

# ALDA PAPERS

The document includes insights for 4 states of the Eastern Partnership (Armenia, Georgia, Moldova and Ukraine), on the current situation of local self-government and their systems' evolution, a brief reflection on the impacts of the Russian aggression for these countries, and some reflections on the process of European enlargement and integration.

- **Challenges and opportunities: A Brief Study on Local Governments in Georgia**
- **Challenges and opportunities: A Brief Study on Local Governments in Armenia**
- **Challenges and opportunities: A Brief Study on Local Governments, Civil Society, and Participatory Democracy in Ukraine**
- **Moldova Local Governments' challenges and the EU accession opportunities**



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# CHALLENGES AND OPPORTUNITIES

**A Brief Study on Local  
Governments in Georgia**

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***Decentralisation has, not only an administrative value, but also a civic dimension, since it increases the opportunities for citizens to take interest in public affairs; it makes them get accustomed to using freedom. And from the accumulation of these local, active, persnickety freedoms, is born the most efficient counterweight against the claims of the central government, even if it were supported by an impersonal, collective will.”***

- Alexis de Tocqueville [1]

## Abstract

This research titled "Challenges and Opportunities: A Brief Study on Local Governments in Georgia" provides a comprehensive examination of Georgia's local governance evolution since its independence in 1991. The study outlines the political background, legislative milestones, and strategic initiatives that have shaped the local self-government system in the country. The decentralization process, initiated in the late 1990s, aimed at fostering stability and democratic governance. The research acknowledges achievements, addresses persisting challenges, and emphasizes the imperative for innovative approaches to enhance citizen engagement.

The political background section traces Georgia's path from the challenging early years of independence marked by ethnic conflicts to the initiation of decentralization reforms. Key legislative milestones, such as the ratification of the European Charter on Local Self-Government in 2004 and subsequent constitutional amendments, highlight Georgia's commitment to aligning its governance structure with international standards.

This research presents the evolution of the local self-government system in detail, including changes of structure and functions from 1998 to 2017. The research underlines the gap between legislative intentions and actual citizen participation, posing a challenge to establishing a modern self-government model. Despite positive developments, challenges persist, including resource constraints, financial challenges, and contradictions in the decentralization process.

The study delves into Georgia's territorial and administrative reform, which divided the country into nine administrative regions and three autonomous territories. It examines the impact of decentralization reforms on municipalities, emphasizing goals such as granting more authority, allocating increased financial resources, and enhancing inclusive governance.

The 2020-2025 Decentralization Strategy is highlighted as a pivotal step, focusing on enhancing the role of self-governing units, providing adequate resources, and establishing reliable and transparent self-government. The strategy is a collaborative effort involving international partners, showcasing a collective commitment to its success.

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1 French diplomat, political scientist, philosopher, and historian (1805 - 1859). He is best known for his works Democracy in America (1835,1840) and The Old Regime and the Revolution (1856).

An addendum explores the impact of Russian aggression on Georgia, highlighting economic effects, trade relations, and the complex geopolitical landscape. It discusses challenges and opportunities arising from the conflict in Ukraine, emphasizing Georgia's commitment to its Western path and the importance of upholding democratic principles. The final section on civil society dynamics in Georgia underscores the vibrancy, legal support, and challenges faced by civil society organizations. The research emphasizes the need for sustained dialogue and collaboration between civil society and the government to protect civic space and foster a vibrant civic landscape.

In summary, the research provides a comprehensive analysis of Georgia's local governance, acknowledging achievements, addressing challenges, and emphasizing the importance of ongoing efforts to build a more participatory and responsive governance system.



## Abstract - Italian

Questa ricerca, intitolata "Sfide e opportunità: A Brief Study on Local Governments in Georgia" fornisce un esame completo dell'evoluzione della governance locale della Georgia dalla sua indipendenza nel 1991. Lo studio delinea il contesto politico, le tappe legislative e le iniziative strategiche che hanno dato forma al sistema di autogoverno locale del Paese. Il processo di decentramento, avviato alla fine degli anni '90, mirava a promuovere la stabilità e la governance democratica. La ricerca riconosce i risultati raggiunti, affronta le sfide persistenti e sottolinea l'imperativo di approcci innovativi per migliorare il coinvolgimento dei cittadini.

La sezione dedicata al contesto politico ripercorre il cammino della Georgia dai difficili primi anni dell'indipendenza, caratterizzati da conflitti etnici, fino all'avvio delle riforme di decentramento. Le tappe legislative fondamentali, come la ratifica della Carta europea dell'autonomia locale nel 2004 e i successivi emendamenti costituzionali, evidenziano l'impegno della Georgia ad allineare la propria struttura di governance agli standard internazionali.

Questa ricerca presenta in dettaglio l'evoluzione del sistema di autogoverno locale, compresi i cambiamenti della struttura e delle funzioni dal 1998 al 2017. La ricerca sottolinea il divario tra le intenzioni legislative e l'effettiva partecipazione dei cittadini, che rappresenta una sfida per la creazione di un modello di autogoverno moderno. Nonostante gli sviluppi positivi, le sfide persistono, tra cui la scarsità di risorse, le difficoltà finanziarie e le contraddizioni del processo di decentramento.

Lo studio approfondisce la riforma territoriale e amministrativa della Georgia, che ha diviso il Paese in nove regioni amministrative e tre territori autonomi. Esamina l'impatto delle riforme di decentramento sui comuni, sottolineando obiettivi quali la concessione di maggiori poteri, l'allocazione di maggiori risorse finanziarie e il miglioramento della governance inclusiva.

La Strategia di decentramento 2020-2025 viene evidenziata come un passo fondamentale, incentrato sul rafforzamento del ruolo delle unità di autogoverno, sulla fornitura di risorse adeguate e sulla creazione di un autogoverno affidabile e trasparente. La strategia è uno sforzo di collaborazione che coinvolge partner internazionali, dimostrando un impegno collettivo per il suo successo.

La ricerca riconosce le sfide per i prossimi passi verso un decentramento efficace, tra cui i vincoli di risorse, le sfide finanziarie e le sfide di supervisione. La conclusione sottolinea la necessità di un impegno costante per colmare le lacune e le debolezze esistenti nel processo di decentramento.

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Un addendum esplora l'impatto dell'aggressione russa sulla Georgia, evidenziando gli effetti economici, le relazioni commerciali e il complesso panorama geopolitico. Si discutono le sfide e le opportunità derivanti dal conflitto in Ucraina, sottolineando l'impegno della Georgia nel suo percorso occidentale e l'importanza di sostenere i principi democratici.

La sezione finale sulle dinamiche della società civile in Georgia sottolinea la vivacità, il sostegno legale e le sfide affrontate dalle organizzazioni della società civile. La ricerca sottolinea la necessità di un dialogo e di una collaborazione sostenuti tra la società civile e il governo per proteggere lo spazio civico e promuovere un paesaggio civico vivace.

In sintesi, la ricerca fornisce un'analisi completa della governance locale della Georgia, riconoscendo i risultati ottenuti, affrontando le sfide e sottolineando l'importanza degli sforzi in corso per costruire un sistema di governance più partecipativo e reattivo.



## Abstract - French

Cette recherche intitulée "Défis et opportunités : Une brève étude sur les gouvernements locaux en Géorgie" fournit un examen complet de l'évolution de la gouvernance locale en Géorgie depuis son indépendance en 1991. L'étude décrit le contexte politique, les étapes législatives et les initiatives stratégiques qui ont façonné le système d'autonomie locale dans le pays. Le processus de décentralisation, lancé à la fin des années 1990, visait à favoriser la stabilité et la gouvernance démocratique. La recherche reconnaît les réalisations, aborde les défis persistants et souligne l'impératif d'approches novatrices pour renforcer l'engagement des citoyens.

La partie consacrée au contexte politique retrace le parcours de la Géorgie depuis les premières années difficiles de l'indépendance, marquées par des conflits ethniques, jusqu'au lancement des réformes de décentralisation. Des étapes législatives clés, telles que la ratification de la Charte européenne de l'autonomie locale en 2004 et les amendements constitutionnels ultérieurs, soulignent l'engagement de la Géorgie à aligner sa structure de gouvernance sur les normes internationales.

Cette étude présente en détail l'évolution du système d'autonomie locale, y compris les changements de structure et de fonctions entre 1998 et 2017. L'étude souligne l'écart entre les intentions législatives et la participation réelle des citoyens, ce qui constitue un défi pour l'établissement d'un modèle moderne d'autonomie. Malgré des développements positifs, des défis persistent, notamment des contraintes de ressources, des défis financiers et des contradictions dans le processus de décentralisation.

L'étude se penche sur la réforme territoriale et administrative de la Géorgie, qui a divisé le pays en neuf régions administratives et trois territoires autonomes. Elle examine l'impact des réformes de décentralisation sur les municipalités, en mettant l'accent sur des objectifs tels que l'octroi d'une plus grande autorité, l'allocation de ressources financières accrues et l'amélioration de la gouvernance inclusive.

La stratégie de décentralisation 2020-2025 est présentée comme une étape cruciale, axée sur le renforcement du rôle des unités autonomes, la fourniture de ressources adéquates et la mise en place d'une autonomie fiable et transparente. Cette stratégie est le fruit d'une collaboration avec des partenaires internationaux, ce qui témoigne d'un engagement collectif en faveur de sa réussite.

L'étude reconnaît les défis à relever pour les prochaines étapes d'une décentralisation efficace, notamment les contraintes en matière de ressources, les défis financiers et les défis en matière de supervision. La conclusion souligne la nécessité de poursuivre les efforts pour combler les lacunes et les faiblesses du processus de décentralisation.

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Un addendum explore l'impact de l'agression russe sur la Géorgie, en mettant l'accent sur les effets économiques, les relations commerciales et le paysage géopolitique complexe. Elle aborde les défis et les opportunités découlant du conflit en Ukraine, en soulignant l'engagement de la Géorgie dans sa voie occidentale et l'importance de respecter les principes démocratiques.

La dernière section sur la dynamique de la société civile en Géorgie souligne le dynamisme, le soutien juridique et les défis auxquels sont confrontées les organisations de la société civile. L'étude souligne la nécessité d'un dialogue et d'une collaboration soutenus entre la société civile et le gouvernement afin de protéger l'espace civique et de favoriser un paysage civique dynamique.

En résumé, l'étude fournit une analyse complète de la gouvernance locale en Géorgie, reconnaissant les réalisations, abordant les défis et soulignant l'importance des efforts en cours pour construire un système de gouvernance plus participatif et plus réactif.



## Abstract - Ukrainian

Це дослідження під назвою "Виклики та можливості: Короткий огляд місцевого самоврядування в Грузії" містить комплексний аналіз еволюції місцевого самоврядування в Грузії з моменту здобуття незалежності в 1991 році. Дослідження окреслює політичні передумови, законодавчі віхи та стратегічні ініціативи, які сформували систему місцевого самоврядування в країні. Процес децентралізації, розпочатий наприкінці 1990-х років, був спрямований на зміцнення стабільності та демократичного врядування. У дослідженні визнаються досягнення, розглядаються виклики, що залишаються, і підкреслюється необхідність інноваційних підходів для посилення залучення громадян.

У розділі "Політичний контекст" простежується шлях Грузії від складних перших років незалежності, позначених етнічними конфліктами, до початку реформ децентралізації. Ключові законодавчі віхи, такі як ратифікація Європейської хартії місцевого самоврядування у 2004 році та подальші конституційні зміни, підкреслюють прагнення Грузії привести свою структуру управління у відповідність до міжнародних стандартів.

У цьому дослідженні детально представлено еволюцію системи місцевого самоврядування, включаючи зміни в структурі та функціях з 1998 по 2017 рік. Дослідження підкреслює розрив між законодавчими намірами та фактичною участю громадян, що створює виклик для створення сучасної моделі самоврядування. Незважаючи на позитивні зрушення, проблеми залишаються, зокрема, обмеженість ресурсів, фінансові труднощі та суперечності в процесі децентралізації.

Дослідження заглиблюється в територіально-адміністративну реформу Грузії, яка розділила країну на дев'ять адміністративних регіонів і три автономні території. У ньому розглядається вплив реформи децентралізації на муніципалітети, наголошуючи на таких цілях, як надання більших повноважень, виділення більших фінансових ресурсів та посилення інклюзивного врядування.

Стратегія децентралізації на 2020-2025 рр. розглядається як ключовий крок, спрямований на посилення ролі самоврядних одиниць, забезпечення належних ресурсів та створення надійного і прозорого самоврядування. Стратегія є результатом спільних зусиль за участю міжнародних партнерів, що демонструє колективну прихильність до її успіху.

У дослідженні визнаються виклики для наступних кроків на шляху до ефективної децентралізації, зокрема, обмеженість ресурсів, фінансові проблеми та проблеми з наглядом. У висновках підкреслюється необхідність постійних зусиль, спрямованих на подолання існуючих прогалин і слабких місць у процесі децентралізації.

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У додатку досліджується вплив російської агресії на Грузію, висвітлюються економічні наслідки, торговельні відносини та складний геополітичний ландшафт. У ньому обговорюються виклики і можливості, що виникають у зв'язку з конфліктом в Україні, підкреслюється відданість Грузії своєму західному шляху і важливість дотримання демократичних принципів.

У заключному розділі, присвяченому динаміці громадянського суспільства в Грузії, підкреслюється активність, правова підтримка та виклики, з якими стикаються організації громадянського суспільства. Дослідження підкреслює необхідність постійного діалогу та співпраці між громадянським суспільством та урядом задля захисту громадянського простору та сприяння розвитку активного громадянського ландшафту.

Таким чином, дослідження містить комплексний аналіз місцевого врядування в Грузії, визнаючи досягнення, розглядаючи виклики та підкреслюючи важливість постійних зусиль, спрямованих на побудову більш партисипативної та чутливої до потреб громадянської спільноти системи врядування.



## Abstract - Russian

Данное исследование под названием "Вызовы и возможности: Краткое исследование местных органов власти в Грузии" представляет собой комплексное исследование эволюции местного самоуправления в Грузии с момента обретения ею независимости в 1991 году. В исследовании описываются политические предпосылки, законодательные вехи и стратегические инициативы, сформировавшие систему местного самоуправления в стране. Процесс децентрализации, начатый в конце 1990-х годов, был направлен на укрепление стабильности и демократического управления. В исследовании признаются достижения, рассматриваются сохраняющиеся проблемы и подчеркивается необходимость применения инновационных подходов для повышения вовлеченности граждан.

В разделе "Политическая история" прослеживается путь Грузии от трудных первых лет независимости, отмеченных этническими конфликтами, до начала реформ по децентрализации. Ключевые законодательные вехи, такие как ратификация Европейской хартии о местном самоуправлении в 2004 году и последующие поправки к конституции, подчеркивают стремление Грузии привести свою структуру управления в соответствие с международными стандартами.

В данном исследовании подробно представлена эволюция системы местного самоуправления, включая изменения структуры и функций с 1998 по 2017 год. Исследование подчеркивает разрыв между законодательными намерениями и фактическим участием граждан, что представляет собой проблему для создания современной модели самоуправления. Несмотря на позитивные изменения, сохраняются проблемы, включая ограниченность ресурсов, финансовые трудности и противоречия в процессе децентрализации.

Исследование посвящено территориально-административной реформе в Грузии, в результате которой страна была разделена на девять административных районов и три автономные территории. В нем рассматривается влияние реформ децентрализации на муниципалитеты с акцентом на такие цели, как предоставление более широких полномочий, выделение большего объема финансовых ресурсов и повышение уровня инклюзивного управления.

Стратегия децентрализации на 2020-2025 годы рассматривается как важнейший шаг, направленный на повышение роли самоуправляющихся единиц, предоставление достаточных ресурсов и создание надежного и прозрачного самоуправления. Стратегия представляет собой совместную работу с участием международных партнеров, демонстрирующую коллективную приверженность ее успеху.

В исследовании признаются проблемы, связанные с дальнейшими шагами на пути к эффективной децентрализации, включая нехватку ресурсов, финансовые проблемы и проблемы надзора. В заключении подчеркивается необходимость постоянных усилий по устранению существующих пробелов и недостатков в процессе децентрализации.

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В добавлении рассматривается влияние российской агрессии на Грузию, подчеркиваются экономические последствия, торговые отношения и сложный геополитический ландшафт. В нем обсуждаются проблемы и возможности, возникающие в связи с конфликтом в Украине, подчеркивается приверженность Грузии западному пути и важность соблюдения демократических принципов.

Заключительный раздел, посвященный динамике развития гражданского общества в Грузии, подчеркивает динамику развития, правовую поддержку и проблемы, с которыми сталкиваются организации гражданского общества. Исследование подчеркивает необходимость постоянного диалога и сотрудничества между гражданским обществом и правительством для защиты гражданского пространства и формирования активной гражданской среды.

В целом, исследование представляет собой комплексный анализ местного управления в Грузии, в котором отмечаются достижения, рассматриваются проблемы и подчеркивается важность постоянных усилий по созданию системы управления с более широким участием населения и более чутким реагированием.



## Abstract - Romanian

Această cercetare intitulată "Provocări și oportunități: A Brief Study on Local Governments in Georgia" oferă o examinare cuprinzătoare a evoluției guvernării locale din Georgia de la independența sa în 1991. Studiul prezintă contextul politic, reperele legislative și inițiativele strategice care au modelat sistemul de autonomie locală din țară. Procesul de descentralizare, inițiat la sfârșitul anilor 1990, a avut ca scop promovarea stabilității și a guvernantei democratice. Cercetarea recunoaște realizările, abordează provocările care persistă și subliniază imperativul unor abordări inovatoare pentru a spori implicarea cetățenilor.

Secțiunea privind contextul politic urmărește parcursul Georgiei de la primii ani dificili ai independenței, marcați de conflicte etnice, până la inițierea reformelor de descentralizare. Repere legislative cheie, cum ar fi ratificarea Cartei europene a autonomiei locale în 2004 și modificările constituționale ulterioare, evidențiază angajamentul Georgiei de a-și alinia structura de guvernare la standardele internaționale.

Această cercetare prezintă în detaliu evoluția sistemului de autoguvernare locală, inclusiv schimbările de structură și funcții din 1998 până în 2017. Cercetarea subliniază decalajul dintre intențiile legislative și participarea reală a cetățenilor, ceea ce reprezintă o provocare pentru stabilirea unui model modern de autoguvernare. În ciuda evoluțiilor pozitive, persistă provocări, inclusiv constrângerile legate de resurse, provocările financiare și contradicțiile din procesul de descentralizare.

Studiul analizează reforma teritorială și administrativă a Georgiei, care a împărțit țara în nouă regiuni administrative și trei teritorii autonome. Acesta examinează impactul reformelor de descentralizare asupra municipalităților, punând accentul pe obiective precum acordarea de mai multă autoritate, alocarea de resurse financiare sporite și consolidarea guvernantei incluzive.

Strategia de descentralizare 2020-2025 este evidențiată ca fiind un pas esențial, concentrându-se pe consolidarea rolului unităților autonome, pe furnizarea de resurse adecvate și pe instituirea unei autonomii fiabile și transparente. Strategia este un efort de colaborare care implică parteneri internaționali, prezentând un angajament colectiv pentru succesul acesteia.

Cercetarea recunoaște provocările pentru următorii pași către o descentralizare eficientă, inclusiv constrângerile legate de resurse, provocările financiare și provocările legate de supraveghere. Concluzia subliniază necesitatea de a depune eforturi continue pentru a remedia lacunele și punctele slabe existente în procesul de descentralizare.

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Un addendum explorează impactul agresiunii rusești asupra Georgiei, subliniind efectele economice, relațiile comerciale și peisajul geopolitic complex. Se discută provocările și oportunitățile care decurg din conflictul din Ucraina, subliniind angajamentul Georgiei față de calea sa occidentală și importanța susținerii principiilor democratice.

Secțiunea finală privind dinamica societății civile din Georgia subliniază vitalitatea, sprijinul juridic și provocările cu care se confruntă organizațiile societății civile. Cercetarea subliniază necesitatea unui dialog și a unei colaborări susținute între societatea civilă și guvern pentru a proteja spațiul civic și a promova un peisaj civic vibrant.

În concluzie, cercetarea oferă o analiză cuprinzătoare a guvernănelor locale din Georgia, recunoscând realizările, abordând provocările și subliniind importanța eforturilor în curs de desfășurare pentru a construi un sistem de guvernare mai participativ și mai receptiv.



## Abstract - Serbian

Ovo istraživanje pod nazivom "Izazovi i mogućnosti: kratka studija o lokalnim samoupravama u Gruziji" pruža sveobuhvatno ispitivanje evolucije lokalne uprave u Gruziji od njene nezavisnosti 1991. Studija opisuje političku pozadinu, zakonodavne prekretnice i strateške inicijative koje su oblikovale lokalne sistem samouprave u zemlji. Proces decentralizacije, započet krajem 1990-ih, imao je za cilj podsticanje stabilnosti i demokratskog upravljanja. Istraživanje priznaje dostignuća, bavi se stalnim izazovima i naglašava imperativ inovativnih pristupa za poboljšanje angažmana građana.

Odjeljak o političkoj pozadini prati put Gruzije od izazovnih ranih godina nezavisnosti obilježenih etničkim sukobima do pokretanja reformi decentralizacije. Ključne zakonodavne prekretnice, kao što je ratifikacija Evropske povelje o lokalnoj samoupravi 2004. godine i naknadni ustavni amandmani, ističu opredijeljenost Gruzije da uskladi svoju strukturu upravljanja sa međunarodnim standardima.

Ovo istraživanje detaljno prikazuje evoluciju sistema lokalne samouprave, uključujući promjene strukture i funkcija od 1998. do 2017. godine. Istraživanje naglašava jaz između zakonodavnih namjera i stvarnog učešća građana, što predstavlja izazov za uspostavljanje modernog modela samouprave. . Uprkos pozitivnim pomacima, i dalje postoje izazovi, uključujući ograničenja u resursima, finansijske izazove i kontradikcije u procesu decentralizacije.

Studija se bavi teritorijalnom i administrativnom reformom Gruzije, koja je zemlju podijelila na devet administrativnih regija i tri autonomne teritorije. On istražuje uticaj reformi decentralizacije na opštine, naglašavajući ciljeve kao što su davanje više ovlašćenja, dodeljivanje povećanih finansijskih sredstava i unapređenje inkluzivnog upravljanja.

Strategija decentralizacije 2020-2025 je istaknuta kao ključni korak, fokusirajući se na jačanje uloge jedinica samouprave, obezbjeđivanje adekvatnih resursa i uspostavljanje pouzdane i transparentne samouprave. Strategija je zajednički napor koji uključuje međunarodne partnere, koji pokazuje kolektivnu posvećenost njenom uspjehu.

Istraživanje prepoznaje izazove za naredne korake ka efektivnoj decentralizaciji, uključujući ograničenja resursa, finansijske izazove i izazove nadzora. Zaključak naglašava potrebu za stalnim naporima da se premoste postojeće praznine i slabosti u procesu decentralizacije.

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Dodatak istražuje uticaj ruske agresije na Gruziju, naglašavajući ekonomske efekte, trgovinske odnose i složen geopolitički pejzaž. U njemu se raspravlja o izazovima i prilikama koje proizlaze iz sukoba u Ukrajini, naglašavajući privrženost Gruzije njenom zapadnom putu i važnost pridržavanja demokratskih principa.

Posljednji dio o dinamici civilnog društva u Gruziji naglašava živahnost, pravnu podršku i izazove sa kojima se suočavaju organizacije civilnog društva. Istraživanje naglašava potrebu za održivim dijalogom i saradnjom između civilnog društva i vlade kako bi se zaštitio građanski prostor i podstakao živahni građanski pejzaž.

Ukratko, istraživanje pruža sveobuhvatnu analizu gruzijske lokalne uprave, priznajući dostignuća, rješavanje izazova i naglašavajući važnost stalnih napora za izgradnju participativnog i odgovornijeg sistema upravljanja.



## Abstract - Arabic

يقدم هذا البحث المعنون "التحديات والفرص: دراسة موجزة عن الحكومات المحلية في جورجيا" دراسة شاملة لتطور الحكم المحلي في جورجيا منذ استقلالها في عام 1991. وتحدد الدراسة الخلفية السياسية والمعالم التشريعية والمبادرات الاستراتيجية التي شكلت نظام الحكم الذاتي المحلي في البلاد. تهدف عملية اللامركزية، التي بدأت في أواخر التسعينيات، إلى تعزيز الاستقرار والحكم الديمقراطي. يقرّ البحث بالإنجازات، ويتناول التحديات المستمرة، ويشدد على ضرورة اتباع أساليب مبتكرة لتعزيز مشاركة المواطنين.

يتتبع قسم الخلفية السياسية مسار جورجيا من سنوات الاستقلال الأولى الصعبة التي اتسمت بالصراعات العرقية إلى بدء إصلاحات اللامركزية. وتسلط المعالم التشريعية الرئيسية، مثل التصديق على الميثاق الأوروبي للحكم الذاتي المحلي في عام 2004 والتعديلات الدستورية اللاحقة، الضوء على التزام جورجيا بمواءمة هيكل الحكم المحلي مع المعايير الدولية.

ويعرض هذا البحث تطور نظام الحكم الذاتي المحلي بالتفصيل، بما في ذلك التغييرات التي طرأت على الهيكل والوظائف من عام 1998 إلى عام 2017. ويؤكد البحث على الفجوة بين النوايا التشريعية والمشاركة الفعلية للمواطنين، مما يشكل تحدياً أمام إنشاء نموذج حديث للحكم الذاتي. وعلى الرغم من التطورات الإيجابية، لا تزال التحديات قائمة، بما في ذلك قيود الموارد والتحديات المالية والتناقضات في عملية اللامركزية.

تتعمق الدراسة في الإصلاح الإقليمي والإداري في جورجيا الذي قسّم البلاد إلى تسع مناطق إدارية وثلاثة أقاليم تتمتع بالحكم الذاتي. وتبحث في تأثير إصلاحات اللامركزية على البلديات، مع التركيز على أهداف مثل منح المزيد من الصلاحيات، وتخصيص موارد مالية متزايدة، وتعزيز الحوكمة الشاملة.

ويجري تسليط الضوء على استراتيجية اللامركزية 2020-2025 كخطوة محورية تركز على تعزيز دور وحدات الحكم الذاتي، وتوفير الموارد الكافية، وإقامة حكم ذاتي موثوق وشفاف. وتُعد الاستراتيجية جهداً تعاونياً يضم شركاء دوليين، مما يدل على الالتزام الجماعي بنجاحها.

ويعترف البحث بالتحديات التي تواجه الخطوات التالية نحو تحقيق اللامركزية الفعالة، بما في ذلك قيود الموارد والتحديات المالية وتحديات الإشراف. ويؤكد الاستنتاج على الحاجة إلى بذل جهود مستمرة لسد الثغرات ونقاط الضعف القائمة في عملية اللامركزية.

تستكشف الإضافة تأثير العدوان الروسي على جورجيا، وتسلط الضوء على الآثار الاقتصادية والعلاقات التجارية والمشهد الجيوسياسي المعقد. ويناقش التحديات والفرص الناشئة عن النزاع في أوكرانيا، مع التأكيد على التزام جورجيا بمسارها الغربي وأهمية التمسك بالمبادئ الديمقراطية.

ويؤكد القسم الأخير عن ديناميكيات المجتمع المدني في جورجيا على حيوية منظمات المجتمع المدني والدعم القانوني والتحديات التي تواجهها. ويؤكد البحث على الحاجة إلى الحوار المستمر والتعاون بين المجتمع المدني والحكومة لحماية الحيز المدني وتعزيز المشهد المدني النابض بالحياة.

وباختصار، يقدم البحث تحليلاً شاملاً للحكم المحلي في جورجيا، مع الإقرار بالإنجازات، ومعالجة التحديات، والتأكيد على أهمية الجهود المستمرة لبناء نظام حكم أكثر تشاركية واستجابة.

# Introduction

The establishment and functioning of a robust self-government system are fundamental to the state and societal relations, involving various actors in the decentralisation process. The landscape of local governance in Georgia has undergone dynamic evolution since it emerged as an independent state following the dissolution of the Soviet Union in 1991. This transformation, marked by political instability, ethnic conflicts, and a journey towards democratic ideals, has shaped the challenges and opportunities faced by local governments in the country. In this brief study, the paper delves into the political background of Georgia, tracing its path from the challenging early years of independence to the initiation of decentralisation reforms in the late 1990s. This sets the stage for a comprehensive exploration of the structural changes, legislative milestones, and strategic initiatives that have shaped local self-government in Georgia, providing a nuanced understanding of the complexities and developments in this vital aspect of governance.

As Georgia faced political instability in its nascent years, the decentralisation process emerged as a crucial avenue for fostering stability and democratic governance. The evolution of the local self-government system, spanning from the establishment of self-government bodies in 1998 to the ratification of the European Charter on Local Self-Government in 2004, showcases the country's commitment to aligning its governance structure with international standards. A series of legal enactments and constitutional amendments in subsequent years further strengthened the role and powers of local self-government units, highlighting a continuous effort to refine and strengthen the foundation of local governance in Georgia.

Despite achieved successes, the decentralisation reform, and local governance in general in Georgia have encountered challenges that demand a critical assessment of their outcomes. The study reveals a gap between legislative intentions and actual citizen participation, posing a challenge to the establishment of a modern self-government model. This paper navigates through the complexities of Georgia's local governance, acknowledging achievements, addressing persisting challenges, and emphasising the imperative for innovative approaches to enhance citizen engagement and foster a more participatory and responsive governance system.

## Political Background of Georgia

Following the breakup of the Soviet Union, Georgia emerged as an unstable, albeit independent state, fraught with social and political upheaval. In its first decade of independence, Georgia's autonomous republics, Abkhazia and South Ossetia, endured two ethnic conflicts damaging Georgia's already fragile international reputation. This political instability coupled with the general lack of awareness among the population

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regarding self-governance matters, created a challenging scenario for local self-government in the country. [2] Yet, as Georgia took its initial steps towards upholding democratic institutions at the national level, the country initiated the decentralisation process in the late 1990s.

Since the establishment of local self-government bodies in 1998, there have been significant changes to their structure and functions. In 1997, Georgia passed the Local Self-Government and Governance Law, laying the groundwork for local self-government elections in 1998. However, up until 2006, self-government was limited to village, community, town, and city levels, with local matters primarily overseen by a Gamgebeli, the head of local self-government appointed by the President. [3]

In a pivotal move in 2004, the Georgian Parliament ratified the European Charter on Local Self-Government, which came into effect on April 1, 2005. This ratification marked the beginning of ongoing decentralisation reform. In 2005, a new organic law on self-government was introduced, replacing local government with local self-government through elections in 2006. This period also witnessed the introduction of the Law on Property of Local Self-Government Units and the Law on State Supervision of Local Self-Government. In 2010, the Parliament enacted constitutional amendments ensuring constitutional guarantees for local self-government. A new chapter, titled Local Self-Government, was added to the Georgian Constitution, acknowledging the key principles of local self-government. In addition, self-government bodies were empowered with the authority to file a constitutional complaint and challenge legislative acts violating the rights of self-government units as outlined in the Constitution. [4]

In 2013, the Georgian authorities were praised by the Council of Europe for their declared commitment to implementing a robust decentralisation reform, recognising it as a positive and ambitious initiative. However, by 2017, the decentralisation reform faced four new challenges, prompting a reassessment of the achieved outcomes. This led to a series of revised decisions regarding specific aspects of the reform. At the same time, an analysis highlighted the essential need for mid-term planning, resulting in the adoption of the Government's three-point plan and the initiation of efforts to formulate a comprehensive decentralisation strategy. Thus, in 2017, the Parliament of Georgia made a set of constitutional amendments, effectively creating a new version of the document. This revision introduced additional constitutional guarantees specifically related to the implementation of local self-governance. [5]

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2 D. Losaberidze, K. Kandelaki, N.Orvelashvili, "Local Government in Georgia," available via the following link.

3 „Decentralisation Strategy 2020 -2025,” Ministry of Regional Development and Infrastructure of Georgia, available via the following [link](#).

4 Ibid

5 Ibid

# Advancing Local Governance in Georgia: The Evolution of the Local Self-Government System and Territorial and Administrative Reform

Georgia is geographically divided into nine administrative regions and three autonomous territories. Abkhazia and South Ossetia, although recognised by Georgian laws as territories occupied by the Russian Federation, fall under this classification. Adjara, as an Autonomous Region, operates with a nominated Autonomous Government appointed by the supreme council. The administration of administrative regions is overseen by State Trustees designated by the Prime Minister of Georgia. [6]

The initial decentralisation reform unfolded in 1997-1998, marked by the Georgian Parliament's adoption of the "Local Governance and Self-Government" law. This milestone was followed by the inaugural democratic local elections in 1998, as elected local officials assumed their mandates in 1999. The second phase, spanning 2001-2002, witnessed the direct election of mayors in cities and communities (excluding Tbilisi and Poti). Notably, these mayors became accountable to local councils rather than the president of the state. [7]

Between 2004 and 2010, crucial steps were taken towards decentralisation. Georgia ratified the European Charter on Local Self-Government (a framework established by the Council of Europe in 1985), enacted a new organic law on "Local Self-Governance" that defined the distinct mandates of local self-government units from the central government, and introduced a new law on local budgets, incorporating the idea of local taxation and budgets. Moreover, the system of mayoral nomination by the president of Georgia was replaced, with mayors now being nominated by local representative bodies. The constitutional inclusion of the concept of self-governance occurred in 2010. Substantial progress was made between 2014 and 2017, during which the Parliament of Georgia compiled all legal acts related to local self-governance and introduced the "Code of Local Self-Government" through a new organic law. [8]

Georgia also implemented the direct election of mayors in all municipalities, enhancing the authority of local authorities by allocating new exclusive competences. Additionally, in 2014, the Georgian parliament introduced a new legal provision to initiate the transfer of state property to municipalities.

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6 "Regional Development Programme of Georgia 2018 – 2021," Ministry of Regional Development and Infrastructure of Georgia, available via the following [link](#).

7 „Decentralisation Strategy 2020 -2025,” Ministry of Regional Development and Infrastructure of Georgia, available via the following [link](#).

8 Ibid

In July 2015, the Parliament of Georgia approved a package of amendments, defining various forms of citizen participation in the implementation of local self-government. These include a) General Assembly of the settlement („General Assembly“), b) Petition, c) Civil Advisory Council, d) Participation in the meetings of the Municipal Council and the Municipal Council Commission, and e) Listening to the reports on the work done by the Mayor and a member of the Municipal Council. It is important to note that this list is not exhaustive, and municipalities have the authority to identify additional forms of citizen participation in local self-government that align with Georgia's legislation. This flexibility extends beyond the defined forms in the Code of Citizen Participation in Local Self-Government. The current law requires officials to establish organisational and material-technical conditions for citizen reception, meetings, and the operations of municipal bodies. This includes fostering citizen participation and ensuring transparency in the decision-making process, even during meetings of collegial public institutions. [9]

Presently, Georgia comprises 5 self-governing cities and 59 municipalities. Self-governing cities pertain to significant urban settlements, while municipalities encompass collections of smaller rural and urban settlements. All local self-government units, irrespective of size or type, share equal powers and responsibilities. Georgia's municipal government comprises a local council (sakrebulo) and a directly elected mayor, chosen through a mixed electoral system. The local councils play a key role in adopting the municipal budget and overseeing the mayor's work. Mayors, as the highest officials, lead the executive branch. In Tbilisi, the capital, the municipal government, appointed by the mayor and approved by the Tbilisi city assembly, holds the same status as other self-governance cities. Despite sharing powers with other municipalities, Tbilisi manages additional tasks delegated by the government of Georgia. [10]

In 2018, Georgia initiated a decentralisation reform aimed at empowering its municipalities for inclusive economic growth. The government outlined three main goals for the reform: granting more authority, allocating increased financial resources, and enhancing inclusive governance for local self-government units in Georgia.

In the initial half of 2019, the Parliament of Georgia approved an additional protocol known as the "Citizens' Right to Participate in Local Government Activities" (commonly referred to as the Utrecht Protocol) of the European Charter of Local Self-Government. This ratification aimed to enhance the legal assurances of citizens' participation in local self-government. It is important to highlight that, despite the ratification, there was no subsequent reassessment of Georgian legislative acts to improve mechanisms for citizen participation. [11]

The "Code of Local Self-Governance" in Georgia grants municipalities the authority to

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9 D. Melua, *“Decentralisation and Local Public Administration Reform in Georgia,”* 2021, Platforma, NALAS, NALAG, available via the following [link](#).

10 Ibid

11 Local Self-Government Index, *“National Assessment of Georgian Municipalities (2023),”* IDFI, available via the following [link](#).

engage in international partnerships, twinning, or cooperation, as stipulated by Georgian legal acts. Article 100, paragraph 3 outlines the procedures for Georgian municipalities to receive grants from international organisations, even though Georgia is not a signatory to the European Outline Convention for Trans-frontier cooperation. While not a participant in the convention, Georgian municipalities can still cooperate across borders with prior approval from the Ministry of Foreign Affairs. Three types of international cooperation are observed: multilateral programs, bilateral programs, and twinning activities. While some municipalities have dedicated international relations departments, most have at least one official responsible for communication with donors and international organisations. [12]

In 2019, the Georgian government introduced a new 2020-2025 Decentralisation Strategy, marking the beginning of a self-government reform phase. The strategy focused on three key areas: enhancing the self-governing unit's role in public affairs, providing adequate material and financial resources for local self-government, and establishing reliable, transparent, and result-oriented local self-government.

During the implementation of the 2020-2025 strategy and the 2020-2021 action plan, several steps were taken, including the alignment of current legislation with the "Local Self-Government Code," granting self-governments additional competences (such as overseeing the prohibition of supplying certain products to children), and initiating an analysis of self-government finances and citizen participation. A subsequent action plan for 2022-2023, encompassing analysis of the current situation, enhancing the skills of self-government structures through guides and training, and showcasing successful activities in various municipalities, has been prepared.

The formulation of this strategy is the result of collaborative efforts involving international partners, including the EU, UNDP, USAID, SDC, GIZ, and CoE. It stands as a noteworthy example of successful cooperation among diverse national stakeholders, spanning from the Parliament of Georgia to local Civil Society Organisations (CSOs) and community leaders. These key participants actively contribute to the development and implementation of the strategy, showcasing a collective commitment to its success. The Ministry for Regional Development and Infrastructure of Georgia (MRDI) holds a crucial responsibility for coordinating the implementation of its action plan. [13]

However, the strategy's limitation lies in its failure to cover all decentralisation aspects, requiring political will from the government and society. Despite successful cases in specific areas, the prevailing negative attitude towards decentralisation impedes the establishment of a modern self-government type in Georgia. Society generally views self-government as a lower-priority issue compared to unemployment, income, or geopolitical concerns. Awareness about the role of self-government is low, especially

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12 D. Melua, "Decentralisation and Local Public Administration Reform in Georgia," 2021, Platforma, NALAS, NALAG, available via the following [link](#).

13 „Decentralisation Strategy 2020 -2025,” Ministry of Regional Development and Infrastructure of Georgia, available via the following [link](#).

among the political and intellectual elite. Legislative mechanisms aimed at increasing citizen involvement are deemed less effective, not due to inherent flaws but because achieving tangible results is perceived as unlikely. [14]

## Conclusion

In recent years, Georgia's legislative framework governing citizen participation in local self-government has undergone significant improvements. The "Local Self-Government Code," as part of Georgia's Organic Law, specifies the forms and guarantees of civil participation. Additionally, several international and national strategic documents in place outline provisions for civil involvement at the local level. The third strategic goal outlined in the Georgian government's 2020-2025 decentralisation strategy underscores the importance of fostering reliable, accountable, transparent, and results-oriented self-government with a key emphasis on effective participation in decision-making and implementation at the local level.

Despite these positive developments, challenges persist, including financial decentralisation reform, land transfers to municipalities, and the need for more effective mechanisms for citizen participation. Georgia is still characterised by a notably low degree of decentralisation, as evidenced by several key metrics. For instance, the proportion of revenues sourced from local taxes within the unified budget stands at a mere 4%, while local budgets' autonomous revenue constitutes just 6%. Additionally, subnational governments' discretionary spending authority is restricted, with independently planned expenditures representing a modest 17% of the total. These figures highlight a limited decentralisation landscape in Georgia, significantly falling short of the average observed across European Union member states by nearly half. [15] It is crucial to acknowledge that the decentralisation strategy recognises and aims to address these challenges. However, the realisation of tangible results relies heavily on the prompt and efficient implementation of the strategy's goals and plans.

In light of the existing hurdles and the paramount importance of citizen engagement, there is a pressing need to explore innovative ways to connect more effectively with citizens. By making ongoing processes more comprehensible to them, Georgia can bridge the gap between legislative intentions and actual citizen participation at the local level. The journey towards robust local self-government is ongoing, and continued efforts in implementation and adaptation will be instrumental in overcoming persistent challenges and building a more participatory and responsive governance system.

Given that Georgia already holds the EU candidate status [16] and is actively pursuing full integration with the Union, it should be highlighted that membership of the European family requires a European order, for which Georgia will have to take swift steps towards decentralisation.

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14 D. Losaberidze, "Self-Government in Georgia – Imitating Change Without Purpose?" May 2023, Heinrich Böll Stiftung, available via the following [link](#).

15 E. Shamugia, "Centralisation Versus the Market," January 2024, available via the following [link](#).



# Challenges for the Next Steps towards Effective Decentralisation

Following a comprehensive analysis of the shortcomings and challenges in local self-government development, the principal challenges identified by subject matter experts are as follows:

- **Resource Constraints:** Insufficient human, material, and financial resources hinder the execution of powers by local self-governments. Protracted property transfer processes and complex registration procedures add to resource-related challenges;
- **Financial Challenges:** Limited financial and material resources pose significant challenges to effective self-governance. The underdeveloped local economy affects fiscal decentralisation, leading to imbalances in local budgets;
- **Municipal Service Evaluation:** Lack of a robust methodology for evaluating and monitoring the quality of municipal services in Georgian municipalities is a key challenge;
- **Contradictions in Decentralisation Process:** Competences are delayed, with some services being re-centralised, leading to incomplete municipal powers. Frequent changes in the formation of municipal structures contribute to instability. Heavy reliance on central government funds hinders the development of long-term strategies;
- **Supervision Challenges:** Frequent changes in bodies overseeing self-government, coupled with informal pressure from central government institutions, complicate the supervisory landscape;
- **Influence of Central Government:** Overwhelming influence of the central government restricts the autonomy and powers of local governments, impeding the implementation of open governance models. Demotivation of local communities to engage actively in policy-making due to limited authority and resources of elected representatives;
- **Mistrust and Civil Participation:** Despite defined forms of citizen participation, mistrust persists due to practical implementation issues. Civil participation is lacking in many municipalities, contributing to a sense of mistrust.

While impressive results have been achieved through reform activities, addressing these challenges is crucial for ensuring autonomy, efficiency, and transparency in local self-government institutions in Georgia. Continued efforts are needed to bridge the existing gaps and weaknesses in the decentralisation process.

## Addendum

Russia's unjustified aggression against Ukraine sent shockwaves throughout the world, sparking concerns among neighbouring countries. For Georgia, the war posed significant security, political, and economic challenges, while also shaping its diplomatic relations and aspirations for European integration amidst evolving regional dynamics. Navigating its relationships with both Russia and the West, Georgia faces complex geopolitical calculations and risks that could significantly influence its future trajectory and security.

Briefly, after the outbreak of conflict, Georgia experienced short-term economic effects due to its refusal to join international sanctions against Russia. This led to increased imports, energy dependence, reduced EU exports, and double-digit inflation, driven by external factors. The economy became less predictable and fragile, with minimal growth in sustainable investments, hindering longer-term economic prospects. The war heavily influenced Georgia's economy in 2022, making it more dependent on Russia, which poses risks to its long-term security and resilience. [17]

Several key trends emerged:

**Influx of Migrants:** Georgia saw a significant rise in temporary migrants, with a 155% increase in tourists and a 209% increase in visitors in the first eight months of 2022, including 233,000 people from Russia in September alone. As a result, many Georgians experienced significant rent increases as landlords preferred renting to Russian tenants who could pay higher rates. The influx of Russians seeking refuge in Georgia without a visa contributed to a surge in demand for housing.

**Economic Impact on Georgians:** While the influx boosted Georgia's GDP and strengthened its currency, the most tangible economic change for many locals was spiraling inflation and property prices. Georgians struggled to find affordable homes as prices increased rapidly. In December 2022, the annual inflation rate in Georgia reached 9.8%, significantly higher than the National Bank's target of 3%. Low-income households were particularly affected by rising food prices, as the demand for certain goods and services increased with the influx of Russian citizens.

**Trade Relations with Russia:** Despite Georgians overwhelmingly supporting Ukraine, the government did not join Western allies in imposing sanctions on Russia due to concerns about the impact on the economy. Trade ties with Russia deepened, with a 32% increase in exports in 2022, particularly towards CIS countries, including Russia. In the first quarter of 2023, Russian imports to Georgia surged by 79%, reaching \$490 million. The dependence on trade with CIS countries, especially Russia, poses risks to Georgia's economic stability. [18]

In the wake of the ongoing conflict in Ukraine, Georgia's historically troubled relationship

with Russia has surprisingly entered a period of relative stability: Despite past conflicts and Russia's control over parts of Georgian territory, Georgia has refrained from joining anti-Russian sanctions and has seen bilateral ties improve. Russia restored direct flights and abolished visa requirements for Georgians, leading to increased trade. Georgia's strategic location as a land bridge between the EU and China has increased its geopolitical significance. The EU's search for alternative energy and trade routes has elevated Georgia's importance, prompting increased EU engagement in the region. [19]

However, due to Georgia's refusal to align with Western sanctions against Russia, the Georgian government has faced criticism for its unclear stance, causing disappointment among its allies and within its population. Critics have accused the Georgian government of embracing anti-democratic policies, such as attempting to adopt laws targeting civil society organisations (e.g., the draft bill on the foreign agent law in March 2023), highlighting the growing Russian influence coupled with democratic backsliding in the country. [20]

In addition, the war has led to significant political tension between Ukraine and Georgia. Despite decades of close relations following the collapse of the Soviet Union, Ukraine expected more diplomatic support from Georgia, particularly in joining the Western sanctions against Russia. Relations between the two nations have been strategic for nearly 30 years, unaffected by changes in government. There has always been strong support from the Georgian people for Ukrainians, evident in humanitarian aid collections and government efforts to provide shelter for Ukrainian refugees, numbering in the tens of thousands. Yet, the tension escalated to the point where Ukraine recalled its ambassador from Tbilisi in 2022, reflecting the depth of the diplomatic strain. [21]

Despite these challenges, it should also be noted that the conflict has accelerated Georgia's path towards the EU. Following Ukraine's urgent application for EU membership soon after the outbreak of the conflict, Georgia and Moldova followed suit and made similar requests of their own in 2022.

Although Georgia was not granted EU candidate status along with Ukraine and Moldova in 2022, it joined the "Association Trio" [22] members as an EU candidate country in December 2023. [23]

As the war continues and the same challenges persist, it is essential that Georgia remains vigilant and committed to its long-chosen Western path while upholding democratic

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18 "Georgians Struggle with High Prices Amid War in Ukraine," June 2023, Institute for War and Peace Reporting, available via the following [link](#).

19 E. Avdaliani, "Playing With Fire: Georgia's Cautious Rapprochement With Russia," July 2023, Carnegie Endowment for International Peace, available via the following [link](#).

20 A. Andguladze, "Implications for Georgia of the Russian Invasion of Ukraine: Time to Act?" May 2022, Georgian Institute of Politics, available via the following [link](#).

21 G. Lomsadze, "Ukraine recalls ambassador from Georgia," March 2022, Eurasianet, available via the following [link](#).

principles. Any shift towards Russia could strain ties with the West and, in the medium or long run, jeopardise Georgia's security, particularly regarding its territorial integrity.

## Navigating Civil Society: Dynamics, Challenges, and Opportunities in Georgia's Civic Landscape

The civic space in Georgia presents a nuanced landscape characterised by vibrancy, legal support, and challenges, including tensions between civil society organisations (CSOs) and the government. Civil society, diverse and well-developed, enjoys operational freedom but faces an increasingly hostile environment marked by attacks through hostile rhetoric by political leaders and radical groups. Initially encouraged by Parliament's inclusion in working groups on the 12 priorities of the EU for Georgia's candidate status, civil society's involvement in decision-making processes was overshadowed by the failed attempt to introduce the so-called "foreign agent law" in March 2023. This led to boycotting key reform consultations, highlighting concerns about freedom of association. The March 2023 draft law, [24] perceived as a threat to civil society, prompted large protests domestically and wide international reactions. Despite the withdrawal of the law, mistrust persists, impeding efforts to rebuild cooperation amid tensions between civil society and the government. [25] Continued efforts to rebuild trust include conferences and coordination meetings, but earlier distrust persists, requiring sustained efforts to rebuild civic engagement.

To comply with EU recommendations regarding civil society (as mentioned in the 10th paragraph), the signing of the Memorandum on Cooperation between the Parliament of Georgia and the Georgian National Platform of the Eastern Partnership Civil Society Forum in October 2023 demonstrates a strong commitment to collaboration by certain civil society groups, despite persistent divisions within the Georgian civil society sector. [26] However, stronger and more consistent efforts are necessary to ensure genuine unity and cooperation among the larger civil society to protect civic space amidst challenges.

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22 The trio of nations—Ukraine, Moldova, and Georgia—often referred to as the "Associated Trio" (a term credited to Lithuanian MEP Andrius Kubilius), signed a Memorandum of Understanding titled "On Establishing Enhanced Cooperation on European Integration – the "Association Trio"" on May 17, 2021.

23 European Council, "EU Enlargement Policy: Georgia," available via the following [link](#).

24 VoA, "Parliament in Georgia Gives Initial Approval to 'Foreign Agents' Law," March 2023, available via the following [link](#).

25 European Commission, "Georgia report 2023", available via the following [link](#).

26 Parliament of Georgia, "The Memorandum on Cooperation Signed between the Parliament and the National Platform of Georgia as Yet Another Step Toward Compliance with the 10th Paragraph of the EU Recommendations," October 2023, available via the following [link](#).

Media, as an integral part of the Georgian civic space though pluralistic, remains highly polarised, hindering independent reporting. The intertwining of business and political interests exacerbates challenges, emphasising the need to safeguard media independence. The right to freedom of expression is respected, as evidenced by Georgia's improved position in the World Press Freedom Index, climbing 12 places from 89th in 2022 to 77th in 2023. [27] The online media environment remains unrestricted and increasingly diverse, with civil society actively contributing to political dialogue. Challenges related to freedom of assembly, particularly for vulnerable groups, persist. The accelerated adoption of amendments to the Law on Assemblies [28] without prior consultations raised concerns, emphasising the importance of inclusive decision-making processes.

Georgia lacks a comprehensive government strategy for supporting civil society. While mechanisms for consultation with civil society exist at both central and municipal levels, dedicated mechanisms for public online contributions to draft laws or policy documents are absent. Limited civil society involvement complicates decision-making processes, with challenges such as limited opposition inclusion hindering substantive cross-party collaboration. [29]

Although a free operational environment, continuous efforts are needed to protect civil society, media freedom, and fundamental rights. Sustained dialogue and collaboration between civil society and the government are essential to fostering a vibrant civic space in Georgia.

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27 “Georgia Ranks 77th in RSF Press Freedom Ranking,” Civil.ge, May 2023, available via the following [link](#).

28 “Parliament Adopts the Amendments to the Law on Assemblies and Demonstrations,” Civil.ge, October 2023, available via the following [link](#).

29 European Commission, “Georgia report 2023”, available via the following [link](#).

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# CHALLENGES AND OPPORTUNITIES

A Brief Study on Local  
Governments in Armenia

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# Abstract

This research study focuses on the challenges and opportunities faced by local governments in Armenia, particularly in the context of recent governance reforms. It emphasizes the crucial role of local governments in ensuring citizen well-being, delivering essential services, and fostering good governance. The decentralization process in Armenia is highlighted as a key mechanism for achieving a delicate balance between political, economic, and civil elements.

The political background of Armenia, especially its transition to local self-governance since gaining independence in 1991, is discussed. The administrative structure, including the role of marz governors and the status change of Yerevan, is examined. The study also highlights recent political changes, including the "Velvet Revolution" in 2018 and conflicts in the Nagorno-Karabakh region, which have presented additional challenges, such as an influx of refugees.

The evolution of the Local Self-Government (LSG) system and the Territorial and Administrative Reform of Armenia (TARA) is outlined. The research applauds the progress made through municipal amalgamations, but stresses the need for continued efforts, especially in policy and fiscal decentralization. It calls for a comprehensive decentralization strategy and effective collaboration between the Ministry of Territorial Administration and Infrastructure (MTAI), other ministries, and municipalities.

An addendum addresses the impact of Russia's war in Ukraine and the Nagorno-Karabakh conflict in September 2023 on Armenia. The geopolitical shifts and challenges arising from these events, including the mass exodus of ethnic Armenians, are discussed. The study suggests that Armenia's strategic reevaluation, distancing itself from Russia, presents both challenges and opportunities in its diplomatic relations.

The research also delves into challenges faced by Civil Society Organizations (CSOs) in Armenia, particularly in the context of a shrinking civic space. While legislative changes post-2018 initially improved the situation, recent studies highlight potential negative effects on CSOs. Nationalistic sentiments and perceptions of CSOs as antinational pose obstacles, especially after the 2020 conflict.

Fostering resilient participatory democracy is emphasized as crucial for Armenia's democratic governance. The Eastern Partnership framework, EU engagement, and local initiatives are discussed as avenues to enhance citizen participation. Challenges in this regard include lack of public motivation, low media literacy, accessibility issues, insufficient youth projects, and domestic political tensions.



Several key stakeholders, including the United Nations Development Programme (UNDP), Open Government Partnership (OGP), German Agency for International Cooperation (GIZ), Council of Europe, and Swedish International Development Cooperation Agency (Sida), are identified for their roles in advancing local democracy in Armenia. Their projects and initiatives aim to address challenges, promote transparency, and empower local communities.

In conclusion, the research acknowledges Armenia's progress in local government reform but underscores the need for continued efforts, comprehensive strategies, and collaboration to address challenges and seize opportunities for a resilient and participatory democratic future.

## Abstract -French

Cette étude se concentre sur les défis et les opportunités auxquels sont confrontées les collectivités locales en Arménie, en particulier dans le contexte des récentes réformes de gouvernance. Elle met l'accent sur le rôle crucial des gouvernements locaux pour assurer le bien-être des citoyens, fournir des services essentiels et favoriser la bonne gouvernance. Le processus de décentralisation en Arménie est présenté comme un mécanisme clé permettant d'atteindre un équilibre délicat entre les éléments politiques, économiques et civils.

Le contexte politique de l'Arménie, en particulier sa transition vers l'autonomie locale depuis son accession à l'indépendance en 1991, est examiné. La structure administrative, y compris le rôle des gouverneurs de marz et le changement de statut d'Erevan, est examinée. L'étude met également en lumière les changements politiques récents, notamment la "révolution de velours" en 2018 et les conflits dans la région du Haut-Karabakh, qui ont posé des défis supplémentaires, tels que l'afflux de réfugiés.

L'évolution du système d'autonomie locale (LSG) et la réforme territoriale et administrative de l'Arménie (TARA) sont décrites. L'étude salue les progrès réalisés grâce aux fusions municipales, mais souligne la nécessité de poursuivre les efforts, notamment en matière de décentralisation politique et fiscale. Elle appelle à une stratégie globale de décentralisation et à une collaboration efficace entre le ministère de l'administration territoriale et des infrastructures (MTAI), les autres ministères et les municipalités.

Un addendum traite de l'impact sur l'Arménie de la guerre menée par la Russie en Ukraine et du conflit du Haut-Karabakh en septembre 2023. Les changements géopolitiques et les défis découlant de ces événements, y compris l'exode massif des Arméniens de souche, sont examinés. L'étude suggère que la réévaluation stratégique de l'Arménie, qui se distancie de la Russie, présente à la fois des défis et des opportunités dans ses relations diplomatiques.

L'étude se penche également sur les défis auxquels sont confrontées les organisations de la société civile (OSC) en Arménie, en particulier dans le contexte d'un espace civique qui se rétrécit. Si les changements législatifs intervenus après 2018 ont d'abord amélioré la situation, des études récentes mettent en évidence les effets négatifs potentiels sur les OSC. Les sentiments nationalistes et les perceptions des OSC comme antinationales constituent des obstacles, en particulier après le conflit de 2020.

La promotion d'une démocratie participative résiliente est considérée comme cruciale pour la gouvernance démocratique de l'Arménie. Le cadre du partenariat oriental, l'engagement de l'UE et les initiatives locales sont considérés comme des moyens de renforcer la participation des citoyens. Les défis à cet égard comprennent le manque de motivation du public, la faible maîtrise des médias, les problèmes d'accessibilité, l'insuffisance des projets pour la jeunesse et les tensions politiques internes.



Plusieurs acteurs clés, dont le Programme des Nations unies pour le développement (PNUD), le Partenariat pour un gouvernement ouvert (PGO), l'Agence allemande de coopération internationale (GIZ), le Conseil de l'Europe et l'Agence suédoise de coopération internationale au développement (ASDI), sont identifiés pour le rôle qu'ils jouent dans la promotion de la démocratie locale en Arménie. Leurs projets et initiatives visent à relever les défis, à promouvoir la transparence et à renforcer les communautés locales.

En conclusion, l'étude reconnaît les progrès de l'Arménie en matière de réforme des collectivités locales, mais souligne la nécessité de poursuivre les efforts, d'élaborer des stratégies globales et de collaborer pour relever les défis et saisir les opportunités d'un avenir démocratique résilient et participatif.

## Abstract - Italian

Questo studio di ricerca si concentra sulle sfide e le opportunità affrontate dalle amministrazioni locali in Armenia, in particolare nel contesto delle recenti riforme della governance. Sottolinea il ruolo cruciale dei governi locali nel garantire il benessere dei cittadini, nel fornire servizi essenziali e nel promuovere il buon governo. Il processo di decentramento in Armenia viene evidenziato come un meccanismo chiave per raggiungere un delicato equilibrio tra elementi politici, economici e civili.

Viene discusso il contesto politico dell'Armenia, in particolare la sua transizione verso l'autogoverno locale dopo l'indipendenza del 1991. Viene esaminata la struttura amministrativa, compreso il ruolo dei governatori dei marz e il cambiamento di status di Erevan. Lo studio evidenzia anche i recenti cambiamenti politici, tra cui la "Rivoluzione di velluto" del 2018 e i conflitti nella regione del Nagorno-Karabakh, che hanno presentato ulteriori sfide, come l'afflusso di rifugiati.

Viene delineata l'evoluzione del sistema di autogoverno locale (LSG) e la riforma territoriale e amministrativa dell'Armenia (TARA). La ricerca plaude ai progressi compiuti con le fusioni municipali, ma sottolinea la necessità di proseguire gli sforzi, soprattutto per quanto riguarda il decentramento politico e fiscale. Chiede una strategia di decentramento globale e una collaborazione efficace tra il Ministero dell'Amministrazione territoriale e delle Infrastrutture (MTAI), altri ministeri e i comuni.

Un addendum affronta l'impatto sull'Armenia della guerra della Russia in Ucraina e del conflitto del Nagorno-Karabakh nel settembre 2023. Vengono discussi i cambiamenti geopolitici e le sfide derivanti da questi eventi, compreso l'esodo di massa dell'etnia armena. Lo studio suggerisce che la rivalutazione strategica dell'Armenia, che prende le distanze dalla Russia, presenta sia sfide che opportunità nelle sue relazioni diplomatiche. La ricerca approfondisce anche le sfide affrontate dalle organizzazioni della società civile (OSC) in Armenia, in particolare nel contesto di una riduzione dello spazio civico. Sebbene i cambiamenti legislativi successivi al 2018 abbiano inizialmente migliorato la situazione, studi recenti evidenziano potenziali effetti negativi sulle CSO. I sentimenti nazionalistici e la percezione delle CSO come antinazionali rappresentano un ostacolo, soprattutto dopo il conflitto del 2020.

La promozione di una democrazia partecipativa resiliente è sottolineata come cruciale per la governance democratica dell'Armenia. Il quadro del Partenariato orientale, l'impegno dell'UE e le iniziative locali sono discusse come vie per migliorare la partecipazione dei cittadini. Le sfide a questo proposito includono la mancanza di motivazione dei cittadini, la scarsa alfabetizzazione mediatica, i problemi di accessibilità, l'insufficienza dei progetti per i giovani e le tensioni politiche interne.



Diversi attori chiave, tra cui il Programma di sviluppo delle Nazioni Unite (UNDP), l'Open Government Partnership (OGP), l'Agenzia tedesca per la cooperazione internazionale (GIZ), il Consiglio d'Europa e l'Agenzia svedese per la cooperazione allo sviluppo internazionale (Sida), sono stati identificati per il loro ruolo nel promuovere la democrazia locale in Armenia. I loro progetti e le loro iniziative mirano ad affrontare le sfide, a promuovere la trasparenza e a rafforzare le comunità locali.

In conclusione, la ricerca riconosce i progressi dell'Armenia nella riforma del governo locale, ma sottolinea la necessità di sforzi continui, strategie globali e collaborazione per affrontare le sfide e cogliere le opportunità per un futuro democratico resiliente e partecipativo.

## Abstract - Romanian

Acest studiu de cercetare se concentrează pe provocările și oportunitățile cu care se confruntă administrațiile locale din Armenia, în special în contextul recentelor reforme de guvernare. Acesta subliniază rolul crucial al administrațiilor locale în asigurarea bunăstării cetățenilor, în furnizarea de servicii esențiale și în promovarea bunei guvernante. Procesul de descentralizare din Armenia este evidențiat ca fiind un mecanism-cheie pentru realizarea unui echilibru delicat între elementele politice, economice și civile.

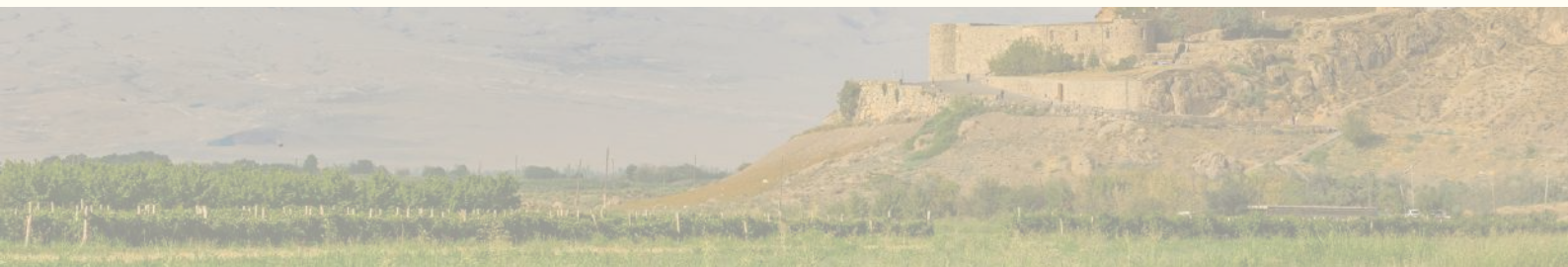
Este analizat contextul politic al Armeniei, în special tranziția sa către autoguvernarea locală de la obținerea independenței în 1991. Este examinată structura administrativă, inclusiv rolul guvernatorilor de marș și schimbarea statutului Erevanului. Studiul evidențiază, de asemenea, schimbările politice recente, inclusiv "Revoluția de catifea" din 2018 și conflictele din regiunea Nagorno-Karabakh, care au prezentat provocări suplimentare, cum ar fi un aflux de refugiați.

Este prezentată evoluția sistemului de autonomie locală (LSG) și reforma teritorială și administrativă a Armeniei (TARA). Cercetarea aplaudă progresele înregistrate prin fuziunile municipale, dar subliniază necesitatea de a continua eforturile, în special în ceea ce privește descentralizarea politică și fiscală. Aceasta solicită o strategie cuprinzătoare de descentralizare și o colaborare eficientă între Ministerul Administrației Teritoriale și Infrastructurii (MTAI), alte ministere și municipalități.

Un addendum abordează impactul războiului Rusiei în Ucraina și al conflictului din Nagorno-Karabakh din septembrie 2023 asupra Armeniei. Sunt discutate schimbările geopolitice și provocările care decurg din aceste evenimente, inclusiv exodul în masă al etnicilor armeni. Studiul sugerează că reevaluarea strategică a Armeniei, care se distanțează de Rusia, prezintă atât provocări, cât și oportunități în relațiile sale diplomatice.

Cercetarea aprofundează, de asemenea, provocările cu care se confruntă organizațiile societății civile (OSC) din Armenia, în special în contextul unui spațiu civic tot mai mic. În timp ce schimbările legislative de după 2018 au îmbunătățit inițial situația, studii recente evidențiază potențiale efecte negative asupra OSC-urilor. Sentimentele naționaliste și percepția că OSC-urile sunt antinaționale reprezintă obstacole, în special după conflictul din 2020.

Promovarea unei democrații participative rezistente este subliniată ca fiind crucială pentru guvernanta democratică a Armeniei. Cadrul Parteneriatului estic, angajamentul UE și inițiativele locale sunt discutate ca modalități de a spori participarea cetățenilor. Provocările în această privință includ lipsa de motivație a publicului, nivelul scăzut de alfabetizare mediatică, problemele de accesibilitate, insuficiența proiectelor pentru tineret și tensiunile politice interne.





Mai multe părți interesate cheie, inclusiv Programul Națiunilor Unite pentru Dezvoltare (PNUD), Parteneriatul pentru o guvernare deschisă (OGP), Agenția Germană pentru Cooperare Internațională (GIZ), Consiliul Europei și Agenția Suedeză pentru Dezvoltare și Cooperare Internațională (Sida), sunt identificate pentru rolul lor în promovarea democrației locale în Armenia. Proiectele și inițiativele lor au ca scop abordarea provocărilor, promovarea transparenței și abilitarea comunităților locale.

În concluzie, cercetarea recunoaște progresele înregistrate de Armenia în reforma administrației locale, dar subliniază necesitatea unor eforturi continue, a unor strategii cuprinzătoare și a colaborării pentru a aborda provocările și a profita de oportunități pentru un viitor democratic rezistent și participativ.

## Abstract - Ukrainian

Це дослідження фокусується на викликах і можливостях, з якими стикаються органи місцевого самоврядування у Вірменії, особливо в контексті нещодавніх реформ управління. Воно підкреслює вирішальну роль органів місцевого самоврядування у забезпеченні добробуту громадян, наданні основних послуг та сприянні належному врядуванню. Процес децентралізації у Вірменії висвітлюється як ключовий механізм досягнення делікатного балансу між політичними, економічними та громадянськими елементами.

Обговорюється політичне тло Вірменії, особливо її перехід до місцевого самоврядування після здобуття незалежності в 1991 році. Розглядається адміністративна структура, включаючи роль губернаторів областей та зміну статусу Єревана. У дослідженні також висвітлюються нещодавні політичні зміни, зокрема "оксамитова революція" 2018 року та конфлікти в Нагірному Карабасі, які створили додаткові виклики, такі як вплив біженців.

Окреслено еволюцію системи місцевого самоврядування (МСУ) та територіально-адміністративної реформи Вірменії (ТАРА). У дослідженні вітається прогрес, досягнутий завдяки об'єднанню муніципалітетів, але наголошується на необхідності продовження зусиль, особливо у сфері політичної та фінансової децентралізації. Воно закликає до комплексної стратегії децентралізації та ефективної співпраці між Міністерством територіального управління та інфраструктури (МТУІ), іншими міністерствами та муніципалітетами.

У додатку розглядається вплив війни Росії в Україні та конфлікту в Нагірному Карабасі у вересні 2023 року на Вірменію. Обговорюються геополітичні зрушення та виклики, що виникли внаслідок цих подій, включаючи масову еміграцію етнічних вірмен. Дослідження припускає, що стратегічна переоцінка Вірменії, яка дистанціюється від Росії, створює як виклики, так і можливості в її дипломатичних відносинах.

У дослідженні також розглядаються виклики, з якими стикаються організації громадянського суспільства (ОГС) у Вірменії, особливо в контексті звуження громадянського простору. Хоча законодавчі зміни після 2018 року спочатку покращили ситуацію, останні дослідження вказують на потенційні негативні наслідки для ОГС. Націоналістичні настрої та сприйняття ОГС як антинаціональних створюють перешкоди, особливо після конфлікту 2020 року.

Підкреслюється, що сприяння стійкій демократії участі має вирішальне значення для демократичного врядування у Вірменії. Рамки Східного партнерства, залучення ЄС та місцеві ініціативи обговорюються як шляхи посилення участі громадян. Виклики в цьому відношенні включають брак громадської мотивації, низьку медіаграмотність, проблеми доступності, недостатню кількість молодіжних проєктів і внутрішньополітичну напруженість.



Кілька ключових зацікавлених сторін, серед яких Програма розвитку ООН (ПРООН), Партнерство "Відкритий Уряд" (ПВУ), Німецьке товариство міжнародного співробітництва (GIZ), Рада Європи та Шведське агентство з питань міжнародного розвитку та співробітництва (Sida), відіграють важливу роль у розвитку місцевої демократії у Вірменії. Їхні проекти та ініціативи спрямовані на вирішення проблем, сприяння прозорості та розширенню прав і можливостей місцевих громад.

У висновках дослідження визнається прогрес Вірменії у реформуванні місцевого самоврядування, але підкреслюється необхідність подальших зусиль, комплексних стратегій і співпраці для подолання викликів і використання можливостей задля стійкого демократичного майбутнього, заснованого на широкій участі громадськості.

## Abstract - Russian

Данное исследование посвящено проблемам и возможностям, с которыми сталкиваются местные органы власти в Армении, особенно в контексте последних реформ управления. В нем подчеркивается важнейшая роль местных органов власти в обеспечении благосостояния граждан, предоставлении основных услуг и содействии надлежащему управлению. Процесс децентрализации в Армении рассматривается как ключевой механизм для достижения тонкого баланса между политическими, экономическими и гражданскими элементами.

Обсуждаются политические предпосылки Армении, особенно ее переход к местному самоуправлению после обретения независимости в 1991 году. Рассматривается административная структура, включая роль губернаторов областей и изменение статуса Еревана. В исследовании также освещаются недавние политические изменения, включая "бархатную революцию" в 2018 году и конфликты в Нагорно-Карабахском регионе, которые создали дополнительные проблемы, такие как приток беженцев.

Описывается эволюция системы местного самоуправления (МСУ) и территориально-административной реформы Армении (ТАРА). В исследовании приветствуется прогресс, достигнутый благодаря объединению муниципалитетов, но подчеркивается необходимость продолжения усилий, особенно в области политики и фискальной децентрализации. В нем содержится призыв к разработке комплексной стратегии децентрализации и эффективному сотрудничеству между Министерством территориального управления и инфраструктуры (МТУИ), другими министерствами и муниципалитетами.

В добавлении рассматривается влияние войны России в Украине и нагорно-карабахского конфликта в сентябре 2023 года на Армению. Обсуждаются геополитические сдвиги и вызовы, возникающие в результате этих событий, включая массовый исход этнических армян. Исследование показывает, что стратегическая переоценка Армении, дистанцирующейся от России, создает как вызовы, так и возможности в ее дипломатических отношениях.

Исследование также посвящено проблемам, с которыми сталкиваются организации гражданского общества (ОГО) в Армении, особенно в контексте сужения гражданского пространства. Хотя законодательные изменения, произошедшие после 2018 года, первоначально улучшили ситуацию, последние исследования указывают на потенциальные негативные последствия для ОГО. Националистические настроения и восприятие ОГО как антинациональных организаций создают препятствия, особенно после конфликта 2020 года.

Укрепление устойчивой демократии с широким участием населения подчеркивается как решающее условие демократического управления Арменией. Рамки Восточного партнерства, взаимодействие с ЕС и местные инициативы обсуждаются как способы расширения участия граждан. Проблемы в этой области включают отсутствие общественной мотивации, низкую медиаграмотность, проблемы доступности, недостаточное количество молодежных проектов и внутривнутриполитическую напряженность.

Несколько ключевых заинтересованных сторон, включая Программу развития ООН (ПРООН), Партнерство "Открытое правительство" (OGP), Германское агентство международного сотрудничества (GIZ), Совет Европы и Шведское агентство международного развития и сотрудничества (Sida), отмечены за их роль в развитии местной демократии в Армении. Их проекты и инициативы направлены на решение проблем, содействие прозрачности и расширение прав и возможностей местных сообществ.

В заключение исследование признает прогресс Армении в реформе местного самоуправления, но подчеркивает необходимость продолжения усилий, комплексных стратегий и сотрудничества для решения проблем и использования возможностей для устойчивого и партисипативного демократического будущего.

## Abstract -Arabic

تركز هذه الدراسة البحثية على التحديات والفرص التي تواجهها الحكومات المحلية في أرمينيا، لا سيما في سياق الإصلاحات الأخيرة في مجال الحوكمة. وتركز على الدور الحاسم للحكومات المحلية في ضمان رفاهية المواطن وتقديم الخدمات الأساسية وتعزيز الحكم الرشيد. ويُسلط الضوء على عملية اللامركزية في أرمينيا كآلية رئيسية لتحقيق توازن دقيق بين العناصر السياسية والاقتصادية والمدنية.

وتناقش الخلفية السياسية لأرمينيا، ولا سيما انتقالها إلى الحكم الذاتي المحلي منذ حصولها على الاستقلال في عام 1991. وتبحث الدراسة في الهيكل الإداري، بما في ذلك دور حكام المقاطعات وتغيير وضع يريفان. كما تسلط الدراسة الضوء على التغييرات السياسية الأخيرة، بما في ذلك "الثورة المخملية" في عام 2018 والنزاعات في منطقة ناغورني كاراباخ، والتي شكلت تحديات إضافية، مثل تدفق اللاجئين.

وتوضح الدراسة تطور نظام الحكم الذاتي المحلي والإصلاح الإقليمي والإداري في أرمينيا. يشيد البحث بالتقدم الذي تم إحرازه من خلال عمليات الدمج بين البلديات، لكنه يشدد على الحاجة إلى مواصلة الجهود، لا سيما في مجال السياسات واللامركزية المالية. ويدعو إلى وضع استراتيجية شاملة للامركزية والتعاون الفعال بين وزارة الإدارة الإقليمية والبنية التحتية والوزارات الأخرى والبلديات.

تتناول الإضافة تأثير الحرب الروسية في أوكرانيا ونزاع ناغورني قره باغ في سبتمبر 2023 على أرمينيا. وتناقش الدراسة التحولات الجيوسياسية والتحديات الناشئة عن هذه الأحداث، بما في ذلك النزوح الجماعي للأرمن. وتشير الدراسة إلى أن إعادة التقييم الاستراتيجي لأرمينيا وإبعاد نفسها عن روسيا يطرح تحديات وفرصاً في علاقاتها الدبلوماسية.

كما يتعمق البحث في التحديات التي تواجهها منظمات المجتمع المدني في أرمينيا، لا سيما في سياق تقلص الفضاء المدني. وفي حين أن التغييرات التشريعية بعد عام 2018 حسّنت الوضع في البداية، إلا أن الدراسات الحديثة تسلط الضوء على الآثار السلبية المحتملة على منظمات المجتمع المدني. فالمشاعر القومية والنظرة إلى منظمات المجتمع المدني على أنها معادية للوطن تشكل عقبات، لا سيما بعد نزاع عام 2020.

ويجري التأكيد على تعزيز الديمقراطية التشاركية المرنة باعتبارها أمراً حاسماً للحكم الديمقراطي في أرمينيا. ويُناقش إطار الشراكة الشرقية ومشاركة الاتحاد الأوروبي والمبادرات المحلية كوسائل لتعزيز مشاركة المواطنين. وتشمل التحديات في هذا الصدد الافتقار إلى الحافز العام، وانخفاض مستوى الإلمام بوسائل الإعلام، وقضايا إمكانية الوصول، وعدم كفاية المشاريع الشبابية، والتوترات السياسية المحلية.

وقد تم تحديد العديد من أصحاب المصلحة الرئيسيين، بما في ذلك برنامج الأمم المتحدة الإنمائي، وشراكة الحكومة المفتوحة، والوكالة الألمانية للتعاون الدولي، ومجلس أوروبا، والوكالة السويدية للتعاون الإنمائي الدولي، وذلك لأدوارهم في تعزيز الديمقراطية المحلية في أرمينيا. وتهدف مشاريعها ومبادراتها إلى مواجهة التحديات وتعزيز الشفافية وتمكين المجتمعات المحلية.

وفي الختام، يقرّ البحث بالتقدم الذي أحرزته أرمينيا في مجال إصلاح الحكم المحلي، لكنه يشدد على الحاجة إلى مواصلة الجهود والاستراتيجيات الشاملة والتعاون لمواجهة التحديات واغتنام الفرص من أجل مستقبل ديمقراطي تشاركي مرن.



## Abstract - Serbian

Ova istraživačka studija fokusira se na izazove i mogućnosti sa kojima se suočavaju lokalne samouprave u Jermeniji, posebno u kontekstu nedavnih reformi upravljanja. Naglašava ključnu ulogu lokalnih vlasti u osiguravanju dobrobiti građana, pružanju osnovnih usluga i podsticanju dobrog upravljanja. Proces decentralizacije u Jermeniji je istaknut kao ključni mehanizam za postizanje delikatne ravnoteže između političkih, ekonomskih i građanskih elemenata.

Razmatra se politička pozadina Jermenije, posebno njena tranzicija na lokalnu samoupravu od sticanja nezavisnosti 1991. godine. Ispituje se administrativna struktura, uključujući ulogu guvernera marza i statusnu promjenu Jerevana. Studija također naglašava nedavne političke promjene, uključujući "baršunastu revoluciju" 2018. i sukobe u regionu Nagorno-Karabaha, koji su predstavljali dodatne izazove, kao što je priliv izbjeglica.

Prikazana je evolucija sistema lokalne samouprave (LSG) i Teritorijalna i administrativna reforma Jermenije (TARA). Istraživanje pozdravlja napredak postignut kroz spajanje opština, ali naglašava potrebu za kontinuiranim naporima, posebno u politici i fiskalnoj decentralizaciji. Poziva na sveobuhvatnu strategiju decentralizacije i efikasnu saradnju između Ministarstva za teritorijalnu upravu i infrastrukturu (MTAI), drugih ministarstava i opština.

Dodatak se bavi uticajem ruskog rata u Ukrajini i sukoba u Nagorno-Karabahu u septembru 2023. na Jermeniju. Raspravlja se o geopolitičkim pomacima i izazovima koji proizlaze iz ovih događaja, uključujući masovni egzodus etničkih Jermena. Studija sugeriše da strateška reevaluacija Jermenije, distanciranjem od Rusije, predstavlja izazove i prilike u njenim diplomatskim odnosima.

Istraživanje se takođe bavi izazovima sa kojima se suočavaju organizacije civilnog društva (OCD) u Jermeniji, posebno u kontekstu sve manjeg građanskog prostora. Dok su zakonske promjene nakon 2018. u početku poboljšale situaciju, nedavne studije ističu potencijalne negativne efekte na OCD. Nacionalistički osjećaji i percepcije OCD-a kao antinacionalnih predstavljaju prepreke, posebno nakon sukoba 2020. godine.

Podsticanje otporne participativne demokratije je naglašeno kao ključno za demokratsko upravljanje Jermenije. Okvir Istočnog partnerstva, angažman EU i lokalne inicijative razmatraju se kao putevi za poboljšanje učešća građana. Izazovi u ovom pogledu uključuju nedostatak motivacije javnosti, nisku medijsku pismenost, probleme pristupačnosti, nedovoljno omladinskih projekata i domaće političke tenzije.



Nekoliko ključnih aktera, uključujući Program Ujedinjenih nacija za razvoj (UNDP), Partnerstvo za otvorenu vlast (OGP), Njemačku agenciju za međunarodnu saradnju (GIZ), Vijeće Evrope i Švedsku agenciju za međunarodni razvoj i saradnju (Sida), identificirano je za svoje uloge u unapređenje lokalne demokratije u Jermeniji. Njihovi projekti i inicijative imaju za cilj rješavanje izazova, promoviranje transparentnosti i osnaživanje lokalnih zajednica.

U zaključku, istraživanje potvrđuje napredak Jermenije u reformi lokalne uprave, ali naglašava potrebu za kontinuiranim naporima, sveobuhvatnim strategijama i saradnjom kako bi se odgovorilo na izazove i iskoristile prilike za otpornu i participativnu demokratsku budućnost.



# CHALLENGES AND OPPORTUNITIES

The effective functioning of any system fundamentally depends on the **trust established between governments and their citizens**. **Local governments**, in particular, play a critical role in ensuring citizen well-being, delivering essential services, and acting as intermediaries connecting national governments with the public. The synergy of political, economic, and civil elements is essential for the **establishment of good governance**, with each component influencing and complementing the others.

**Decentralisation** is a key mechanism for achieving and maintaining this delicate balance. The success of decentralisation depends on fostering a sense of community participation and ensuring that local decision-makers are responsive to the **needs and expectations** of the people they serve.

Over the past couple of years, Armenia has undergone **significant local governance reforms**, resulting in the establishment of larger, more functional, and better-financed municipalities. Despite the notable successes achieved thus far, key local and international experts in the field emphasise the ongoing **need for further reform efforts**. In addition to strengthening the financial capacities of municipalities, it is vital to ensure their capability to deliver direct services to citizens.

Achieving this goal requires additional reforms, with a primary **focus on functional and fiscal decentralisation**. Moreover, for the next phase of the local governance reform process, **effective collaboration between the Ministry of Territorial Administration and Infrastructure (MTAI), municipalities, and other stakeholders** is crucial. This collaboration should culminate in the development of a comprehensive decentralisation strategic framework to guide the evolution of local governance in Armenia.

# Political Background of Armenia

Following the collapse of the Soviet Union, the Republic of Armenia (RA), a small landlocked country located in the South Caucasus region, gained independence on September 21, 1991. This marked a significant turning point, paving the way for the establishment of its political system.

With the adaptation of its first Constitution in 1995, the country laid the foundations of its political structure. Since then, Armenia implemented two further constitutional amendments, restructuring its political system and introducing new mechanisms for governance and representation (RA Constitution, 2005; RA Constitution, 2015). As a result, the current political landscape in Armenia operates under a parliamentary model, where the President serves as the head of state, the Government is a supreme executive body, and the Prime Minister, elected by the parliamentary majority, is appointed by the President of the Republic and acts as the head of the government with most executive powers.<sup>[1]</sup>

Armenia's transition to local self-governance after the dissolution of the Soviet Union underwent a significant evolution. The formulation of a new Constitution in 1995 laid the groundwork for territorial administrative reforms, specifically addressing local governance in Chapter 7. This paved the way for subsequent legislation, swiftly organising a new system for territorial administration and local self-governance.

Armenia's administrative structure is defined by its Constitution and the Law on Administrative Territorial Division, encompassing regions (marzer) and communities (hamainkner). The RA is divided into ten regions called marzes, along with the city of Yerevan, which operates under the law of local self-government.<sup>[2]</sup> It's worth noting that, with the 1995 Law on Local Government, Yerevan originally has been granted a status of marz and it was governed by the Mayor appointed by the central government. In 2008 the National Assembly of Armenia adopted a Law on Local Government in Yerevan City. Under the Law on Local Governance and Regional Governance in the City of Yerevan, the status of Yerevan has been changed from a marz to a local government. According to that law, the mayor of Yerevan is no longer an appointed official. Citizens now elect community council members who, in turn, elect Yerevan city mayor. This change gave to some extent independence to the Yerevan mayor from the central government. The public administration in the marzes is regulated by the President's decree on public administration in these regions, as well as other legal acts.



***The amendment in the status of Yerevan can be a good precedent for further changes in the Law on Local self-government. The head of the region (marzpet) shall be elected by the community members or at least by the community council (as in the case of Yerevan). It can increase society's interest in governing processes. As a result, residents will more actively participate in local elections, demanding a higher level of accountability from local governors, and will make their choices more carefully, since they would realize that it has a direct effect on the governance at local levels.***

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Marz governors, on the other hand, are responsible for implementing the government's regional policy, coordinating the activities of local executive authority branches, and overseeing various sectors within their respective marzes. These sectors include finance, urban development, agriculture, education, healthcare, culture, and more. Marz governors also coordinate the activities of regional services related to internal affairs, national security, defense, communication, energy, taxes, emergencies, civil defense, and other areas.

The appointment and dismissal of marz governors are made through government decrees, requiring ratification by the President of the Republic of Armenia. Marz governors operate at the discretion of the government and are accountable to it for their actions.

Over the last couple of years, Armenia has witnessed a series of political changes, most notably the “Velvet Revolution,” which unfolded in 2018 and brought about changes to the country’s leadership and political landscape. Furthermore, following the conflicts in the Nagorno-Karabakh (NK) region in 2020 and, more recently, in September 2023, Armenia has faced increasing challenges due to the influx of migrants from the NK region. The area has been depopulated, resulting in nearly 120,000 refugees seeking refuge in Armenia. Thus, despite its relatively successful democratic transition in a neighborhood of authoritarian states and continued political instability, many challenges remain. These complex and multifaceted issues have profound implications, shaping not only the political trajectory of the country but also exerting a considerable impact on the ongoing reform process, including the advancement of effective local self-government.

## **Advancing Local Governance in Armenia: The Evolution of the Local Self-Government System and Territorial and Administrative Reform**

The establishment of the Local Self-Government (LSG) system in Armenia began in 1995 with the adoption of the country’s first Constitution in which the administrative-territorial units were defined as marzes (regions) and communities/municipalities, and categorised as rural and urban municipalities (RA Constitution, 1995, articles 104-105).

The Law on Administrative-Territorial Division of the Republic of Armenia (1995, article 2) was enacted in the same year, dividing Armenia into ten marzes and 915 communities/municipalities.

Armenia took steps towards political decentralisation with the adoption of the Law on Local Self-Government (1996, article 8), empowering local governments to address municipal issues and emphasising the democratic foundation of the state system through municipalities. The country has since implemented measures to enhance local autonomy, strengthen local governance structures, and improve coordination between central and local governments. In 2002 Armenia also ratified the European Charter of Local Self-Government, reaffirming its commitment to local democracy and citizen participation, while simultaneously signing up to the standards and regular evaluations by the Council of Europe. In the following years, political and administrative decentralisation efforts have been carried out at various scales and stages to enhance local governance structures. The need for community consolidation and administrative-territorial reform became evident, leading to the approval of the Concept Paper on the Enlargement of Communities and the Establishment of Inter-community Unions in 2011. These concept papers focused primarily on the size and related ineffectiveness of some municipalities in providing effective service delivery to the population.

Meanwhile, the Congress of Local and Regional Authorities (CoE, 2014) highlighted challenges in the state of local democracy in Armenia, too, including limited participation, insufficient capacities and resources of local authorities, and the presence of small and fragile municipalities. To address these issues, the Armenian government initiated the Territorial and Administrative Reform of Armenia (TARA) in 2014, led by the Ministry of Territorial Administration and Infrastructure (MTAI).<sup>[3]</sup> The reform aimed to establish functional and responsive local structures, enabling local governments to serve their communities effectively. The initial focus was on the enlargement and restructuring of municipalities, laying the foundation for further decentralisation efforts. The amalgamation process began in 2015, with three pilot municipalities consolidating 22 previously existing communities through local referendums. However, following the 2015 constitutional amendments, later local governance reforms and amalgamations did not use referendums. The second phase took place in 2016, merging 118 former municipalities into 15, and the third phase - in 2017, resulted in 34 new communities, absorbing 325 former ones. The enlargement process experienced a temporary pause in 2018 but resumed in 2020, continuing through subsequent phases in 2021 and 2022. The final round of enlargement occurred from September 2022 to March 2023, bringing the total number of municipalities in Armenia to 71, with 64 being enlarged municipalities. The remaining 7 communities are Yerevan and Gyumri, the two largest cities, and five smaller municipalities populated by ethnic minorities, which were not included in the reform process.<sup>[4]</sup>

## Conclusion

The local government reform in Armenia has made considerable strides in both pace and impact. The amalgamation of municipalities has enhanced service delivery and financial resources for local authorities. However, to progress from structural consolidation to policy and fiscal decentralisation, further efforts are essential for the subsequent phases of the Territorial and Administrative Reform of Armenia (TARA). A cohesive decentralisation strategy, forged through robust collaboration between the Ministry of Territorial Administration and Infrastructure (MTAI), other ministries, and municipalities, is imperative.

The interconnected nature of subsequent reforms demands a comprehensive approach, encompassing the development of a nationwide training strategy. Long-term considerations for democratisation, economic development, and the meaningful inclusion of women and young people in decision-making processes are integral to fostering a holistic and inclusive reform process. This approach not only ensures the success of territorial reform and decentralisation but also guarantees Armenia's continued democratic advancement, including often marginalised groups, and ensures their perspectives are acknowledged and valued.

It should also be highlighted that in recent years, the Armenian government has actively engaged in a consultative process with Local Self-Government Bodies, concurrently enhancing community capacity. This multifaceted initiative involved consistent consultations with local authorities, associations, and NGOs, encompassing legislative drafts on self-government bodies. Community Consultation Initiatives, complemented by regular conferences, played a pivotal role in fostering discussions on legislative drafts, concepts, and strategies. These sessions served as forums for engaging both local and international experts in the collaborative development of governance-related frameworks. Moreover, on November 7, 2023, Prime Minister Pashinyan's adoption of the Decree on the Concept of Decentralisation could be seen as a significant step forward for the sustained progress of local democracy in Armenia.<sup>[5]</sup>

## Challenges for the Next Steps towards Effective Decentralisation:

The next phase of decentralisation in Armenia requires a comprehensive concept addressing sectoral and fiscal issues. Challenges highlighted by international and local experts include:

### Challenges<sup>[6]</sup>:

- **Continued Capacity Building:** Lack of comprehensive capacity building in Armenian municipalities, especially in areas such as Citizen Offices, municipal management systems, gender awareness, budgetary and economic development, open government, and integrity.

- National Training Strategy: The absence of a national training strategy for ongoing municipal support; a challenge lies in encouraging municipalities to create their training programmes and allocate funds for them.
- Decentralisation and Governance Structure: Lack of decentralisation in Armenia's local governments; governance structure coupled with limited local revenues, leading to dependence on central government budget allocations.
- Policy and Fiscal Decentralisation: Despite territorial reform and municipal consolidation, limited policy and fiscal decentralisation; municipalities executing central government policies with restricted autonomy; need for active stakeholder engagement and coordination among entities.
- Fiscal Autonomy for Local Governments: Local governments lack fiscal autonomy; existing legislation creates a hierarchy favouring central government concerns over public input.
- Gaps in Local Self-Government Charter Implementation: Despite ratifying the European Charter of Local Self-Government, significant gaps persist; issues in municipalities' powers, involvement in public services, funding, consultation, and communication about territorial reforms.
- Citizens' Participation: Challenges in motivating larger numbers to actively engage in local municipality activities; notable success observed in municipalities with Women and Youth Councils, but broader engagement remains a challenge.

The development of autonomous local self-governments is critical for establishing resilient democracy in Armenia, and continuous reforms, institutional changes, legislative updates, societal engagement, and the addressing of the provided challenges are essential for long-term success in achieving autonomous and transparent local self-government.



## ADDENDUM:

# The Impact of Russia's War in Ukraine and the September 2023 Nagorno-Karabakh Conflict on Armenia

The nine months of blockade culminated in the conflict in the Nagorno-Karabakh (NK) region in September 2023, triggering a mass exodus of the ethnic Armenian population. Despite Azerbaijan's promises to safeguard the rights of ethnic Armenians and extend citizenship to those residing in the NK region, almost the entire population left due to fear of persecution by the triumphant Azerbaijani state.<sup>[7]</sup>

It is essential to note that Russia's ongoing war in Ukraine compromised Armenia's security as Moscow's capacity to enforce stability in the South Caucasus was diminished by its involvement in the conflict with Ukraine. The one-day war in Nagorno-Karabakh in 2023 revealed that Azerbaijan was more concerned about Western sanctions, which appeared to restrain it from expanding the conflict into internationally recognised Armenian territories, rather than relying on Russian support for Armenia. Thus, the reduced security assurance and arms supply from Russia prompted Armenia to reconsider its membership in the Collective Security Treaty Organisation (CSTO) and explore diplomatic alternatives, such as ratifying the Rome Statute of the International Criminal Court, signaling a shift in its strategic orientation away from Moscow.<sup>[8]</sup> Consequently, Armenia's shift towards the West, distancing itself from Russia, has led to a strain in its relations with Moscow.

If there's a silver lining in this recent conflict in the NK region, it may lie in the shifting strategic trust that Armenians once had with Russia. However, in the short and medium term, Armenia is unlikely to disentangle itself from Russian influence, given the presence of the Russian military base in Gyumri. Nevertheless, the current situation offers Armenia an opportunity to consider a more balanced relationship and potentially lean towards the West.

## Navigating Challenges to Civic Space in Armenia

The shrinking space for Civil Society Organisations (CSOs) has been a significant concern in recent years—a global issue discussed in various contexts. Governments in many countries impose restrictions on CSOs, ranging from diminishing CSO-State relations to adopting laws that negatively impact their activities. In Armenia, before the 2018 Velvet Revolution, the rate of CSO shrinking space was high compared to Eastern Partnership (EaP) countries. However, post-revolution, legislative amendments in 2018 improved the situation. Armenia now holds a position between open and closed countries, according to the Civicus Monitor. Despite favorable legislative changes, recent studies indicate potential negative effects on CSOs, particularly regarding more stringent reporting requirements. Aggressive activities by extremist nationalistic organisations post-Velvet Revolution pose another obstacle, especially for CSOs working in human rights protection, highlighting the multifaceted challenges contributing to the shrinking space for civil society in Armenia.

Following the Velvet Revolution in 2018, civil society organisations (CSOs) initially gained increased reputation and trust. However, there was a noted shrinkage in the civic space after 2019, with the perception that civil society organisations (CSOs) were considered imported and antinational. The public's trust in CSOs, as measured by the Caucasus Barometer, showed an initial increase from 18% to 26% in 2019, but it significantly decreased in 2021, with distrust rising from 25% to 38%. A concerning development was the targeted campaign against civil society organisations (CSOs) by various nationalistic groups in Armenia. Some attribute this shift to the 44-day war in 2020, during which political powers aligned with previous authoritarian authorities propagated a narrative that CSOs, advocating civic and diplomatic values, contributed to the country's loss in the war. This discourse, initiated by former president Robert Kocharyan, persisted throughout the 2021 parliamentary elections. Another factor contributing to the decline in trust is the perception that former CSO members within the government were ineffective in managing the crisis.<sup>[9]</sup>

According to the “CSO Meter Armenia 2022 report,” developed by Transparency International Armenia, the overall score in Armenia's civil society environment remained stable in 2022. Key areas such as Freedom of Association, Access to Funding, and Freedom of Peaceful Assembly maintained high scores. However, negative trends were observed in the practice of Freedom of Peaceful Assembly, with unjustified assembly dispersals and incidents of violence. Positive developments were noted in the Right to Participation in Decision-Making, Freedom of Expression, and Right to Privacy areas. The government's commitment to media reforms and addressing hate speech contributed to an improved score in Freedom of Expression. Despite these positive aspects, challenges persisted in the State's Duty to Protect, especially in terms of insufficient protection for CSOs and affiliated individuals, leading to harassment and threats. Digital Rights slightly improved due to government initiatives promoting digitalisation and media literacy.<sup>[10]</sup>

Given the aforementioned challenges, it is crucial to continue monitoring developments related to civic space, particularly in the aftermath of the recent war in Nagorno Karabagh (September 2023), as Armenia actively seeks to strengthen ties with the West due to strategic dissatisfaction with Russia.

## **Fostering Resilient Participatory Democracy**

Participatory democracy, integral to democratic governance, involves non-state actors like citizens, civil society organisations, the private sector, and the media collaboratively shaping public policies. Despite its theoretical importance, the implementation of these mechanisms often falls short of their intended ideals in many countries.

The Eastern Partnership (EaP) framework, designed to enhance the relationship between the European Union (EU) and its six neighboring countries, including Armenia, has effectively incorporated an enabling legal environment for non-governmental organisations (NGOs) and citizen participation (participatory democracy). Increased engagement with civil society organisations stands as one of the 20 deliverables of the Partnership and marks the initial milestone within the "Cross-cutting deliverables."



In March 2019, the EU embraced an updated Roadmap for Engagement with Civil Society in Armenia, delineating clear priorities, targets, and actions for collaboration between NGOs and the EU. This revised Roadmap emphasises the promotion of an enabling environment for civil society organisations, bolstering their involvement in policy processes, and enhancing their capacity for effective engagement and sustainability. Additionally, the Council of Europe Action Plan for Armenia 2019-2022 has identified "promoting participation and diversity" as one of the two actions under the pillar of "Democracy." This underscores the collective commitment to fostering a robust participatory framework and ensuring diverse representation in the democratic processes of Armenia.[\[11\]](#)

The key challenges for participatory democracy in Armenia include[\[12\]](#):

- Lack of motivation among the public to participate;
- Low rates of media literacy in Armenia;
- Accessibility issues as a serious obstacle to the participation of people with disabilities;
- Insufficient youth projects pose a significant obstacle for young individuals;
- Domestic political tensions contribute to the complexities of the participatory democratic process.

To support the fostering of participatory democracy in Armenia, ALDA and LDA Armenia have actively participated in collaborative initiatives with local authorities and communities over the last few years. This demonstrates a commitment to fostering local democracy and sustainable development. The following highlights key instances of successful cooperation[\[13\]](#):

- Citizens' Voice and Action in Consolidated Municipalities in Armenia:
  - A consortium, including the Communities Finance Officers Association (CFOA), ALDA, with LDA Armenia as a sub-contractor, and the Association of Communities of Armenia, orchestrated a comprehensive project;
  - The project, initiated with a steering committee meeting, outlined the preparatory phase, communication plan, launching conference, and details for a demonstration grant in Ashotsk, Shirak region;
  - Regional meetings familiarised community leaders with the project, and engagements with tourism stakeholders and civil society contributed to prioritising the ski center's construction.
- Conference on Good Governance:
  - In collaboration with ALDA Urban Foundation for Sustainable Development, a conference on "Good Governance" was organised in Gyumri in October 2015;
  - Facilitated by representatives from the European Network for Training Organisations

(ENTO), the event delved into the birth of the Good Governance concept, its principles, and success stories from European municipalities;

- Discussions among students and lecturers explored governance methods, the conceptual distinction between "governance" and "government," and the interplay between good governance, economic development, and national values.

- Cooperation Project with Council of Europe:

- As part of the project 'Support for the Consolidation of Local Democracy in Armenia,' the Congress of Local and Regional Authorities of the Council of Europe organised two seminars in 2015 on "Promoting citizen participation in Armenia;"

- These seminars enhanced the understanding and skills of nearly 200 community representatives in citizens' participation in decision-making processes at the local level.

- Hearing on Local and Regional Democracy in Armenia:

- In March 2014, the Congress of the Council of Europe adopted a monitoring report on local democracy in Armenia, emphasising efforts made while recommending legislative reviews and increased community council capacity;

- A hearing in Brussels in June 2014 further discussed the perspectives of implementing local democracy in Armenia.

- Local Government Trainings for Gyumri Municipality Staff:

- In collaboration with Counterpart International Armenia, the ALDA and LDA Armenia organised a five-day local government training for Gyumri municipality staff in March-April 2014;

- Covering leadership, strategic planning, local self-government legislation, and more, the training aimed to enhance the skills of municipal employees.

## Other Key Stakeholders and Their Role in Advancing Local Democracy in Armenia

Over the last couple of years, Armenia has seen notable efforts by diverse key players striving to foster local democracy. Below are a few visible examples:

- The United Nations Development Programme (UNDP) has been a prominent force, actively addressing gender imbalances in governance through initiatives like the "Women in Local Democracy" project focusing on women's engagement in local self-governance, and public awareness of gender equality. Through participatory decision-making models and training, the UNDP has significantly increased women's representation in local self-government and contributed to a more inclusive and participatory governance structure.<sup>[14]</sup> Furthermore, the UNDP's "Women and Youth for Innovative Local Development" project, aims to promote inclusive and gender-balanced local governance.<sup>[15]</sup>

- The Open Government Partnership (OGP) also plays a pivotal role in deepening democracy in Armenia. Supported by the European Union and implemented within the UNDP Kolba Lab's "Future Today" project, the OGP Armenia 2022-2024 Action Plan evaluation involves key stakeholders, including the Office of the Prime Minister, OGP Armenia Secretariat, and UNDP's Future Today project. The collaboration emphasises Armenia's commitment to transparency, accountability, and innovation, aligning with OGP principles and promoting sustainable reforms.[\[16\]](#)
- The German Agency for International Cooperation (GIZ) contributes significantly to Armenia's progress in good local governance. Through programmes like "Good Governance for Local Development (GGLD)," GIZ, commissioned by the German Federal Ministry for Economic Cooperation and Development, focuses on enhancing the capabilities of public authorities for citizen-oriented services.[\[17\]](#)
- The Council of Europe's Congress of Local and Regional Authorities, supported by the Austrian Development Agency (ADA), is actively involved in Armenia's decentralisation efforts. Projects like "Strengthening the Communities Association of Armenia and Transparent, Participatory Local Governance" aim to enhance local democracy by establishing effective consultation mechanisms and fostering citizen confidence through greater voice and inclusiveness in self-government bodies. ADA's support contributes to Armenia's ongoing decentralisation and territorial administrative reform, promoting integrity and transparency in local democracy.[\[18\]](#)
- The Swedish International Development Cooperation Agency, Sida has been instrumental in strengthening democracy in Armenia. By supporting reforms through partners like UNDP and the Swedish Judicial Authority, Sida has contributed to the development of political leadership dedicated to improving democratic conditions, rule of law, and accountability. Sida's projects, including those led by SALAR, aim to empower municipalities and enhance their independence, responsibility, capacity, and accountability to the population.[\[19\]](#)

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# CHALLENGES AND OPPORTUNITIES

**A Brief Study on Local  
Governments, Civil Society,  
and Participatory Democracy in  
Ukraine**



# TABLE ON CONTEXT

**LOCAL SELF-GOVERNMENT AND TERRITORIAL ORGANIZATION OF POWER**

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**POLITICAL ASSOCIATION AND ECONOMIC INTEGRATION/EU ENLARGEMENT POLICY AND UKRAINE**

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## Abstract

The history of independent Ukraine reflects a persistent struggle between centralization and decentralization of power, particularly in the context of state administrations and local self-government bodies. Since Ukraine's independence in 1991, attempts to reform local self-government have faced challenges stemming from political elite disagreements on the country's overall political development. Despite constitutional recognition and guarantees for local self-government, actual decentralization efforts did not start until 2014, aligning with Ukraine's strategic Euro integration course.

The Association Agreement with the European Union in 2014 marked a pivotal moment, emphasizing the need for an effective local self-government system aligning with democratic values. The year 2020 saw critical milestones, with the approval of a new administrative-territorial structure for the basic level, the formation of 1470 territorial communities, and the first elections based on the new structure. The decentralization reform propelled the formation of an effective, citizen-centric local self-government institution, emphasizing voluntary amalgamation, financial decentralization, and expanded powers.

With the full-scale invasion in 2022, martial law was enacted, shaping military administrations at regional, district, and settlement levels. This led to the integration of state administrations into military administrations, continuing the interaction defined by existing laws alongside martial law regulations. In 2023, the Ministry of Restoration presented a roadmap for decentralization and local self-government reform in 2024-2027. This includes legislative developments like the Municipal Code, Law on Prefects, and amendments to the Budgetary and Tax Codes. International partnerships and civil society involvement are actively considered, reflecting a collaborative approach.

As Ukraine progresses towards recovery and reform, it remains crucial to balance wartime necessities, such as transferring military personnel's income tax to the state budget, with long-term fiscal decentralization goals. The country's path forward involves continuous adaptation to evolving challenges and active engagement with international partners, civil society, and local authorities.

Post-war restrictions, including martial law, limit freedom of expression, affecting journalism and advocacy efforts. Nevertheless, Civil Society Organisations (CSOs) in Ukraine, despite challenges, have demonstrated resilience and adaptability during the conflict. CSOs have played a crucial role in humanitarian aid, raising unprecedented funds, and contributing to recovery efforts. The Civil Society Organisations Sustainability Index highlighted improvements in financial viability, service provision, and public image despite legal and advocacy challenges.

CSOs faced obstacles in advocacy due to restricted government engagement, limits on free assembly, and information restrictions during martial law. Some CSOs achieved significant advocacy goals, documenting war crimes and advocating for reforms, contributing to international recognition.

The Association Agreement with the EU, signed in 2014, marked a transformative moment, with a focus on aligning administrative structures and competencies with European standards. Largely supported by CSOs, Ukraine's EU accession process, initiated in 2022, signifies a commitment to democratic reforms and stability despite the ongoing conflict.

The EU granted candidate status in 2022, with accession negotiations recommended in 2023. The 2023 Communication on EU Enlargement policy emphasizes Ukraine's need to update regional development strategies and enhance coordination for effective recovery. In addition a new multi-annual financial package of €50 billion, Ukraine Facility, proposed by the European Commission aims to give Ukraine more visibility in the help it will receive to support recovery, modernization, and key reforms for EU accession.

Notable initiatives, including the Lugano Principles, CoR recommendations, or the work of the European Alliance of Cities and Regions, emphasize democratic participation, multi-stakeholder engagement, and support for local and regional capacity building. Recommendations for enhancing regional policy and participatory policymaking involve harmonizing territorial classification, aligning sectoral legislation with the State Fund for Regional Development, and investing in capacity-building programs.

Ukraine, facing challenges from conflict, has the opportunity to rebuild and foster resilience. EU support, coupled with effective decentralization and participatory democracy, can lead to a successful recovery, contributing to a prosperous and democratic future.



## Abstract - French

L'histoire de l'Ukraine indépendante reflète une lutte persistante entre la centralisation et la décentralisation du pouvoir, en particulier dans le contexte des administrations d'État et des organes d'autonomie locale. Depuis l'indépendance de l'Ukraine en 1991, les tentatives de réforme de l'autonomie locale se sont heurtées à des difficultés liées aux désaccords des élites politiques sur le développement politique global du pays. Malgré la reconnaissance et les garanties constitutionnelles de l'autonomie locale, les efforts de décentralisation n'ont commencé qu'en 2014, s'alignant ainsi sur la stratégie d'intégration européenne de l'Ukraine.

L'accord d'association avec l'Union européenne en 2014 a marqué un tournant, soulignant la nécessité d'un système d'autonomie locale efficace et conforme aux valeurs démocratiques. L'année 2020 a été marquée par des étapes cruciales, avec l'approbation d'une nouvelle structure administrative et territoriale pour le niveau de base, la formation de 1470 collectivités territoriales et les premières élections basées sur la nouvelle structure. La réforme de la décentralisation a favorisé la formation d'une institution d'autonomie locale efficace et centrée sur les citoyens, en mettant l'accent sur la fusion volontaire, la décentralisation financière et l'élargissement des pouvoirs.

Avec l'invasion à grande échelle en 2022, la loi martiale a été promulguée, façonnant les administrations militaires au niveau des régions, des districts et des localités. Cela a conduit à l'intégration des administrations d'État dans les administrations militaires, poursuivant l'interaction définie par les lois existantes parallèlement aux réglementations de la loi martiale. En 2023, le ministère de la Restauration a présenté une feuille de route pour la décentralisation et la réforme de l'autonomie locale pour la période 2024-2027. Cette feuille de route comprend des développements législatifs tels que le code municipal, la loi sur les préfets et des amendements aux codes budgétaire et fiscal. Les partenariats internationaux et la participation de la société civile sont activement pris en compte, ce qui témoigne d'une approche collaborative.

Alors que l'Ukraine progresse sur la voie du redressement et de la réforme, il reste essentiel de trouver un équilibre entre les nécessités du temps de guerre, telles que le transfert de l'impôt sur le revenu du personnel militaire au budget de l'État, et les objectifs de décentralisation fiscale à long terme. Pour aller de l'avant, le pays doit s'adapter en permanence à l'évolution des défis et s'engager activement auprès des partenaires internationaux, de la société civile et des autorités locales.

Les restrictions d'après-guerre, y compris la loi martiale, limitent la liberté d'expression, ce qui affecte le journalisme et les efforts de plaidoyer. Néanmoins, les organisations de la société civile (OSC) en Ukraine, malgré les difficultés, ont fait preuve de résilience et d'adaptabilité pendant le conflit. Les OSC ont joué un rôle crucial dans l'aide humanitaire, en collectant des fonds sans précédent et en contribuant aux efforts de redressement. L'indice de viabilité des organisations de la société civile a mis en évidence des améliorations en matière de viabilité financière, de prestation de services et d'image publique, en dépit des difficultés juridiques et de plaidoyer.

Les OSC ont été confrontées à des obstacles en matière de plaidoyer en raison de l'engagement restreint du gouvernement, des limites imposées à la liberté de réunion et des restrictions en matière d'information pendant la loi martiale. Certaines OSC ont atteint des objectifs importants en matière de plaidoyer, en documentant les crimes de guerre et en plaidant pour des réformes, contribuant ainsi à la reconnaissance internationale.

L'accord d'association avec l'UE, signé en 2014, a marqué un tournant, l'accent étant mis sur l'alignement des structures administratives et des compétences sur les normes européennes. Largement soutenu par les OSC, le processus d'adhésion de l'Ukraine à l'UE, lancé en 2022, témoigne d'un engagement en faveur des réformes démocratiques et de la stabilité malgré le conflit en cours.

L'UE a accordé le statut de candidat en 2022, les négociations d'adhésion étant recommandées pour 2023. La communication de 2023 sur la politique d'élargissement de l'UE souligne la nécessité pour l'Ukraine d'actualiser ses stratégies de développement régional et de renforcer la coordination en vue d'un redressement efficace. En outre, une nouvelle enveloppe financière pluriannuelle de 50 milliards d'euros, la Facilité pour l'Ukraine, proposée par la Commission européenne, vise à donner à l'Ukraine une plus grande visibilité quant à l'aide qu'elle recevra pour soutenir le redressement, la modernisation et les réformes clés en vue de l'adhésion à l'UE.

Des initiatives notables, notamment les principes de Lugano, les recommandations du CdR ou les travaux de l'Alliance européenne des villes et des régions, mettent l'accent sur la participation démocratique, l'engagement de multiples parties prenantes et le soutien au renforcement des capacités locales et régionales.

Les recommandations visant à renforcer la politique régionale et l'élaboration participative des politiques impliquent l'harmonisation de la classification territoriale, l'alignement de la législation sectorielle sur le Fonds d'État pour le développement régional et l'investissement dans des programmes de renforcement des capacités.

L'Ukraine, confrontée aux défis posés par le conflit, a la possibilité de reconstruire et de favoriser la résilience. Le soutien de l'UE, associé à une décentralisation efficace et à une démocratie participative, peut conduire à une reprise réussie, contribuant à un avenir prospère et démocratique.



## Abstract - Italian

La storia dell'Ucraina indipendente riflette una persistente lotta tra centralizzazione e decentramento del potere, in particolare nel contesto delle amministrazioni statali e degli organi di autogoverno locale. Dall'indipendenza dell'Ucraina nel 1991, i tentativi di riforma dell'autogoverno locale hanno affrontato sfide derivanti dai disaccordi delle élite politiche sullo sviluppo politico generale del Paese. Nonostante il riconoscimento costituzionale e le garanzie per l'autogoverno locale, gli sforzi effettivi di decentramento sono iniziati solo nel 2014, in linea con il percorso strategico di integrazione europea dell'Ucraina.

L'accordo di associazione con l'Unione europea del 2014 ha segnato un momento cruciale, sottolineando la necessità di un sistema di autogoverno locale efficace e in linea con i valori democratici. Il 2020 ha visto tappe fondamentali, con l'approvazione di una nuova struttura amministrativo-territoriale per il livello di base, la formazione di 1470 comunità territoriali e le prime elezioni basate sulla nuova struttura. La riforma del decentramento ha favorito la formazione di un'istituzione di autogoverno locale efficace e incentrata sui cittadini, che ha posto l'accento sull'accorpamento volontario, sul decentramento finanziario e sull'ampliamento dei poteri.

Con l'invasione su larga scala del 2022, è stata promulgata la legge marziale, dando vita ad amministrazioni militari a livello regionale, distrettuale e di insediamento. Ciò ha portato all'integrazione delle amministrazioni statali in quelle militari, continuando l'interazione definita dalle leggi esistenti insieme ai regolamenti della legge marziale. Nel 2023, il Ministero della Restaurazione ha presentato una tabella di marcia per il decentramento e la riforma dell'autonomia locale nel periodo 2024-2027. Questa include sviluppi legislativi come il Codice municipale, la Legge sui prefetti e gli emendamenti ai Codici di bilancio e fiscale. I partenariati internazionali e il coinvolgimento della società civile sono presi attivamente in considerazione, a testimonianza di un approccio collaborativo.

Mentre l'Ucraina procede verso la ripresa e le riforme, rimane fondamentale bilanciare le necessità belliche, come il trasferimento dell'imposta sul reddito del personale militare al bilancio statale, con gli obiettivi di decentramento fiscale a lungo termine. Il percorso del Paese prevede un continuo adattamento alle sfide in evoluzione e un impegno attivo con i partner internazionali, la società civile e le autorità locali.

Le restrizioni del dopoguerra, tra cui la legge marziale, limitano la libertà di espressione, incidendo sul giornalismo e sulle attività di advocacy. Tuttavia, le organizzazioni della società civile (OSC) in Ucraina, nonostante le sfide, hanno dimostrato resilienza e adattabilità durante il conflitto. Le OSC hanno svolto un ruolo cruciale negli aiuti umanitari, raccogliendo fondi senza precedenti e contribuendo agli sforzi di recupero. L'Indice di sostenibilità delle organizzazioni della società civile ha evidenziato miglioramenti nella redditività finanziaria, nella fornitura di servizi e nell'immagine pubblica, nonostante le sfide legali e di advocacy.

Le CSO hanno incontrato ostacoli nell'attività di advocacy a causa del limitato impegno del governo, dei limiti alla libertà di riunione e delle restrizioni all'informazione durante la legge marziale. Alcune CSO hanno raggiunto importanti obiettivi di advocacy, documentando i crimini di guerra e sostenendo le riforme, contribuendo al riconoscimento internazionale.

L'Accordo di associazione con l'UE, firmato nel 2014, ha segnato un momento di trasformazione, con un'attenzione particolare all'allineamento delle strutture amministrative e delle competenze agli standard europei. Sostenuto in larga misura dalle CSO, il processo di adesione dell'Ucraina all'UE, avviato nel 2022, è indice di un impegno verso le riforme democratiche e la stabilità, nonostante il conflitto in corso.

L'UE ha concesso lo status di candidato nel 2022, con negoziati di adesione raccomandati nel 2023. La comunicazione sulla politica di allargamento dell'UE per il 2023 sottolinea la necessità dell'Ucraina di aggiornare le strategie di sviluppo regionale e di migliorare il coordinamento per una ripresa efficace. Inoltre, un nuovo pacchetto finanziario pluriennale di 50 miliardi di euro, lo Strumento per l'Ucraina, proposto dalla Commissione europea, mira a dare all'Ucraina maggiore visibilità sull'aiuto che riceverà per sostenere la ripresa, la modernizzazione e le riforme chiave per l'adesione all'UE.

Iniziative degne di nota, come i Principi di Lugano, le raccomandazioni del CdR o il lavoro dell'Alleanza europea delle città e delle regioni, sottolineano la partecipazione democratica, l'impegno di più parti interessate e il sostegno allo sviluppo delle capacità locali e regionali.

Le raccomandazioni per migliorare la politica regionale e il processo decisionale partecipativo prevedono l'armonizzazione della classificazione territoriale, l'allineamento della legislazione settoriale con il Fondo statale per lo sviluppo regionale e l'investimento in programmi di sviluppo delle capacità.

L'Ucraina, che deve affrontare le sfide del conflitto, ha l'opportunità di ricostruire e promuovere la resilienza. Il sostegno dell'UE, unito a un efficace decentramento e alla democrazia partecipativa, può portare a una ripresa di successo, contribuendo a un futuro prospero e democratico.



## Abstract - Ukrainian

Історія незалежної України відображає постійну боротьбу між централізацією та децентралізацією влади, особливо в контексті державних адміністрацій та органів місцевого самоврядування. З моменту здобуття Україною незалежності в 1991 році спроби реформувати місцеве самоврядування зіткнулися з проблемами, пов'язаними з розбіжностями політичної еліти щодо загального політичного розвитку країни. Незважаючи на конституційне визнання та гарантії місцевого самоврядування, фактичні зусилля з децентралізації розпочалися лише у 2014 році, що відповідало стратегічному курсу України на євроінтеграцію.

Угода про асоціацію з Європейським Союзом у 2014 році стала поворотним моментом, підкресливши необхідність створення ефективної системи місцевого самоврядування, що відповідає демократичним цінностям. У 2020 році відбулися важливі події: затверджено новий адміністративно-територіальний устрій базового рівня, сформовано 1470 територіальних громад та проведено перші вибори на основі нового устрою. Реформа децентралізації сприяла формуванню ефективного, орієнтованого на громадян інституту місцевого самоврядування з акцентом на добровільне об'єднання, фінансову децентралізацію та розширення повноважень.

З початком повномасштабного вторгнення у 2022 році було запроваджено воєнний стан, в результаті чого на обласному, районному та селищному рівнях було сформовано військові адміністрації. Це призвело до інтеграції державних адміністрацій у військові адміністрації, продовжуючи взаємодію, визначену чинним законодавством, а також положеннями воєнного стану. У 2023 році Міністерство відновлення представило дорожню карту децентралізації та реформи місцевого самоврядування на 2024-2027 роки. Вона включає такі законодавчі зміни, як Муніципальний кодекс, Закон про префектів, а також зміни до Бюджетного та Податкового кодексів. Активно розглядаються питання міжнародного партнерства та залучення громадянського суспільства, що відображає підхід, заснований на співпраці.

У міру того, як Україна просувається шляхом відновлення та реформ, залишається вкрай важливим збалансувати потреби воєнного часу, такі як переведення прибуткового податку з військовослужбовців до державного бюджету, з довгостроковими цілями фіскальної децентралізації. Шлях країни вперед передбачає постійну адаптацію до нових викликів та активну взаємодію з міжнародними партнерами, громадянським суспільством і місцевою владою.

Повоєнні обмеження, зокрема воєнний стан, обмежують свободу вираження поглядів, впливаючи на журналістику та адвокаційні зусилля. Тим не менш, організації громадянського суспільства (ОГС) в Україні, незважаючи на виклики, продемонстрували стійкість та адаптивність під час конфлікту. ОГС відіграли вирішальну роль у наданні гуманітарної допомоги, зібравши безпрецедентні кошти та зробивши свій внесок у зусилля з відновлення.



Індекс сталості організацій громадянського суспільства підкреслив покращення фінансової життєздатності, надання послуг та громадського іміджу, незважаючи на юридичні та адвокаційні виклики.

ОГС стикалися з перешкодами в адвокації через обмежену участь уряду, обмеження свободи зібрань та інформаційних обмежень під час воєнного стану. Деякі ОГС досягли значних адвокаційних цілей, документуючи воєнні злочини та виступаючи за реформи, сприяючи міжнародному визнанню.

Угода про асоціацію з ЄС, підписана у 2014 році, ознаменувала трансформаційний момент з акцентом на приведення адміністративних структур і повноважень у відповідність до європейських стандартів. Процес вступу України до ЄС, ініційований у 2022 році, значною мірою підтриманий ОГС, означає відданість демократичним реформам і стабільності, незважаючи на триваючий конфлікт.

ЄС надав статус кандидата у 2022 році, а переговори про вступ було рекомендовано розпочати у 2023 році. У Повідомленні про політику розширення ЄС від 2023 року наголошується на необхідності оновлення стратегій регіонального розвитку та посилення координації для ефективного відновлення України. Крім того, новий багаторічний фінансовий пакет у розмірі 50 мільярдів євро, запропонований Європейською Комісією, має на меті надати Україні більшої видимості допомоги, яку вона отримує для підтримки відновлення, модернізації та ключових реформ, необхідних для вступу до ЄС.

Відомі ініціативи, такі як "Принципи Лугано", рекомендації Ради Європи або робота Європейського альянсу міст і регіонів, наголошують на демократичній участі, залученні багатьох зацікавлених сторін і підтримці розбудови місцевого та регіонального потенціалу.

Рекомендації щодо посилення регіональної політики та партисипативної політики передбачають гармонізацію територіальної класифікації, узгодження галузевого законодавства з Державним фондом регіонального розвитку та інвестування в програми розбудови спроможності.

Україна, яка зіткнулася з викликами, пов'язаними з конфліктом, має можливість відновитися та зміцнити свою стійкість. Підтримка ЄС у поєднанні з ефективною децентралізацією та демократією участі може призвести до успішного відновлення, сприяючи процвітаючому та демократичному майбутньому.



## Abstract - Romanian

Istoria Ucrainei independente reflectă o luptă persistentă între centralizarea și descentralizarea puterii, în special în contextul administrațiilor de stat și al organismelor locale de autogovernare. De la independența Ucrainei în 1991, încercările de reformare a autogovernării locale s-au confruntat cu provocări care provin din dezacordurile elitelor politice cu privire la dezvoltarea politică generală a țării. În pofida recunoașterii constituționale și a garanțiilor pentru autonomia locală, eforturile efective de descentralizare nu au început decât în 2014, aliniindu-se la cursul strategic de integrare europeană al Ucrainei.

Acordul de asociere cu Uniunea Europeană din 2014 a marcat un moment crucial, subliniind necesitatea unui sistem eficient de autonomie locală care să se alinieze la valorile democratice. Anul 2020 a fost marcat de repere critice, cu aprobarea unei noi structuri administrativ-teritoriale pentru nivelul de bază, formarea a 1470 de comunități teritoriale și primele alegeri bazate pe noua structură. Reforma de descentralizare a propulsat formarea unei instituții de autogovernare locală eficiente și centrate pe cetățean, punând accentul pe amalgamarea voluntară, descentralizarea financiară și extinderea competențelor.

Odată cu invazia pe scară largă din 2022, a fost promulgată legea marțială, care a modelat administrațiile militare la nivel regional, districtual și de așezare. Acest lucru a dus la integrarea administrațiilor de stat în administrațiile militare, continuând interacțiunea definită de legile existente alături de reglementările legii marțiale. În 2023, Ministerul Reîntregirii a prezentat o foaie de parcurs pentru descentralizarea și reforma autonomiei locale în 2024-2027. Aceasta include evoluții legislative precum Codul municipal, Legea prefectilor și modificări ale Codului bugetar și ale Codului fiscal. Parteneriatele internaționale și implicarea societății civile sunt luate în considerare în mod activ, reflectând o abordare colaborativă.

Pe măsură ce Ucraina avansează pe calea redresării și a reformei, rămâne esențial să se echilibreze necesitățile din timpul războiului, cum ar fi transferul impozitului pe venitul personalului militar la bugetul de stat, cu obiectivele de descentralizare fiscală pe termen lung. Calea de urmat a țării implică o adaptare continuă la provocările în evoluție și un angajament activ cu partenerii internaționali, societatea civilă și autoritățile locale.

Restricțiile postbelice, inclusiv legea marțială, limitează libertatea de exprimare, afectând jurnalismul și eforturile de advocacy. Cu toate acestea, organizațiile societății civile (OSC) din Ucraina, în ciuda provocărilor, au dat dovadă de rezistență și de adaptabilitate în timpul conflictului. OSC-urile au jucat un rol crucial în ajutorul umanitar, strângând fonduri fără precedent și contribuind la eforturile de redresare. Indicele de durabilitate a organizațiilor societății civile a evidențiat îmbunătățiri în ceea ce privește viabilitatea financiară, furnizarea de servicii și imaginea publică, în ciuda provocărilor juridice și de advocacy.

OSC-urile s-au confruntat cu obstacole în ceea ce privește acțiunile de advocacy din cauza implicării restrânse a guvernului, a limitărilor privind libertatea de întrunire și a restricțiilor privind informațiile în timpul legii marțiale. Unele OSC au atins obiective semnificative în materie de advocacy, documentând crimele de război și militând pentru reforme, contribuind la recunoașterea internațională.

Acordul de asociere cu UE, semnat în 2014, a marcat un moment de transformare, punând accentul pe alinierea structurilor administrative și a competențelor la standardele europene. Sprijinit în mare măsură de OSC, procesul de aderare a Ucrainei la UE, inițiat în 2022, semnifică un angajament față de reformele democratice și stabilitate, în ciuda conflictului actual.

UE a acordat statutul de candidat în 2022, iar negocierile de aderare sunt recomandate în 2023. Comunicarea din 2023 privind politica de extindere a UE subliniază necesitatea Ucrainei de a actualiza strategiile de dezvoltare regională și de a spori coordonarea pentru o redresare eficientă. În plus, un nou pachet financiar multianual de 50 de miliarde de euro, Facilitatea pentru Ucraina, propus de Comisia Europeană, are ca scop să ofere Ucrainei mai multă vizibilitate în ceea ce privește ajutorul pe care îl va primi pentru a sprijini redresarea, modernizarea și reformele esențiale pentru aderarea la UE.

Inițiativele notabile, inclusiv principiile de la Lugano, recomandările CoR sau activitatea Alianței europene a orașelor și regiunilor, pun accentul pe participarea democratică, pe angajamentul mai multor părți interesate și pe sprijinul pentru consolidarea capacităților locale și regionale.

Recomandările pentru îmbunătățirea politicii regionale și a procesului de elaborare a politicilor participative implică armonizarea clasificării teritoriale, alinierea legislației sectoriale la Fondul de stat pentru dezvoltare regională și investiții în programe de consolidare a capacităților.

Ucraina, care se confruntă cu provocările cauzate de conflict, are posibilitatea de a reconstrui și de a promova reziliența. Sprijinul UE, asociat cu o descentralizare eficientă și cu democrația participativă, poate duce la o redresare de succes, contribuind la un viitor prosper și democratic.



## Abstract - Russian

История независимой Украины отражает постоянную борьбу между централизацией и децентрализацией власти, особенно в контексте государственных администраций и органов местного самоуправления. С момента обретения Украиной независимости в 1991 году попытки реформировать местное самоуправление столкнулись с проблемами, обусловленными разногласиями политической элиты по поводу общего политического развития страны. Несмотря на конституционное признание и гарантии местного самоуправления, реальные усилия по децентрализации начались только в 2014 году, что совпало со стратегическим курсом Украины на евроинтеграцию.

Соглашение об ассоциации с Европейским союзом в 2014 году стало поворотным моментом, подчеркнувшим необходимость создания эффективной системы местного самоуправления, соответствующей демократическим ценностям. В 2020 году были намечены важнейшие вехи: утверждение новой административно-территориальной структуры базового уровня, формирование 1470 территориальных общин и проведение первых выборов на основе новой структуры. Реформа децентрализации способствовала формированию эффективного, ориентированного на граждан института местного самоуправления с упором на добровольное объединение, финансовую децентрализацию и расширение полномочий.

После полномасштабного вторжения в 2022 году было введено военное положение, сформировавшее военные администрации на региональном, районном и поселковом уровнях. Это привело к интеграции государственных администраций в военные, продолжая взаимодействие, определенное существующими законами, наряду с нормами военного положения. В 2023 году Министерство реставрации представило дорожную карту децентрализации и реформы местного самоуправления на 2024-2027 годы. Она включает в себя такие законодательные изменения, как Муниципальный кодекс, Закон о префектах, а также поправки к Бюджетному и Налоговому кодексам. Активно рассматриваются вопросы международного партнерства и участия гражданского общества, что отражает подход, основанный на сотрудничестве.

По мере того как Украина продвигается по пути восстановления и реформ, по-прежнему важно найти баланс между необходимостью военного времени, такой как перечисление подоходного налога военнослужащих в государственный бюджет, и долгосрочными целями фискальной децентрализации. Путь страны вперед предполагает постоянную адаптацию к меняющимся вызовам и активное взаимодействие с международными партнерами, гражданским обществом и местными властями.

Послевоенные ограничения, в том числе военное положение, ограничивают свободу слова, что негативно сказывается на журналистике и правозащитной деятельности. Тем не менее, несмотря на трудности, организации гражданского общества (ОГО) в Украине продемонстрировали устойчивость и способность к адаптации во время конфликта. ОГО сыграли решающую роль в оказании гуманитарной помощи, собрав беспрецедентные средства и внося свой вклад в усилия по восстановлению. Индекс устойчивости организаций гражданского общества выявил улучшения в финансовой жизнеспособности, предоставлении услуг и общественном имидже, несмотря на юридические и правозащитные проблемы.

ОГО столкнулись с препятствиями в адвокации из-за ограниченного участия правительства, ограничений на свободу собраний и информационных ограничений во время военного положения. Некоторые ОГО достигли значительных целей в области адвокации, документируя военные преступления и выступая за реформы, что способствовало международному признанию.

Соглашение об ассоциации с ЕС, подписанное в 2014 году, стало переломным моментом, поскольку основное внимание уделялось приведению административных структур и компетенций в соответствие с европейскими стандартами. Процесс вступления Украины в ЕС, начатый в 2022 году при значительной поддержке ОГО, свидетельствует о приверженности демократическим реформам и стабильности, несмотря на продолжающийся конфликт.

В 2022 году ЕС предоставил Украине статус кандидата, а переговоры о вступлении рекомендовано провести в 2023 году. В Сообщении о политике расширения ЕС на 2023 год подчеркивается, что Украине необходимо обновить стратегии регионального развития и усилить координацию для эффективного восстановления. Кроме того, предложенный Европейской комиссией новый многолетний финансовый пакет в размере 50 миллиардов евро "Украинский фонд" призван обеспечить Украине большую видимость помощи, которую она получит для поддержки восстановления, модернизации и ключевых реформ для вступления в ЕС.

Заметные инициативы, включая Луганские принципы, рекомендации CoR или работу Европейского альянса городов и регионов, подчеркивают демократическое участие, вовлечение многих заинтересованных сторон и поддержку наращивания местного и регионального потенциала.

Рекомендации по укреплению региональной политики и формированию политики на основе широкого участия включают гармонизацию территориальной классификации, согласование отраслевого законодательства с Государственным фондом регионального развития и инвестирование в программы по наращиванию потенциала.

Украина, столкнувшаяся с проблемами, вызванными конфликтом, имеет возможность перестроиться и укрепить свою устойчивость. Поддержка ЕС в сочетании с эффективной децентрализацией и демократическим участием может привести к успешному восстановлению, способствуя процветанию и демократическому будущему.

## Abstract - Serbian

Istorija nezavisne Ukrajine odražava upornu borbu između centralizacije i decentralizacije vlasti, posebno u kontekstu državnih uprava i organa lokalne samouprave. Od sticanja nezavisnosti Ukrajine 1991. godine, pokušaji reforme lokalne samouprave suočeni su sa izazovima koji proizilaze iz neslaganja političkih elita oko ukupnog političkog razvoja zemlje. Uprkos ustavnom priznanju i garancijama za lokalnu samoupravu, stvarni napori za decentralizaciju su počeli tek 2014. godine, usklađujući se sa ukrajinskim strateškim kursom evrointegracija.

Sporazum o pridruživanju Evropskoj uniji iz 2014. godine označio je ključni trenutak, naglašavajući potrebu za efikasnim sistemom lokalne samouprave usklađenim sa demokratskim vrijednostima. U 2020. godini su bile ključne prekretnice, usvajanjem nove administrativno-teritorijalne strukture za osnovni nivo, formiranjem 1470 teritorijalnih zajednica i prvim izborima po novom ustroju. Reforma decentralizacije potaknula je formiranje efikasne institucije lokalne samouprave usmjerene na građane, stavljajući naglasak na dobrovoljno spajanje, finansijsku decentralizaciju i proširena ovlaštenja.

Sa invazijom u punom obimu 2022. godine, uvedeno je vanredno stanje koje je oblikovalo vojne uprave na regionalnom, okružnom i nivou naselja. To je dovelo do integracije državnih uprava u vojne uprave, nastavljajući interakciju definisanu postojećim zakonima uz propise o vanrednom stanju. Ministarstvo restauracije je 2023. godine predstavilo mapu puta za decentralizaciju i reformu lokalne samouprave u periodu 2024-2027. Ovo uključuje zakonodavni razvoj kao što je Opštinski zakonik, Zakon o županima i izmjene i dopune Zakona o budžetu i poreza. Aktivno se razmatraju međunarodna partnerstva i uključivanje civilnog društva, što odražava pristup saradnje.

Kako Ukrajina napreduje ka oporavku i reformama, i dalje je ključno uskladiti ratne potrebe, kao što je prebacivanje poreza na dohodak vojnog osoblja u državni budžet, sa dugoročnim ciljevima fiskalne decentralizacije. Napredni put zemlje uključuje kontinuirano prilagođavanje izazovima koji se razvijaju i aktivan angažman sa međunarodnim partnerima, civilnim društvom i lokalnim vlastima.

Poslijeratna ograničenja, uključujući i vanredno stanje, ograničavaju slobodu izražavanja, utičući na novinarske i zagovaračke napore. Ipak, organizacije civilnog društva (OCD) u Ukrajini, uprkos izazovima, pokazale su otpornost i prilagodljivost tokom sukoba. OCD su odigrale ključnu ulogu u humanitarnoj pomoći, prikupljajući sredstva bez presedana i doprinoseći naporima za oporavak. Indeks održivosti organizacija civilnog društva istakao je poboljšanja finansijske održivosti, pružanja usluga i imidža u javnosti uprkos pravnim izazovima i izazovima javnog zagovaranja.

OCD su se suočile sa preprekama u zagovaranju zbog ograničenog angažmana vlade, ograničenja slobodnog okupljanja i ograničenja informacija tokom vanrednog stanja. Neke OCD su postigle značajne ciljeve javnog zagovaranja, dokumentujući ratne zločine i zalažući se za reforme, doprinoseći međunarodnom priznanju.

Sporazum o pridruživanju sa EU, potpisan 2014. godine, označio je transformativni trenutak, sa fokusom na usklađivanje administrativnih struktura i nadležnosti sa evropskim standardima. Uz veliku podršku OCD, proces pridruživanja Ukrajine EU, započet 2022. godine, označava posvećenost demokratskim reformama i stabilnosti uprkos tekućem sukobu.

EU je dodijelila status kandidata 2022. godine, a pristupni pregovori preporučeni 2023. godine. Saopćenje o politici proširenja EU iz 2023. naglašava potrebu Ukrajine da ažurira strategije regionalnog razvoja i poboljša koordinaciju za učinkovit oporavak. Osim toga, novi višegodišnji finansijski paket od 50 milijardi eura, Ukrajina Facility, koji je predložila Evropska komisija, ima za cilj da Ukrajini pruži veću vidljivost u pomoći koju će dobiti za podršku oporavku, modernizaciji i ključnim reformama za pristupanje EU.

Značajne inicijative, uključujući Luganske principe, preporuke OR ili rad Evropske alijanse gradova i regija, naglašavaju demokratsko učešće, angažman više dionika i podršku izgradnji lokalnih i regionalnih kapaciteta.

Preporuke za unapređenje regionalne politike i participativnog kreiranja politike uključuju usklađivanje teritorijalne klasifikacije, usklađivanje sektorskog zakonodavstva sa Državnim fondom za regionalni razvoj i ulaganje u programe izgradnje kapaciteta.

Ukrajina, suočena s izazovima sukoba, ima priliku da se obnovi i podstakne otpornost. Podrška EU, zajedno sa efektivnom decentralizacijom i participativnom demokratijom, može dovesti do uspješnog oporavka, doprinoseći prosperitetnoj i demokratskoj budućnosti.



## Abstract - Arabic

يعكس تاريخ أوكرانيا المستقلة صراعاً مستمراً بين المركزية واللامركزية في السلطة، لا سيما في سياق إدارات الدولة وهيئات الحكم الذاتي المحلية. فمنذ استقلال أوكرانيا في عام 1991، واجهت محاولات إصلاح الحكم الذاتي المحلي تحديات نابعة من خلافات النخبة السياسية حول التطور السياسي العام للبلاد. وعلى الرغم من الاعتراف الدستوري والضمانات الدستورية للحكم الذاتي المحلي، لم تبدأ جهود اللامركزية الفعلية حتى عام 2014، بما يتماشى مع مسار التكامل الاستراتيجي لأوكرانيا مع الاتحاد الأوروبي.

شكّلت اتفاقية الشراكة مع الاتحاد الأوروبي في عام 2014 لحظةً محوريةً، إذ أكّدت على الحاجة إلى نظام حكم ذاتي محلي فعّال يتماشى مع القيم الديمقراطية. وقد شهد عام 2020 معالم حاسمة مع الموافقة على هيكل إداري إقليمي جديد على المستوى الأساسي، وتشكيل 1470 مجتمعاً إقليمياً، وإجراء أول انتخابات على أساس الهيكل الجديد. وقد دفع إصلاح اللامركزية إلى تشكيل مؤسسة حكم ذاتي محلية فعالة تتمحور حول المواطن، مع التركيز على الدمج الطوعي واللامركزية المالية وتوسيع الصلاحيات.

ومع الغزو الشامل في عام 2022، سُنت الأحكام العرفية التي شكّلت الإدارات العسكرية على مستوى الأقاليم والمقاطعات والمستوطنات. وأدى ذلك إلى دمج إدارات الولايات في الإدارات العسكرية، واستمرار التفاعل الذي حدده القوانين القائمة إلى جانب لوائح الأحكام العرفية. في عام 2023، قدمت وزارة الاستعادة خارطة طريق لإصلاح اللامركزية والحكم الذاتي المحلي في 2024-2027. ويشمل ذلك تطورات تشريعية مثل قانون البلديات، وقانون المحافظين، وتعديلات على قانوني الموازنة والضرائب. يتم النظر بنشاط في الشراكات الدولية ومشاركة المجتمع المدني، مما يعكس نهجاً تعاونياً.

وبينما تتقدم أوكرانيا نحو التعافي والإصلاح، يظل من الضروري الموازنة بين ضرورات وقت الحرب، مثل تحويل ضريبة دخل الأفراد العسكريين إلى ميزانية الدولة، وبين أهداف اللامركزية المالية طويلة الأجل. ينطوي مسار البلاد إلى الأمام على التكيف المستمر مع التحديات المتطورة والمشاركة النشطة مع الشركاء الدوليين والمجتمع المدني والسلطات المحلية.

وتحد القيود المفروضة بعد الحرب، بما في ذلك الأحكام العرفية، من حرية التعبير، مما يؤثر على الصحافة وجهود المناصرة. ومع ذلك، فقد أظهرت منظمات المجتمع المدني في أوكرانيا، على الرغم من التحديات، مرونة وقدرة على التكيف خلال النزاع. وقد لعبت منظمات المجتمع المدني دوراً حاسماً في تقديم المساعدات الإنسانية وجمع الأموال بشكل غير مسبوق والمساهمة في جهود التعافي. وسلط مؤشر استدامة منظمات المجتمع المدني الضوء على التحسينات في الجدوى المالية وتقديم الخدمات والصورة العامة على الرغم من التحديات القانونية والدعوية.

واجهت منظمات المجتمع المدني عقبات في مجال المناصرة بسبب القيود المفروضة على مشاركة الحكومة، والقيود المفروضة على حرية التجمع، والقيود المفروضة على المعلومات خلال الأحكام العرفية. حققت بعض منظمات المجتمع المدني أهدافاً مهمة في مجال المناصرة، حيث قامت بتوثيق جرائم الحرب والدعوة إلى الإصلاحات، مما ساهم في الاعتراف الدولي.



شكّلت اتفاقية الشراكة مع الاتحاد الأوروبي، الموقعة في عام 2014، لحظة تحوّل، مع التركيز على مواءمة الهياكل الإدارية والاختصاصات مع المعايير الأوروبية. وتدلّ عملية انضمام أوكرانيا إلى الاتحاد الأوروبي، التي بدأت في عام 2022، بدعم كبير من منظمات المجتمع المدني، على الالتزام بالإصلاحات الديمقراطية والاستقرار على الرغم من النزاع المستمر.

وقد منحها الاتحاد الأوروبي صفة دولة مرشحة في عام 2022، مع التوصية بإجراء مفاوضات الانضمام في عام 2023. يشدد بيان 2023 بشأن سياسة توسيع الاتحاد الأوروبي على حاجة أوكرانيا إلى تحديث استراتيجيات التنمية الإقليمية وتعزيز التنسيق من أجل التعافي الفعال. وبالإضافة إلى ذلك، تهدف حزمة مالية جديدة متعددة السنوات بقيمة 50 مليار يورو، وهي حزمة "تسهيلات أوكرانيا"، التي اقترحتها المفوضية الأوروبية إلى منح أوكرانيا مزيداً من الوضوح في المساعدة التي ستلقاها لدعم التعافي والتحديث والإصلاحات الرئيسية للانضمام إلى الاتحاد الأوروبي.

تشدد المبادرات البارزة، بما في ذلك مبادئ لوغانو وتوصيات مجلس أوروبا، أو عمل التحالف الأوروبي للمدن والمناطق، على المشاركة الديمقراطية وإشراك أصحاب المصلحة المتعددين ودعم بناء القدرات المحلية والإقليمية. وتشمل التوصيات المتعلقة بتعزيز السياسات الإقليمية وصنع السياسات التشاركية مواءمة التصنيف الإقليمي، ومواءمة التشريعات القطاعية مع صندوق الدولة للتنمية الإقليمية، والاستثمار في برامج بناء القدرات.

لدى أوكرانيا، التي تواجه تحديات من النزاع، فرصة لإعادة البناء وتعزيز القدرة على الصمود. يمكن أن يؤدي دعم الاتحاد الأوروبي، إلى جانب اللامركزية الفعالة والديمقراطية التشاركية، إلى تعافٍ ناجح، مما يساهم في مستقبل مزدهر وديمقراطي.



# Local Self-Government and Territorial Organization of Power

Throughout the history of independent Ukraine, the centralization and decentralization of power, as well as the interaction between state administrations (which are institutions of general competence through which central executive power is exercised at the levels of administrative-territorial division) and local self-government bodies (which implement decentralized forms of public administration at the local level) have been central issues in the paradigm of regional policy and territorial organization of power in Ukraine.

The dissolution of the Soviet system and the declaration of Ukraine's independence in 1991 were intended to mark the beginning of the formation of a new national model of local self-government, which could serve as a guarantee for the effective transformation of Ukraine's political system towards better European practices.[1] Attempts to reform local self-government in Ukraine have been made since its declaration of independence, but they have consistently faced obstacles due to the lack of consensus within the political elite regarding the vision of both external and internal political development of the state as a whole, and approaches to administrative-territorial division and organization of power at the local level in particular.[2]

Despite the declaration of recognition and guarantees of local self-government in the Constitution of Ukraine adopted in 1996, the signing of the European Charter of Local Self-Government by Ukraine in 1996, and the adoption of the basic Law of Ukraine "On Local Self-Government" in 1997, the process of decentralization in Ukraine was not initiated until 2014.

A momentous milestone in the history of Independent Ukraine was the signing of the political part of the Association Agreement between Ukraine and the European Union on March 21, 2014, and the economic part of the Agreement on June 27, 2014.

The implementation of Ukraine's strategic Euro integration course, the further development of a democratic rule-of-law state with a socially oriented market economy, requires the establishment of an effective, capable system of local self-government in Ukraine. This system should align with the values of a democratic society and ensure the realization of the rights and freedoms of individuals and citizens at the local level. The declared course for decentralization reform, announced in April 2014, has prioritized the selection of an optimal model of local self-government, the procedure for forming self-government bodies, and the creation of mechanisms for decentralizing power, all while ensuring subsidiarity. [2]

The legislative foundation for a radical change in the system of governance and its territorial basis at all levels began to take shape in 2014.

In April 2014, the Government approved the primary conceptual document - the

Concept of Reforming Local Self-Government and Territorial Organization of Power. Following this, an Action Plan for its implementation was approved, marking the initiation of the decentralization reform. The immediate priority was to make amendments to the Constitution of Ukraine and formulate a package of new legislation. Changes to the Constitution were primarily intended to address the formation of executive bodies of regional and district councils, the reorganization of local state administrations into supervisory bodies, and the clear definition of the administrative-territorial unit – the community. However, political circumstances prevented the Verkhovna Rada of Ukraine from adopting the changes proposed by the President of Ukraine regarding decentralization. Therefore, starting from 2014, the government initiated reforms within the framework of the existing Constitution. The primary package of new legislation included: Laws amending the Budgetary and Tax Codes of Ukraine, leading to financial decentralization; the Law "On the Voluntary Amalgamation of Territorial Communities" allowing the formation of a capable basic level of local self-government; the Law "On the Cooperation of Territorial Communities", creating a mechanism for addressing common community problems; the Law "On the Principles of State Regional Policy"; a package of laws expanding the powers of local self-government bodies and optimizing the provision of administrative services, enabling the delegation of relevant authority for the provision of basic administrative services to local self-government bodies.

The year 2020 played a crucial role in shaping the basic level of local self-government: on June 12, 2020, the Cabinet of Ministers of Ukraine approved a new administrative-territorial structure for the basic level. According to the 24 resolutions adopted to determine administrative centres and approve communities in the regions of Ukraine, a total of 1470 territorial communities were formed (compared to 11250 territorial communities before the reform).[3] On July 17, 2020, the Verkhovna Rada of Ukraine adopted a Resolution "On the Formation and Liquidation of Districts". According to this Resolution, 490 districts (with populations ranging from 6,000 to 189,000 residents) were liquidated, and 129 new districts (with a population of at least 150,000 residents) were established. On October 25, 2020, the first elections of local heads and deputies of local councils took place based on the new territorial structure of communities and districts.

So, the decentralization reform gave an impetus to the formation of an effective and citizen-centric institution of power - local self-government. Key results include voluntary amalgamation and consolidation of territorial communities, financial decentralization, and the introduction of new powers and opportunities.

It is reasonable to define the interaction between the system of state governance and local self-government within three periods: the period before the armed aggression of the Russian Federation in 2014, the period after the armed aggression of the Russian Federation in 2014 until the full-scale invasion on February 24, 2022, and the period after the full-scale invasion on February 24, 2022.

# The Interaction between the System of State Governance and Local Self-Government before the Armed Aggression of the Russian Federation in 2014

Before the armed aggression of the Russian Federation in 2014 the interaction between the system of state governance and local self-government was regulated by two fundamental laws, namely, the Law of Ukraine "On Local Self-Government in Ukraine" and the Law of Ukraine "On Local State Administrations". These laws outlined the procedures and collaboration between state administrations and local self-government bodies across the entire territory of Ukraine.

During this period, the legal framework established the roles and responsibilities of local self-government entities and state administrations, ensuring a structured and organized approach to governance. The mentioned laws served as the primary instruments guiding the activities and coordination between these two levels of governance, fostering a system of decentralized decision-making and administration at the local level.

The Law of Ukraine "On Local Self-Government in Ukraine" provided for the system and guarantees of local self-government in Ukraine, as well as the principles of organization and activities, legal status, and responsibilities of local self-government bodies and officials. The system of local self-government includes: territorial community; rural, town, and city council; rural, town, and city head; executive bodies of the rural, town, and city council; district (rayon) and regional (oblast) councils representing the common interests of territorial communities of villages, towns, and cities; self-organization bodies of the population. [4]

The Law of Ukraine "On Local State Administrations" provided for the organization, powers, and procedures of local state administrations. Executive power in regions and districts, cities of Kyiv and Sevastopol is exercised by local state administrations. A local state administration is a local executive authority and is part of the system of executive authorities. Within its powers, a local state administration exercises executive power in the territory of the respective administrative-territorial unit and implements the powers delegated to it by the respective council (the delegation of powers from district and regional councils to the relevant local state administrations is regulated by Article 44 of the Law of Ukraine "On Local Self-Government in Ukraine"). In turn, the peculiarities of exercising executive power in the cities of Kyiv and Sevastopol are determined by separate laws of Ukraine. The heads of local state administrations are appointed to the position by the President of Ukraine upon the submission of the Cabinet of Ministers of Ukraine for the term of the President of Ukraine's powers. [5]

Relations between local state administrations and regional and district councils are as follows. Local state administrations exercise powers delegated to them by the respective regional and district councils. The delegation of powers by the councils to local state administrations is accompanied by the transfer of financial, material-technical, and other resources necessary for exercise of the powers. Local state administrations are accountable and subordinate to the respective councils in the scope of delegated powers. The heads of local state administrations annually report to the respective councils on budget execution, programs for socio-economic and cultural development of territories, and delegated powers. Regional and district councils may express a vote of no confidence in the head of the corresponding local state administration. Based on this, taking into account the proposals of the higher-level executive authority, the President of Ukraine makes a decision and provides a reasoned response to the respective council. If two-thirds of the members of the respective council express no confidence in the head of the regional or district state administration, the President of Ukraine accepts the resignation of the head of the corresponding local state administration.

## **The Interaction between the State Governance System and Local Self-Government during the Period after the Armed Aggression of the Russian Federation in 2014 until the Full-Scale Invasion on February 24, 2022**

After the armed aggression of the Russian Federation in 2014 the Law of Ukraine "On Military-Civil Administrations" was adopted on February 3, 2015", defining the organization, powers, and procedures of military-civil administrations, which are established as a temporary forced measure with elements of military management to ensure security and normalize the life of the population in the area of repelling armed aggression by the Russian Federation, particularly in the areas where the anti-terrorism operation is conducted. The law does not aim to change and/or cancel the constitutionally guaranteed right of territorial communities to local self-government. [6]

In 2015, by the Decree of the President of Ukraine, 19 military-civil administrations were formed and operated in the Donetsk and Luhansk regions. Two of them were regional - Luhansk and Donetsk regional military-civil administrations, and the remaining 17 were municipal, rural, and township military-civil administrations. Military-civil administrations operated as part of the Anti-Terrorist Center at the Security Service of Ukraine or as part of the Unified Operational Headquarters of the Armed Forces of Ukraine. In the case of the formation of the respective military-civil administrations, regional, district, rural, township, and city councils ceased their powers.

In the areas where the anti-terrorism operation wasn't conducted, the Law of Ukraine "On Local Self-Government in Ukraine" and the Law of Ukraine "On Local State Administrations" continued to be applicable.

On May 12, 2015, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On the Legal Regime of Martial Law" defining the content of the legal regime of martial law, the procedure for its introduction and cancellation, the legal principles of the activities of state authorities, military command, military administrations, local self-government bodies, enterprises, institutions, and organizations under martial law conditions. Martial law is a special legal regime introduced in Ukraine or in certain its territories in the event of armed aggression or the threat of attack, endangering the state independence of Ukraine, its territorial integrity, and involves granting the necessary powers to relevant state authorities, military command, military administrations, and local self-government bodies to prevent threats, repel armed aggression, ensure national security, eliminate the threat to the state independence of Ukraine, its territorial integrity, as well as temporary, threat-induced restrictions on the constitutional rights and freedoms of individuals and citizens, and the rights and legitimate interests of legal entities, specifying the duration of these restrictions.[7]

## **The System of State Governance and Local Self-Government after the Full-Scale Invasion on February 24, 2022**

On February 24, 2022, by the Decree of the President of Ukraine No. 64/2022, martial law was introduced in Ukraine. According to the Law of Ukraine "On the Legal Regime of Martial Law" the following types of military administrations exist: regional (oblast) military administrations; district (rayon) military administrations; military administrations of settlements (city, town, village). Military administrations of settlements are formed within the territories of territorial communities where village, town, or city councils and/or their executive bodies, and/or rural, town, or city mayors do not exercise the powers assigned to them by the Constitution and laws of Ukraine. The head of the military administration of a settlement (or settlements) is appointed to the position and dismissed by the President of Ukraine upon the proposal of the General Staff of the Armed Forces of Ukraine or the respective regional state administration. The head of the military administration of a settlement (or settlements) may be appointed from the relevant village, town, or city mayor. Military administrations in a district or region are formed in the event of the failure to convene a session of the respective district or regional council within the deadlines established by the Law of Ukraine "On Local Self-Government in Ukraine" or the termination of their powers in accordance with the law, or for the purpose of exercising leadership in the areas of defence, public safety, and order. In the event of a decision to establish district or regional military

administrations, their status is assumed by the respective district or regional state administrations, and the heads of district or regional state administrations acquire the status of heads of the corresponding military administrations. In the event of the formation of a military administration in a settlement (or settlements), the Verkhovna Rada of Ukraine, upon the President of Ukraine's submission, may decide that during the period of martial law and 30 days after its termination or cancellation: 1) the head of the military administration, in addition to the powers assigned to him by this Law, exercises the powers of the village, town, or city council and its executive committee, as well as the mayor of the village, town, or city; can approve the temporary structure of the executive bodies of the village, town, or city council (for employees whose positions are not included in temporary staffing tables, downtime is announced, or their transfer to an equivalent or lower position is carried out); 2) the apparatus of the village, town, or city council and its executive committee, other executive bodies (taking into account the third paragraph of point 1 of this part), communal enterprises, institutions, and organizations of the corresponding territorial community are subordinate to the head of the respective military administration. In case of the formation of regional and/or district military administrations during the period of martial law and within 30 days after its termination or cancellation, in the event of temporary occupation or encirclement of the administrative centre of the region or in case the Verkhovna Rada of Ukraine, upon the President's submission, adopts a relevant decision: 1) The powers of such regional and/or district councils are exercised by the respective regional and district military administrations. 2) The executive apparatus of such district and regional councils is subordinate to the head of the respective military administration. 3) The respective district and regional councils do not exercise their powers. 4) Communal enterprises, institutions, and organizations based on the property of the joint ownership of territorial communities of the district or region are subordinate to the respective military administration. 5) The management of objects of joint ownership of territorial communities of such district and/or region is carried out by the head of the respective district and/or regional military administration. 6) Appointments to positions and dismissals from positions made by the head of the district military administration are coordinated with the head of the respective regional military administration. 7) The head of the regional military administration, and the head of the district military administration with the agreement of the head of the respective regional military administration, may relieve employees of the executive apparatus of such district and/or regional councils from performing their duties (for such employees, downtime is announced, or they are transferred to an equivalent or lower position).[7]

On February 24, 2022, by the Decree of the President of Ukraine No. 68/2022, 25 regional military administrations were formed on the entire territory of Ukraine. The regional and Kyiv city state administrations acquired the status of respective military administrations, and the heads of these state administrations assumed the positions of chiefs of military administrations. At the same time, based on existing district state administrations, corresponding district military administrations were established, and their heads became the chiefs of district military administration. [8]

Therefore, since a state of martial law is in effect throughout Ukraine following the full-

scale invasion by the Russian Federation on February 24, 2022, the procedures and interaction between military administrations and local self-government bodies are regulated by the Law of Ukraine "On the Legal Regime of Martial Law". Under this law, state administrations have acquired the status of corresponding military administrations. Additionally, the Law of Ukraine "On Local State Administrations" and the Law of Ukraine "On Local Self-Government in Ukraine" continue to apply.

The damage caused by the armed aggression of the Russian Federation has resulted in a review and update of the state's regional policy. Policy updates are bottom-up, based on the needs of communities and regions, which is critical to a successful recovery.

The review and update of the state's regional policy include:

1. Adoption on July 9, 2022, of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding the Principles of State Regional Policy and Policy for the Recovery of Regions and Territories". The updated version of the Law of Ukraine "On the Principles of State Regional Policy" entails changes to legal, organizational, financial, and other mechanisms for implementing state regional policy. Thus, for the planning of recovery and the stimulation of the development of regions and territories, and with the aim of introducing special mechanisms and instruments by executive authorities and local self-government bodies, the following functional types of territories are identified: recovery areas, regional growth poles, territories with special conditions for development, and territories for sustainable development. [9]

Furthermore, the change in the implementation of state regional policy is anticipated through:

- Establishing a unified system of strategic planning documents for regional development; strengthening the connection between the State Strategy for Regional Development, regional development strategies, and documents for strategic planning of the development of territorial communities.
- Improving the structure of the implementation plan for the State Strategy for Regional Development and regional development strategies.
- Enhancing the coordinating role of the Ministry of Community and Territorial Development (the Ministry of Restoration). This involves clarifying and expanding the powers of the Ministry of Restoration regarding strategic planning for regional development, coordinating the activities of central executive authorities in implementing state regional policy.
- Introducing a provision for mandatory development of strategies by local councils. This includes introducing a provision for the mandatory development of strategies for the development of territorial communities or strategic development plans by rural, settlement, and city councils.
- Strengthening the role of Regional development agencies. This encompasses strengthening the role of RDAs in implementing state regional policy in regions, expanding the circle of founders and co-founders of agencies, specifying and expanding the tasks of agencies, and providing financial and material-technical support for their activities.
- Specifying the mechanism and procedure for monitoring and evaluation of the implementation of state regional policy.



- According to the latest Report on the results of the activities of Regional development agencies in 2022, as of the end of 2022, Regional development agencies were registered in 22 regions, in 18 regions the founders of Regional development agencies are the respective regional councils and regional state administrations (military administrations). In 2022, 17 agencies were operating.[10]
- Approval of the Procedure for identifying recovery areas and the procedures for developing, implementing, and monitoring recovery and development plans for regions and specific territorial communities. According to the Procedure approved by the Cabinet of Ministers' Resolution dated July 18, 2023, No. 731, a territorial community is considered a recovery area if at least one of the following criteria is met: hostilities took place on the community's territory; the territory of the community or its part was temporarily occupied; there are damages to infrastructure and residential buildings as a result of hostilities and/or shelling on the territory of the territorial community; the community's territory is characterized by significant population displacement to other regions and/or other countries and a sharp deterioration in the level of socio-economic development, etc.[11]

2. Action plan on reforming local self-government and territorial organization of power in Ukraine for 2024 – 2027.

3. The update of the State Strategy for Regional Development for 2021-2027 is ongoing, and its actualization is driven, in part, by the need to consider the consequences of the full-scale invasion of the Russian Federation into the territory of Ukraine and its impact on territorial communities and regions, enhancing security and resilience to external factors, along with Ukraine attaining candidate status for EU membership.[12] Відмінністю оновленої Державної стратегії регіонального розвитку є орієнтація на результат та якісний моніторинг виконання. The updated State Strategy for Regional Development distinguishes itself by its focus on results and qualitative monitoring of implementation. As part of the Strategy update, a differentiated approach is applied for different functional types of territories. Over 600 communities have already been identified as belonging to the first functional type - recovery areas. The updated Strategy is expected to be approved by the Government by the end of 2023 and will be based on principles such as "to build back better", sustainability, accessibility, and inclusivity. It will also consider the principles of the New European Bauhaus concept, the development of community potential, and multi-level governance. [13]

5. On November 7, 2023, the Ministry of Restoratio presented the Roadmap for Decentralization: Local Self-Government and Territorial Power Organization Reform. [14] The Roadmap includes:

- Vision and criteria for ensuring a capable, prosperous, inclusive, transparent, and integrated territorial community, as well as key legal acts necessary to achieve such goals.
- After the lifting of the martial law, the consolidation of reform results in the Constitution of Ukraine. Development of draft laws: Municipal Code of Ukraine or a new version of the Law of Ukraine "On Local Self-Government in Ukraine"; Law of

Ukraine "On Prefects".

- Law of Ukraine "On Amendments to the Budgetary and Tax Codes of Ukraine to allocate the relevant financial resources to local self-government bodies for the implementation of updated powers"; Law of Ukraine "On the Administrative-Territorial Structure of Ukraine".

According to information from the Deputy Minister of Community Development, Territories, and Infrastructure of Ukraine, Oleksandra Azarkhina, the Roadmap was developed taking into account proposals from international partners such as ULEAD, DOBRE Program, HOVERLA/USAID project in Ukraine, SALAR International, the Embassy of Sweden, the Council of Europe: Decentralization and Local Self-Government, SURGe Project, and relevant associations. This indicates active engagement of international partners, civil society, and local authorities in decision-making processes.

Furthermore, the Ministry of Restoration is strengthening international support for communities. During a presentation at the International Conference on Decentralized Support for Ukrainian Communities organized by ALDA (European Association for Local Democracy) on November 23, 2023, in Vicenza, Deputy Minister Oleksandra Azarkhina emphasized that collaboration with international partners allows building a regional support network for community capacity in Ukraine. Notably, partnerships between Ukraine and EU cities/regions have led to the successful functioning of Local Democracy Agencies (LDAs), which continue to actively expand their network in Ukraine.

In addition, the Ministry of Restoration is enhancing international support for communities. Specifically, during her speech at the International Conference on Decentralized Support for Ukrainian Communities organized by ALDA (European Association for Local Democracy) on November 23, 2023, in Vicenza, Deputy Minister of Community Development, Territories, and Infrastructure of Ukraine, Oleksandra Azarkhina, emphasized that collaboration with international partners allows the construction of a regional support network for community capacity in Ukraine.<sup>[15]</sup> In particular, Local Democracy Agencies (LDAs) created in partnership between Ukraine and cities/regions of the EU are already functioning successfully and continue to actively expand their network in Ukraine.

However, on November 8, 2023, the Verkhovna Rada adopted a legislation that involves transferring the personal income tax of military personnel from local communities to the state budget. On the one hand, this is a wartime necessity, as the funds are directed towards strengthening the country's defence capabilities. On the other hand, it temporarily limits fiscal decentralization.

# Challenges for Next Steps towards Effective Decentralization and Aligning with the Recovery and Reconstruction Process

- The classification of functional types of territories with the subsequent introduction of special mechanisms and tools does not fully reflect the real situation. In particular, areas bordering the front line, Russia, and Belarus are economically and in terms of human potential constrained. The rules provided in legislation cannot be applied to them.
- Sectoral legislation is not harmonized with the legislation for the State Fund for Regional Development. The implementation of sectoral policies is carried out without considering territorial impact.
- The capacity of Regional development agencies to fulfil their mission remains limited due to administrative capacity.
- The institutional capacity of local self-government bodies in territorial communities remains relatively low for transitioning to a program-targeted method of development.
- Weakening of the fiscal decentralization policy.

## Civic Space and Participatory Democracy in Ukraine

The experience of the formation of civil society institutions in Ukraine attests to the complexity and ambiguity of this process, its connection to the issues of state-building, and the legitimacy of power. [16] After the Revolution of Dignity, the collaboration between NGOs and the government became more extensive. The influence of civil society on politics became more pronounced. In particular, a noticeable shift began in 2012-2013 when the Ukrainian government and non-governmental organizations joined the implementation of the international initiative "Open Government Partnership", aimed at ensuring greater transparency, openness, and citizen participation in decision-making.

The Civil Society Organisations Sustainability Index (CSOSI) is an effective tool for assessing the strength and overall viability of the civil society sector in 74 countries worldwide. The research in Ukraine is developed by the United States Agency for International Development (USAID) and implemented by FHI360 in collaboration with the International Center for Not-for-Profit Law (ICNL). The project's implementer in Ukraine is the Ukrainian Independent Center for Political Studies. The index covers 7 dimensions of assessment: legal environment, organizational capacity, financial sustainability, advocacy, service provision, sectoral infrastructure, and public image.

## **Key points of the Civil Society Organisations Sustainability Index are as follows: [17]**

Martial law imposed significant restrictions on freedom of expression. For example, journalists were not allowed to report on certain topics, such as the locations of military units and other information that might aid Russian forces. In addition, media faced dilemmas on how to report on corruption in 2022, with many journalists and watchdog groups deciding to put their public criticism of the Ukrainian government on pause and focus on documenting Russian war crimes instead.

In this difficult situation, Ukrainian civil society showed great resilience and adaptability. CSOs helped the population and even the army meet material and other needs. OCHA credited the work of CSOs and local volunteers in reaching close to 6 million people with life-saving and life-sustaining humanitarian assistance. Philanthropy boomed as CSOs raised an unprecedented amount of funding from the local population to engage in these efforts. In addition, donor organizations generously supported many public initiatives. This outpouring of funding led to a marked increase in the number of charitable organizations operating in the country. Volunteerism also increased dramatically. Ukrainian Civil Society under the War, published in 2023 by Isar Ednannia, 6,367 charitable organizations were newly registered in 2022 to respond to urgent needs stemming from the war. This is a dramatic increase from the 830 charitable organizations created in 2021.

The overall sustainability of the CSO sector improved slightly in 2022, with CSOs demonstrating enhanced performance in four dimensions. CSOs' financial viability was strengthened with a significant boost in funding from both home and abroad, which in turn helped improve financial management skills. Service provision improved moderately as CSOs helped nearly every segment of Ukrainian society affected by the invasion. An increase in the number of intermediary support organizations (ISOs) expanded the infrastructure supporting CSOs, and the sector's public image improved moderately as the public recognized CSOs' efforts to meet urgent needs. The legal environment, organizational capacity, and advocacy dimensions did not change.

The war altered the dynamics of CSOs' advocacy and policy-related interventions. Government officials reduced their public engagements and became largely inaccessible to CSOs after the start of the war. In both the Verkhovna Rada, the unicameral parliament of Ukraine, and central and local government offices, only collaboration with long-standing CSO partners was effective. Martial law also introduced many restrictions that impeded advocacy in 2022, including limits to the right to free assembly and restrictions on public information by the government. Despite this, authorities regularly consulted with verified CSOs. At the local level, the situation was somewhat more complicated as many regional and city administrations were replaced by military structures that worked in a fairly closed manner. In these localities, CSOs had minimal influence and involvement in decision-making processes in 2022.

Despite the difficult conditions, some CSOs successfully pursued their advocacy goals in 2022. In an important undertaking, the Ukrainian human rights community documented

war crimes committed in Ukraine by the Russian armed forces. Immediately after the invasion, more than thirty leading human rights organizations created the Ukraine 5 AM Coalition, which began to record evidence of war crimes, raise public awareness, and advocate for bringing war criminals to justice. The effort attracted international attention, and the Ukrainian human rights organization Center for Civil Liberties received the Nobel Peace Prize in 2022 for its contribution to the documentation of war crimes and the fight against human rights violations and abuses of power.

CSOs including the National Interests Advocacy Network (ANTS), the Center for Political and Legal Reforms, and members of the Reanimation Package of Reforms (RPR) coalition actively advocated for Ukraine's integration into Europe and pushed for reforms aligned with EU criteria. These efforts focused on judicial reform and anti-corruption, but also addressed the development of democratic and participatory mechanisms and transparency and government accountability.

Civil society also worked with dozens of experts to develop proposals for the country's eventual recovery. RPR presented the recommendations at the Ukraine Recovery Conference in Lugano in July 2022.

CSOs continued to advocate for the adoption of the Law on Public Consultations, Law on Local Democracy, and Law on Bodies of Self-Organization of the Population, all three of which were still under consideration at the end of the year. CSOs also actively encouraged the implementation of the Barrier-Free Strategy, which lays out a plan to ensure full access of all population groups to various spheres of life. Partly as a result of efforts by RPR, the Law on Media was adopted in December 2022. The law, a requirement for Ukraine to join the EU, creates legal norms in the field of media.

To improve the legal framework for CSOs, RPR led a group of twenty-five organizations in promoting legal reforms to better enable CSOs' activities. Their work resulted in the passage of the Law on Administrative Procedure, which regulates the interaction of authorities with individuals and legal entities (in particular, CSOs) regarding the consideration and resolution of various administrative appeals. In addition, CSOs led by UCIPR helped ensure adoption of amendments to the Law on Charitable Activities and Charitable Organizations that simplified the procedures for registering individuals who collect charitable donations in public. The Ukraine Civil Society Sectoral Support Activity actively advocated for improved tax benefits for volunteers, easier procedures to engage foreign volunteers, and other positive initiatives for volunteerism.

Collaboration among Non-Governmental Organizations in the field of recovery is as follows:

RISE Ukraine is a coalition of civic organizations working together to make the recovery process more transparent and accountable. They develop digital solutions and promote the participation of citizens and businesses in the planning and monitoring of recovery efforts. RISE Ukraine brings together approximately 50 civic organizations. One of the coalition's major achievements is the creation of the DREAM electronic recovery management system, which enhances the transparency

of the recovery process.

- RRR4U is a consortium of four Ukrainian analytical centres working towards fair, green, and people-oriented economic recovery. The consortium members consider fundraising for Ukraine as one of their key successes.
- Reanimation Package of Reforms is a coalition of civic organizations and experts created after the Revolution of Dignity with the aim of formulating a consolidated position on necessary reforms and ensuring their proper implementation. Currently, it includes 26 civic organizations.

To support the fostering of participatory democracy in Ukraine, ALDA as well as LDA Dnipro since 2015 and LDA Mariupol since 2017 have actively participated in collaborative initiatives with local authorities and communities over the last few years. This demonstrates a commitment to fostering local democracy and sustainable development.

The following highlights key instances of successful activity of LDA Dnipro:

- "Development of Participatory Democracy in Territorial Communities" (supported by NED, 2016-2017);
- "UPDATE: Unleashing the Potential of Civil Servants for the Development of United Territorial Communities" (supported by the Embassy of France, 2017);
- "Joint Efforts for the Future: Informal Ways to Solve Problems" (supported by Dnipro City Council, 2017);
- "Digital Community" (supported by Dnipro City Council, 2018);
- "IDPs SAVE: Social Adaptation of Internally Displaced Persons as an Important Element of Human Rehabilitation" (supported by Chiesa Valdese, Italy);
- "Project for the Development and Advocacy of the Concept of Electronic Democracy in the City of Dnipro by 2020" (supported by the Innova Bridge Foundation, 2018-2019);
- "We Are the Electronic Community of the City of Dnipro" (supported by the East Europe Foundation, 2018-2019);
- "Who is Responsible?" (supported by Dnipro City Council, 2019);
- "Development of the Local Democracy Network" (LDA Moldova - main partner) within the project "Enhancing the Capacity of CSOs for Regional Cooperation in the Black Sea Region" (supported by the Federation for Development of NGOs (FOND, Romania) with financial support from the European Union);
- "Good Governance and Environmental Protection Platform" (supported by UNDP);
- "Humanitarian Aid to NGOs and their Psychological Rehabilitation to Overcome Post-Traumatic Stress Disorder (PTSD) as a Consequence of the Horrors of War in Ukraine" (10.06.2022 – 10.09.2022) (supported by the Federation for Development of NGOs (FOND, Romania);
- "Three Shelters for the Residential Complex "Sokil" within the ALDA Humanitarian Aid Project "Assistance to Internally Displaced Persons (IDPs) in Social Adaptation".

The following highlights key instances of successful activities of LDA Mariupol:

- A series of trainings for 20 English language teachers from Mariupol within "IMPULSE project" designed in accordance with the CPD system of the British Council;

- "YOUTH 4 DEMOCRACY" - an internship program for 3 graduates of Mariupol Universities;
- MARATHON 7 DAYS OF SPORTS aimed at mobilizing and motivating young people to do sports even in the conditions of the consequences of the pandemic;
- LDA Mariupol and Mariupol State University became associated partners in the PAVE project as participants of the International Peace Academy in Zagreb (Croatia);

Moreover, in November 2023 ALDA announced the official opening of Local Democracy Agency (LDA) Odesa in Ukraine.

In view of the green light from the European Commission recommending to start negotiations on Ukraine's accession to the European Union, regional and local stakeholders should be engaged in a more systematic way in designing, implementing and monitoring the processes of the effective programming and management of EU funds aimed at promotion of recovery as well as modernization the country whilst implementing key reforms on its EU accession track. In this regard, ALDA, a global coalition comprising local and regional authorities as well as civil society participants, in conjunction with the ambitious ALDA Flagship Initiative possesses robust capabilities to reinforce the vital partnership between local authorities and civil society, promoting good governance and participatory democracy across all facets and could play a pivotal role in the reconstruction of the nation's social structure, economic equilibrium, and democratic institutions. This is attributed to the factors outlined below:

- Contribution to building of trust and transparency. Local authorities and civil society organizations serve as vital bridges between the government and the people. By working hand in hand, they can foster trust and transparency in the recovery process. Local authorities, being closest to the ground, understand the unique challenges faced by communities. Civil society, on the other hand, acts as a watchdog, ensuring accountability and advocating for the rights of citizens. This partnership creates a robust system that encourages open dialogue, inclusivity, and the co-creation of solutions.
- Contribution to the responsive governance. The synergy between local authorities and civil society enhances the responsiveness of governance mechanisms. Local authorities can benefit from the grassroots knowledge and insights provided by civil society organizations, enabling them to tailor policies and interventions that directly address the needs of the affected population. This adaptability is crucial in the dynamic context of post-conflict recovery, where a one-size-fits-all approach often falls short.
- Contribution to the community engagement and empowerment. Recovery is not solely about rebuilding physical infrastructure; it is equally about empowering communities and individuals. Civil society plays a pivotal role in mobilizing and empowering citizens to actively participate in the recovery process. By fostering a sense of ownership and agency, local communities become active contributors to their own revitalization. This empowerment not only accelerates recovery efforts but also cultivates a resilient and engaged civil society.
- Contribution to the resource mobilization and innovation. The collaboration between local authorities and civil society enhances resource mobilization and encourages

innovative solutions. Civil society organizations often bring unique perspectives and expertise to the table, complementing the resources and capacities of local authorities.

### **Challenges to Civic Space and Participatory Democracy in Ukraine**

- Reorientation of activities in accordance with new challenges arising from the war (balancing pre-war priorities with new directions emerging due to the conflict).
- Impact of the war on the capacity of non-governmental organizations (NGOs) for planning, staffing, and technical development.
- Restrictions hindering advocacy activities, particularly limitations on the right to freedom of assembly and access to public information.

## **Political association and economic integration/EU Enlargement Policy and Ukraine**

As mentioned above, a pivotal moment in the history of Independent Ukraine was the signing of the political part of the Association Agreement between Ukraine and the European Union on March 21, 2014, and the economic part on June 27, 2014. On September 1, 2017, after a lengthy ratification process by all EU member states, the Association Agreement between Ukraine and the EU came into full effect.

The reform of local self-government is not the main part of the Association Agreement between Ukraine and the EU. [18] Together with this, it is the main element of the democratic transformation of Ukraine, which requires the state to align its administrative-territorial division, as well as the system of distribution of competencies and powers at its various levels in accordance with European standards.

Since the beginning of the full-scale invasion of Ukraine by Russia, the European Union has found itself at a crucial juncture, facing both geopolitical challenges and the imperative to strengthen its own foundations. Paradoxically, against the backdrop of this war, the enlargement of the EU has been reinitiated in many countries within the European neighbourhood.

The intensification of the enlargement process serves not only as a strategic move to enhance the EU's influence in the region but also as a signal of the Union's commitment to promoting peace, stability, and democratic values. By offering the prospect of EU membership, the Union aims to encourage positive transformations within aspiring nations, fostering a sense of belonging and shared values.

Ukraine was given a European perspective and granted candidate status on 23 June 2022 by unanimous agreement between the leaders of all 27 EU Member States. Candidate status was granted on the understanding that Ukraine take some key steps. The Commission will monitor their progress in fulfilling these steps and report on them, as part of its regular enlargement package. [19]



Since the beginning of the full-scale invasion of Ukraine by Russia Ukraine as a candidate country navigate the intricate path toward EU accession, being engaged in a process of introspection and reform that contributes to the consolidation and improvement of their democratic systems.

Ukraine's response to the crisis has involved not only military resistance, but also a commitment to building a more resilient and accountable democratic system. The EU accession process, with its stringent criteria, provides a roadmap for Ukraine to reinforce its democratic foundations in the midst of adversity.

The nation's commitment to these reforms reflects a determination to emerge from the conflict not only as a sovereign state but also as a modern, democratic society that aligns with European values.

The EU, in turn, has demonstrated support for Ukraine's aspirations during these challenging times. The accession process, while rigorous, serves as a symbol of solidarity and a testament to the transformative power of democratic principles.

Ukraine's journey serves as a reminder that, even in the darkest of times, the pursuit of democratic ideals can be a guiding light towards a more stable and prosperous future.

On November 8, 2023 Ukraine received the green light from the European Commission. The 2023 Communication on EU Enlargement policy from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions includes a recommendation to start negotiations on Ukraine's accession to the European Union.

Regional policy serves as the primary instrument for the European Union (EU) to mitigate regional inequalities and support sustainable and inclusive socio-economic development. Territorial cohesion policy is enshrined by Article 174 of the Treaty on the Functioning of the European Union (*ex Article 158 TEC*).

In Chapter 22 “Regional policy and coordination of structural instruments” of the 2023 Communication on EU Enlargement policy it is noted that Ukraine has some level of preparation in the area of regional policy and coordination of structural instruments. Overall, limited progress was made over the reporting period, with more notable progress in implementing territorial cooperation programmes with Member States. [20] According to the 2023 Communication on EU Enlargement policy in the coming year, Ukraine should, in particular:

- update the State Strategy of Regional Development and modernise the State Fund for Regional Development to align them with the recovery and reconstruction process, principles of multi-level governance and a territorially based regional policy.
- adopt necessary measures to bring into practice the law on principles of regional policy, in particular given the varying impact of the war on Ukrainian regions; and strengthen the capacity of regional and local administrations to prepare related development projects;

strengthen the coordination framework within regional policy to ensure systematic and inclusive engagement of regional and local stakeholders, a coordinating role for the Ministry of Restoration, and an adequate regional angle for the Agency of Restoration.

The 2023 Communication on EU Enlargement policy underlines, a robust conceptual framework of organisation for the regional policy in Ukraine should be developed and aligned with the recovery and reconstruction process.

The new Ukraine Facility up to €50 billion from 2024 to 2027, proposed by European Commission, will support Ukraine's efforts to sustain macro-financial stability, promote recovery as well as modernise the country whilst implementing key reforms on its EU accession track. The Facility is organised around three pillars: I – financial support to the State in the form of grants and loans; II – a specific Ukraine Investment Framework; III – technical assistance and other supporting measures. Grants will be mobilised through a new special instrument, proposed in the context of the Multiannual Financial Framework (MFF) midterm review. The loans will be guaranteed through the headroom, similar to the current financing under the Macro Financial Assistance 'Plus' (MFA+). The Facility also opens the possibility to use contributions from other donors as well as revenue generated by frozen and immobilised Russian assets as a contribution to Ukraine's recovery and reconstruction. The Facility and its implementation will be equipped with a robust framework for transparency, audit and control, to ensure the protection of EU financial interests. [21]

## Political association and economic integration/EU Enlargement Policy and Ukraine

1) The final outcome document of the URC2022 “Lugano Principles”, which are the guiding principles for the recovery process in Ukraine stressing, in particular: [22]

- Democratic participation. The recovery process has to be a whole-of-society effort, rooted in democratic participation by the population, including those displaced or returning from abroad, local self-governance and effective decentralization.
- Multi-stakeholder engagement. The recovery process has to facilitate collaboration between national and international actors, including from the private sector, civil society, academia and local government.

2) Recommendations of the European Committee of the Regions addressed to the London URC 2023 for strengthening the role of Local and Regional Authorities in Ukraine's Recovery and Reconstruction Process and on their road to EU membership stressing, in particular: [23]

Support local and regional capacity building and reinforce training aimed to enhance the expertise of public officials and capacity of institutions, which will facilitate their involvement in public investment and project preparation to effectively utilise national and international funding; make use of decentralised cooperation, twinning and partnership development initiatives with European peers to enhance the expertise of and the capacity of subnational entities in a mutual beneficial cooperation;

- Put in place sound and transparent financial management, financial control and audit, as well as public procurement at all levels of government;
- Improve the functioning of co-ordination mechanisms to facilitate dialogue across and among levels of government on recovery and reconstruction.

3) Initiative “European Alliance of Cities and Regions for the reconstruction of Ukraine” launched by the European Committee of the Regions to: [24]

- coordinate joint efforts, with European Union cities and regions ready to deploy resources to support an effective and sustainable reconstruction of Ukraine;
- further facilitate the contacts and cooperation of its core partners with the EU institutions and within the Ukraine reconstruction platform, as well as between EU and Ukrainian local and regional authorities and associations;
- foster the political dialogue with the local and regional level accompanying the reconstruction efforts;
- facilitate providing expertise in capacity building, good governance, and technical assistance to cities and regions in Ukraine.

4) Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026 stresses, in particular, the following proposed actions: [25]

- provide legal assistance and policy advice to national and local/regional authorities and their national associations in the light of the European Charter of local self-government, in particular on strengthening the legal framework, laws and by-laws, including policies, related to the constitutional reform and processes, re-decentralisation of competences, responsibilities and finances to the local/regional level, as well as legal and administrative supervision, metropolitan governance, accountability at local level and the provision of public services under the martial law and in the post-war recovery;
- facilitate dialogue between the key stakeholders in the area of implementation of the principles of good democratic governance and the way forward in the post-war period;
- support dialogue and co-ordination of reconstruction efforts, partnership and consultation between national and local/regional authorities, and their national associations, as well as with their counterparts from other European countries;
- ensure support to local/regional authorities in fostering innovative and collaborative approaches for open government and integrating a human-rights based approach into renewed local policies and strategies, for enhanced social cohesion, inclusion and participation, in particular of under-represented groups;
- support decentralisation and ensure inclusive and participatory policymaking, in the light of the additional Protocol on the right to participate in the affairs of a local authority, service delivery, recovery and renewal;
- support local and regional authorities in establishing the decision-making process, based on wider participation and engagement of all stakeholders, ensuring transparency and inclusiveness, disclosure and access to information, by applying a wide spectrum of participatory tools, resulting in sustainable policies and decisions resolving most pressing problems and responding to the needs of citizens in general and in particular of those affected by war;

- raise awareness of citizens and strengthen their capacities, in particular children, youth, IDPs and vulnerable groups, and civil society organisations (CSOs), about participatory mechanisms and opportunities to influence the development and implementation of decisions and policies on local, regional and national levels and strengthening their role in the civic oversight of the activities of public authorities.

By harnessing the collective strengths of these entities, the nation can rebuild not just its physical infrastructure but also its social fabric, democratic institutions, and the trust of its citizens. In the above-mentioned decentralized paradigm and Ukraine's journey to EU, Ukraine has the opportunity to not only rebuild but to build back better, creating a foundation for a more prosperous and resilient future. Ukraine, with UE support, has every chance to turn challenges into opportunities and to prove to be a success story.

***In light of the ongoing efforts to support the reconstruction of Ukraine, the key recommendations regarding enhancing regional policy and participatory policymaking, effectiveness and inclusivity of initiatives focused on rebuilding and fostering sustainable development in Ukraine are as follows:***

1. Contribution to holistic regional approach and elaboration of recommendations considering the functional types of territory, diverse needs and challenges of different regions in Ukraine and tailoring policies to address specific regional dynamics. In the case of reviewing the approach to determining functional types of territories, this process should be adapted to the State Strategy for Regional Development for 2021–2027 and synchronized with the relevant criteria for classification of a particular territory.
2. Development of a vision/roadmap for the gradual harmonization of territorial classification with NUTS (Nomenclature of Territorial Units for Statistics).
3. Contribution to the development of a vision/roadmap for harmonizing sectoral legislation with legislation for the State Fund for Regional Development, considering territorial impact.
4. Investing in comprehensive capacity-building programs and training initiatives for local authorities, regional development agencies and civil society organizations to support the development of projects with potential new beneficiaries from Ukraine, particularly in Interreg programs.
5. Encouraging inclusivity and diversity by ensuring the active participation of diverse stakeholders, including women, minorities, and marginalized groups, in the policymaking process. This approach will lead to more representative and equitable outcomes.
6. Fostering cross-sector collaboration between different sectors, including government, civil society, academia, and the private sector. Cross-sector partnerships can leverage a variety of resources and expertise, promoting comprehensive and sustainable regional development.
7. Establishing flexible funding mechanisms that accommodate the evolving needs of reconstruction projects. This will enable timely responses to emerging challenges and ensure that resources are allocated efficiently based on changing circumstances.

8. The participation support of Ukrainian regions in peer-to-peer recovery initiatives with EU counterparts may facilitate further integration of Ukrainian sub-national authorities into EU networks.

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# Moldova Local Governments' challenges and the EU accession opportunities





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# Abstract

This research examines the challenges faced by Moldova's local governments and the opportunities presented by the country's pursuit of European Union (EU) accession. Moldova's journey from independence to its current state of inefficiency in self-governance forms the political backdrop. The paper emphasizes the pivotal role of local self-government in achieving EU accession, with a particular focus on the involvement of civil society in the negotiation process.

The report traces Moldova's political and administrative history, highlighting three failed attempts at local public administration reform since its independence in 1991. Despite constitutional provisions for decentralization, practical implementation has been inconsistent. The administrative-territorial structure remains fragmented, affecting the administrative capacity of local communities.

Moldova's recent shift to a pro-European, pro-reform government has spurred efforts toward EU accession. However, systemic reforms, including administrative-territorial and local public administration reforms, have faced delays. The new Public Administration Reform Strategy (2023-2030) aims to address these challenges by focusing on civil service management, institutional frameworks, strategic planning, e-services, and territorial reform through voluntary amalgamation.

The research underscores the growing importance of civil society in the EU accession process. While Moldova's legal framework for Civil Society Organizations (CSOs) aligns with international standards, challenges persist. The number of CSOs is growing, but their sustainability relies heavily on international donors. The report emphasizes the need for enhanced cooperation between public authorities and CSOs to ensure effective policy dialogue and participation in decision-making processes.

Challenges identified include limited administrative capacity, insufficient funding for CSOs, and a lack of institutionalized cooperation between public authorities and CSOs. Recommendations call for implementing the national strategy on civil society development, improving public consultation processes, and ensuring transparency in the European integration process.

The report discusses the concept of democratic resilience and emphasizes the role of civil society in achieving development objectives and implementing the EU-Moldova Association Agenda. The EU Roadmap for Engagement with Civil Society (2021-2027) outlines priorities such as promoting a conducive environment for CSOs, strengthening their participation in sectoral reforms, and enhancing their role in community development.

Despite EU support, outdated laws hinder participatory democracy in Moldova. The research highlights the need for legal improvements, particularly in transparency,

public participation formats, and accessibility of information. Recent legislation addresses access to information, but continued adaptation is essential.

This research concludes that Moldova faces challenges in its local governance and EU accession efforts. Addressing these challenges requires comprehensive reforms, active involvement of civil society, and adaptation of legal frameworks to ensure a transparent and inclusive democratic process.

Successful implementation of these measures will contribute to Moldova's progress toward EU accession and the establishment of resilient participatory democracy.

### **The challenges of local government and opportunities for Moldova's EU accession**

- Political and self - governance background: from independency to inefficiency.
- Development of local self-government as a precondition for Moldova's European accession.
- The role of the civil society in the opening negotiation process of Moldova's EU integration.
- Fostering Resilient Participatory Democracy
- Other Key Stakeholders and Their Role in Advancing Local Democracy in Moldova



## Abstract - Italian

Questa ricerca esamina le sfide affrontate dalle amministrazioni locali moldave e le opportunità offerte dal perseguimento dell'adesione all'Unione europea (UE). Il viaggio della Moldavia dall'indipendenza all'attuale stato di inefficienza dell'autogoverno costituisce lo sfondo politico. Il documento sottolinea il ruolo centrale dell'autogoverno locale nel raggiungimento dell'adesione all'UE, con particolare attenzione al coinvolgimento della società civile nel processo negoziale.

Il rapporto ripercorre la storia politica e amministrativa della Moldavia, evidenziando tre tentativi falliti di riforma della pubblica amministrazione locale dalla sua indipendenza nel 1991. Nonostante le disposizioni costituzionali in materia di decentramento, l'attuazione pratica è stata incoerente. La struttura amministrativo-territoriale rimane frammentata, incidendo sulla capacità amministrativa delle comunità locali.

Il recente passaggio della Moldova a un governo pro-europeo e favorevole alle riforme ha stimolato gli sforzi per l'adesione all'UE. Tuttavia, le riforme sistemiche, comprese quelle amministrativo-territoriali e della pubblica amministrazione locale, hanno subito ritardi. La nuova Strategia di riforma della Pubblica Amministrazione (2023-2030) intende affrontare queste sfide concentrandosi sulla gestione della funzione pubblica, sui quadri istituzionali, sulla pianificazione strategica, sui servizi elettronici e sulla riforma territoriale attraverso l'accorpamento volontario.

La ricerca sottolinea la crescente importanza della società civile nel processo di adesione all'UE. Sebbene il quadro giuridico della Moldova per le organizzazioni della società civile (OSC) sia in linea con gli standard internazionali, le sfide persistono. Il numero delle OSC è in crescita, ma la loro sostenibilità dipende in larga misura dai donatori internazionali. Il rapporto sottolinea la necessità di una maggiore cooperazione tra le autorità pubbliche e le CSO per garantire un dialogo politico efficace e la partecipazione ai processi decisionali.

Le sfide identificate includono una capacità amministrativa limitata, finanziamenti insufficienti per le CSO e una mancanza di cooperazione istituzionalizzata tra autorità pubbliche e CSO. Le raccomandazioni richiedono l'attuazione della strategia nazionale per lo sviluppo della società civile, il miglioramento dei processi di consultazione pubblica e la garanzia di trasparenza nel processo di integrazione europea.

Il rapporto discute il concetto di resilienza democratica e sottolinea il ruolo della società civile nel raggiungimento degli obiettivi di sviluppo e nell'attuazione dell'Agenda di associazione UE-Moldova. La Roadmap dell'UE per l'impegno con la società civile (2021-2027) delinea priorità quali la promozione di un ambiente favorevole alle OSC, il rafforzamento della loro partecipazione alle riforme settoriali e il potenziamento del loro ruolo nello sviluppo delle comunità.

Nonostante il sostegno dell'UE, leggi obsolete ostacolano la democrazia partecipativa in Moldavia. La ricerca evidenzia la necessità di migliorare le leggi, soprattutto in materia di trasparenza, formati di partecipazione pubblica e accessibilità delle informazioni. La legislazione recente affronta il tema dell'accesso alle informazioni, ma è essenziale un continuo adattamento.

La ricerca conclude che la Moldova deve affrontare sfide nella sua governance locale e negli sforzi di adesione all'UE. Per affrontare queste sfide sono necessarie riforme globali, il coinvolgimento attivo della società civile e l'adattamento dei quadri giuridici per garantire un processo democratico trasparente e inclusivo.

Il successo dell'attuazione di queste misure contribuirà al progresso della Moldova verso l'adesione all'UE e alla creazione di una democrazia partecipativa resistente.

### **Le sfide del governo locale e le opportunità per l'adesione della Moldavia all'UE**

- Contesto politico e di autogoverno: dall'indipendenza all'inefficienza.
- Lo sviluppo dell'autogoverno locale come preconditione per l'adesione della Moldavia all'UE.
- Il ruolo della società civile nel processo di apertura dei negoziati per l'integrazione della Moldova nell'UE.
- Promuovere una democrazia partecipativa resiliente
- Altri attori chiave e il loro ruolo nel promuovere la democrazia locale in Moldavia



## Abstract -French

Cette étude examine les défis auxquels sont confrontées les collectivités locales de Moldavie et les opportunités offertes par la poursuite de l'adhésion du pays à l'Union européenne (UE). Le parcours de la Moldavie depuis son indépendance jusqu'à son état actuel d'inefficacité en matière d'autonomie constitue la toile de fond politique. Le document souligne le rôle central de l'autonomie locale dans la réalisation de l'adhésion à l'UE, en mettant l'accent sur l'implication de la société civile dans le processus de négociation.

Le rapport retrace l'histoire politique et administrative de la Moldavie, mettant en lumière trois tentatives infructueuses de réforme de l'administration publique locale depuis son indépendance en 1991. Malgré les dispositions constitutionnelles en faveur de la décentralisation, la mise en œuvre pratique a été incohérente. La structure administrative et territoriale reste fragmentée, ce qui affecte la capacité administrative des communautés locales.

Le récent passage de la Moldavie à un gouvernement pro-européen et favorable aux réformes a stimulé les efforts en vue de l'adhésion à l'UE. Toutefois, les réformes systémiques, y compris les réformes administratives, territoriales et de l'administration publique locale, ont pris du retard. La nouvelle stratégie de réforme de l'administration publique (2023-2030) vise à relever ces défis en se concentrant sur la gestion de la fonction publique, les cadres institutionnels, la planification stratégique, les services en ligne et la réforme territoriale par le biais de fusions volontaires.

La recherche souligne l'importance croissante de la société civile dans le processus d'adhésion à l'UE. Bien que le cadre juridique de la Moldavie pour les organisations de la société civile (OSC) s'aligne sur les normes internationales, des défis persistent. Le nombre d'OSC augmente, mais leur viabilité dépend fortement des donateurs internationaux. Le rapport souligne la nécessité de renforcer la coopération entre les autorités publiques et les OSC afin de garantir un dialogue politique efficace et la participation aux processus décisionnels.

Parmi les défis identifiés figurent les capacités administratives limitées, le financement insuffisant des OSC et l'absence de coopération institutionnalisée entre les autorités publiques et les OSC. Les recommandations appellent à la mise en œuvre de la stratégie nationale sur le développement de la société civile, à l'amélioration des processus de consultation publique et à la garantie de la transparence dans le processus d'intégration européenne.

Le rapport aborde le concept de résilience démocratique et souligne le rôle de la société civile dans la réalisation des objectifs de développement et la mise en œuvre du programme d'association UE-Moldavie. La feuille de route de l'UE pour l'engagement avec la société civile (2021-2027) souligne des priorités telles que la promotion d'un environnement favorable aux OSC, le renforcement de leur participation aux réformes sectorielles et l'amélioration de leur rôle dans le développement communautaire.

Malgré le soutien de l'UE, des lois obsolètes entravent la démocratie participative en Moldavie. L'étude souligne la nécessité d'améliorer la législation, notamment en matière de transparence, les formats de participation du public et l'accessibilité de l'information. La législation récente traite de l'accès à l'information, mais il est essentiel de continuer à l'adapter.

Cette étude conclut que la Moldavie est confrontée à des défis en matière de gouvernance locale et d'adhésion à l'UE. Pour relever ces défis, il faut des réformes globales, une participation active de la société civile et l'adaptation des cadres juridiques afin de garantir un processus démocratique transparent et inclusif.

La mise en œuvre réussie de ces mesures contribuera aux progrès de la Moldavie vers l'adhésion à l'UE et à l'établissement d'une démocratie participative solide.

## **Les défis du gouvernement local et les opportunités pour l'adhésion de la Moldavie à l'UE**

- Contexte politique et d'autogestion : de l'indépendance à l'inefficacité.
- Le développement de l'autonomie locale comme condition préalable à l'adhésion de la Moldavie à l'Union européenne.
- Le rôle de la société civile dans le processus d'ouverture des négociations pour l'intégration de la Moldavie dans l'UE.
- Favoriser une démocratie participative résiliente
- Autres acteurs clés et leur rôle dans la promotion de la démocratie locale en Moldavie



## Abstract - Serbian

Ovo istraživanje ispituje izazove sa kojima se suočavaju lokalne samouprave Moldavije i mogućnosti koje pruža nastojanje zemlje da se pridruži Evropskoj uniji (EU). Put Moldavije od nezavisnosti do njenog trenutnog stanja neefikasnosti u samoupravi čini političku pozadinu. U radu se ističe ključna uloga lokalne samouprave u postizanju pristupanja EU, sa posebnim fokusom na uključivanje civilnog društva u pregovarački proces.

Izveštaj prati političku i administrativnu istoriju Moldavije, naglašavajući tri neuspela pokušaja reforme lokalne javne uprave od njene nezavisnosti 1991. godine. Uprkos ustavnim odredbama za decentralizaciju, praktična primena je nedosledna. Administrativno-teritorijalna struktura ostaje fragmentirana, što utiče na administrativne kapacitete lokalnih zajednica.

Nedavni prelazak Moldavije na proevropsku, proreformsku vladu podstakao je napore ka pridruživanju EU. Međutim, sistemske reforme, uključujući administrativno-teritorijalne i lokalne reforme javne uprave, naišle su na kašnjenja. Nova Strategija reforme javne uprave (2023-2030) ima za cilj rješavanje ovih izazova fokusiranjem na upravljanje državnim službom, institucionalne okvire, strateško planiranje, e-usluge i teritorijalnu reformu kroz dobrovoljnu amalgamaciju.

Istraživanje naglašava rastući značaj civilnog društva u procesu pridruživanja EU. Dok je pravni okvir Moldavije za organizacije civilnog društva (OCD) usklađen sa međunarodnim standardima, izazovi i dalje postoje. Broj OCD raste, ali njihova održivost u velikoj meri zavisi od međunarodnih donatora. Izveštaj naglašava potrebu za pojačanom saradnjom između javnih vlasti i OCD kako bi se osigurao efikasan dijalog o politikama i učešće u procesima donošenja odluka.

Identifikovani izazovi uključuju ograničene administrativne kapacitete, nedovoljno finansiranje OCD i nedostatak institucionalizovane saradnje između javnih vlasti i OCD. Preporuke pozivaju na sprovođenje nacionalne strategije razvoja civilnog društva, unapređenje procesa javnih konsultacija i osiguranje transparentnosti u procesu evropskih integracija.

Izveštaj razmatra koncept demokratske otpornosti i naglašava ulogu civilnog društva u postizanju razvojnih ciljeva i sprovođenju Agende pridruživanja EU i Moldavije. Mapa puta EU za angažman sa civilnim društvom (2021-2027) navodi prioritete kao što su promocija povoljnog okruženja za OCD, jačanje njihovog učešća u sektorskim reformama i jačanje njihove uloge u razvoju zajednice.

Uprkos podršci EU, zastareli zakoni ometaju participativnu demokratiju u Moldaviji. Istraživanje naglašava potrebu za pravnim poboljšanjima, posebno u pogledu transparentnosti,



formati učešća javnosti i dostupnost informacija. Nedavni zakoni se bave pristupnim informacijama, ali je neophodno kontinuirano prilagođavanje.

Ovo istraživanje zaključuje da se Moldavija suočava sa izazovima u lokalnoj upravi i naporima za pristupanje EU. Rešavanje ovih izazova zahteva sveobuhvatne reforme, aktivno uključivanje civilnog društva i prilagođavanje zakonskih okvira kako bi se osigurao transparentan i inkluzivan demokratski proces.

Uspešna implementacija ovih mera doprinosi napretku Moldavije ka pristupanju EU i uspostavljanju otporne participativne demokratije.

### **Izazovi lokalne uprave i mogućnosti za pristupanje Moldavije EU**

- Politička i samoupravna pozadina: od nezavisnosti do neefikasnosti.
- Razvoj lokalne samouprave kao preduslov za pristupanje Moldavije Evropi.
- Uloga civilnog društva u otvaranju pregovaračkog procesa o evropskim integracijama Moldavije.
- Podsticanje otporne participativne demokratije
- Drugi ključni akteri i njihova uloga u unapređenju lokalne demokratije u Moldaviji



## Abstract - Arabic

يبحث هذا البحث في التحديات التي تواجهها الحكومات المحلية في مولدوفا والفرص التي يتيحها سعي البلاد للانضمام إلى الاتحاد الأوروبي. وتشكّل رحلة مولدوفا من الاستقلال إلى حالتها الحالية من عدم الكفاءة في الحكم الذاتي الخلفية السياسية. وتشدّد الورقة على الدور المحوري للحكم الذاتي المحلي في تحقيق الانضمام إلى الاتحاد الأوروبي، مع التركيز بشكل خاص على مشاركة المجتمع المدني في عملية التفاوض.

ويتتبع التقرير التاريخ السياسي والإداري لمولدوفا، مسلطاً الضوء على ثلاث محاولات فاشلة لإصلاح الإدارة العامة المحلية منذ استقلالها في عام 1991. وعلى الرغم من الأحكام الدستورية الخاصة باللامركزية، إلا أن التنفيذ العملي لم يكن متسقاً. ولا يزال الهيكل الإداري-الإقليمي مجزأً، مما يؤثر على القدرة الإدارية للمجتمعات المحلية.

وقد حفز تحول مولدوفا مؤخراً إلى حكومة مؤيدة لأوروبا ومؤيدة للإصلاحات على بذل الجهود نحو الانضمام إلى الاتحاد الأوروبي. ومع ذلك، واجهت الإصلاحات المنهجية، بما في ذلك الإصلاحات الإدارية الإقليمية وإصلاحات الإدارة العامة المحلية، تأخيرات. تهدف استراتيجية إصلاح الإدارة العامة الجديدة (2023-2030) إلى معالجة هذه التحديات من خلال التركيز على إدارة الخدمة المدنية، والأطر المؤسسية، والتخطيط الاستراتيجي، والخدمات الإلكترونية، والإصلاح الإقليمي من خلال الدمج الطوعي.

ويؤكد البحث على الأهمية المتزايدة للمجتمع المدني في عملية الانضمام إلى الاتحاد الأوروبي. في حين أن الإطار القانوني لمنظمات المجتمع المدني في مولدوفا يتماشى مع المعايير الدولية، إلا أن التحديات لا تزال قائمة. يتزايد عدد منظمات المجتمع المدني، لكن استدامتها تعتمد بشكل كبير على المانحين الدوليين. ويشدد التقرير على الحاجة إلى تعزيز التعاون بين السلطات العامة ومنظمات المجتمع المدني لضمان الحوار الفعال بشأن السياسات والمشاركة في عمليات صنع القرار.

وتشمل التحديات التي تم تحديدها محدودية القدرات الإدارية، وعدم كفاية التمويل لمنظمات المجتمع المدني، والافتقار إلى التعاون المؤسسي بين السلطات العامة ومنظمات المجتمع المدني. وتدعو التوصيات إلى تنفيذ الاستراتيجية الوطنية لتنمية المجتمع المدني، وتحسين عمليات التشاور مع الجمهور، وضمان الشفافية في عملية الاندماج الأوروبي.

يناقش التقرير مفهوم المرونة الديمقراطية ويؤكد على دور المجتمع المدني في تحقيق أهداف التنمية وتنفيذ أجندة الشراكة بين الاتحاد الأوروبي ومولدوفا. وتحدد خارطة طريق الاتحاد الأوروبي للمشاركة مع المجتمع المدني (2021-2027) أولويات مثل تعزيز بيئة مواتية لمنظمات المجتمع المدني، وتعزيز مشاركتها في الإصلاحات القطاعية، وتعزيز دورها في التنمية المجتمعية.

على الرغم من دعم الاتحاد الأوروبي، تعيق القوانين القديمة الديمقراطية التشاركية في مولدوفا. يسلط البحث الضوء على الحاجة إلى تحسينات قانونية، لا سيما في مجال الشفافية

أشكال المشاركة العامة، وإمكانية الوصول إلى المعلومات. تعالج التشريعات الأخيرة مسألة الوصول إلى المعلومات، لكن من الضروري مواصلة تكييفها.

يخلص هذا البحث إلى أن مولدوفا تواجه تحديات في مجال الحكم المحلي وجهود الانضمام إلى الاتحاد الأوروبي. ويتطلب التصدي لهذه التحديات إجراء إصلاحات شاملة، والمشاركة الفعالة للمجتمع المدني، وتكييف الأطر القانونية لضمان عملية ديمقراطية شفافة وشاملة.

وسييسهم التنفيذ الناجح لهذه التدابير في تقدم مولدوفا نحو الانضمام إلى الاتحاد الأوروبي وإرساء ديمقراطية تشاركية مرنة.

### تحديات الحكم المحلي والفرص المتاحة لانضمام مولدوفا إلى الاتحاد الأوروبي

- الخلفية السياسية والحكم الذاتي: من الاستقلالية إلى عدم الكفاءة
- تطوير الحكم الذاتي المحلي كشرط مسبق لانضمام مولدوفا إلى الاتحاد الأوروبي
- دور المجتمع المدني في عملية المفاوضات الافتتاحية لانضمام مولدوفا إلى الاتحاد الأوروبي
- تعزيز الديمقراطية التشاركية المرنة
- أصحاب المصلحة الرئيسيون الآخرون ودورهم في تعزيز الديمقراطية المحلية في مولدوفا



## Abstract - Ukrainian

У цьому дослідженні розглядаються виклики, з якими стикаються органи місцевого самоврядування Молдови, а також можливості, що відкриваються перед країною у зв'язку зі вступом до Європейського Союзу (ЄС). Політичним фоном дослідження є шлях Молдови від здобуття незалежності до нинішнього стану неефективності самоврядування. У документі підкреслюється ключова роль місцевого самоврядування у досягненні вступу до ЄС, з особливим акцентом на залученні громадянського суспільства до переговорного процесу.

У звіті простежується політична та адміністративна історія Молдови, висвітлюються три невдалі спроби реформування місцевого публічного управління з моменту здобуття незалежності в 1991 році. Незважаючи на конституційні положення про децентралізацію, практична реалізація була непослідовною. Адміністративно-територіальний устрій залишається фрагментованим, що впливає на адміністративну спроможність місцевих громад.

Нещодавній перехід Молдови до проєвропейського, реформаторського уряду прискорив зусилля, спрямовані на вступ до ЄС. Однак системні реформи, включаючи адміністративно-територіальну реформу та реформу місцевого публічного управління, стикаються із затримками. Нова Стратегія реформування державного управління (2023-2030) має на меті вирішити ці проблеми, зосередившись на управлінні державною службою, інституційній структурі, стратегічному плануванні, електронних послугах та територіальній реформі шляхом добровільного об'єднання громад.

Дослідження підкреслює зростаючу важливість громадянського суспільства в процесі вступу до ЄС. Хоча законодавча база Молдови для організацій громадянського суспільства (ОГС) відповідає міжнародним стандартам, проблеми залишаються. Кількість ОГС зростає, але їхня стабільність значною мірою залежить від міжнародних донорів. У звіті наголошується на необхідності посилення співпраці між органами державної влади та ОГС для забезпечення ефективного політичного діалогу та участі у процесах прийняття рішень.

Виявлені проблеми включають обмежену адміністративну спроможність, недостатнє фінансування ОГС та відсутність інституціоналізованої співпраці між органами державної влади та ОГС. Рекомендації закликають до реалізації національної стратегії розвитку громадянського суспільства, вдосконалення процесів публічних консультацій та забезпечення прозорості процесу європейської інтеграції.

У звіті обговорюється концепція демократичної стійкості та підкреслюється роль громадянського суспільства у досягненні цілей розвитку та імплементації Порядку денного асоціації між ЄС та Молдовою. Дорожня карта ЄС щодо взаємодії з громадянським суспільством (2021-2027) окреслює такі пріоритети, як сприяння створенню сприятливого середовища для ОГС, посилення їхньої участі в секторальних реформах та підвищення їхньої ролі в розвитку громад.

Незважаючи на підтримку ЄС, застарілі закони перешкоджають демократії участі в Молдові. Дослідження підкреслює необхідність вдосконалення законодавства, особливо в частині прозорості, форматів участі громадськості та доступності інформації. Нещодавно прийняте законодавство регулює питання доступу до інформації, але його подальша адаптація має важливе значення.

Це дослідження дійшло висновку, що Молдова стикається з викликами у сфері місцевого самоврядування та зусиль щодо вступу до ЄС. Вирішення цих проблем вимагає комплексних реформ, активного залучення громадянського суспільства та адаптації законодавчої бази для забезпечення прозорого та інклюзивного демократичного процесу.

Успішна реалізація цих заходів сприятиме просуванню Молдови на шляху до вступу в ЄС і встановленню стійкої демократії участі.

### **Виклики місцевого самоврядування та можливості для вступу Молдови до ЄС**

- Політичний досвід та досвід самоврядування: від незалежності до неефективності.
- Розвиток місцевого самоврядування як передумова для вступу Молдови до ЄС.
- Роль громадянського суспільства у відкритті переговорного процесу щодо інтеграції Молдови до ЄС.
- Сприяння розвитку стійкої демократії участі
- Інші ключові зацікавлені сторони та їх роль у розвитку місцевої демократії в Молдові



## Abstract - Romanian

Această cercetare examinează provocările cu care se confruntă administrațiile locale din Moldova și oportunitățile pe care le prezintă procesul de aderare a țării la Uniunea Europeană (UE). Drumul parcurs de Moldova de la independență până la starea actuală de ineficiență a autoguvernării constituie fundalul politic. Documentul subliniază rolul central al autoguvernării locale în realizarea aderării la UE, cu un accent deosebit pe implicarea societății civile în procesul de negociere.

Raportul urmărește istoria politică și administrativă a Republicii Moldova, evidențiind trei încercări eșuate de reformă a administrației publice locale de la obținerea independenței în 1991. În pofida prevederilor constituționale privind descentralizarea, implementarea practică a fost inconsecventă. Structura administrativ-teritorială rămâne fragmentată, ceea ce afectează capacitatea administrativă a comunităților locale.

Recenta trecere a Moldovei la un guvern pro-european și pro-reformă a stimulat eforturile de aderare la UE. Cu toate acestea, reformele sistemice, inclusiv reformele administrativ-teritoriale și ale administrației publice locale, au înregistrat întâzieri. Noua Strategie de reformă a administrației publice (2023-2030) își propune să abordeze aceste provocări, concentrându-se pe gestionarea funcției publice, cadrele instituționale, planificarea strategică, serviciile electronice și reforma teritorială prin amalgamare voluntară.

Cercetarea subliniază importanța crescândă a societății civile în procesul de aderare la UE. În timp ce cadrul juridic al Republicii Moldova pentru organizațiile societății civile (OSC) se aliază la standardele internaționale, există încă provocări. Numărul OSC-urilor este în creștere, dar sustenabilitatea acestora depinde în mare măsură de donatorii internaționali. Raportul subliniază necesitatea unei cooperări sporite între autoritățile publice și OSC pentru a asigura un dialog politic eficient și participarea efectivă la procesele decizionale.

Printre provocările identificate se numără capacitatea administrativă limitată, finanțarea insuficientă a OSC-urilor și lipsa unei cooperări instituționalizate între autoritățile publice și OSC-uri. Recomandările solicită punerea în aplicare a strategiei naționale privind dezvoltarea societății civile, îmbunătățirea proceselor de consultare publică și asigurarea transparenței în procesul de integrare europeană.

Raportul discută conceptul de reziliență democratică și subliniază rolul societății civile în realizarea obiectivelor de dezvoltare și în implementarea Agendei de asociere UE-Moldova. Foia de parcurs a UE pentru angajamentul cu societatea civilă (2021-2027) subliniază priorități precum promovarea unui mediu favorabil pentru OSC, consolidarea participării acestora la reformele sectoriale și sporirea rolului lor în dezvoltarea comunitară.

În pofida sprijinului UE, legile învechite împiedică democrația participativă în Moldova. Cercetarea evidențiază necesitatea unor îmbunătățiri juridice, în special în ceea ce privește transparența,

formatele de participare a publicului și accesibilitatea informațiilor. Legislația recentă abordează accesul la informații, dar este esențială o adaptare continuă.

Această cercetare concluzionează că Moldova se confruntă cu provocări în ceea ce privește guvernarea locală și eforturile sale de aderare la UE. Abordarea acestor provocări necesită reforme cuprinzătoare, implicarea activă a societății civile și adaptarea cadrelor juridice pentru a asigura un proces democratic transparent și incluziv.

Implementarea cu succes a acestor măsuri va contribui la progresul Moldovei în vederea aderării la UE și la stabilirea unei democrații participative rezistente.

### **Provocările administrației locale și oportunitățile pentru aderarea Moldovei la UE**

- Contextul politic și de autoguvernare: de la independență la ineficiență.
- Dezvoltarea autoguvernării locale ca o condiție prealabilă pentru aderarea Moldovei la Uniunea Europeană.
- Rolul societății civile în procesul de deschidere a negocierilor de integrare a Moldovei în UE.
- Promovarea unei democrații participative rezistente
- Alte părți interesate cheie și rolul lor în promovarea democrației locale în Moldova



## Abstract - Russian

В данном исследовании рассматриваются проблемы, с которыми сталкиваются местные органы власти Молдовы, и возможности, открывающиеся в связи со стремлением страны к вступлению в Европейский союз (ЕС). Политическим фоном служит путь Молдовы от обретения независимости до нынешнего состояния неэффективности самоуправления. В документе подчеркивается ключевая роль местного самоуправления в достижении вступления в ЕС, особое внимание уделяется вовлечению гражданского общества в переговорный процесс.

В докладе прослеживается политическая и административная история Молдовы, отмечаются три неудачные попытки реформирования местного публичного управления с момента обретения независимости в 1991 году. Несмотря на конституционные положения о децентрализации, практическая реализация была непоследовательной. Административно-территориальная структура остается раздробленной, что негативно сказывается на административном потенциале местных сообществ.

Недавний переход Молдовы на сторону проевропейского правительства, выступающего за реформы, подстегнул усилия по вступлению в ЕС. Однако системные реформы, в том числе административно-территориальные и реформы местного публичного управления, идут с задержками. Новая Стратегия реформирования государственного управления (2023-2030 гг.) направлена на решение этих проблем путем сосредоточения внимания на управлении государственной службой, институциональных основах, стратегическом планировании, электронных услугах и территориальной реформе путем добровольного слияния.

Исследование подчеркивает растущее значение гражданского общества в процессе вступления в ЕС. Несмотря на то, что законодательная база Молдовы в отношении организаций гражданского общества (ОГО) соответствует международным стандартам, проблемы сохраняются. Число ОГО растет, но их устойчивость в значительной степени зависит от международных доноров. В отчете подчеркивается необходимость расширения сотрудничества между органами государственной власти и ОГО для обеспечения эффективного политического диалога и участия в процессах принятия решений.

Выявленные проблемы включают ограниченный административный потенциал, недостаточное финансирование ОГО и отсутствие институционализированного сотрудничества между органами государственной власти и ОГО. Рекомендации призывают к реализации национальной стратегии развития гражданского общества, улучшению процессов общественных консультаций и обеспечению прозрачности процесса европейской интеграции.



В докладе обсуждается концепция демократической устойчивости и подчеркивается роль гражданского общества в достижении целей развития и реализации Повестки дня ассоциации ЕС и Молдовы. Дорожная карта ЕС по взаимодействию с гражданским обществом (2021-2027 гг.) определяет такие приоритеты, как создание благоприятной среды для ОГО, усиление их участия в отраслевых реформах и повышение их роли в развитии сообществ.

Несмотря на поддержку ЕС, устаревшие законы препятствуют развитию демократии участия в Молдове. Исследование подчеркивает необходимость совершенствования законодательства, особенно в области прозрачности,

форматы участия общественности и доступность информации. Недавно принятое законодательство решает проблему доступа к информации, однако необходима его дальнейшая адаптация.

Данное исследование позволяет сделать вывод о том, что Молдова сталкивается с проблемами в области местного управления и вступления в ЕС. Для решения этих проблем необходимы комплексные реформы, активное участие гражданского общества и адаптация законодательной базы для обеспечения прозрачного и инклюзивного демократического процесса.

Успешная реализация этих мер будет способствовать прогрессу Молдовы на пути к вступлению в ЕС и созданию устойчивой демократии с широким участием населения.

## **Проблемы местного самоуправления и возможности для вступления Молдовы в ЕС**

- Политические и управленческие предпосылки: от независимости к неэффективности. Развитие местного самоуправления как предварительное условие для вступления Молдовы в ЕС.
- Роль гражданского общества в переговорном процессе по интеграции Молдовы в ЕС.
- Укрепление устойчивой демократии на основе участия
- Другие ключевые заинтересованные стороны и их роль в развитии местной демократии в Молдове



# Introduction

Moldova's candidate country status in regard to membership of the EU gives an entirely new strategic and practical significance to the European integration process for the country. European integration is a process of political integration, legal, economic, social and cultural, requiring the engagement on all levels of civil society and state institutions. The current leadership of the Republic of Moldova has made important progress in its reform agenda and established some structural pillars to support the accession process.

Moldova has some level of preparation in the area of public administration reform, and some progress has been made. In the context of assuming the commitments of accession to the European Union, the approval of a new Public Administration Reform Strategy for 2023-2030 is a criterion stipulated in the Action Plan [1] for the implementation of the measures proposed by the European Commission in its Opinion on the application of the Republic of Moldova to the European Union, approved by the National Commission for European Integration on August 4, 2022. Respectively, a basis for the reform of the public administration, both now and in the past, was the European integration, as well as the social reality.

The role of local authorities, decentralization as well as territorial reforms, having citizens engagement, marks the key for a sustainable future and stabilised democracies. After few failed attempts of reforms, current Moldova's Government has enacted a new strategic framework for Public Administration Reform.

The EU accession process highlighted the increased role of the civil society in the implementation of the accession agenda and stimulated the sector development and sustainability.

Despite gradual improvements over the years, the development of civil society has not yet reached a satisfactory level. An enabling environment exists for civil society organisations (CSOs), with legal and financial frameworks in place and is in line with international standards. The central authorities assumed EU recommendations, and a series of regulations to enable a framework of civil society organizations engagement in the accession process were approved.

Though, a real involvement in policies creation and large public consultations by the authorities, started with the EU accession process.

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1 [https://presedinte.md/app/webroot/uploaded/plan\\_cnie\\_04.08.2022.pdf](https://presedinte.md/app/webroot/uploaded/plan_cnie_04.08.2022.pdf)

# Political and self - governance background: from independency to inefficiency

Republic of Moldova became a sovereign state in 1991 and an independent republic in 1994. The Constitution of 1994 provides for a single-chamber Parliament consisting of 101 members elected every four years on the basis of proportional representation. The President has been elected by the Parliament, but the Constitutional Court restored the citizens' right to elect their President in 2016. The government is formed by the Prime Minister, the Deputy Prime Minister and the ministers. The Prime Minister and the government are nominated by the President after consultation with the parliamentary majority and requires the approval of Parliament. [2]

The administrative-territorial organization of the Republic of Moldova and the establishment of the legal framework for villages (*communes*), districts and cities (*municipalities*) and administrative-territorial units are carried out according to art. 110 and 111 of the Constitution of the Republic of Moldova. [3]

During the transition period, the Republic of Moldova implemented three administrative-territorial reforms, but the first one, in 1994, actually maintained the soviet system of administrative organization, and has been regulated and guaranteed by the Constitution the first autonomous territorial unit (*Gagauzia*) which is including three districts (*dolay*). By 1998 the country's territory was divided into 38 districts (*raioane*), including five in the breakaway Transnistrian region.

Although the principles of decentralization and local autonomy were included in the Constitution in 1994, in reality these principles are contradicted. During about 30 years of independence, there have been numerous attempts to modernize and reform the local public administration system in the Republic of Moldova. In this regard, 7 new laws on LPA were adopted and 3 administrative-territorial reforms/anti-reforms took place. Practically every government in the Republic of Moldova has tried to reform the local governancy, including with consistent support from development partners. However, despite the great interest in the reform and the large number of attempts, it is found that, for the most part, these attempts have failed.

The territorial reorganization in 1999 was accompanied by a significant administrative reform, resulting in a new division of competences and resources, following the Romanian model.

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2 <https://portal.cor.europa.eu/divisionpowers/Pages/Moldova.aspx>

3 [https://www.legis.md/cautare/getResults?doc\\_id=125095&lang=ro](https://www.legis.md/cautare/getResults?doc_id=125095&lang=ro)

With the aim of conformity with European standards and subsequent to the adoption of the European Charter of Local Self-Administration, Moldova returned to the pre-communist model of administrative-territorial structure. Thus, the districts from the right bank of the Nistru river were amalgamated in 9 counties (județe), thereby increasing the economic capacity and autonomy of local governments. Another important stipulation was the creation of the institution of prefect, the representative of the central government in a given territory tasked with facilitating the implementation of the administrative decentralization reform. The prefect was endowed with the power to manage the county's public services without interfering with the activities of local authorities.

In December 2001, the newly-elected Communist government carried out another round of administrative-territorial reforms, which took effect after the local elections in 2003. The reform actually restored a quasi-Soviet model of territorial division of authority, while local autonomy was significantly reduced (The Law on Local Public Administration adopted on 18.03.2003).

The main element that stalled the reform of local public administration was the reluctance of the political factor, which is a very sensitive element for all governments, risking losing the support of local leaders in the next elections.

Currently, Moldova is a unitary state with local governments operating at two tiers. There are thirty-five territorial units corresponding to the second level of local government authority: thirty-two districts (raioane), two municipalities (municipii) -Chisinau and Balti, one autonomous territorial unit (UTA Gagauzia), and one unrecognised territorial unit (Transnistria) which does not consider itself subject to the jurisdiction of Moldova. These thirty-five units are divided into 898 first-level territorial units—towns and villages (sate), which have no direct financial relations with the center.

Moldova is also divided into three regions but these are not administrative territorial units. The three regions – North, South and Central – do not represent administrative jurisdictions and they are mostly used in the context of planning, evaluating and implementing regional development policies.

Furthermore, the administrative-territorial structure of the Republic of Moldova remains one of the most fragmented in Europe. According to statistical data, the population of almost 90% of administrative-territorial units of the first level is less than 5 thousand inhabitants. Excessive territorial fragmentation with a large number of small territorial administrative units with a small tax base has repercussions on the administrative capacity of local communities.

The decentralization reform achieved partial results, with limited autonomy of local authorities and supporting local budget by transfers from the central budget. Local authorities can only rely on the collection of local taxes, income tax and taxes for the

road fund when forming the local budget, but no autonomy was offered in the field of hiring and paying public servants for their real motivation. Thus, the economy and development of some localities is directly dependent on the geographical location vis-à-vis the national or city arteries, the number of inhabitants and businesses developed in the locality.

## Development of local self-government as a precondition for Moldova's European accession

After peaceful change of power that took place in 2012, based on a democratic vote that resulted in the installation of a pro-European, pro-reform, and anti-corruption government. The latter won not only the popular vote but also the support of the West and other development partners, which was manifested in an increase in external financial, technical, and political assistance, as well as in the Republic of Moldova obtaining candidate country status in regard to joining the European Union (EU).

On the political criteria, Moldova has continued reform efforts to strengthen democracy and the rule of law despite multiple challenges linked to Russia's war of aggression against Ukraine. A strong parliamentary majority supported the reforms initiated by President Maia Sandu, played a major role in the EU accession process, supporting the government's reform efforts. The government worked actively on the EU reform agenda and on dealing with the consequences of Russia's war of aggression against Ukraine.

However, these democratic and external successes have not been fully translated into tangible domestic achievements. A series of systemic reforms have either been postponed (e.g. administrative-territorial reform, local public administration reform, pension system reform), or are proceeding at a slow pace (e.g. justice reform, public administration reform, wage policy reform in the public sector, public finance management reform, digitization/reform of state enterprises). This was determined partially by the crises and emergencies that have "captured" the Government's agenda, but also the rigidity of the system explains the political volatility and frequent changes of governments in the country, which occur against a background of slow progress on systemic and structural reforms – phenomena that have been particularly evident since 2009. [4]

The new Public Administration Reform Strategy for 2023-2030 [5] was approved in March 2023 and its implementation program 2023-2026 was approved in June 2023, as the response to the EU Commission recommendation to ***"increase the capacity to deliver"***

4 <https://www.expert-grup.org/en/biblioteca/item/2436-raportul-de-stare-a-%C8%9B%C4%83rii-2022/2436-raportul-de-stare-a-%C8%9B%C4%83rii-2022?category=182>

5 [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_698%20Moldova%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_698%20Moldova%20report.pdf)

***on reforms and provide quality public services including through stepping up implementation of public administration reform; assess and update the public administration reform strategy”.***

The public administration reform strategy targets five major areas: (i) management of the civil service; (ii) the institutional framework of the central public administration; (iii) the strategic planning system and development of public policies; (iv) the simplification and development of e- 18 services; and (v) local public administration reform, mainly a territorial reform by voluntary amalgamation. Moreover, the decentralization policies, planned according to the new reform agenda, will contribute to regional development, so that local authorities are able to participate in a good management of their own resources, external assistance funds, respecting the transparency of processes and limiting the corruption factor.

The government adopted several measures to increase the institutional capacity to carry out reforms and improve the policy coordination process and has adopted a law on increasing salaries for certain categories of public servants. After functional review of the ministries, were restructuring departments dealing with policy analysis, monitoring and evaluation and a significant number of new positions were created to strengthen the capacity of institutions to work on EU accession. A special position of deputy secretary general was created to streamline the internal coordination work on EU accession in a number of ministries.

The country continued improving the accessibility of public services through digital platforms. Cooperation with OECD has been stepped up notably with the Support for Improvement in Governance and Management (SIGMA) initiative and Moldova has undergone a structural review of its public administration. In this context, the Government approved the National Actions Plan for EU Accession for years 2024-2027, which represents the first national policy document which reflects the planning of the implementation of the commitments, for achieving the criteria for the accession.

In November 2023, The Government of Moldova has approved a methodology for the voluntary unification of administrative-territorial units and will provide financial incentives for these processes. [6] The document describes the entire process of voluntary unification of administrative-territorial units, establishes the criteria and conditions for its implementation. It is planned that the voluntary territorial association will increase the institutional and financial potential of the local public administration, and will improve the viability and capacity of local administrations and ultimately improve service delivery for local communities. The strategy’s financial sustainability is partially ensured by the medium-term budgetary framework and by international donors’ technical assistance programmes.

Moldova also adopted a new strategy for the development of public finance

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6 <https://gov.md/ro/content/metodologia-de-amalgamare-voluntara-unitatilor-administrativ-teritoriale-aprobata-de>

management for 2023-2030. In the coming year, Moldova should, in particular:

(1) implement and monitor the public administration reform strategy effectively, including by adopting the complete regulatory framework for territorial reform through voluntary amalgamation, namely the law and the government decision on the methodology for the voluntary amalgamation; (2) finalise the salary reform plans and start its implementation; (3) implement the new public finance management strategy, including by strengthening inter-institutional coordination.

There are also opponents of the reform, some mayors represented by the Congress of Local Authorities of Moldova (CALM). Although CALM generally supported the new reform and recognized the relevance of unification in some regions and localities, it blamed the central administration for the lack of broad consultation in the process of developing strategies, ignoring local experience and the reality of the regions, but also the irrelevance of reform based on foreign models and experience. In addition, the Government has been accused of developed the administrative reform strategy in a hurry, keeping the district councils, which are outdated structures not adding value to the government, being the remnants of other socio-economic realities, in which they were meant to politically control the regions.

Despite a suitable regulatory framework, it is noted the low administrative capacity in central public institutions in terms of analytical capacities and sectoral expertise, an isolated approach to policy design, lack of consultation and transparency during the process, limited use of cost estimations or linking financial resources requests in policy documents with the medium-term expenditure framework, fragmented approach to monitoring and evaluation.

Based on the above-mentioned constraints, the following strategic priorities for the coming years towards effective decentralization are required:

- Promoting public administration reform and reduce the system resistance. The success of other reforms depends on this and it must aim to promote an attractive, competitive and performance-based wage policy in the public sector.
- Making public communication on the reform agenda more efficient. Communication must be frequent, well-targeted and relevant, to explain to the population/electorate the need for reforms, the rationale for certain actions/policies, and to prevent/combat populism and misinformation.
- Increasing capacity to assimilate foreign assistance. the public administration reform must also aim to strengthen the institutional capacities of the public authorities, especially the State Chancellery and the Ministry of Finance, in order to be able to coordinate external assistance.
- It is necessary to implement donor requirements regarding public procurement, to improve policy and budget planning, and to strengthen inter-institutional cooperation.
- Increasing the level of accountability of parliamentarians. The presidency, civil society, parliamentary and extra-parliamentary political parties, as well as the development partner community, must draw more attention to the decision-making process within parliament.

This is necessary because it perpetuates some old deficiencies related to transparency, inclusiveness, and even risks of lobbying by various obscure interests. At the same time, there still exist cases of draft laws being promoted without tangible evidence, or of the legislature skipping certain important steps in the decision-making process, especially when it comes to analysing the impact of regulations.

## The role of the civil society in the opening negotiation process of Moldova's EU integration

The overall legal and regulatory framework governing the establishment and functioning of CSOs is in line with international standards. The total number of CSOs in Moldova continued to grow, in October 2023 there were registered 11,385 organizations, with 348 new registered CSOs. Their sustainability is appreciated as evolving, [7] while international donors remain the main sources of income for CSOs. (\*\*to be update next week when new CSOmeter report will be released for 2023). The most representative associative sector is in the capital city (6315 CSOs) and the surrounding center region (2196 CSOs), while the south is less populated with CSOs. The municipality of Chisinau represents the locality where the most active organizations are registered in reality, which have more expertise, but also more access to various financial sources. In the Autonomous Territorial Unit of Gagauzia, there were 524 CSOs registered CSOs. The situation of civil society is entirely different in the Transnistrian region, CSO activities are tolerated in some fields, but they remain difficult in fields related to human rights, media freedom, and others. [8]

In general, the CSO environment in the Republic of Moldova shows a slight improvement, but without significant changes. The ex-post evaluation report of the Civil Society Development Strategy for the period 2018-2020 found that the progress achieved was too timid to generate a dynamic, durable and sustainable civil society. The dynamics of the relationship between civil society and public authorities fluctuated quite a lot in the period 2014-2022 and civil society representatives drew attention to the danger of restricting the activity of civil society organizations, such as blocking access to public information.

Moldovan public institutions recognise that an empowered civil society is a crucial component of democracy. Civil society has played an essential role by monitoring government policies, such as the progress on the nine steps of the Commission Opinion. CSOs provided essential support to refugees and public institutions during the massive inflow of displaced persons in 2022 resulting from Russia's invasion of Ukraine.

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7 <https://csometer.info/countries/moldova>

8 <https://euneighbourseast.eu/news/publications/eu-roadmap-for-engagement-with-civil-society-in-the-republic-of-moldova-for-the-period-2021-2027/>



Civil society addressed was engaged in consultations and addressed a position paper with a series of conceptual proposals regarding the approach and structure of the draft National Action Plan (NAP) in the context of alignment with medium-term commitments in the negotiation process of accession to the European Union (EU) and the implementation of the Association Agreement Republic of Moldova - EU (AA). The note will also take into account the need to ensure a synergy with other national strategic planning documents and the rigors provided by Government Decision no. 386/2020 regarding the planning, development, approval, implementation, monitoring and evaluation of public policy documents.

ALDA and LDA Cimislia actively participated in consultation processes of the Public Administration Reform strategy, which brought together key stakeholders, local public administrations, the Congress of Local Authorities from Moldova, civil society, development partners and Members of Parliament.

The EU recommendation to *Enhance the involvement of civil society in decision-making processes at all levels*, turned the spotlight on civil society and accelerated the low adjustments for sector functionality and sustainability.

Consequently, the Government approved in 2023 the Regulation regarding the permanent platform for consultation with civil society, [9] the establishment of permanent working groups within the authority of the central public administration. In February 2023, Parliament adopted the Law on associations for intercommunity development, recognising the important role of CSOs in local development and it was adopted a new Civil Society Organisations Development Programme 2024-2027. [10]

The changes were made to the Law on Non-Commercial Organisations, amending its regulation on the grant financing mechanism to strengthen the financial sustainability of civil society.

In September 2022, was adopted the Framework Regulation on the non-reimbursable financing mechanism for projects of non-commercial organizations. The government Decision created a uniform and stable framework for financing CSOs from the public budget through cooperation between central and local public administrations and non-commercial organizations. But, as revealed by the surveys, this mechanism is

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9 <https://www.parlament.md/LinkClick.aspx?fileticket=GWn4rb4YqS4%3d&tabid=60&language=ro-RO>

10 <https://gov.md/ro/content/hg-proiect-de-hotarare-pentru-aprobarea-programului-de-dezvoltare-organizatiilor-societatii> Regulamentul <https://cpr.md/2023/06/22/democratia-zi-de-zi-cum-asiguram-participarea-publica/> [https://www.legis.md/cautare/getResults?doc\\_id=137908&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro) [https://www.eeas.europa.eu/moldova/moldova-si-ue\\_ro?s=223](https://www.eeas.europa.eu/moldova/moldova-si-ue_ro?s=223)

<https://ipre.md/category/rapoarte/> <https://ipre.md/2021/12/08/trio-asociat-o-analiza-comparativa-in-implementarea-acordurilor-de-asociere-cu-ue-in-georgia-republica-moldova-si-ucraina/> <https://9pasi.euromonitor.md/ro> [https://www.legis.md/cautare/getResults?doc\\_id=137908&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro)

compromised by unclear procedures and difficult processes. Also, the mechanism for redirecting 2% of income tax to a non-commercial organization has been operational for six years, but with increase and modest contributions, as well lack of transparency for using collected funds.

The new concept for the development of civil society and the effective cooperation within the permanent platform for dialogue in the legislative decision-making process needs to be accelerated. The mechanism for public consultations with civil society clearly sets out stages, deadlines and conditions for conducting public consultations in the decision-making process. Consequently, the Government approved in 2023 the Regulation [11] regarding the permanent platform for consultation with civil society, the establishment of permanent working groups within the authority of the central public administration.

Challenged to be addressed:

- The reduced capacity of central and local public authorities to ensure a participatory process with the involvement of civil society organizations.
- Reduced capacity of civil society organizations, especially grass-roots organizations at the local level, in terms of effective advocacy in front of central and local public authorities.
- Currently, there is no advanced level of institutionalized and permanent cooperation between public authorities and civil society organizations. According to the [2022 CSO Meter Country Report](#), one of the lowest-scoring areas is cooperation between the state and civil society organizations, giving an overall score of 4.1 points out of 7.
- The national portal for public consultations [particip.gov.md](#) is not sufficient for public consultations process.
- In the process of public hearings and legislative creation, the registration and highlighting of civil society's contribution is usually not ensured, which makes it difficult to monitor and evaluate the impact of the activities of civil society organizations in the decision-making process.
- Sustainable and insufficient funding to support civil society organizations in achieving their mission.

Recommendations:

- Further efforts should focus on implementing the national strategy on civil society development and improving the quality of public consultation processes to improve transparency and get CSOs more involved in policy dialogue, especially in parliamentary debates and at local level.
- Ensuring a transparent, inclusive and dynamic European integration process. The implementation of the EU accession agenda must be well-communicated internally and must involve all interested parties as fully as possible. Both the particularities of the European integration process and the benefits for the population must be part of a clear and evidence-based communication strategy.

# Fostering Resilient Participatory Democracy

In general, we define democratic resilience as the persistence of democratic institutions and practices. For both Moldova and the EU, a comprehensive and long-lasting involvement of civil society in policy-making, reform, governance and service delivery is critical for achieving the development objectives, including the implementation of the Association Agenda (AA) and Deep and Comprehensive Free Trade Area (DCFTA). For this objective to take shape, the EU Roadmap for Engagement with Civil Society in Moldova 2021-2027 emphasizes inclusive participation of a wide range of actors including local CSOs, business associations, trade unions and chambers of commerce, and possibly other socio-economic stakeholders such as cooperatives that will facilitate the implementation of the national reform agenda.

The EU Roadmap has three priorities: (1) Promote a conducive environment for CSOs, good governance and strengthening democratic institutions - CSO participation in developing and monitoring the implementation of public policies, increasing the transparency and accountability of central and local administrations; (2) Strengthen CSOs participation in the reform process in the various sectors foreseen in the EU Moldova Association Agenda and Moldova's effective use of EU assistance; (3) Enhance the role of Civil Society as a community development actor and service provider to the citizens.

Despite the EU support and encouragement of participatory democracy, in Moldova there are still outdated laws and lack of continuity.

In 2008, the Republic of Moldova adopted the Law on Transparency in the Decision-Making Process, which underwent several changes, the last being operated in 2016. The law stipulates several essential steps for public participation: the fact that the authorities must notify citizens about the process of consultation within 15 working days before the deadline, on their website and on the [particip.gov.md](https://particip.gov.md) platform, at the headquarters and by email to the interested parties and make available all the relevant documents. However, the law does not provide anything about the format in which this information must be published or about the accessible language – an essential condition to ensure public participation. Provisions about the accessibility of information for different groups of citizens are also missing. [12]

These provisions are also missing in the Decision on the public consultation mechanism with civil society in the decision-making process, from 2016, although it provides for the mandatory publication of the decisions that are to be subject to consultation on the [particip.gov.md](https://particip.gov.md) platform as well.

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12 /Ciobanu,Vlada, "Everyday democracy: how we ensure public participation", retrieved from the [webpage](https://cpr.md/2023/06/22/democratia-zi-de-zi-cum-asiguram-participarea-publica/) <https://cpr.md/2023/06/22/democratia-zi-de-zi-cum-asiguram-participarea-publica/>

On June 9, the Parliament approved in the final reading a new law regarding access to information of public interest. [13] Although the old law, adopted back in 2000, contained sufficient minimum guarantees to capitalize on the constitutional right of access to information of public interest, for many years, civil society and, in particular, journalists have been reporting numerous illegal refusals by providers, delayed responses or the silence with which the authorities treat the applicants' requests.

One of the basis from which the authors of the new law started was the connection of national legislation to the standards of the Council of Europe Convention on access to official documents. Moreover, the adoption of a new law on access to information of public interest represents an action expressly drawn up in the Action Plan for the implementation of the measures proposed by the European Commission in its Opinion on the request for accession of the Republic of Moldova to the European Union.

According to the new law, suppliers will have 10 calendar days to provide the information, instead of the current 15 days, and expanded the range of entities required to provide applicants with information of public interest. The new law stipulates the proactive concept and it comes to oblige the authorities to publish a series of information before it is requested by someone. It is about the data regarding the budget and management of the authority, the annual report, public procurement, business trips, the conduct of the decision-making process, etc.

For effective policies and initiatives, it is necessary that central and local authorities make public participation a priority and see it as an opportunity to improve the proposal and legitimize it, and civil society, in its diversity of forms, must come up with reasoned recommendations and help facilitate the discussions and implementation of the decision.

Even in these conditions, the laws and regulations of public consultations must be adapted to the new needs and requirements of the citizens, so that public consultations are not just a tick, but actually contribute to a quality legislative and decision-making process. This framework must be supplemented with regulations and institutional practices that adapt the general standards to the particularities of each institution.

## **Other Key Stakeholders and Their Role in Advancing Local Democracy in Moldova**

Notably is the EU assistance and other international organizations in strengthening the rule of law, good governance, communities sustainability addressing administrative and institutional capacity to effectively implement the European acquis and the capacity to

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13 The Parliament of the Republic of Moldova, Law No.148 of 09-06-2023 regarding access to information of public interest, available via the following [link](https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro).

[https://www.legis.md/cautare/getResults?doc\\_id=137908&lang=ro](https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro)

assume the obligations arising from EU membership. Based on the Estonian Development Cooperation Country Strategy for Moldova, Estonia prioritises the involvement of the civil society in governance and the shaping of the reform process along with media independence and empowerment of young people and women in entrepreneurship.

Guided by the Results Strategy for Reform Cooperation with Eastern Europe, Western Balkans and Turkey 2014-2020, **Sweden** supports civil society in Moldova to become strong and pluralistic by building democratic, transparent and resilient organizations, to better engage in policy-dialogue, as well as in service delivery at national and local levels (including Transnistria and Gagauzia). Core-support programme targets institutional development of CSOs active in fields like gender equality, environment, human rights, economic development, justice and media.

**The Swiss Agency for Development and Cooperation (SDC)** supports the participation of women and men, including the excluded ones, in decision-making processes in all its projects (social accountability component - patients' organisations in health, hometown associations for the diaspora, etc.). It supports a media and CSOs project - CSOs representing vulnerable groups (youth, elderly, Roman and people with disabilities), their networks, constituents and communities to build coalitions, claim their rights and demand better services. SDC also has a fund for culture and grass roots organisations accessible through a call for proposal.

**USAID** is a significant donor to civil society in Moldova. USAID provides funding to national and international CSOs in order to increase democratic and civic accountability, free and fair elections, community participation, free and independent media. Through its Country Development Cooperation Strategy (CDCS) - Moldova, 2020-2025 through one of its two development objectives: Strengthened Participatory Democracy. USAID will transition from emphasising direct assistance to public institutions to catalysing citizen engagement in their communities to drive demand for accountable governance and stronger democratic institutions.

**The OSCE** concentrates on building capacity of NGOs and civic initiatives from Transnistria as well as promotes partnerships and cooperation between NGOs on both banks of the Nistru River.

**The United Nations** made up of the UN itself and many affiliated programmes, funds, and specialised agencies support civil society (including CSOs from Transnistria) in different domains mainly through external financial resources as implementing body.

### **The Open Government Partnership (OGP)**

**Political foundations** are active, with strong and active presence of the German political foundations (Konrad-Adenauer-Stiftung, Friedrich-Ebert-Stiftung, Hans Seidel Foundation, etc). US political foundations are also present (e.g. American Democratic

Institute and International Republican Institute) and provide support to political parties and supporting civic leadership, as well as think tanks related to political parties.

The main international private foundations, e.g. Open Society Foundations (Soros Foundation Moldova) and East-Europe Foundation, are also active in Moldova supporting civil society development, civic engagement and participatory democracy.

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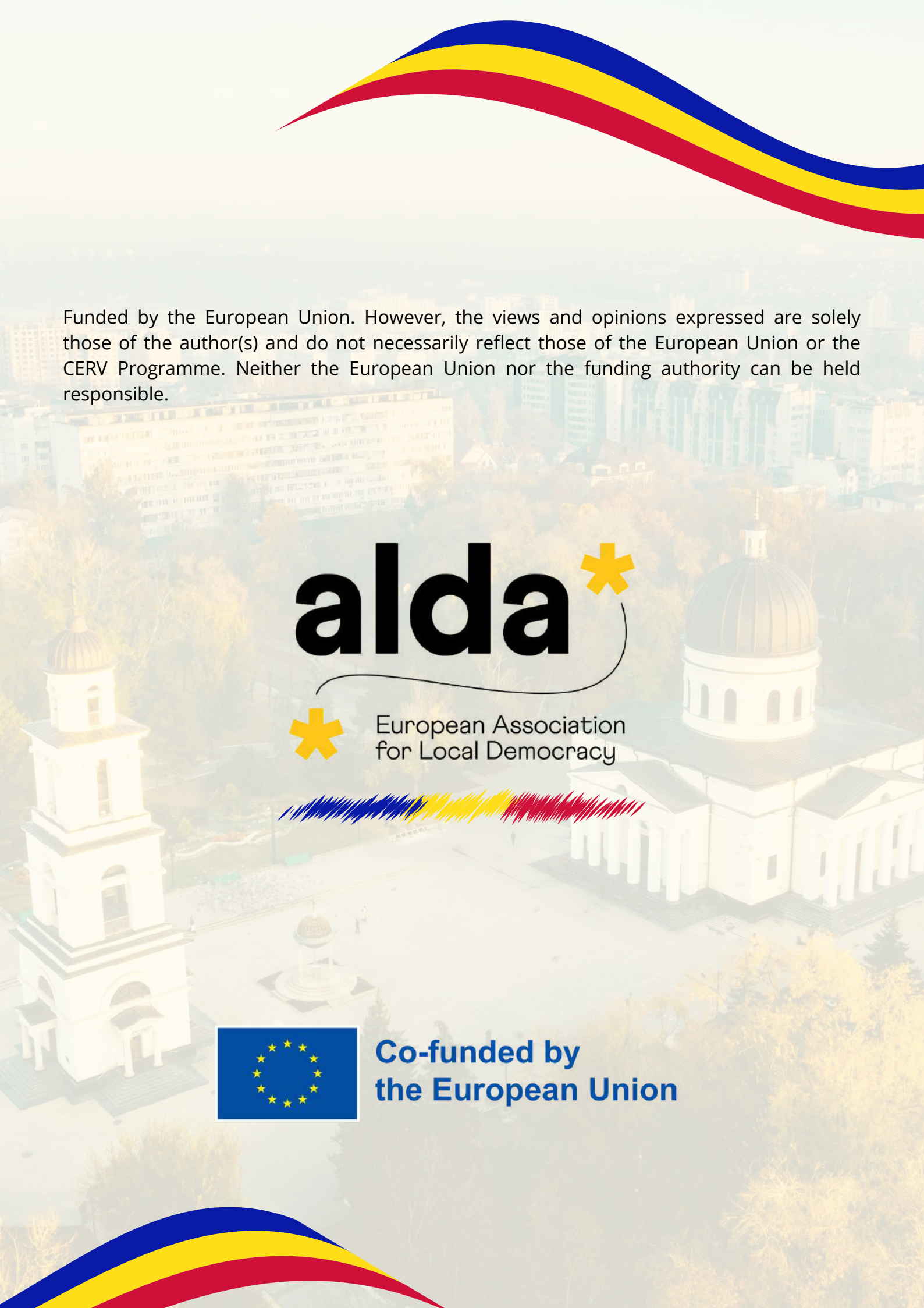
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