

Local self-governance

Local self-governance in the Republic of Azerbaijan is a system of organization of the activity of citizens that enables them to independently and freely solve local issues and

realize the part of the state’s functions in order to ensure the interests of local population in accordance with the Part II of Article 144 of the Constitution of the Republic of Azerbaijan.

The right of citizens to participate in local self-governance

Citizens of the Republic of Azerbaijan exercise the right of local self-government through elections in the municipalities, direct expression of will, poll of opinions, free expression of points of view, making proposals, as well as in other forms.

Citizens, regardless of race, nationality, sex, language, origin, property status, position, attitude to the religion, beliefs, profession, membership of political parties, trade unions and other public associations may exercise local self-governance either directly or through their representatives.

System of local self-governance

Local self-governance in the Republic of Azerbaijan is carried out in accordance with the law by representative collegial authorities (municipalities), which include members of municipalities elected by free, personal and secret voting on the basis of universal, equal and direct suffrage or public meetings.

Municipality is a form of local self-governance within the limits of the established territorial boundaries. The municipality has its own property,



local budget, elected municipal authorities. The municipality independently solves issues of local importance, assigned to its authority by the Constitution of the Republic of Azerbaijan and the Law of the Republic of Azerbaijan “On the Territorial Structure and Administrative-Territorial Division”. Municipalities are created and operated on the principles of equality.

The executive authority of the municipality is its executive apparatus, which consists of the head of the municipality and structural units and other executive structures formed by her / him in accordance with the law and the statute of the municipality.

The structure of the executive apparatus, staffing, job instruction of the municipal servants and the cost estimate are approved by the municipality.

The leadership of the executive apparatus is carried out by the head of the municipality.

Powers of the executive apparatus of the municipality include organizational, informational, stationery issues, material and technical support of the municipality as well as permanent and other commissions of the municipality. The executive apparatus fulfills orders of the head of the municipality as well as ensures realization of the decisions of the municipality. The heads of the structural divisions of the executive apparatus report on the work done to the municipality and to the head of the municipality as well as provide information on matters that fall within their competence at

meetings of permanent and other commissions.

Government authorities of the Republic of Azerbaijan create the necessary legal, organizational, material and financial conditions for the formation and development of municipalities as well as provide assistance to the population in implementing the right to local self-governance.

Associations of local self-governance

There are three types of national associations of local self-government authorities (city, district and village national associations) in the Republic of Azerbaijan, which were formed in 2006.

Municipal service

Municipal service is a permanent professional activity in local self-government authorities aimed at carrying out the powers of these authorities.

Persons holding positions in municipal authorities are municipal servants.

Municipal servant

Municipal servant is an employee, who is appointed for a position in a local self-government authority and is in this authority in paid employment.



Appointment for municipal service

Citizens are accepted for municipal service on a competitive basis. The competition committee of the municipality consists of 5 members and municipal servants. The competition commission evaluates the candidates' conformity for the elected position according to their level of knowledge, professional level, general outlook and qualities required for the respective position.

Legal status of municipal servants

Municipal servants have the following rights:

- to demand from an official, who has a power to hire and dismiss, to fix his / her official duties in writing and create the necessary conditions for their performance;
- to receive necessary information and documents from the relevant authorities, institutions, organizations and citizens in accordance with the procedure established by the legislation of the Republic of Azerbaijan in order to carry out their official duties;
- to participate in decision-making process related to the consideration and resolution of issues within their authority;
- to form professional unions as well as join and represent them;
- to get additional education;
- to make suggestions on improving the municipal service;
- to require protection of their rights and freedoms.

Obligations of municipal servants:

- compliance with the Constitution of the Republic of Azerbaijan and the Law of the Republic of Azerbaijan "On the Rules of Ethical Conduct of Municipal Servants" as well as other laws of the Republic of Azerbaijan;
- consideration of appeals of citizens, enterprises, institutions and organizations within the authority and in accordance with the legislation of the Republic of Azerbaijan;
- execution of decisions and orders adopted by the leadership in accordance with the laws of the Republic of Azerbaijan "On the Status of Municipalities", "On Municipal Service", other legislative acts of the Republic of Azerbaijan and the statute of municipalities;
- adherence to labor and executive discipline;
- coordination of activities with the relevant structures of local executive power and implementation of interaction in solving local problems.

Restrictions related to the service are provided for municipal servants are the following:

- to hold a position in legislative, executive and judicial authorities as well as to be a member of the board of the Central Bank of the Republic of Azerbaijan;
- to use information that has become known to them in connection with the performance of their obligations for the purpose beyond the scope of official authority.



Professional development

Municipal servants are constantly involved in vocational training and advanced training in a teaching and research institution of the relevant executive authority.

European Charter of Local Self-Government

The Republic of Azerbaijan ratified the European Charter of Local Self-Government in 2001, thereby committing itself to local self-governance. According to the paragraph 2 of the Article 12 of the European Charter, the Republic of Azerbaijan has declared adoption of obligations specified in the relevant articles and paragraphs of the European Charter.



*РЕПУБЛІКА
БЕЛАРУСЬ*

*REPUBLIC
OF BELARUS*



Geographical location: state in the central part of Europe. It borders with the Republic of Poland, the Republic of Lithuania, the Russian Federation and Ukraine.

Capital: Minsk.

Territory: 207,6 thousand sq. km.

Population: the population of the Republic of Belarus at the beginning of 2016 amounted up to 9 million 498, 4 thousand people, 77,6 % of which is concentrated in cities. In the capital of Belarus – Minsk – 1 million 959, 8 thousand people live that is one fifth of the population.

Ethnic groups: Belarus is a multinational state inhabited by Belarusians (83, 4 %), Russians (8,2 %), Poles (3,1 %), Ukrainians (1,7 %), Jews (0,13 %) and other nationalities (3,5 %). Representatives of about 140 nationalities permanently reside in the state.

Official language: Belarusian and Russian.

Form of state: the Republic of Belarus is a sovereign, unitary, democratic, social and legal state. Government power in the Republic of Belarus is exercised by the President of the Republic of Belarus, the Parliament (National Assembly) and the Government of the Republic of Belarus (Council of Ministers), the courts of the Republic of Belarus.

Currency: Belarusian ruble (BYN).

Legal regulation

The legal regulation of local self-governance in the Republic of Belarus is carried out in accordance with:

- ☑ Constitution of the Republic of Belarus;
- ☑ Law of the Republic of Belarus “On the Administrative-Territorial Structure of the Republic of Belarus” as of 05.05.1998 No 154-Z;
- ☑ Law of the Republic of Belarus “On Civil Service in the Republic of Belarus” as of 14.06.2003 No 204-Z;
- ☑ Law of the Republic of Belarus “On Local Self-Governance and Management in the Republic of Belarus” as of 04.01.2010 No 108-Z;



Administrative and territorial structure

The territory of the state is divided into 6 regions and 1 capital district, 118 districts, 112 cities and 92 urban villages in the administrative and territorial terms.

Settlements are cities, urban villages and villages.

Settlements belong to certain categories depending on:

- population size;
- level of development and specialization of industrial and social infrastructure;
- government functions carried out on the relevant territory.

Cities of regional subordination are settlements with the population of at least 50 thousand people that are administrative, large economic and cultural centers with developed industrial and social infrastructure. In some cases cities of regional subordination may include settlements with a population of less than 50 thousand people that are administrative, large economic and cultural centers of great industrial, historical significance, prospects for further development and population growth.

Local self-governance

Local self-governance is the form of organization and activity of the population living in the relevant territory (hereinafter, unless otherwise specified, – citizens) for the

independent decision directly or through elected authorities of social, economic and political issues of local importance based on national interests and interests of citizens as well as the peculiarities of development of administrative-territorial units on the basis of their own material and financial base and involved funds.

The right of citizens to participate in local self-governance

Local governance and self-governance are carried out by citizens through local Councils of deputies, executive and administrative authorities, authorities of territorial public self-governance local referendums, meetings and other forms of direct participation in government and social affairs.

System of local self-governance

The system of local self-government authorities consists of three territorial levels: region, basic and primary, and includes region, city, district, urban village and village executive committees, local administrations of regions in cities.

Region and Minsk City Councils belong to the regional territorial level. Councils of regional level are superior to bases and primary territorial councils.

Cities (cities of regional subordination) and regional councils belong to the basic territorial



level. Basic level councils are superior to councils of the primary territorial level.

Minsk City Council also has the rights of the council of the basic level.

City (cities of district subordination), urban village, village councils belong to the primary territorial level.

Powers of local self-government authorities

The legislation on local self-governance in the Republic of Belarus has all types of councils with general and exclusive powers.

Exclusive powers of councils include:

- approval of the budget and reports on its implementation, programmes of socio and economic development of the corresponding administrative-territorial unit;
- determination of the management procedure and disposal of property;
- establishment of taxes and fees;
- convening of local referendums.

Council also has the right to change borders and names of settlements as well as street names, etc. Councils can approve mass media, determine the rates for leasing water objects as well as participate in international cooperation.

Territorial local self-governance

Territorial public self-governance is an activity of citizens on a voluntary basis at the place of their residence on the part of the territory

of the administrative-territorial unit (territory of districts, residential complexes, quarters, streets, yards, agro-cities, urban villages, villages, etc.) aimed at solving local issues directly or through the authorities of the territorial public self-governance.

The main goal of territorial public self-governance is the development and implementation of initiatives of citizens on local issues in the relevant part of the administrative-territorial unit.

Decision on creation and cancellation of territorial public self-government authorities is taken at the local meetings.

Local meetings – joint presence of citizens group, who gather to discuss the state and social issues of republican or local significance, main form of direct participation of citizens in the management of society and the state affairs.

Executive and regulatory authorities

Executive and regulatory authorities are government authorities. Meeting is the form of executive committees work. The executive committee consists of:

- the head;
- deputy heads (deputy head);
- manager of affairs (secretary);
- members of the executive committee.

Executive committee within the framework of its authority makes a decision. The decision of the executive committee is adopted by the he majority



of the executive committee, signed by the Head of the executive committee and manager of affairs (secretary) of the executive committee.

The competence of the executive committee envisages:

- development and submission for approval of the scheme of management of local economy and communal property to the Council, as well as proposals for the organization of public order protection;

- development and submission to the Council of the draft programmes of economic and social development, the local budget for approval, submitting the reports on their implementation to the Council;

- ensurance of compliance on the relevant territory: the Constitution, Laws, Acts of the President of the Republic of Belarus, Council decisions and other higher government authorities, adopted within their competence;

- organization of receipt of local budget revenues and their use by purpose;

- decision-making on issuing of local security papers and conducting of auctions;

- prescription on communal property administrative and territorial unit in the manner established by the Council;

- making decisions on creation, reorganization and liquidation of enterprises, organizations, institutions and associations of communal property;

- consent to placement in the subordinate

territory of enterprises, organizations, institutions and associations which are not in the communal property of the respective administrative-territorial unit;

- realization of the control over the subordinate territory for the use of communal property in accordance with the procedure established by the legislation of the Republic of Belarus;

- decision on land management and land use in accordance with the legislation of the Republic of Belarus.

Legal basis of service in local self-government authorities

Scope of the Law “On Civil Service in the Republic of Belarus” (art.7) applies to persons who hold civil positions in Local Deputy Councils and Apparatus, executive and administrative authorities and Apparatus.

Civil Service is considered to be professional activity of persons who hold government positions, that is carried out for the purpose of direct implementation of state power authorities and (or) ensuring the fulfillment of functions of government authorities.

The official

Civil servant is considered to be the citizen of the Republic of Belarus, who holds



the state position in the manner prescribed by the law, has the appropriate authority and performs official duties for the reward from funds of republican or local budgets or other sources of funding envisaged by the law.

Appointment for the position

Appointment for the civil service position is carried out by appointment, approval or election.

Appointment, approval or election for civil service position are made by the decision, order, Regulation, other act of the relevant government authority, an official in accordance with the established procedure of the corresponding entry to the employment workbook.

The competition for a civil service position may proceed to the appointment for the civil service position as well as conducting pre-test.

Professional development

Proper conditions for training, retraining, professional development, internship and self-education of civil servants are created in the Republic of Belarus.

The results of training, retraining, professional development, internship and self-education are one of the grounds for promotion of civil servants.

European Charter of Local Self-Government

The Republic of Belarus is the only one European country that is not part of the Council of Europe and has not joined the European Charter of Local Self-Government.

*REPUBLIC
OF ARMENIA*



Geographical location: borders with Georgia, Republic of Azerbaijan, Islamic Republic of Iran and Turkish Republic.

Capital: Yerevan.

Territory: 29,743 thousand sq. km.

Population: as of January 1, 2017 the number of the permanent population of the Republic of Armenia is 2 million 986.1 thousand people.

Ethnic groups: the majority of the population of the country – Armenians (98,1%). National minorities: Russians, Yazidis, Kurds, Assyrians, Greeks, Ukrainians, Jews and others.

Official language: Armenian.

Form of state: Republic of Armenia is a sovereign, democratic, social and constitutional state. State power is carried out in accordance with the Constitution and laws based on the principle of division of legislative, executive and judicial authorities.

Currency: Dram (AMD).

Legal regulation

Legal regulation of local self-government in the Republic of Armenia is conducted in accordance with:

- ☑ Constitution of the Republic of Armenia;
- ☑ Law of the Republic of Armenia “On the Administrative and Territorial Division of the Republic of Armenia” as of 04 December, 1995 No 3R-18;
- ☑ Law of the Republic of Armenia “On Local Self-Government” as of 5 June, 2002 No 3R-337;
- ☑ Law of the Republic of Armenia “On the Municipal Service” as of 14 December, 2004;
- ☑ Law of the Republic of Armenia “On Local Self-Governance in Yerevan” as of 26 December, 2008 No 3R-5-N.



Administrative and territorial structure

According to the Constitution and Law of the Republic of Armenia “On the Administrative and Territorial Division of the Republic of Armenia”, adopted on 04 December, 1995, the Republic of Armenia was divided into 10 marzes (regions) and the city of Yerevan (capital of Armenia), which was granted with the status of a marz. Marzes, in their turn, were divided into 49 urban and 866 rural municipalities, and Yerevan – into 12 district municipalities. Marzes differ from each other in size of territory, population, the number of municipalities and the level of economic development.

In the city of Yerevan local self-governance is conducted in accordance with the Provisions, established by the Law of the Republic of Armenia “On Local Self-Governance in Yerevan”.

Local self-governance

Local self-governance is guaranteed by the Constitution and the Law of the Republic of Armenia “On Local Self-Governance” the right of local self-government, acting independently, and the municipality’s ability to solve municipal tasks and dispose of the property of the municipality under its responsibility and in the framework of the law with the aim of increasing the welfare of the population.

Local self-government is carried out throughout the territory of the Republic of Armenia.

The right of citizens to participate in local self-governance

In the Republic of Armenia people carry out their power directly, as well as through administrative and local self-government authorities.

Local self-government authorities are not the part of the government administration. Conducting of the local self-government authorities’ abilities by the state authorities and officials is forbidden.

System of local self-governance

The municipality is the democratic basis of the state system. The municipality is a community of people and an administrative-territorial unit, within the framework of which residents of the municipality conduct local self-governance directly or through established by the law elected authorities. The municipality is a legal entity, the features of which are determined by the Law of the Republic of Armenia “On Local Self-Governance”. The municipality disposes its property by itself, it has a budget, as well as the seal with a depiction of the coat of arms of the Republic of Armenia or municipality with its name.

Local self-government authorities are the municipal council and the head of the municipality, which are elected for a term of 4 years in the manner prescribed by the law based on general, equal, right of direct elections voting by secret ballot.



Municipal Council is a representative body that exercises authority, envisaged by the Constitution of the Republic of Armenia, law of the Republic of Armenia “On Local Self-Governance” and other laws.

Head of the municipality officially represents the municipality, is the executive authority of the municipality and carries out the governance, determined by the Constitution and law of the Republic of Armenia “On Local Self-Governance”.

Municipal Council

Municipal Council is a collegiate authority and is considered to be formed if more than a half from the number of members of the municipal council established by the law are selected.

Municipal Council adopts regulations, which sets up the activities of the municipal council, preparation and conducting of its meetings. Meetings of the Municipal Council are conducted at least once in two months. The municipal council may hold extraordinary meetings.

Municipal Council can establish permanent and temporary commissions to carry out its proper powers.

At the meeting of the Municipal Council any question concerning the interests of the municipality can be considered. The municipal council adopts resolutions and forwardings as a result of consideration of issues. The Municipal

Council compiles minutes in cases, established by the Law of the Republic of Armenia “On Local Self-Governance”.

The Municipal Council can adopt forwardings on matters concerning the interests of the municipality, but outside of its competence addressed to the population of the municipality, the head of the municipality, the governor or other government authorities.

Government authorities or head of municipality are obliged to accept forwardings for consideration and to inform the municipal council about the results within a month from the date of receipt of forwardings received by the municipal council.

Head of the municipality

Head of the municipality can be each citizen of the Republic of Armenia, who has an electoral right and is 25 years old and to be the resident of this municipality for one year at least.

The Head of the municipality must have a secondary professional or higher education. The same person may be elected to the position of the head of the municipality no more than two consecutive times. The head of the municipality can not hold another position, perform other paid work, except of creative, scientific and pedagogical.



Apparatus of the Head of the Municipality

Apparatus of the Head of the Municipality consists of the Deputy Head of the Municipality, the secretary of the Apparatus, Heads of the Departments, and other employees, foreseen by staffing structure.

Payment of the Head of the Municipality Apparatus employees and budget institutions is carried out at the expense of the municipal budget. Amount of remuneration of the Head of the Municipality Apparatus employees and budget institutions, change of remuneration at the submission of the Head of the Municipality is adopted by the Municipal Council. The salary of each employee can not exceed 80 percent of the salary of the Head of the Municipality.

Powers of local self-government authorities

The powers of local self-government authorities is divided into mandatory, voluntary and delegated authorities. Legislation establishes that the mandatory powers of local self-government authorities are more powerful than voluntary powers. This means that, despite the fact that both mandatory and voluntary powers are exercised at the expense of the municipality, the possibility of voluntary authority depends on the availability of budget funds and necessity. Public service issues of general interest are under

the competence of the central government.

Article 16 of the Law “On Local Self-Government” states the powers of a community council. The main powers of the community council are:

- approval of development programme of the community, a report on execution of the annual budget, the number of staff, staff list, land zoning and use scheme, plans of construction of individual districts, plans and maintenance of historical and cultural sites;
- control over budget execution, use of financial resources, compliance decisions of the Chief of the Community with the legislation and the solutions of Community Council;
- establishment of the official salary of the Chief of the Community;
- adoption of the rules for operations in the sectors of trading, public catering and services;
- defining the rates of local duties.



Associations of local self-governance

Today in the Republic of Armenia there are 3 public associations that also successfully organize training for local government officials: the Union of Municipalities of the Republic of Armenia, the Union of Municipal Councils of the Republic of Armenia and the Association of Financiers of the Republic of Armenia.

Legal basis of service in local self-government authorities

Principles of municipal service in the Republic of Armenia, classification of posts and class ranks (grades) of municipal service, appointment to municipal officials, attestation and retraining of employees, personnel reserve, legal status of municipal officials, organization and management, as well as related relationships are regulated by the Law of the Republic of Armenia “On Municipal Service” as of 14 December, 2004.

Municipal Service

Municipal service is a professional activity of local self-government authorities aimed at carrying out tasks and functions assigned to their competence by the Constitution and laws of the Republic of Armenia.

Appointment for the municipal service

The procedure for the appointment of municipal servants and their dismissal from their positions is determined by the Law of the Republic of Armenia “On Municipal Service” as of 14 December, 2004. Citizens are admitted to a municipal service on a competitive basis, regardless of nationality, race, gender and religion, political or other beliefs, social origin, property status, etc. The competition commission evaluates the candidates’ suitability for the position in accordance with their level of knowledge, professional qualifications and qualities required for the relevant position and assigned to the passport of the position.

In turn, the municipal service positions are divided into groups and subgroups, taking into account the level of responsibility of the persons they occupy, the complexity of tasks, the requirements for their creative decision, knowledge, skills and abilities of these persons.

The attestation of municipal servants is carried out once every three years.

Legal status of the municipal servants

The rights of the municipal servant are:

- getting acquainted with the legal acts defining his / her rights and duties in the position occupied;
- getting acquainted with all the materials



contained in his / her personal file, the assessments of his / her activities and other documents;

- receiving by the defined procedure information and materials necessary for the performance of his / her service duties;

- adopting decisions by the defined procedure;

- demanding a service investigation by the defined procedure and cases;

- protection of work, health, the ensuring of safe and necessary working conditions;

- social protection and security;

- legal protection, including from political persecutions;

- training at the expense of the resources of the state budget, as well as resources not prohibited by the legislation of the Republic of Armenia;

- protestation of the results of the competition and attestation, including through judicial procedure;

- participating in the examination of issues of the organization and improvement of the municipal service and submitting proposals.

The duties of the municipal servant are:

- performing the requirements of the Constitution, the laws and other legal acts of the Republic of Armenia;

- ensuring other knowledge necessary for the performance of professional and service duties;

- performing the duties assigned to him / her by the legislation of the Republic of Armenia

in an accurate and timely manner and reporting;

- performing the assignments and decisions given by superior bodies and officials by the defined procedure;

- following the internal labor disciplinary rules;

- following the requirements for working with the documents containing state, service or other secrets protected by law, including after the end of service;

- following the ethics rules of the municipal servant;

- submitting the declaration of his / her revenues by the procedure defined by law.

Professional development

Training of the municipal servant is held on the basis of his / her attestation results, in case of changing the passport of the position, as well as by the initiative of the municipal servant or the chief of staff at least once every three years. This training is carried out by the educational institutions selected on the basis of the competition in accordance with the approved programme.

European Charter of Local Self-Government

The Republic of Armenia signed the European Charter of Local Self-Government on May 11, 2001, and ratified it on January 26, 2002.

The European Charter came into force on May 1, 2002 (in relation to the Republic of



Armenia). Since 2002, significant changes have been made to the legislation of the Republic of Armenia, in particular to the Constitution and the Law of the Republic of Armenia “On Local Self-Governance”. It created the basis for ratification of the relevant articles of the European Charter by the National Assembly.



GEORGIA



Geographical location: Georgia is washed by the Black Sea in the west, Georgia borders with the Russian Federation in the north, with the Republic of Azerbaijan in the south-east, with the Republic of Armenia and the Republic of Turkey in the south.

Capital: Tbilisi.

Area: 69.7 thsd. sq. km.

Population: 3 mln 720,4 thousand persons (as of 2016). The population of Tbilisi is 1 million 118,3 thousand persons.

Ethnic groups: the majority of Georgia's population is Georgians – 83.8%, Azeris – 6.5%, Armenians – 5.7%, Russians – 1.5% (2002 census).

Official language: Georgian; Georgian and Abkhaz in the Autonomous Republic of Abkhazia.

Administrative structure: article 2 of the Constitution of Georgia states that the territorial state structure of Georgia shall be determined by a Constitutional Law on the basis of the principle of allocation of powers after the complete restoration of the jurisdiction of Georgia over the whole territory of the country.

Currency: Georgian Lari (GEL).

Legal regulation

The legal regulation of local self-government in Georgia is carried out in accordance with the following legal acts:

- ☑ Constitution of Georgia;
- ☑ Code of Laws of Georgia on Local Self-Government as of February 5, 2014 No 1958.
- ☑ Law of Georgia “On Public Service” as of October 27, 2015 No 4346.





Administrative and territorial structure

Georgia is an independent, unified and indivisible state. The form of political structure of Georgia is a democratic republic. State authority is based on the principle of allocation of powers.

The Parliament of Georgia exercises legislative power, the President of Georgia is the Head of the state and the Head of executive power, judicial power is exercised by courts.

In Georgia, as a result of a long and gradual reform, which began in the early 1990's, 12 cities obtained the status of self-governing city.

Local self-governance

Local self-government is the right and ability of citizens of Georgia registered in a self-governing unit to solve, based on the legislation of Georgia, local issues through local authorities elected by them.

A local self-governing unit is a municipality.

A municipality is a settlement (self-governing city) with administrative boundaries, or an aggregation of settlements with administrative boundaries and an administrative center, elected representative and executive bodies of self-government, its own property, budget and revenue.

A municipality is an independent legal entity under public law.

The right of citizens to participate in local self-governance

Citizens of Georgia exercise local self-government according to the Constitution of Georgia, the European Charter of Local Self-Government, international agreements and treaties of Georgia.

Citizens of Georgia may elect and be elected to local authorities under the provisions of the Local Self-Government Code and electoral legislation, regardless of their race, skin colour, language, gender, religion, political and other beliefs, national, ethnic and social background, origin, material status.

System of local self-governance

A representative body of a municipality is a collegiate administrative body – a municipal council. A municipality council is elected once for 4 years by direct elections. The number of members of a municipality council and a procedure for their election is determined by the Elections Code of Georgia.

Officials of a municipality council are the following:

- a) Chairperson of the Municipal council;
- b) Deputy Chairperson of the Municipal council;
- c) Chairperson of a commission of the Municipal council;
- d) Chairperson of a faction of the Municipal council.



The Bureau of a Municipal council prepares the agenda of a municipality council session, draft working plans and working programmes, coordinates the activities of the commissions and interim working groups, as well as discusses the conclusions and proposals of the commissions and interim working groups.

The executive body and the highest official of a municipality is a Mayor. A Mayor is also a representative of a municipality and ensures the exercise of the powers of the municipality in compliance with the legislative and subordinate acts of Georgia and the normative acts of the relevant municipality. Officials of a mayor's office are the following:

- a) Mayor;
- b) First Deputy Mayor;
- c) Deputy Mayor;
- d) head of a structural unit of a mayor's office.

The number of officials of a mayor's office (including the Mayor) shall not be more than 13.

A Mayor is elected for a 4-year term, in a direct election, based on universal and equal electoral rights through secret ballot under the Elections Code of Georgia.

Citizens of Georgia with electoral rights, who have attained the age of 25 and who have resided in Georgia for at least 5 years, may be elected as a Mayor.

The Mayor shall be accountable to the municipality council and to the population.

The head of a structural unit of a mayor's

office is an official of the local self-government who is appointed to and removed from office by the Mayor.

Powers of local self-government bodies

There are two types of powers of a municipality fixed at the legislative level: own powers and delegated powers.

A municipality's own powers are the powers determined under the Local Self-Government Code, which the municipality exercises independently and under its own responsibility.

A municipality's delegated powers are the powers of government authorities or authorities of the autonomous republic, which have been delegated to the municipality in accordance with the law or an agreement concluded under the legislation of Georgia, with the appropriate material and financial resources.

Among the main municipality's powers are the following:

- development of the local infrastructure;
- drafting and execution of the municipal budget;
- management of local roads and water supply;
- management of preschool educational system;
- determination of the rules for keeping pets;
- creating a safe environment;
- social protection of poor and disabled persons.



Municipal budget

A municipal budget is a set of budget receipts and payments, approved by the Municipal council and used for the purpose of performing the functions and obligations of the municipality.

A municipal budget is independent from the budgets of other municipalities, as well as from the budgets of the autonomous republics and of the state budget.

State supervision of the activities of municipal bodies

State supervision is an activity carried out by executive authorities that is intended to ensure the lawfulness of the activities of municipal bodies, and proper exercise of delegated powers.

State supervision is exercised under the Constitution of Georgia, European Charter of Local Self-Government and Local Self-Government Code.

Among the types of the state supervision one can define the following: legal supervision that is carried out by the Prime Minister of Georgia and sectoral supervision, where the ministry is responsible for, and delegation of powers of which is carried out in accordance with the law or agreement concluded on the basis of the legislation of Georgia.

Local self-government association

A National Association of Local Authorities of Georgia (NALAG), which brings together more than half of the municipalities of the country, was established in order to conduct consultations in the course of decision-making on the activities of municipalities in Georgia. NALAG is a non-governmental, non-profit and non-political organization that brings together all local self-government authorities. The main goal of the NALAG is further development of the system of local self-government, development of democracy at the local level, decentralization of the state power and development of institutions of local self-government.

Legal framework of service in local self-government bodies

The Law “On Public Service” regulates the procedure of service in local self-government authorities of Georgia.

The law establishes the legal basis for the public service, regulates the relations on the implementation of the public service, and determines the legal status of employees in Georgia.

The Civil Service Bureau of Georgia was established in order to develop a unified state policy and ensure coordination of existing activities in the field of public service in Georgia.



The official

Public servant performs the paid activity at the government entity or local self-government institution in accordance with the procedure established by the Law of Georgia “On Public Service”.

A civil servant is an official who has an official relationship with the state. A local self-government official is a person in official relations with the local self-government authority.

Within the local self-government system public service is carried out by:

officials that are appointed persons, or elected to the full-time position of a budgetary institution; supplementary personnel are technical workers who are recruited under a labor contract for the position provided in the staff list;

freelance employees are persons (servants) that are appointed for the service by designation or by an employment contract for a specified period in order to fulfill the non-permanent tasks.

Appointment for the service in local self-government authorities

A capable citizen of Georgia who has attained the age of 18 years, has the education not lower than the average one, and speaks the state language of Georgia may be admitted (adopted) to the civil service.

An official is appointed for a service in a definite term. Upon admission to the service, an

official may be set up for a term of no longer than 6 months.

Servants are appointed for the position on the basis of the competition, except for the appointment of the President, Parliament, Parliamentary Speaker, Prime Minister.

Professional development

The Civil Service Bureau carries out the functions of professional training, retraining and professional development of public servants, as well as coordination and methodological assistance in the processes of human resources management in the public service.

European Charter of Local Self-Government

Georgia signed the European Charter of Local Self-Government in October 26, 2004, and ratified it on 8 December, 2004. Signing of the Additional Protocol to the European Charter of Local Self-Government on the right to participate in local self-government affairs (CETS No 207) is expected.



*REPUBLIC OF
MOLDOVA*



Geographical location: the Republic of Moldova is located in the center of Europe, in the northeast of the Balkans. In the north, east and south, it borders with Ukraine; on the west, the border with Romania runs along the Prut River.

Capital: Chisinau.

Territory: 33 843.5 thousand sq. km.

Population: 3 million 550,9 thousand people (as of 1 January, 2017).

Ethnic composition: according to the results of the census in 2014, the Moldavians are the most numerous nationality of the republic (75.1%). Furthermore Romanians (7,0%), Ukrainians (6,6%), Gagauzians (4,6%), Russians (4,1%), Bulgarians (1,9%), Roma (0,3%), and other ethnic groups (0.5%) live in the country.

Official language: Moldovian.

Form of state: the Republic of Moldova is a unitary, democratic and legal state, parliamentary republic. In the Republic of Moldova, the legislative, executive and judicial authorities are divided and interact with each other in accordance with the Constitution.

Currency: Ley (MDL).

Legal regulation

The legal regulation of local self-government in the Republic of Moldova is carried out in accordance with the following legal acts:

- ☑ Constitution of the Republic of Moldova;
- ☑ Law of the Republic of Moldova “On Administrative-Territorial Organization of the Republic of Moldova” as of 27 December, 2001 No 764;
- ☑ Law of the Republic of Moldova “On Local Public Administration” as of 28 December, 2006 No 436;
- ☑ Law of the Republic of Moldova “On the Public Position and the Status of the Civil Servant” as of 04 July, 2008 No 158.





Administrative and territorial structure

The administrative-territorial structure of the Republic of Moldova and the establishment of the legal basis for the organization of its villages (communes), sectors, cities (municipalities) and administrative-territorial entities are carried out in accordance with Articles 110 and 111 of the Constitution of the Republic of Moldova.

The Republic of Moldova is divided into 32 districts, 5 municipalities, 61 cities, 916 villages (communes), 1 autonomous territorial formation of Gagauzia and administrative and territorial units of the Dniester left bank.

Division of the territory of the country into administrative-territorial units ensures implementation of the principles of local autonomy, decentralization of public services, election of authorities and self-government, ensuring access of citizens to the authorities and consulting with them on the most important issues of local importance.

Local self-governance

Local public administration is a set of local public authorities that were created in accordance with the law in order to protect the common interests of the population of a separate administrative-territorial unit.

The right of citizens to participate in local self-governance

The right of citizens of the Republic of Moldova to participate in local self-government is implemented through the local council that is the body of representative and lawful power of the population of the administrative-territorial unit of the first or second level that was chosen to solve local problems.

System of local self-governance

Local councils as competent authorities and Primar as executive power are bodies of local public administration, through which the local autonomy is carried out in villages (communes), cities (municipalities).

The first level Local Public Administration Authorities are a set of public authorities that were established and function within the territory of the village (commune), city (municipality) and are aimed at protecting the interests and solving the problems of local communities;

The second level Local Public Administration Authorities are a set of public authorities that was established and operates in the district, the municipalities of Chisinau and Belts, an autonomous territorial entity with a special legal status to protect interests and solve problems of the population of the corresponding administrative-territorial unit;



Primar is the representative power of the population of the administrative-territorial unit and the executive power of the local council that was elected on the basis of universal, equal and direct right to vote by secret and free voting;

Primeria is a functional structure that helps the Primar to exercise his / her legal authority.

The local council has the right to initiate and make decisions in accordance with the law on all matters of local importance, except those that fall under the competence of other public authorities.

The Primar leads the local public administration. He participates in the meetings of the local council and has the right to express his opinion on all the issues discussed.

Powers of local self-government bodies

The Primeria organizes and carries out its activities on the basis of the statute approved by the local council.

The Primeria powers:

- development of draft decisions of the local council and draft regulations of the Primar;
- promulgation of decisions of the local council and regulations of the Primar of normative character;
- data collection for the annual report on the socio-economic situation of the village (commune), city (municipality);
- providing the Primar with the data on the activities of these services as well as municipal enterprises set up by the local council together

with public services;

- supervision over the implementation of measures envisaged by the order of the Primar on the territory under jurisdiction;
- assistance in drafting the budget of the administrative-territorial unit for the next budget year and the draft budget amendments submitted by the Primar to the local council;
- ensuring the execution of the budget of the administrative-territorial unit in accordance with the decisions of the local council and observance of the provisions of the legislation;
- drawing up reports on the implementation of the budget of the administrative-territorial unit;
- assisting to the secretary of the local council in performance of his / her duties in accordance with the law.

Local self-government associations

In March, 2010, the Congress of Local Authorities of the Republic of Moldova (CALM) was established. The CALM is a voluntary association, a union of public law entities, a non-governmental, non-profit, and non-political organization. The CALM has over 600 members (2/3 of the total number of municipalities). The CALM is recognized by the national government and the international community as an organization that expresses the position of local self-government.



Legal basis of service in local self-government bodies

The procedure for appointment, recruitment, promotion, imposition of penalties and termination of official or labor relations with employees of the Primeria of a village council, their rights and duties are established by the legislation and the provisions of the Primeria, which is approved by the local council.

Primeria employees are civil servants. Their legal status is regulated by the Law of the Republic of Moldova “On the Public Position and the Status of the Civil Servant”.

The official

Public position that is a set of powers and duties established on the basis of the law aimed at implementing the prerogatives of public authority;

Civil servant is an individual who was appointed in accordance with the Law of the Republic of Moldova “On the Public Position and the Status of the Civil Servant” on the public position.

Appointment for the service in local self-government authorities

A person who meets the following basic requirements may hold public position:

- a citizen of the Republic of Moldova;

- a citizen of the Republic of Moldova who knows the Moldovian language and existing official languages of interethnic communication in the relevant territory within the limits established by the law;

- a citizen of the Republic of Moldova who has full capacity;

- a citizen of the Republic of Moldova who has not reached the age necessary for entitlement to retirement age;

- a citizen of the Republic of Moldova who has good health in accordance with the medical opinion issued by the authorized medical institution to perform functional duties, if special requirements for health are established for the corresponding position;

- a citizen of the Republic of Moldova who has the education required for the corresponding public position;

- a citizen of the Republic of Moldova who was not dismissed from office or an individual labor contract with him / her was not suspended for disciplinary reasons in the last five years;

- a citizen of the Republic of Moldova who has not outstanding convictions for intentional crimes;

- a citizen of the Republic of Moldova who is not deprived of the right to occupy certain positions or to be engaged in certain activities.

In order to replace public positions in public authorities, the higher education is required, certified by a licensee’s diploma or equivalent educational document with the exception of



executive government positions in the first level authorities and self-government, in which, if necessary, persons with secondary specialized education confirmed by a diploma may be enrolled.

Replacement of a vacant position is carried out on the basis of a competition organized on the basis of principles of open competition, transparency, competence and professional merits, as well as equal access to the public positions of each citizen.

Professional development

Civil servants have the right and obligation to continuously improve their skills and professional training.

Each public authority provides the organization of a systematic process of continuous development of a civil servant, which includes:

- deepening and improving knowledge, developing skills;
- formation of the relations necessary for a civil servant for the effective performance of official duties.

In the process of continuous professional development of the civil servant public authorities are obligated to:

- to provide every civil servant with equal opportunities for studying both in the country and abroad;
- to provide each civil servant with various forms of continuous professional development

lasting not less than 40 hours per year, and each civil servant who was appointed for the civil service position for the first time there should be provided an introductory course of at least 80 hours;

- to provide in his / her annual budget funds for financing the process of continuous professional development of civil servants in the amount of not less than two percent of the wage fund.

For a period of employment of civil servants in various forms of continuous professional development organized with the initiative or in the interest of public authority they retain the salary. In case the training courses are longer than 180 consecutive calendar days and off-the-job, if the service relationship is terminated according to the circumstances beyond the parties' control without salary.

European Charter of Local Self-Government

The Republic of Moldova signed the European Charter of Local Self-Government on 2 May, 1996 and ratified it on 2 October, 1997. The Charter entered into force on 1 February, 1998. This day Moldova celebrates the national Day of Local Autonomy and Professional Holiday of a Local Public Administration Servant.

UKRAINE



Geographical location: Ukraine borders with the Republic of Belarus to the north, Republic of Poland, Slovak Republic and Hungary to the west, Romania and Republic of Moldova to the southwest, Russian Federation to the east and northeast. From the south and southeast Ukraine is washed by the Black Sea and Sea of Azov.

Capital: Kyiv.

Territory: 603,7 thousand sq. km.

Population: 47 million 732,1 thousand people.

Ethnic groups: characteristic of national composition of the population of Ukraine is its multinational character. According to the All-Ukrainian Population Census, representatives of more than 130 nationalities and peoples live on the territory of the country. The vast majority of population in Ukraine are Ukrainians (77.8%). Furthermore Russians (17.3%), Belarusians (0.6%), Moldovans (0.5%), Crimean Tatars (0.5%), Bulgarians (0.4%), Hungarians (0.3%), Romanians (0.3%), Polish (0.3%), Jews (0.2%) and other ethnic groups live in Ukraine.

Official language: Ukrainian.

Form of state: Ukraine is a unitary, sovereign and independent, democratic, social, legal state. Semi-presidential constitutional republic is a

current political system in Ukraine. State power is exercised on the basis of the separation of powers between three separate branches of Government: the legislative, the executive and the judiciary. The - only legislative authority in Ukraine is Parliament the Verkhovna Rada of Ukraine. The Cabinet of Ministers of Ukraine is supreme authority in the executive authority system. Judicial power belongs to courts of different instances.

Currency: Ukrainian Hryvnya (UAH).

Legal regulation

- Constitution of Ukraine;
- Law of Ukraine “On Local Self-Governance in Ukraine” as of 21 May, 1997 No 280/97-VR;
- Law of Ukraine “On Service in Local Self-Government Authorities” as of 07 June, 2001 No 2493-III.



Administrative and territorial structure

The administrative-territorial structure of Ukraine is due to the geographical, historical, economic, social, cultural and other factors an internal territorial organization of the state, with the delimitation of its territory into constituent parts, administrative and territorial units in order to create an enabling environment for human development for all citizens of Ukraine irrespective of their place of residence, required level provision of administrative, social and other services to the people as well as operation of rational management system of social and economic processes, balanced development throughout the country.

The system of administrative-territorial organization of Ukraine consists of the Autonomous Republic of Crimea, 24 regions, 490 districts, 407 cities, 108 districts in cities, 751 urban-type settlements and 23 701 rural settlements.

Local self-governance

Local self-governance in Ukraine is a right guaranteed by the state and real ability of a territorial community - residents of a village or voluntary association in a village community of residents of several villages, settlements, cities to resolve issues of local significance within the Constitution and laws of Ukraine independently or under the responsibility of local self-government authorities and its officials.

The right of citizens to participate in local self-governance

Citizens of Ukraine exercise their right to self-government by belonging to the relevant territorial communities.

Any restrictions on the right of Ukrainian citizens to self-government depending on race, color of the skin, political, religious and other beliefs, gender, ethnic and social origin, property status, residence time on the territory of the region, language or other significant concerns are prohibited.

System of local self-governance

Local self-governance is exercised by territorial communities of villages, settlements, cities, either directly or through villages, settlements, cities councils and their executive authorities as well as district and regional councils representing common interests of territory communities of villages, settlements, cities.

Powers of local self-government authorities

Major powers of village, settlement, city councils can be defined as follows:

- approving programmes of socio-economic and cultural development of corresponding administrative-territorial units, target programmes on other issues of local self-government;



- adopting of a local budget and its relevant execution plan;
- establishing local taxes and duties;
- decision-making on local borrowing;
- decision-making on extending the benefits on local taxes and duties as well as land tax;
- determinating an amount part of profit which is subject to be credited to the local budget for enterprises, establishments and organizations belonging to communal property of relevant territorial communities;
- decision-making on an exclusion of communal property according to the law; approving the local privatization programmes;
- decision-making on delegation of separate powers to property manage to other authorities etc.

Executive authorities of councils

Executive authorities of villages, settlements, cities, district in cities (in case of their establishment) are executive committees, divisions, departments and other executive authorities established by councils.

Executive authorities of villages, settlements, cities, district in cities are under the control and supervision of relevant councils and on the issues of exercising delegated to them powers of executive authorities are also under the control of respective executive authorities.

Associations of local self-governance

The national associations of local self-government authorities are established in Ukraine particularly the Association of Ukrainian Cities, Ukrainian Association of Village and Settlement Councils, Ukrainian Association of District and Regional Councils etc.

The main purpose of the Congress is providing of joint activities of the parties aimed at the development of state regional policy.

Since 2010 meetings of the National Congress of Local self-government have been held.

The main purpose of the congress is ensuring the joint activity of the parties aimed at forming the state regional policy, improving the territorial organization of power.

Legal regulation of service in local self-government

Legal, organizational, material and social conditions of realization by citizens of Ukraine of the right to serve in local self-government authorities, general principles of activity of local self-government officials, their legal status, procedure and legal guarantees of staying in service in local self-government authorities are determined by the Law of Ukraine “On Service in Local Self-Government Authority” as of 7 June, 2001 No 2493-III.

The new version of the Act “On Service in Local Self-Government Authority” was elaborated



in 2015 (draft law No 2489). On 7 June, 2017 the draft law No 2489, improved by the Committee on State Building, Regional Policy and Local Self-Government was submitted to Verkhovna Rada of Ukraine.

The draft law provides creation of legal preconditions for raising the prestige of service in local self-government authorities; settlement of the status of a servant of local self-government authority; equal access to service in local self-government authorities based solely on merit; transparent appointment for service in local self-government authorities; motivation for career advancement; depoliticization.

Service in local self-government authorities

Service in local self-government authorities is a professional, permanent activity of citizens of Ukraine holding positions in local self-government authorities aimed at exercising by territorial community its right on local self-governance and separate powers of executive authorities provided by law.

Local self-government official

A local self-government official is a person working in local self-government authority, who has the appropriate official powers to exercise organizational-administrative, advisory and consultative activities remunerated by the local budget.

Appointment for the service in local self-government authorities

Appointment for the service in local self-government authorities by recruiting of village, settlement, city mayor, district, district in city, regional council on a competitive basis or through recruiting a candidate from personnel reserve, respectively.

Professional development

The main prerequisite for reform of the local self-government system in Ukraine is an ability of local authorities to effectively implement a growing number of powers transferred to them by executive authorities in order to provide better services to the people.

For the purpose of professional development of local self-government employees, an effective system of training and qualification development was established and operates in Ukraine, it includes the following establishments:

- the National Academy for Public Administration under the President of Ukraine and its regional institutes;
- other higher educational institutions that prepare masters in the field of public administration;
- retraining and further training centres;
- post-graduate study centres.

Improvement of qualifications of civil servants and local self-government officials is a



continuous process and is carried out according to the following types:

- training and upgrading programmes;
- permanent thematic workshops;
- specialized short-term training courses;
- thematic short-term seminars, particularly trainings;
- internship in government authorities and abroad;
- self-study.

Professional development of employees of local self-government authorities is an important part of the state personnel policy aimed at forming highly professional staff and improving the quality of their work.

National Agency of Ukraine on Civil Service developed a draft Concept for reforming the system of vocational training, raising the skills of local self-government officials and local council deputies, which provides development of a contemporary, effective model of professional training for local government officials and members of local councils that is to ensure proper improving the level of professional competence focused on the needs of an individual in professional development throughout life and implementing the principles of good governance.

European Charter of Local Self-Government

Ukraine signed the European Charter of Local Self-Government on 6 November, 1996, and ratified it on 15 July, 1997. The Charter entered into force on 1 January, 1997. In accordance with the Constitution of Ukraine, after the ratification the Charter became an integral part of national legislation and applies directly.

Decentralization

Decentralization of power is currently one of the main reforms in Ukraine. Strategic objective of this reform is creating the safe and comfortable area for person's life. Introduced decentralization of power is founded on a few important components of definition of new territorial basis of local self-government:

- change of administrative-territorial structure;
- delegation of powers and transfer resources to local level.

In 2014 the basic laws on territorial communities were approved and since then an active process of establishment of capable territorial communities has begun.

The process of establishing the new united territorial communities is ongoing and will be not just due to the bigger territory but receive significant additional powers and resources for its implementation.



There are currently 11,338 village, settlement and city territorial communities in Ukraine. As a result of the administrative-territorial reform it is supposed to form nearly 1,500 capable communities. As of 1 July, 2017 territorial communities of 413 were established and included 1,971 local councils with the population of 3,597 million people.

ДОЯ ПЕРЕНЯ

***EUROPEAN CHARTER
of Local Self-Government***

Strasbourg, 15.10.1985

Date of signature: 15.10.1985
Date of signature on behalf of Ukraine: 06.11.1996
Date of ratification: 15.07.1997
Date of entry into force for Ukraine: 01.01.1998

PREAMBLE

The member States of the Council of Europe, signatory hereto,
considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

considering that one of the methods by which this aim is to be achieved is through agreements in the administrative field;

considering that the local authorities are one of the main foundations of any democratic regime;

considering that the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe;

considering that it is at local level that this right can be most directly exercised;

convinced that the existence of local authorities with real responsibilities can provide an administration which is both effective and close to the citizen;

aware that the safeguarding and reinforcement of local self-government in the different European countries is an important contribution to the construction of a Europe based on the principles of democracy and the decentralisation of power;

asserting that this entails the existence of local authorities endowed with democratically constituted decision-making bodies and possessing a wide degree of autonomy with regard to their responsibilities, the ways and means by which those responsibilities are exercised and the resources required for their fulfillment,

have agreed as follows:

Article 1

The Parties undertake to consider themselves bound by the following articles in the manner and to the extent prescribed in Article 12 of this Charter.

PART I

Article 2

Constitutional and legal foundation for local self-government

The principle of local self-government shall be recognised in domestic legislation, and where practicable in the constitution.

Article 3

Concept of local self-government

1. Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.

2. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute.

Article 4

Scope of local self-government

1. The basic powers and responsibilities of local authorities shall be prescribed by the constitution or by statute. However, this provision shall not prevent the attribution to local authorities of powers and responsibilities for specific purposes in accordance with the law.

2. Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.

3. Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.

4. Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.

5. Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.

6. Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.

Article 5

Protection of local authority boundaries

Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.

Article 6

Appropriate administrative structures and resources for the tasks of local authorities

1. Without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management.

2. The conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided.

Article 7

Conditions under which responsibilities at local level are exercised

1. The conditions of office of local elected representatives shall provide for free exercise of their functions.

2. They shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection.

3. Any functions and activities which are deemed incompatible with the holding of local elective office shall be determined by statute or fundamental legal principles.

Article 8

Administrative supervision of local authorities' activities

1. Any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as are provided for by the constitution or by statute.
2. Any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities.
3. Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect.

Article 9

Financial resources of local authorities

1. Local authorities shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers.
2. Local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the law.
3. Part at least of the financial resources of local authorities shall derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate.
4. The financial systems on which resources available to local authorities are based shall be of a sufficiently diversified and buoyant nature to enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks.
5. The protection of financially weaker local authorities calls for the institution of financial equalisation procedures or equivalent measures which are designed to correct the effects of the unequal distribution of potential sources of finance and of the financial burden they must support. Such procedures or measures shall not diminish the discretion local authorities may exercise within their own sphere of responsibility.
6. Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.
7. As far as possible, grants to local authorities shall not be earmarked for the financing of specific projects. The provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction.

8. For the purpose of borrowing for capital investment, local authorities shall have access to the national capital market within the limits of the law.

Article 10

Local authorities' right to associate

1. 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.

2. The entitlement of local authorities to belong to an association for the protection and promotion of their common interests and to belong to an international association of local authorities shall be recognised in each State.

3. Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other States.

Article 11

Legal protection of local self-government

Local authorities shall have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation.

PART II

MISCELLANEOUS PROVISIONS

Article 12

Undertakings

1. Each Party undertakes to consider itself bound by at least twenty paragraphs of Part I of the Charter, at least ten of which shall be selected from among the following paragraphs:

- Article 2,
- Article 3, paragraphs 1 and 2,
- Article 4, paragraphs 1, 2 and 4,
- Article 5,
- Article 7, paragraph 1,
- Article 8, paragraph 2,

- Article 9, paragraphs 1, 2 and 3,
- Article 10, paragraph 1,
- Article 11.

2. Each Contracting State, when depositing its instrument of ratification, acceptance or approval, shall notify to the Secretary General of the Council of Europe of the paragraphs selected in accordance with the provisions of paragraph 1 of this article.

3. Any Party may, at any later time, notify the Secretary General that it considers itself bound by any paragraphs of this Charter which it has not already accepted under the terms of paragraph 1 of this article. Such undertakings subsequently given shall be deemed to be an integral part of the ratification, acceptance or approval of the Party so notifying, and shall have the same effect as from the first day of the month following the expiration of a period of three months after the date of the receipt of the notification by the Secretary General.

Article 13

Authorities to which the Charter applies

The principles of local self-government contained in the present Charter apply to all the categories of local authorities existing within the territory of the Party. However, each Party may, when depositing its instrument of ratification, acceptance or approval, specify the categories of local or regional authorities to which it intends to confine the scope of the Charter or which it intends to exclude from its scope. It may also include further categories of local or regional authorities within the scope of the Charter by subsequent notification to the Secretary General of the Council of Europe.

Article 14

Provision of information

Each Party shall forward to the Secretary General of the Council of Europe all relevant information concerning legislative provisions and other measures taken by it for the purposes of complying with the terms of this Charter.

PART III

Article 15

Signature, ratification and entry into force

1. This Charter shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. This Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date on which four member States of the Council of Europe have expressed their consent to be bound by the Charter in accordance with the provisions of the preceding paragraph.

3. In respect of any member State which subsequently expresses its consent to be bound by it, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 16

Territorial clause

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Charter shall apply.

2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Charter to any other territory specified in the declaration. In respect of such territory the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

Article 17

Denunciation

1. Any Party may denounce this Charter at any time after the expiration of a period of five years from the date on which the Charter entered into force for it. Six months' notice shall be given to the Secretary General of the Council of Europe. Such denunciation shall not affect the validity of

the Charter in respect of the other Parties provided that at all times there are not less than four such Parties.

2. Any Party may, in accordance with the provisions set out in the preceding paragraph, denounce any paragraph of Part I of the Charter accepted by it provided that the Party remains bound by the number and type of paragraphs stipulated in Article 12, paragraph 1. Any Party which, upon denouncing a paragraph, no longer meets the requirements of Article 12, paragraph 1, shall be considered as also having denounced the Charter itself.

Article 18 Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe of:

- a) any signature;
- b) the deposit of any instrument of ratification, acceptance or approval;
- c) any date of entry into force of this Charter in accordance with Article 15;
- d) any notification received in application of the provisions of Article 12, paragraphs 2 and 3;
- e) any notification received in application of the provisions of Article 13;
- f) any other act, notification or communication relating to this Charter.

In witness whereof the undersigned, being duly authorised thereto, have signed this Charter.

Done at Strasbourg, this 15th day of October 1985, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

**LOCAL SELF-GOVERNANCE
IN EASTERN PARTNERSHIP COUNTRIES**

According to general editorship
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