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### LOCAL GOVERNMENT, EFFECTIVENESS AND HUMAN RIGHTS: UKRAINE

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#### INTRODUCTION

1. Co-relation between the concepts of Local governance and Human rights bears high policy relevance and is of great importance in post-totalitarian transition societies. Reform agendas of most of the states included strengthening of local governance under the broader caption of administrative reform and decentralization, driven by the need to lessen centralization and elements of totalitarian control. Despite efforts from the donor and the international community, till today, an average civil servant's perception of local governance in the states of the former Soviet Union is limited to the territorial and administrative dimensions. Both in policy and practice it has prevailed over sustainable development or human rights-based approach, while commitments and declarations made at the national level by governments continue to be remarkably progressive. The case of Ukraine is no exception, although the level and degree of democratisation and decentralization vary ranging from Central Asia to the Baltic or the new EU members in East Europe.
2. Decentralization as a form of reforming local governance and breathing fresh air to local self governments has been more a tool of resources redistribution than real administrative reform and building local governance. This has in part being the case because of preference and adherence to values of market and "laissez-faire" capitalism than to those of democracy and human rights on part of those in power during the difficult years of political, economic and social transition. Ample use was made of decentralization for privatisation of big enterprises and sectors, without due regard to the interests of the population and inhabitants of the localities. Coal and metal mines, picturesque shores and resorts of Crimea in Ukraine are a case in point.
3. In addition, paternalism of the national level has not been withdrawn. People at the grassroots level also are convinced that local governance consists in the representation of the central power at local levels and they are the economic and social service providers of the population. In the ultimate end, a rights-based approach, albeit an implicit one, if practised, were more inclined

towards entitlements, benefits, and privileges and not rights. Increase and decrease in pensions and social transfers are still motivated by national political preferences (recent increase in pension prior to the Presidential elections in Ukraine in 2004).

4. For the reasons and factors mentioned above, any study of the present system of local governance in the former Soviet Union and the context of Human rights, including Ukraine should look into the historical roots of the institution. Tracing the historical trends allows us to understand why a Human Rights framework remains ever more important for further development of these states into full-fledged democracies.

## HISTORY AND EVOLUTION

5. Evolution of the concept of local governance in the former Soviet Union states dates back farther than the creation of the Soviet Union itself. Modern historiography is not unanimous about tracing the origin of local governance. Analysis of available literature of the post-Soviet period shows that there is considerable difference in interpretation of historical facts between the Russian and the Ukrainian experts. Thus, according to some, local governance first emerged between XI – XII centuries, when Novgorod and Pskov were the two independent cities, ruled by “Veche” (Old Slavic word, Vech, Viche or Viet meaning council, from which the word Soviet was later derived) as the major source of feudal power. Ukrainian experts agree with the fact that “Viche” were a form of popular representation, where “the poor and the needy”, “all people”, “all Kyivites” participated. Viche did not elect its rulers, but just proposed candidatures for rulers’ posts, and concluded contracts with them – underlining the conditions under which they are to rule. In addition, they opine that the Magdeburg rights were extended to a number of cities in Ukraine in 1339 to Syanok, Lviv (1356), Kamyanets-Podilskiy (1374), Lutsk (1432) and to Kyiv (1494 – 1497 pp.), which helped these cities to maintain certain autonomy. Later, in XV – XVII centuries, other cities of Ukraine enjoyed Magdeburg rights – Vinnytsia, Glukhiv, Novgorod-Siverskiy, Dubny, Zhitomir, Lubny, Kozelets, Poltava, Starodub and Chernihiv. Some sources say that Magdeburg rights were enjoyed by Kyiv until 1835. Some Ukrainian scholars compare Magdeburg rights with today’s European Charter of local self government and other EU documents.<sup>1</sup>
6. Later in Russian empire, progressive reforms including elected positions, separation of administrative functions from fiscal, separating administrative functions from judiciary, fiscal autonomy etc. were attempted by Peter the Great and Catherine II.<sup>2</sup> The latter brought in elements of decentralization. But such positive changes introduced by these reformist-minded enlightened despots were often destroyed by their successors and had its impact on Ukraine. Imperial moves were treated negatively by local Ukrainian subjects and were viewed as tools of further expansionism. Besides, lack of universal franchise and authoritarian monarchy could not provide for the bases of local governance, which was a necessity for tax collection by the rulers, rather than providing services.
7. However, the evolution continued during and after the February 1917 revolution, when the competence of the local “Zemstvo” (lands) extended to labor and social protection, setting up employment exchanges, controlling prices and supply of essential items, giving legal assistance etc. It was not until the 1917 Bolshevik revolution that the concept of local governance took a radical turn. The slogan “All power to the Soviets” (Councils) was a principally new concept,

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<sup>1</sup> Lykhowid Oleg. What to know about local self governance/ compiled by Dementiy Belyi. - Kherson: Shtrikh, 2002 (in Ukrainian)

<sup>2</sup> Animitsa E. G., Tertysnyy A. T. Local self governance: history and modernity. Ekaterinburg, 1998. – 296 p (in Russian).

enfranchising and empowering people to take power in their own hands. By 1918, all local government units (zemstvo) were transformed into Soviets. During the period of New Economic Policy (1921-1927), combining elements of market and socialist economy, allowed the Soviets to combine central command with local self government. Fiscal independence enjoyed then by the Soviets allowed raising funds for reconstruction efforts. Situation in cities were improved and they reached the pre-World War I level of 1913.

8. Zemstvo existed in Ukraine, till the times of the Ukrainian People's Republic, until December 26, 1918, when the Directory of the UPR replaced them with Labor Councils. Later the Constitution of Soviet Ukraine of 1919 stipulated open election of village councils for three month term and in the city councils for six months. No Councils existed at higher levels. Instead of higher level councils, congresses of councils of lower levels were called from time to time.
9. Later, this policy was in growing conflict with the central high command of the Communist party, their policy of dictatorship of the proletariat and democratic centralism etc. Higher level councils came up in 1939, and during the years of German occupation 1941-1944, village, district and higher levels of hierarchies were set up. From the 30's, the decline and demise of local governance started and continued till the mid-80's.
10. Thus, the Bolshevist rhetoric "all power to the Soviets" theoretically meant dismantling of the Tsarist authoritarian top down management, while it was replaced by the "democratic centralism" of the communist party and the KGB at all levels. No real systemic change took place. The system moved from theistic monarchy to a "totalitarian one party dictatorship of the proletariat".
11. Real debate on local self governance started during the perestroika era. While the republics demanded more powers, the central government during 1991-1993, passed several laws and resolutions, reforming the system of local self-governments. October 1993, a Presidential decree led to an end to the Soviets and December 1993, adoption of the Constitution of the Russian Federation (Art. 12 makes a clear division between the state power and local self-governments) paved the way for a new approach to local governance in Russia. Declaration of sovereignty and later proclamation of independence by republics added momentum to the debate on local governance as the monopoly of the communist party was gone.
12. Pre-independence period in Ukraine witnessed further evolution of local self governance and may be divided into the following stages:

#### **October 20, 1989 – December 7, 1990**

13. A new resolution "On the Chairs and Presidia of the Local Councils of People's Deputies" becomes the basis for election of the chairs and presidia of local councils, in underlining their authority and accountability. It resulted in the adoption of the Law of the USSR on "General bases of local governance and local economy in USSR" April 9, 1990. The leadership of the councils was elected according to this new law.

#### **December 7, 1990 – March 5, 1992**

14. The Verkhovna Rada (Parliament) of Soviet Ukraine adopted a law December 7, 1990 "On Local Councils of People's Deputies and local self-governance", and declared local self government to be "the bases for democracy, legal status of the people's deputies of local councils, bodies of civic self governance as well as a form of direct democracy". It also recognized local self governments as bodies of state power, and the fundamental of them being the village, city or

township councils and not higher level (district or province) bodies. This date has received official recognition. Since 2001, December 7 is celebrated as the Day of Local Governance in Ukraine. The above-mentioned law was redrafted after two years and it now remains just as a historical record, because it contained very little of what is referred to as local governance in Europe, and Ukraine did not yet have its Constitution in those first years after independence.

### **March 5, 1992 – June 1994**

15. This stage is characterized by prevailing economic crisis and political uncertainty, contrasting visions of state structure. Local governance was more understood as part of reform of the administrative structure of post-Soviet Ukraine, and in the wake of rising support in favour of a presidential system, March 5, 1992, a Law “On Presidential Representatives” is passed to strengthen the vertical top-down command chain from center to the provinces and districts. Amendment to the law on local deputies passed March 26 did away with the independent executive powers of the district and province level Councils, and the latter were mere representatives of higher central bodies, being put under the direct control of the President. But real power of local governance remained at the grass roots unit levels. This law declared that it annulled the “Soviet Matryoshka doll” system, under which the bigger encapsulated the smaller and replaced it by a system wherein the lowest levels have real autonomy, while the province and district levels were channels of passing central control to the grassroots and vice versa. However, the law “On formation of local bodies of power and self governments”, adopted February 3, 1994 annulled the institutions of local state administrations and the representatives of the President and returned power to the local councils.

### **June 1994 – June 1996**

16. After the institution of the representatives of the President was annulled, the vertical command chain was destroyed. It seemed that time was ripe for real local governance reforms. However, tough power struggle between the President and the Speaker of the Verkhovna Rada (parliament) of Ukraine did not lead to improvement of local governance. Finally, with the signing of the Constitutional Accord between the President and the parliament June 8, 1995, again the local state administrations were revived, and as in 1992-1994, formally local governance was vested with the lowest level councils and the whole vertical went up to the top person in the state. Although this resembled the mono-centric Soviet model, a new element was introduced. For the first time, territorial groups (communities) obtained the right to address independently or through their elected local bodies, issues of local life.<sup>3</sup>

### **Adoption of the Constitution June 28, 1996 – June 1997**

17. The Constitution of Ukraine, adopted June 28, 1996, determined major issues of the territorial division of power, stipulated that “Local self governance is established and guaranteed in Ukraine” (Article 7).<sup>4</sup> The Constitution contains more than 20 articles and a separate chapter devoted to this topic. Article 140 states: “Local self governance is a right of the territorial communities – inhabitants of villages, or voluntary association of inhabitants of a number of villages, townships and cities, - to independently decide on issues of local importance within the Constitution and Laws of Ukraine”. The Constitution finally consolidated the positions of the state administrations, and removed independent executive functions of oblast (province) and rayon (district) level councils. Apart from that, posts of the Council chair and the Chair of the

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<sup>3</sup> Ukraine Human Development Report, 1996. Looking beyond the triple transition. - UNDP Kyiv. 1996. p.74

<sup>4</sup> Constitution of Ukraine. - Kyiv. 1996. p. 7 (in Ukrainian)

state administration were differentiated, and the Chair of the Council was elected from among the deputies of the given Rada (council).

18. This period in the development of local governance is reflected in a research "Political elite in Ukraine: problem of local self-government" conducted by the Ukrainian Parliamentary development project of the Indiana State University in Ukraine during 1996.<sup>5</sup> The aim was to assess the effectiveness of the institution of local self-government and the development of the political system on the whole. Out of a total of 214 respondents were 21 heads of oblast administration, 36 heads of city administration and 157 heads of rayon or district state administrations. Most agreed to have the territorial administrative set up of Ukraine as it was, and also liked lower councils to have the power to repeal improper decisions of the higher councils. The district level officials were most conservative and wanted the preservation of the pyramidal structure - the higher the level, the more its power. They also were in favor of a single person uniting the posts of Chair of the council and head of the administration, arguing that on district and regional levels it is better not to divide functions. On the issue of whether the heads of councils should be elected by people, heads of Oblast Rada (regional councils) are more skeptical than mayors and heads of districts. The respondents were somewhat conservative in their responses and did not agree with the fact that executive committees should be subordinate only to the councils, which have formed them, at the same time they wanted the executive committees to be collegial bodies and take collective responsibility for their decisions. Last but not the least was the majority's disappointment with the legislative or material and financial support and their desire that the public should be made aware of all decisions passed by local self governments.

### **June 1997 – present**

19. Finally, June 12, 1997 the Law "On Local self governments in Ukraine" came into force, where, for the first time in the history of Ukraine, it is stipulated that the primary unit of local self-government is the territorial community of the village, township, or city. Previous laws put the Radas, (Soviets or Councils) and their bodies in the first place. Article 5 of the law includes the following in the system of local self government:
  - Territorial communities;
  - Village, township and city councils;
  - Village, township heads and city mayors
  - Executive bodies of village, township and city councils;
  - Rayon (district) and Oblast (region or province) councils, representing TCs
  - Bodies of self-organization of the population.

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<sup>5</sup> <http://www.csep.com.ua/ua/viewmain.php?n1=2&n2=1&n3=15&p=1>



**Ukraine consists of:**

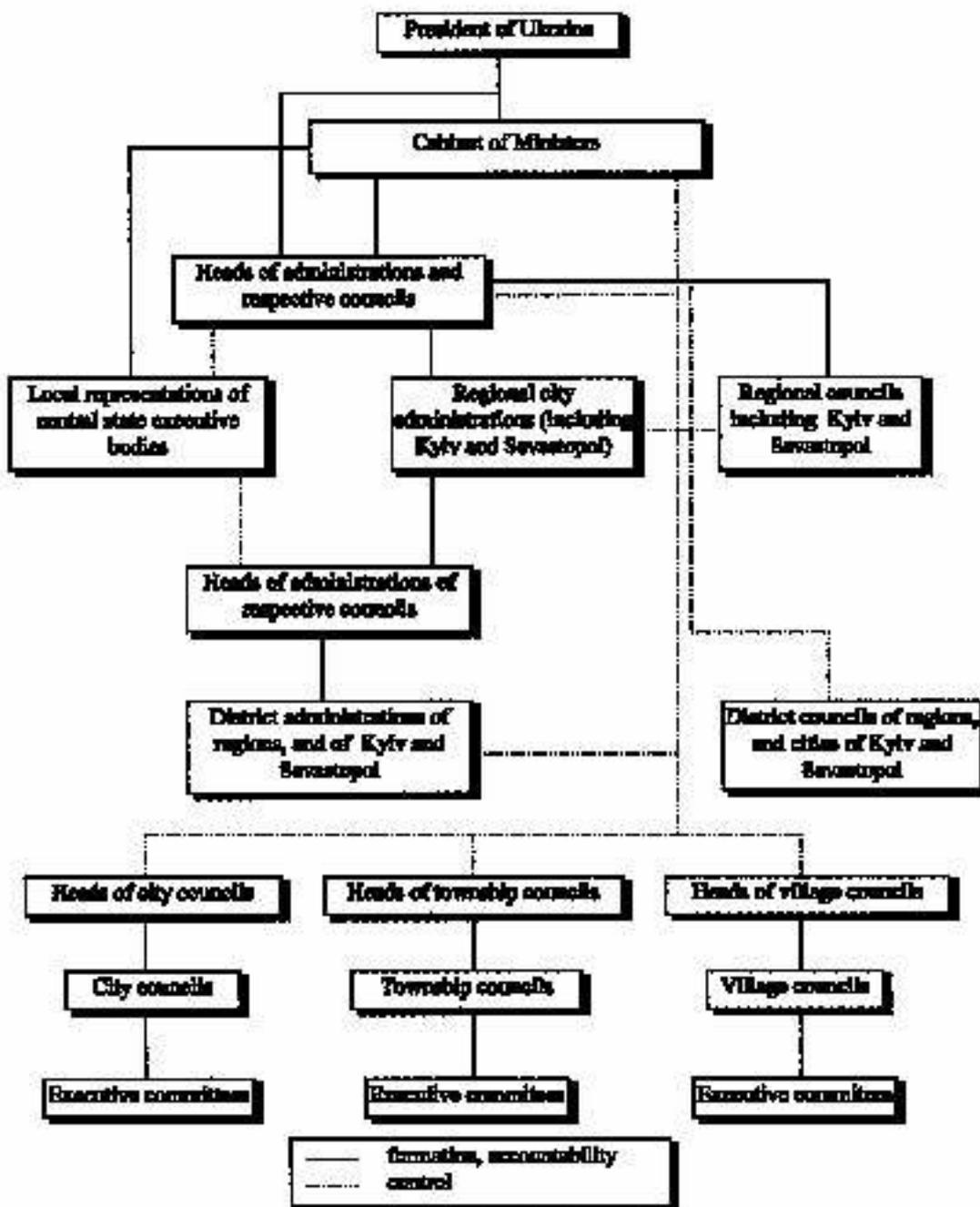
- Autonomous Republic of Crimea
- 25 administrative oblasts (regions)
- 2 cities with special status, Kyiv, the capital and Sebastopol

**The administrative territorial division of Ukraine include:**

- 608 rayons (districts), including districts within cities
- 1344 urban settlements, of which 454 are cities
- 28621 rural settlements

20. The attitude toward administrative reform in Ukraine changed with the adoption of the Constitution in 1996. In 1998 a Concept of the Administrative Reform in Ukraine (Presidential Decree #810/98, 22 July 1998) established guidelines for public administration reform, with the following goals: Shifting the role of the government from economic management to public policy; Introducing a new government mission, ensuring the realization of human rights and freedoms and the provision of public services; Transforming public service into an independent apolitical institution capable of efficient implementation of public policy; and Increasing public engagement in government policy, and introducing a system of control over executive authorities by society through parliamentary democracy. Thus for the first time, human rights and provision of public services were unified in one sentence in a national policy document.
21. Adoption of the law on local self governments and the Constitution stimulated the process of developing the legislative base for local governance in Ukraine, although it should be noted that this process was unsystematic and inconsistent. A law passed in 1999 on local state administrations, amended in 2001 still regulates the relation between the President and the heads of those local administrations. As of today there are about 3000 normative acts and legislation, bearing the words “local self governance” in them, and 700 laws related to this area has already been enacted. In order to better manage this situation, July 25, 2002, the Cabinet of Ministers issued a resolution № 416-r “On Approval of the Concept of Legislation Development Program of Local Governance”. The aim of this resolution has not been attained because the program, mentioned above has not yet been adopted.

**General structure of state executive power and local self-government**



## LEGAL ASPECTS OF LOCAL GOVERNANCE

22. The Ukrainian law on local self-governance is in harmony with the fundamental principles of the European Charter on Local Self-Governments, which was ratified by the Ukrainian parliament (Resolution N 452/97-VR) July 15, 1997, as envisaged in Article 3 of the Charter.<sup>6</sup> The principles of local self-government contained in the Charter apply to all the categories of local authorities. 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 a "hard core". However, "contradictions" prevail. Attempts were made to avoid ambiguity and lack of precise definitions in the Ukrainian Constitution in the law, such as, a fuller definition of territorial communities was provided, the ways of organization of local self government according to the constitutional stipulations outlined, role of the civil servants in institutions of local self-governments, procedures of their election, functions, guarantees and liabilities were detailed.
23. Yet, there are legislative and juridical ambiguities. Territorial communities (TC) are recognized as the main unit of local governance by the Constitution and the law. But none of these documents describe their status. The law gives definition of the term territorial community, without clearly defining its status. The Constitution and the law also allows a TC to possess movable and immovable assets, but in practice the TC cannot exercise this right because it is not a legal entity as only legal or physical entities have property ownership rights. These rights are exercised by the local councils. Apart from that, the Ukrainian legislation does not envisage registering a TC as a community-based organization (legal entity) although the law allows the TCs to have their own statutes, as subjects of local self governments. As a consequence of this, there are plenty of statistics available in Ukraine with regard to the number of local councils, other bodies of local governance, but no statistics or data is available on the number of TC, as the primary and basic unit of local governance in Ukraine.
24. The scope of influence or jurisdiction of the territorial communities is also not clear. According to the Constitution, this is limited by the administrative boundary of the locality of inhabitation. But, first of all, no normative acts of Ukraine contain definition of the term "locality of inhabitation", or "administrative territorial unit". Secondly, if we take the reality into account, the total area of all localities of inhabitation constitutes 30-40% of the territory of Ukraine. Thus, most of the territory of the country remains out of the jurisdiction of the territorial communities and therefore, it may be inferred that local governance has no impact on majority of the territory of Ukraine.
25. There are other issues related to the status of the member of a territorial community. For example, how long should a person be resident of a particular area or locality to be entitled to be a permanent resident of a village, town or city? Will recruits serving their term in the army, or those sentenced for a certain period in the prison be also considered as members of the territorial community? Will foreigners or stateless persons be considered as members of the territorial community if they live there for a certain period of time? The legislation fails to provide answers to these questions although, irrespective of their civic or political status, all categories mentioned above are affected by day to day problems of socio-economic, health care, education, culture, supply of water, electricity, heat etc. Therefore, provisions should be made for the inclusion of these groups of people. Experts in Ukraine propose that additional legislation or amendments to existing legislation, giving comprehensive treatment to these issues be made, with respect to

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<sup>6</sup> Lykhovoid Oleg. What to know about local self governance/ compiled by Dementiy Belyi. - Kherson: Shtrikh, 2002 (in Ukrainian)

territorial communities, local and national referenda, laws of election of deputies to local councils and heads of village, town and city.<sup>7</sup>

26. The law also envisages the creation of collegial executive offices (committees, departments etc.) by the local Radas (Councils), while it also stipulates that such offices may not be created by the decision of a village council, represented by TCs, whose total population do not exceed 500 persons. In that case, executive functions are vested on the head of the village council (except issues of land and natural resources). The concept of Chairs or heads of village, town or city is something new in the law and are elected by the respective TCs. By Constitution, he or she is the highest executive office of the TC, and leads the executive bodies of the respective councils and presides over the sessions. The position of Secretary of Councils, to be elected by secret ballot by local council members is also envisaged.
27. Deputies to local councils, village, town and city heads are elected through universal suffrage, direct and secret ballot. As per the existing Law, election of deputies to local council, and election of heads of village, towns and cities are held according to majoritarian principle, which stipulates the candidates to be resident of the constituencies they wish to be elected from (Articles 1–4, 6, 27–29 of the Election Law). If this system is changed following proposals to conduct elections according to proportional system (as the new law envisages, which means that party lists will be the main contestants), the rights of the majority of TCs, which are mostly non partisan (not all parties have wide networks in district and village levels) will be infringed.<sup>8</sup> It is necessary that the election law envisages TCs as primary units of local self governments, or councils that they represent to be allowed to determine to choose the system of election (just as they decide on the issue of whether or not to form district councils in a city, or the composition of those councils etc.).
28. The issue of merger of neighbouring TCs into one TC for effective governance, especially in cases of villages is envisaged by the Constitution of Ukraine (Article. 140, part 1) and the Law on Local Self Government in Ukraine (Article 6). But in practice TCs of towns in the coal mine area have often undergone such mergers, taking historical factors of socio-economic nature into consideration (use of common infrastructure, health and educational facilities). Their existence today is not regulated by law, nor can they be reformed into separate communities as it will entail further creation of services and infrastructures.
29. The issue of relations among TCs and local governments within a capital city of an oblast or province and relations with other TCs in the province is not regulated clearly. On one hand, the TCs within one city are empowered to solve their local problems independently, while they share common source of energy and water supply, health care, education and social protection systems, with that of the oblast and the city and separate resolution of these issues is not possible. A bill passed by the Verkhovna Rada (parliament) in April 2001, "On national legislative experiment of development of local self government in the city of Irpyn, towns of Bucha, Vorzel, Gostomel and Kosiubinske of the Kyiv oblast (province)" clearly regulates these issues in the above-mentioned areas. More than three years of experience of implementation of this law in Irpyn has shown the effectiveness of unifying TCs into associations, when the TCs maintain their rights but for achieving sustainable development of the regions work together, although there were problems regarding municipal property rights, financial issues etc.
30. To improve the system of local self-governments in Ukraine adoption of laws on community (municipal) property, on administrative territorial set up of Ukraine, on local taxes and duties etc.

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<sup>7</sup>"Local Governance in Ukraine: between pessimism and optimism" Yuridichna gazeta/17.12.2004/www.justinian.com.ua

<sup>8</sup> Issue of legal regulation of local governance in Ukraine. T. Protsenko, Ph.D. in Public administration, National Tax Inspection Service Academy of Ukraine, 6.6.2004

are necessary. In addition, such procedural details as who calls the first session of the local councils (as per Article 46 of the Law on local governance it is the respective territorial election commission, while in another part of the same article it is mentioned that the head of the territorial election commission), what is the difference between “delegated” and “delegation” of powers of TCs to the councils should also be detailed.

31. Village, township and city councils have their powers extended by law, compared to that of the district and oblast level councils. As far as the Executive committees of all these councils are concerned, their powers are divided into sectors and areas, and into independent and delegated functions. For the latter they need to be accountable to those higher bodies of executive power, which have delegated powers on certain issues. In essence, this system is designed to effectively manage municipal property, balance local budgets with central allocations and act in the best interests of the TCs. An opinion expressed by Anatoliy Matvienko, Chair of the Verkhovna Rada Committee on State reform and local self government confirms that he would rather support this regional level at this stage as it is important for ensuring local self government by balancing between the strong center and interests of the TCs, although he feels that improvement of legislation is also needed. Perhaps the oversight functions of the regional and district level councils should be strengthened to follow up on the implementation of the delegated functions. At the same time, when asked about the top down management system, he commented that when we talk about the practice of local self government, we see that the state executive vertical command still retains much of the leverage to control and exercise their influence. First of all the tools of pressure are on the TC representatives, - heads of the cities, and often on the whole councils – on behalf of the law enforcement bodies and tax inspection authorities.
32. Local administration heads (executives) are accountable to the local councils of district and oblast levels. The latter may pass a no-confidence vote by a two-third majority against the heads of local administrations, on the bases of which the President should dismiss him or her.
33. The law does not contain any stipulation on the revenue sources for the local budgets but some expenditure are set aside for the local councils to undertake for items, for which appropriate authority has been delegated to the councils. The state, by law is to provide financing for local governments, and the minimum levels for each local self government are determined by expenditure per capita in that oblast (taking socio-economic, ecological and natural resources situation of the related territory, guaranteeing the basic needs of the population).
34. Three types of power are enjoyed by the local councils – executive, regulatory, and supervisory. Executive functions amount to adoption of the Statute of the locality, selection of officials to specific posts in local self governments, determining the number of deputies for the next convocation, while the regulatory functions are adoption of rules at the plenary sessions, compulsory for the territory of jurisdiction of the council and are the bases for other bodies of local self government, especially the executive committees. The councils also supervise over the use of budget funds and implementation of decisions and rules passed by it. But these functions are often overridden by the higher oblast or district level councils or their executive bodies. Practice shows that to address this gap between legislation (policy) and practice, procedures regarding meetings of deputies with the public, public hearings, public initiatives, consideration of public appeals, raising the liability of the deputies and executive officers of the local governments should be enacted.
35. Thousands of normative acts are passed by the bodies of local self government, a review of which shows constant discrepancies with national and existing laws and/or their inadequate interpretation. In order to enhance the legal awareness of the officials, not only should the main laws and fundamental concepts be made available to the remote parts of the country, in villages and towns, where 90% of the bodies of local self government are situated.

## **PROBLEMS OF DISTRIBUTION OF POWER**

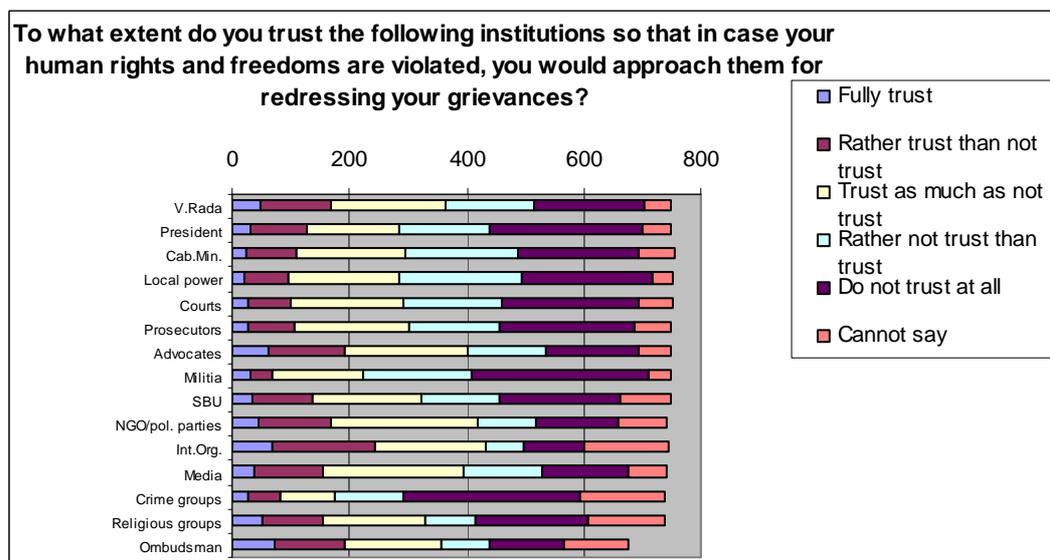
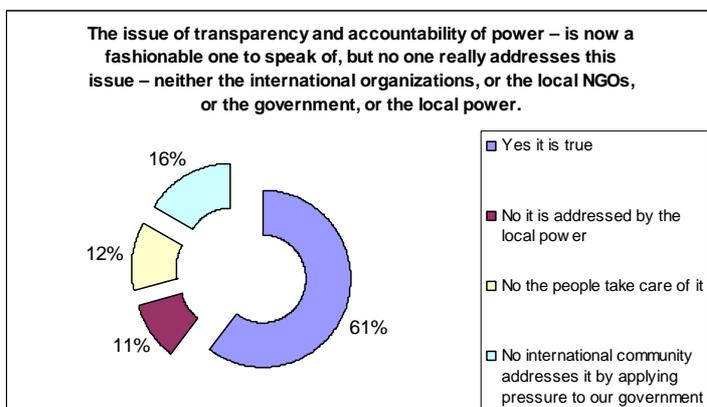
36. Analysts felt that the issue of distribution of power between the local councils and the local executive committees is an artificial one, when the latter has usurped the functions of the former and is only by delegating them back to the councils have fostered self government. The power of delegation allows the executive and higher councils to exercise real control over the local self governments and their resources because the law envisages delegation of powers but not substantiating those delegated powers with adequate resources, which come from the central budget and are under the control of the higher councils. This problem may be resolved if the institution of delegation of powers is withdrawn or at least the volume of delegated powers to be significantly lessened. A more radical option is also proposed – the annulment of the institution of local state administrations, which would have paved the way to real decentralization as stated in the Declaration of State Sovereignty by Ukraine July 16, 1990. Most experts opine in favour of this and prefer to strengthen the local councils and adapt the French institution of “prefects” with serious oversight functions only.

## **PROBLEM OF RESOURCES**

37. Further development of local self-government is also related to the issue of resources, which today does not allow them to have real power. According to Chapter 1 Article 142 of the Constitution, “the material and financial bases of local self government are movable and immovable properties, revenue from local budgets, other costs, land, natural resources, which are in the possession of the territorial communities. In practice, the situation is quite different. First of all, till today the status of municipal property is not determined clearly. Due to this reason and due to the opaque policy of privatization, most of the profitable enterprises of Ukraine were weaned away from TC ownership and given to private hands. The next step was that the social obligations of these enterprises were shifted to municipal authority – a process which was beyond the control and will of the municipal authorities. Resources to bear this additional social burden were not allocated to the local government, thus making the latter more dependent on national budgetary doles.
38. Secondly, the taxation policy in Ukraine is far from being perfect. Although the law enlists more than 20 local taxes and duties, an average municipality does not make use of more than 5. Apart from that, no national tax is allocated for local budgets, as is the practice in the world for example with individual income tax, land tax, or real estate tax. Even if this problem is addressed through adoption of the National Tax Code, it will be partial and will still need the enactment of a special law on local taxes and duties. Not everything is all right with the third important factor of financial autonomy – with the local budget policy. The existing Budget Code, unlike that of the previous years, has addressed this issue to some extent, leaving aside problems in the area of inter-budgetary relations. The current Budget Code does not even establish any parity in allocation of national and local budget resources, experts hope of a 60/40 ratio is turned to the disadvantage of the local self governments. The subsidiary principle, contained in the European Charter should serve as a beacon to further reform in this area. Local government lacks real autonomy in the absence of independent fund-raising capacity. However, many active associations have been formed to support and co-ordinate the bodies of local self-government, such as the Association of cities of Ukraine, Association of Mayors of Ukraine, Association of small cities of Ukraine etc. They provide an important conduit for beneficial change.

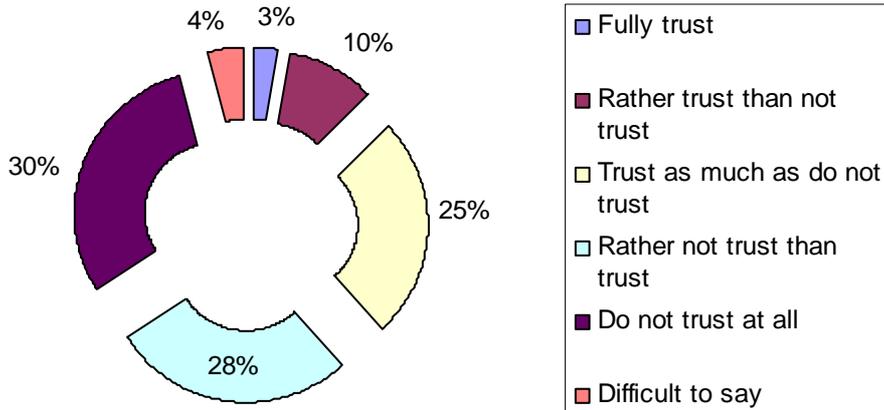
**PERFORMANCE OF LOCAL SELF GOVERNMENTS - FEEDBACK FROM THE POPULATION**

39. Trust in local self government as an institution was studied by various non-governmental institutions. A nationwide opinion poll (covering 21 out of 25 oblasts and more than 1,200 respondents, which is a representative sample) carried out by the East European Development Institute on Human Rights and Freedoms in Ukraine in 2004<sup>9</sup> focused on issues pertaining to local governance, issues of accountability and human rights, showed the following results. In general, it showed low level of trust and faith in local bodies of power to address issues of transparency and accountability (only 11% believe in local power's capability), whereas the level of trust is only 3% when it comes to defending human rights. People who do not trust at all constitute 30% of all respondents.
40. On the other hand, local government officials or civil servants, when asked about their perception of corruption (people themselves carrying bribes, justifying acceptance of bribes due to low pay), most (42%) replied in the positive. On the role of the third sector (media, political parties and NGOs) in cooperating with the local governments, the answers were not in favour of the third sector.

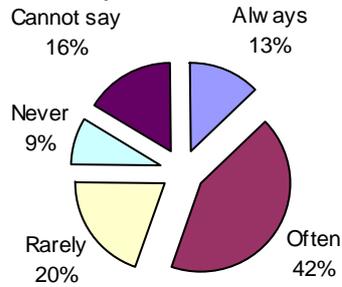


<sup>9</sup> Human Rights and Freedoms in Ukraine. Analysis by East European Development Institute for a project of the Ukrainian-American Bureau for the Protection of Human Rights.- Kyiv, Sphera publishers, 2004.

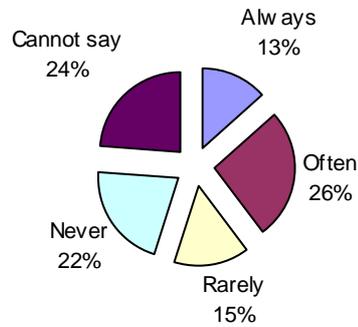
**To what extent do you trust the local bodies of power so that in need of protecting your right, you would approach them for help?**



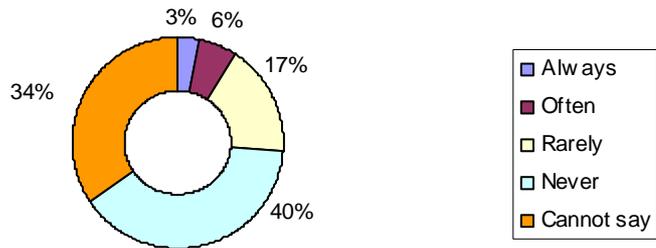
**If you are a civil servant or represent the bodies of health care, education and/or social protection, did you come across cases when people themselves propose bribes in order for you to solve their problems?**



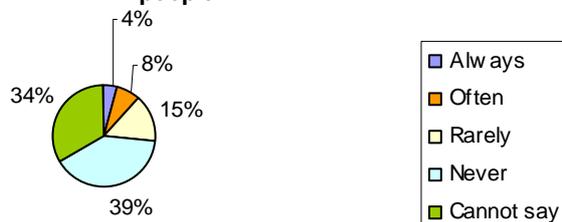
**As a civil servant representing bodies of health care, education and/or social protection, do you think that such “tokens of thankfulness” from people should be accepted as something normal when you get such low pay?**



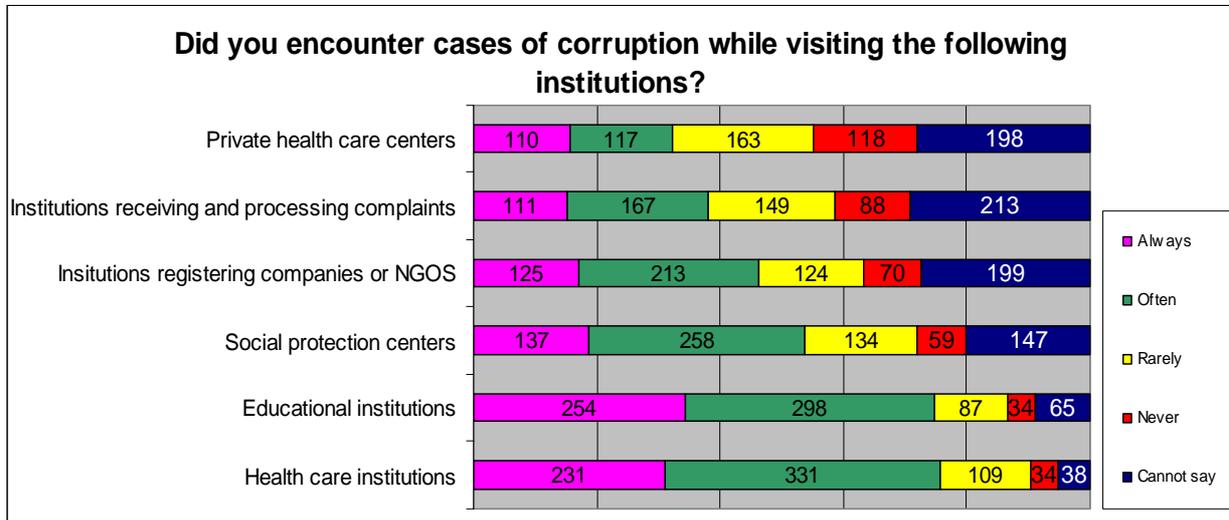
**If you are a civil servant or represent the bodies of health care, education and/or social protection, did you come across cases when political parties tried to intervene and resolve disputes between you and people?**



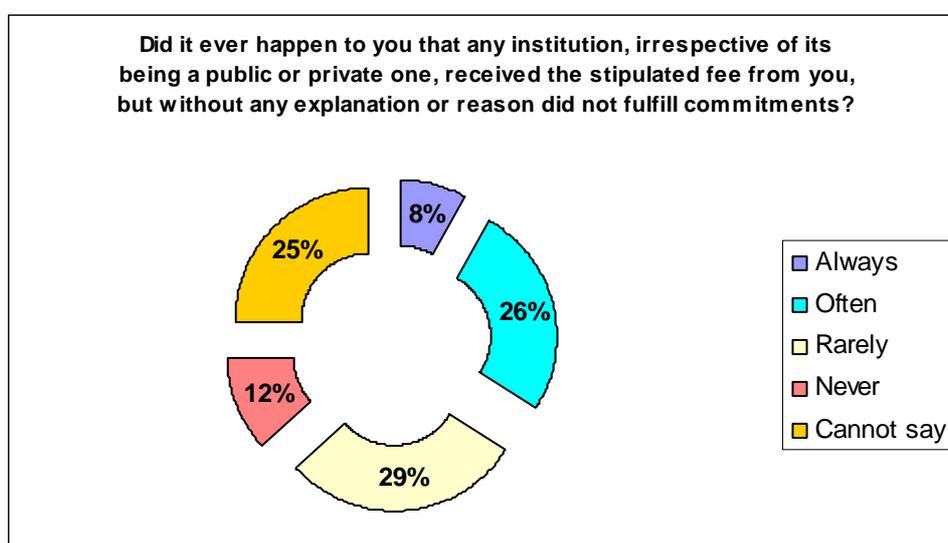
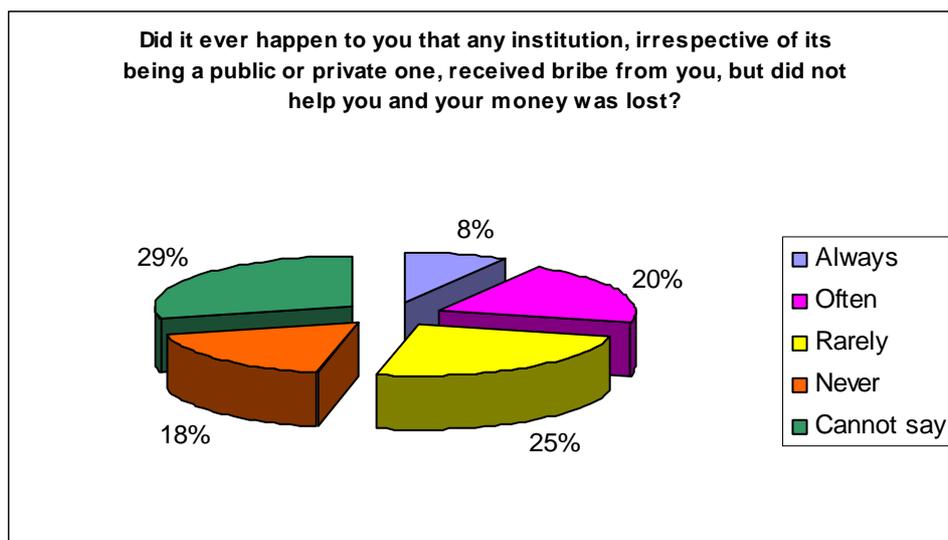
**If you are a civil servant or represent the bodies of health care, education and/or social protection, did it ever happen that NGOs or mass media tried to intervene and help sort out disputes between you and people?**



41. Within the framework of this research, in order to assess the reaction and response of those surveyed with regard to the cases of corruption and absence of transparency in everyday life, several institutions related to health care, education and social protection were named. These are the institutions where every individual has to face the abstract “state” to resolve very concrete, mundane but vital issues.

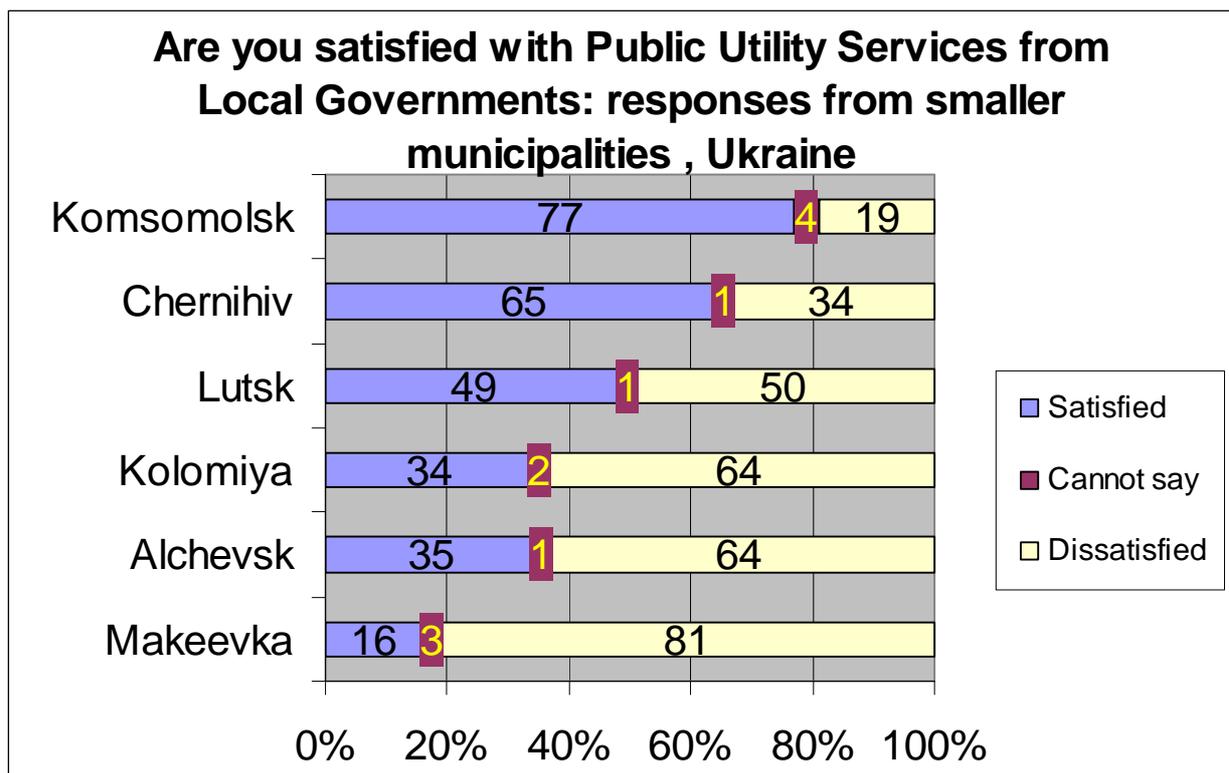


42. Added to these institutions were state bodies registering companies or NGOs, institutions receiving and processing complaints. These institutions are also frequented by most citizens in order to resolve issues of forming enterprises, NGOs, parties, associations and are crucial for the effective realization of the fundamental rights and freedoms guaranteed in the Constitution. Private health care centers were also added in order to assess their effectiveness vis-à-vis state medical facilities. As the responses show, the most corrupt of all institutions are the health care and educational ones, followed by social protection centers, institutions registering companies/NGOs, receiving and processing complaints and lastly the private health care centers. However, cases of corruption (“always and often seen”) in private health care centers are by no means less than that in the institutions registering companies or organizations processing complaints. Private health care is often propagated as the panacea for all the ills of state health care. However, in the absence of regulatory framework, sufficient standards, fair prices and practices, along with absence of mechanism of defence of patients’ rights, it is still to be a viable alternative to the population masses. Percentages of people who think that corruption is never seen in most of these institutions are the lowest. Awareness of the first three institutions from above is somewhat less, which is seen in the increased number of respondents who could not give any clear answer, while people are well acquainted with the practices and mode of functioning of the health care, educational and social welfare institutions. Two other questions dealt with more particular issues of corruption while visiting these institutions. Bribery in the absence of good pay is an alternative source of supplemental income for the civil servants. There are “agreed” schemes, with behavioural and attitude based recognitions, alliances and informal linkages between actors. Usually when a bribe has been taken, or fees paid, the services are provided. However, to our question whether even after receiving the bribe (in the case of state health care, educational and social protection institutions), or the stipulated fee (in case of institutions registering companies, NGOs, institutions receiving and processing complaints and private health care centers) people were turned down, and were not provided any explanation, 28% and 34% answered that this has always or often been the case. One fourth of the respondents (29% and 25%) had difficulties in answering the question.



43. While 12% and 18% were sure that “agreements” reached are always honoured, and the same is true for 29% and 25%, who think that breaking of an “agreement” reached through bribe or payment of a fee is seldom broken. Both these types of responses show that there is a tendency of some long established “customs” and habits in this area, not honouring which is more an exception than rule. Thus the culture of accountability has not been fostered. Even after 12 years of transition, low pay of public sector employees and old Soviet style management could not instill a better management culture.
44. Another research conducted jointly by the International Center for Policy Studies and the Kyiv International Institute of Sociology in 2004<sup>10</sup> among residents of smaller townships of Alchevsk, Kolomiya, Komsomolsk, Lutsk, Makeevka and Chernihiv focused on the level of satisfaction with the quality of services provided by local self governments. In particular, it concerned issues of public utilities, water supply, condition of roads, transportation, cleanliness and general sanitation of the towns, condition of parks and green areas, education, public safety, performance of the local self governments. The results vary (dissatisfaction between 19-81% and satisfaction between 16-77%) as shown in the diagram below.

<sup>10</sup> Inhabitants of urban areas of Ukraine are dissatisfied with the quality of services provided by the local bodies of power, *Information Bulletin of the International Center for Policy Studies, No. 43 (257), December 13, 2004*



45. It is also pertinent to mention a project entitled involving the public in dealing with the problem of corruption in local self governments, financed by the International Renaissance Foundation during 2000-2001, which covered the towns of Melitopol, Kamyanets-Podilsky and Volodymyr-Volynsky<sup>11</sup> (400 respondents from each leading to a total of sample of 1200). Respondents defined corruption as abuse of power; among reasons behind corruption were mentioned – lack or absence of fear of punishment, too much power in the hands of bureaucrats and economic hardships of transition. When asked about the impact of corruption on local government, the respondents mentioned loss of trust in power, decline in living standards and fall in socio-economic development. The traffic police, customs, tax inspection, militia, hospitals and the educational institutions were mentioned as the most corrupt institutions. More than half of the respondents had to offer bribes at the initiative and advice of the civil servants. Behavioural patterns of civil servants of local self-governments show that they offer ineffective and slow services, until they are bribed, when they deliver faster and quality services. This report also mentions about the alarming sign that young people are comfortable with bribing than older citizens. The newly emerging rich class also resorts to bribing of civil servants to their own benefit. Nor do they always practice transparent payment practices, clear book keeping etc. The so-called oligarch controlled enterprises and companies also keep double book keeping records for tax evasion. People as a result get low pay and are not protected socially. This does not show much difference from the public sector. The problem of ethics and morale of the civil servants was highlighted in this research as the most important issue to deal with in reforming local self-governments.

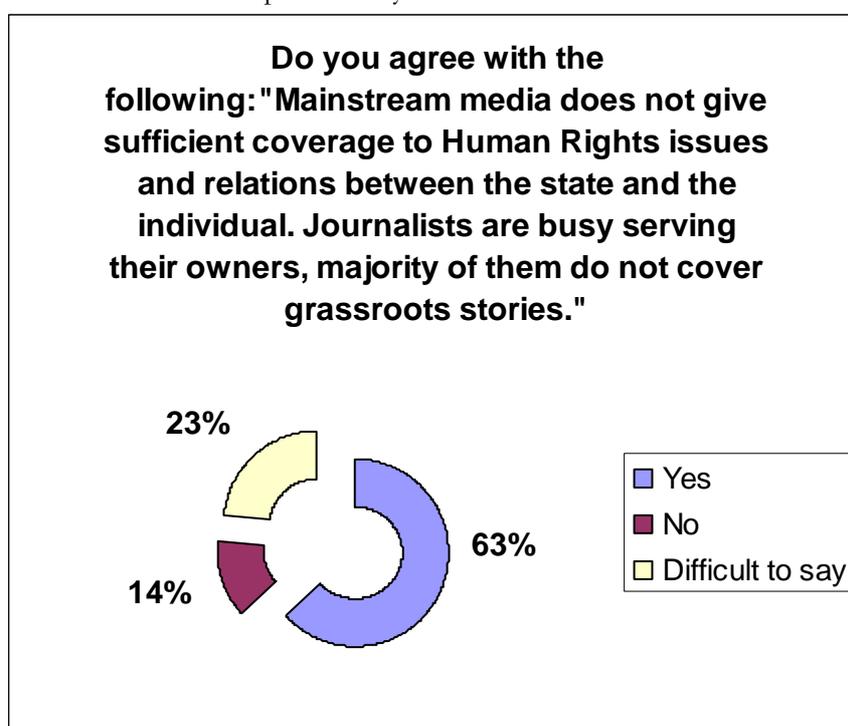
46. Sociological research conducted by a journalists’ association “Pivden” from the southern city of Kherson<sup>12</sup> during October 22 – December 3, 2004 showed that behavioural patterns and standards related to media often makes the local government civil servants use the media to their advantage or do not provide or block information to them. Organizers of this research conclude

<sup>11</sup> <http://www.csep.com.ua/ua/viewmain.php?n1=2&n2=1&n3=15&p=1>

<sup>12</sup> Kherson city association of journalists “Pivden” – Information work of the local bodies of power and the problem of openness and interaction between civil servants and journalists – sociological analysis. Kyiv

that problems at the grassroots could have been raised quite often in the mass media (extending the best traditions of glasnost and perestroika), but due to the reason that the media space was more orientated towards market and profit than providing objective picture to the population, media professionals were used manipulatively as tools by civil servants at all levels. Thus in order to address the issue of local governance in the context of human rights in Ukraine, media reform at the local and regional level is also necessary. Freedom of speech, as recognized by all actors in Ukraine, is both a national and regional issue. Partly due to the biased reporting and transmission of certain channels and blocking transmission of more objective channels in the eastern and southern parts of the country, public opinion could be shaped in favour of certain political forces. Licenses for local airwaves should not be the only prerogative of the National Council or the State Committee in Kyiv, but should be given by the local authorities based on strictly defined standards.

47. In the above mentioned EEDI study<sup>13</sup> on human rights, when the respondents were asked if they think that journalists in the mainstream media do not cover grass roots issues and human rights, or relation between the people and the powers that be, rather they work hard to serve their owners, a staggering 63% replied in the positive. Only 14% were in negation with this statement, while 23% could not provide any clear answer.



48. Ukraine Human Development Report supported by UNDP in 2003<sup>14</sup> focused on decentralization as a tool to advance human development. The report made wide enquiries on education, health and social protection services and also made a survey of feedback of the population on the quality of services delivered by the local authorities. Overall, respondents have been very negative about the quality of basic services, and also they noted that the decline in quality has occurred over the past decade. The economic benefits and the human development aspect of decentralization is the central message of the report. Through the responses of the survey, it is also noticeable that market and financial stimulus is a key to improving services in

<sup>13</sup> Human Rights and Freedoms in Ukraine. Analysis by East European Development Institute for a project of the Ukrainian-American Bureau for the Protection of Human Rights.- Kyiv, Sphera publishers, 2004.

<sup>14</sup> Ukraine Human Development Report. 2003 the power of decentralization. UNDP, Kyiv, Ukraine

health, education and public utilities. At the same time, the report also alerts against numerical increase in local government bodies (a trend noticed in Hungary and countries of East Europe) that may lead to increase in administrative overheads, which in its turn is not fiscally effective. Citing the example of West Europe (reduction of local governments in Germany over the past 50 years from 24 272 in 1950 to 8077 in 1992), Denmark, Sweden and also Bulgaria and Czech republic, it proposes certain oblasts and districts to unite in Ukraine and bring down the total number of administrative territorial units amounting to 30 thousand, of which only about 10859 are really functional units of local self governments.

49. The above report also contains an analysis and proposals for improvement of fiscal decentralization. Recognizing the fact that the Constitution of Ukraine does not contain any stipulations to this effect, Article 62 of the law on local self governments in Ukraine gives barely outlines on this issue and the existing legislation “On local taxes and duties” of 1993 details five main sources: public utility tax, hotel tax, tax for issuing of license and permits for trade and services, market tax and taxes on advertisements. These constituted a meager 4% of the total revenue of the local bodies in 1999, while 85 to 90% of their revenue comes from a redistribution and reallocation from the center. This situation has been somewhat addressed by the budget code adopted in 2001, according to which about 700 cities are allocated resources transparently, the next step awaited is that this principle will be spread to smaller townships and villages.
50. A latest report supported by UNDP called “New Wave of Reform – Proposals to the President of Ukraine – Blue ribbon Commission report”<sup>15</sup> was released just after the end of the Presidential elections. It was prepared by an independent group of experts co-chaired by Olexandr Pashaver, well known Ukrainian economist and Anders Aslund of the Carnegie Endowment. Among the key recommendations of the Commission are efficiency of the government, judiciary system, by stimulating economic growth and public spending cuts. In the area of local governance, it recommends the enactment of a territorial-administrative reform to improve the delivery of public services. This would make the lowest administrative levels financially viable, while decentralizing powers and financing from the central government to regional and local governments. To implement territorial-administrative reform, the report recommends:
  51. “Authority should be devolved from central bodies of executive power to lower levels of government that are closest to the citizen and best positioned to deliver vital public services (health care, education, employment assistance). This will require a clarification of the respective roles of the different levels of government with a view to determining how to deliver services most effectively to the citizen (e.g., ministries should focus on policy development, the setting of standards for services, and the enforcement of standards and inspections to protect the public; regional and local governments should focus on the actual delivery of the services), as well as considerable reform of the budget system to finance adequately the delivery of services by municipalities.”
  52. As part of judicial reform and enhancing civil society participation some light has been thrown on the need for institutional protection of Human Rights by strengthening national institutions (office of the Ombudsman, parliamentary Human rights committee). But it should be maintained that in the absence of awareness of the institution of Ombudsman and absence of any regional representation of this office, the issue of strengthening human rights in the context of local governance will remain in paper. The institution of ombudsman in Ukraine focuses more on national issues and issues of topical importance nationally, most local level human rights issues are left with less attention and do not reach the national level.

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<sup>15</sup> An electronic version of the report is available at [www.un.kiev.ua](http://www.un.kiev.ua)

53. Five principles are upheld by the report to reform relations between the central, regional, and local governments:
- Separation of functions and powers of the three levels of government - the central, regional, and local.
  - Consolidation of the number of local communities at the level of self-government units, through major merger of villages and settlements.
  - Decentralization of powers.
  - Ensure adequate financing by raising the share of taxes at the disposal of regional and local government up to 30 percent of total tax revenues. In addition the report proposes changes in the current system of inter-budgetary transfers for reallocating resources from the center to poorer regions based on objective criteria of greater social needs of a smaller tax base. At the same time, regions managing to collect more taxes or cut its expenditures should be entitled to maintain the surplus for future needs.
  - Rule of law should govern in the case of supervision of local authorities from arbitrary administrative pressures. The central government should not conclude agreements with local authorities. These relations should be regulated by law. Disputes between central and local authorities should be resolved by administrative courts, which unfortunately have not yet been formed.
54. In addition to what has been proposed above, the report makes several serious drastic policy proposals with regard to sectors affecting the day to day functioning of local authorities: health care reform (mandatory public medical insurance, using a multi-level approach for health care financing that provides for competition among care providers), cut in public expenditures (enterprise subsidies), more targeted social transfers. In case of Ukraine, where most of the population still cannot opt for privatized options of exit from local level problems such as health and social care, where the state spending in health as low as 3.3% of GDP, introduction of these measures would contribute to a perception of infringement of human rights and reduce provision of basic needs from fundamental rights to the level of privilege. The debate is likely to continue through the next year in the wake of the coming parliamentary elections in March 2005.

#### **STRATEGIC DIMENSIONS OF LOCAL SELF GOVERNMENT**

55. The data from all the research projects above show the systemic nature of the problem of interrelation between human rights and local governance that still needs to be focused in the case of Ukraine. The above situation has ensued to a great extent because of the lack of systemic change and systematic approach in forming the legislative base for local self government. No national model for local self government was adopted, following experience of major European states (France, Germany or Italy). The Constitution was taken as the basis. Now with the onset of political reform amounting to a drastic amendment of the Constitution from a Presidential-parliamentary system to a parliamentary democracy base on proportional representation, the whole concept of local self government might undergo a serious scrutiny. In an interview, the newly elected Vice Premier on administrative reforms Roman Bezsmertniy said that the map of Ukraine might be redrawn. The territorial administrative units should serve the needs of the population and not the interests of the economic and vested interest groups of regions. But so far, this has been an important statement in the context of the aftermath of the past presidential elections, which implicitly refer to human rights as citizens' interests or needs of the population.
56. Political decentralization was an issue in the early years of Ukrainian independence. The problem of autonomy of Crimea, special status of Sebastopol (hosting the Russian Black Sea Fleet) and the capital city of Kyiv were resolved peacefully and with a relatively high degree of consensus among the ruling elite and the population. Political decentralization again became an issue that

came up again during the presidential elections in 2004, following the Orange revolution and its aftermath when the eastern and southern regions of the country spoke in favour of federalism and even separation from Ukraine. It was no secret that the voting was regionally divided, east and south voted for one candidate and the west and the north for the current President. Some regions in the east and south of the country even convened their local councils and declared that should the candidate supported by the western and northern regions be announced as the winner, they would demand full independence from Ukraine and form the South Eastern Republic. But it immediately followed that those republics would like to stay within Ukraine but with more rights and control over their own resources. The east and the south of Ukraine are resource rich, full of industrial potential with the whole coastline of the Black Sea (round the year warm water navigation) at their disposal. Leaders of those oblasts (regions) even went as far as stating that the revenue generated by the East and South of Ukraine supports the existence of the rest of the country. They also quoted the specific percentage of GDP of Ukraine produced in their regions and mathematically tried to demonstrate the validity of their approach. Thus according to them, separation from Ukraine was not a problem for their further existence. In the wake of these destabilizing events, finally, the wave of separatism ebbed down and the new president and government was later sworn in, whose task was to “unite the country”. Assumption of the post of the Vice Premier on administrative reforms by Roman Bezsmertniy is thus a crucial move to ensure real reform and decentralization, without provoking factors of instability. In his opinion, therefore, approaches based solely or heavily on natural wealth, resources or infrastructure or economic effectiveness to regional development might be not appropriate whereas a people-centered approach will suit the purposes of real transformation towards democracy and dismantling the last remaining traces of totalitarianism. Policy advice given to Ukraine in its reconstruction attempts should take these factors into account.

57. In addressing the issue of human rights and local governance one should also bear in mind the historic practices since the 1930's of the past century of compulsory registration of individuals to one place of residence (propiska), which was a basic requirement all state-delivered social entitlements. Although arguably it was used for planning and security purposes, propiska was used for tracing, monitoring and controlling the internal migration within the Soviet state and till the year 2002 it existed in Ukraine. It was a violation of the right to freedom of movement. Today it is replaced by registration, and does not limit the movement of an individual. But the administration and management of the new system of registration remains with the subdivisions of the Ministry of the Interior controlled “passportniy stil” (passport desk), working in close cooperation with the housing boards and housing offices – “zhhek”s. Hence the police approach is there. There are growing demands that the system of registration should be taken away from the Ministry of interior's jurisdiction and transferred to civil registration system within the Ministry of Justice or census bureau of the State Committee of Statistics. The past elections also showed that the use of administrative resources with regard to the massive flaws in the voters' lists (prepared on the bases of information provided by the militia and the zhhek) could be made possible because of the strong vertical executive, without any decentralization, a process that had infringed the rights of many voters during the last elections. The same is true of the tax inspection. Therefore, removal of elements of the “police state” from the top is also needed if the Human rights component is to be the framework for local governance.
58. European integration and Ukraine – are synonymous for the new government in Ukraine. But it has been limited to national initiatives and some accession to local government related conventions. Initiatives are mostly national, governmental and occasionally cross the private sector and business. Apart from these bilateral and multilateral government initiatives, wider interaction with the third sector, with local governments of all levels, community organizations, political parties, NGOs are needed for learning and experiencing from each other. Adaptation of legislation should then be complemented by adaptation of usages, practices and customs.

59. Human rights framework in local governance would guarantee a stable and universal standard for all, easy to measure and evaluate. In the case of Ukraine, this approach has a manifold benefit. On one hand, it will help Ukraine cope with its internal regional disparities, political differences, territorial-administrative problems and would act as a common framework and cementing factor for the society. On the other hand, it also will address the issue of inter-ethnic relations, problems of the Russian-speaking population in the East and the South and the Crimean tatars and the formerly deported peoples in Crimea, the Roma population in Transcarpathia.
60. From the point of view of foreign policy and good neighbourhood policy (Ukraine is a neighbouring state of the extended EU), a human rights framework in local governance will help in the practical implementation of all conventions and international instruments acceded to by Ukraine and would address national priorities and interests. It will put the Constitution of Ukraine as the pivot as Article 3 declares that “The human being, his or her life and health, honour and dignity, inviolability and security are recognized in Ukraine as the highest social value. Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. The State is answerable to the individual for its activity. To affirm and ensure human rights and freedoms is the main duty of the State.”

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#### INTERNET RESOURCES

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[www.auc.org.ua](http://www.auc.org.ua) – Association of Ukrainian Cities

[www.kharkov.net](http://www.kharkov.net) – Official site of the city administration of Kharkiv

<http://www.edu.kharkov.com> – Official site of the education department of Kharkiv

Executive Committee of the Kharkiv City council <http://www.citynet.kharkov.ua>

Lviv City Council <http://www.city-adm.lviv.ua/>

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[www.unhchr.ch](http://www.unhchr.ch) (Office of the UN High Commissioner for Human Rights)

[www.hrw.org](http://www.hrw.org) (Human Rights watch)

[www.icps.kiev.ua](http://www.icps.kiev.ua) (International Center for Policy Studies, Kyiv, Ukraine)

[www.kmu.gov.ua](http://www.kmu.gov.ua) (Cabinet of Ministers of Ukraine)

[www.president.gov.ua](http://www.president.gov.ua) (Site of the President of Ukraine)

[www.oda.lviv.ua](http://www.oda.lviv.ua) (Lviv oblast council)

[www.mykolaiv.oda.ua](http://www.mykolaiv.oda.ua) (Mykolaiv oblast council)

## INTERVIEWS

Dr. Semyon Gluzman, Human Rights Activist and psychiatrist, Director of NGO Ukrainian-American Bureau for the Protection of Human Rights  
Roman Bessmertniy, Vice-premier on administrative reform of Ukraine  
Galina Polyakova, Board Chair, Age-Concern Ukraine  
Vitaliy Kononov, Chair of the Green Party of Ukraine  
Prof. (Dr.) Valentyna Steshenko, demographer  
Svitlana Schlipchenko, Gender expert  
Bohdana Kostiuk, journalist  
Julia Shmarovoz, student  
Dmitry Kalinin, student  
Iryna Bondarenko, waitress at a café in Kyiv  
Layma Geydar, expert on HIV/AIDS issues  
Olena Suslova, Training and advocacy expert on gender  
Margarita Soldak, pensioner  
Ivan Zozulya, pensioner  
Yuri Kasperchik  
Dmitry Tretyakov, youth leader and activist  
Taras Mykytenko, student and activist  
Tetyana Yablonskaya, Human rights activist  
Leonid Frosevich, journalist-editor  
Lyudmila Kudryavkina, teacher and editor  
Elena Boyarchuk, engineer  
Alexei Vanin, art-designer  
Denis Kovrizhenko, expert on electoral law and NGOs  
Serhiy Panzer, Expert on Ombudsman  
Olena Kodzayeva, book-keeper

## APPENDIX I

### Local Governance Legislation in Ukraine

- Law “On Local self governance in Ukraine” dated May 21, 1997  
Law “On elections of deputies to local councils and heads of villages, townships, and cities” dated January 14, 1998  
Law “On transfer of objects of state and public property” dated May 3, 1998  
Law “On the capital of Ukraine – hero-city Kyiv” dated January 15, 1999  
Law “On legal pilot experimental projects on development of local governance in the cities of Irpyn, townships of Bucha, Vorzel, Gostomel and Kotsiubinske of the Kyiv region” dated April 5, 2001  
Law “On Service in the bodies of local self governments” dated June 7, 2001  
Law “On bodies of self-organization of the population” dated July 11, 2001  
Law “On local referenda” dated July 11, 2001  
Budget Code of Ukraine dated June 21, 2001  
Land Code of Ukraine dated October 25, 2001  
Law “On General Planning of the Territory of Ukraine” dated February 7, 2002  
Presidential Decree “On immediate measures to implement administrative reforms in Ukraine” dated July 22, 1998  
Presidential Decree “On measures related to socio-economic development of the Autonomous Republic of Crimea and Sebastopol” dated March 13, 2000  
Presidential Decree “On Commission in charge of issues of administrative-territorial structure” dated August 8, 2000  
Presidential Decree “On National Council of Coordination of activities of national and regional bodies and local self governments” dated December 13, 2000  
Presidential Decree “On Local Militia” dated January 22, 2001  
Presidential Decree “On the Concept of State Regional Policy” dated May 25, 2001  
Presidential Decree “On state support to the development of local governance in Ukraine” dated August 30, 2001

### International legislation

- Istanbul Declaration on Human Settlements, 1996  
European Charter of Local Self Government, entry into force September 1, 1988  
Declaration on the European Policy in the area of New Information Technology, 1999  
European Charter for the safeguarding of Human Rights in the City, 2000

## APPENDIX II

### Ukraine

<a href="#">CAT-Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment</a>	Ratification	27/02/86	26/06/87	24/02/87
<a href="#">CAT-OP-Optional Protocol to the Convention Against Torture and Cruel Inhuman or Degrading Treatment or Punishment</a>	No Action			
<a href="#">CCPR-International Covenant on Civil and Political Rights</a>	Ratification	20/03/68	23/03/76	12/11/73
<a href="#">CCPR-OP1-Optional Protocol to the International Covenant on Civil and Political Rights</a>	Accession		25/10/91	25/07/91
<a href="#">CCPR-OP2-DP-Second Optional Protocol to the International Covenant on Civil and Political Rights</a>	No Action			
<a href="#">CEDAW-Convention on the Elimination of All Forms of Discrimination against Women</a>	Ratification	17/07/80	03/09/81	12/03/81
<a href="#">CEDAW-OP-Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women</a>	Ratification	07/09/2000	26/12/2003	26/09/2003
<a href="#">CERD-International Convention on the Elimination of All Forms of Racial Discrimination</a>	Ratification	07/03/66	06/04/69	07/03/69
<a href="#">CESCR-International Covenant on Economic, Social and Cultural Rights</a>	Ratification	20/03/68	03/01/76	12/11/73
<a href="#">CMW-International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</a>	No Action			
<a href="#">CRC-Convention on the Rights of the Child</a>	Ratification	21/02/91	27/09/91	28/08/91
<a href="#">CRC-OP-AC-Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict</a>	Signature only	07/09/2000		
<a href="#">CRC-OP-SC-Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography</a>	Ratification	07/09/2000	03/08/2003	03/07/2003