

Meeting of the Working group on Ukraine, European Committee of the Regions

Brussels, Belgium,

18 November 2021 at 14:30-17:30 (European Committee of the Regions (JDE51) and online)

Speaking points for Andreas KIEFER, Congress Secretary General

14:40 – 15:40 Thematic Session 1: the state of local democracy and administrative transparency in Ukraine

Dear Ms Dulkiewicz,

Dear Deputy Minister Nehoda,

Dear mayors,

Dear colleagues,

Ladies and Gentlemen,

Let me first greet all participants, partners and friends and thank the CoR for keeping the good tradition to associate the Congress to its work on and with Ukraine – since the very first meeting of the former Task Force Ukraine. This shows the complementarity and the synergies between our two European institutions! Ukraine is always on the Congress' political agenda and in its operational work programmes.

This meeting today is a good opportunity to confirm the long-standing **political, legal and practical** co-operation between the Congress and the Ukrainian authorities at all levels of government and the continuous support of the Congress to improve the democratic local government system. This work of the Congress has two dimensions: a long-distance – or marathon - one, to make the democratic values, achievements and reforms irreversible and a "sprint" dimension, where we give advice on current legislative and policy proposals, which have an impact on local and regional self-government and the responsibilities and accountability of the elected mayors and councillors and the administrations under their authority, such as on the draft law "on the Capital of Ukraine", currently discussed in the Verhovna Rada.

The Congress monitoring activities on the compliance of Ukrainian legislation and practice with the ECLSG covers both these "marathon" and "sprint" dimensions.

The **Congress has a mandate** and responsibility for ensuring and evaluating the application of the principles of the European Charter of Local Self-Government in all 47 member states of the Council of Europe. The **Monitoring of the Charter** enables a constructive political dialogue about local and regional democracy issues with the competent authorities.

The **report on the state of local and regional democracy in Ukraine** in 2013 gave rise to a fruitful political dialogue with Ukrainian central and local authorities, through a Roadmap for the implementation of the Congress recommendation, signed in May 2015;

The draft of the latest monitoring report dates from 2020 and must be updated due to the pandemic and to take into account many recent developments. A Congress delegation will be returning to Kyiv next week to meet many of the Ukrainian friends gathered here today: Government, Congress delegation, Presidents of national associations etc. Our rapporteurs will update the report, present it to the Monitoring Committee in February 2022 and then to the Congress Session in March 2022; we will share our findings also with the CoR!

So, in view of the ongoing assessments, what can be said about the state of local democracy and transparency?

The **Roadmap to improve local self-government and decentralisation** identified three main areas of action needed: 1) the constitutional changes which are needed to complete the reforms, 2) the transfer of competences to the local level as well as financial autonomy of local authorities; and 3) the condition of success which mainly refers to the establishment of a permanent systematic consultation mechanism allowing for representatives of the national associations of local and regional authorities to contribute to enhancing the overall local government system.

The **consultation of local authorities by higher levels of government** needs to be further improved and strengthened. It is a key principle of the Charter and also part of the recurring issues that we meet in the monitoring process in other member states. The establishment of the “Congress of local and regional authorities of Ukraine” as a platform is an interesting approach. Inspired by the Congress of the Council of Europe, with a chamber of local authorities and a chamber of regions, the “Ukrainian Congress” has a different setup, composition, leadership, self-organisation and tasks. We will assess its representativity, inclusiveness and usefulness in spring next year, when we have seen it operating for a year.

Besides our monitoring, we have continuously provided our **expertise to enhance the legislative processes** with our own analysis of domestic legislation related to local self-government, in particular

- on the status of local councillors,
- on the role of national associations,
- on supervision over local authorities,
- as well as other topical issues of the ongoing reform like the question of legal personality of local authorities.

Our assessments always include recommendations for the improvement of legal acts, always reflecting on the compliance with the principles of the ECLSG.

This type of work has also been provided within our **co-operation activities** which are implemented in the framework of the Council of Europe Action Plans for Ukraine.

They are complementary to our statutory work and definitely enhance and underpin our political dialogue since 2013.

Our approach is **demand-driven, tailored to the needs and is multidimensional**, both in terms of partners and themes.

I should like to take this opportunity to thank our Ukrainian friends for the fruitful co-operation at all levels: with the national associations, as well as the Ministry of Regional Development, and the Secretariat of the Cabinet of Ministers with whom we work on open government and on strengthening the implementation of the national commitment to the Open Government Partnership.

This new dimension includes working on three key principles: **transparency, accountability and participation** and on strengthening partnerships for building effective, accountable and inclusive public institutions at all levels.

In relation to the theme of today's meeting, I should like to highlight two outstanding results of our joint work:

- **Three successful Ukrainian municipalities** are part of the cohort of 56 local and regional authorities at global level, that joined the Open Government Partnership to promote more inclusive and open governance. We continue working with them and a group of about 30 municipalities. Hopefully more Ukrainian cities will join the initiative as a result of the upcoming call for expression of interest.
- The establishment of the **Platform for National-Local Dialogue on Open Government** in April 2021 which can be seen as a comprehensive approach to joint achievements of national and local authorities within the new Action Plan for the Implementation of the Open Government Partnership Initiative in Ukraine. After all, it is a joint initiative of all stakeholders to make a difference in the lives of citizens and it is a great example of the consultation and dialogue to be held in line with the principles of the Charter;
- In the same vein, I should also inform you of the **update of the Handbook on Open Local Government and Public Ethics** in Ukraine. This handbook gives quick and easily accessible information on relevant international standards and domestic context, legislation, case law, guidelines and good practices in the areas of public ethics and accountability, transparency, citizen participation and prevention of corruption. The contents have been integrated in the updated version of the **online bE-Open tool** available at the Congress website. This tool allows for benchmarking with other countries such as Albania, Armenia, Georgia, and the Republic of Moldova.

The current Council of Europe Action Plan for Ukraine covers the period from 2018 till the end of 2022, so it is the right moment to reiterate the willingness of the Congress, together with other partners in the Council of Europe, to assist Ukrainian authorities in improving the legislative framework for decentralisation and local self-government in Ukraine.

Based on the needs and recommendations voiced by the relevant national stakeholders, and following the results achieved in the framework of previous and ongoing Congress projects in Ukraine, we **will continue to provide expertise and assistance in the field in establishing dialogue between central and local authorities.**

We aim at **further fostering open and inclusive local governance** based on citizen participation, building capacities of local and regional elected representatives and strengthening their associations to enable them to better fulfil their responsibilities in the overall governance system.

Youth is in the focus of our co-operation activities as part of the “rejuvenating politics” strategy which the Congress started in 2014. In particular, we support the involvement of young people and their participation in decision-making at the local and regional level, with innovative models of democratic participation through elections, public deliberation, petitioning and other tools.

Our approach is human rights-based strengthening the voice of underrepresented groups and their inclusion of in policy making and reforms.

These are only a few highlights of the Congress achievements in Ukraine.

To conclude, I would like to encourage all stakeholders present here today to continue on the path of reforms and innovation. We believe that good local governance entails strong institutions, the implementation of the principles of open government and a full compliance with fundamental freedoms and human rights.

Our support will continue in this direction. We are not there yet!

I look forward to the discussion today and to meetings in upcoming weeks hopefully in person.