

Round table “Good democratic governance in Ukraine: achievements, challenges and way forward in post-war period”– Kyiv, Ukraine, 18 April 2023 (15:00 – 18:00)

Intervention by Mathieu Mori, Secretary General of the Congress

Position of representatives of state authorities of Ukraine and the Council of Europe on the Roadmap implementation

18 April 2023 (15:10 – 16:10 EEST)

661 words – 5,5 minutes

It is my privilege to be with you in Kyiv today on behalf of the Congress of Local and Regional Authorities of the Council of Europe. It is my first visit to Ukraine since my election as Secretary General at the end of last year, and I would like to start by reiterating the unwavering support of the Congress to Ukraine, its people, and communities. I would also like to pay tribute to the work of the Ukrainian delegation to the Congress for their incredible commitment and for pushing the local and regional agenda always further, despite or probably because of the current circumstances.

The task set ahead by your committee through the draft Roadmap is to seek the best way to transform and modernise Ukraine, carrying out complex structural changes to rebuild the country, and establishing a sustainable system of multi-level governance, for the benefit of all citizens of Ukraine.

This ambitious and needed endeavour deserves our full and co-ordinated support. It also requires a **clear vision** for the future and **flexibility** in these dire times.

Since I represent, today, the Council of Europe political assembly whose statutory duty is to monitor how the **European Charter of Local Self-Government** is implemented in its member states, let me stress that this unique international legal instrument has been ratified by Ukraine, in 1997, without any reservations. A rare enough fact which showed the willingness of Ukraine to build strong and resilient communities. Since then, the cooperation with the Congress has been constant, open and constructive and

we look forward to continuing supporting you in upholding the provisions of the Charter.

If you allow me, I would like to highlight some of the Charter's principles which are, I believe, most relevant for Ukraine.

Starting with the existing emergency measures, they must be coupled with the general **principle of necessity**, tolerating some derogations to the provisions of the Charter, as long as they are **proportional**, and as long as they do not prescribe mid- and long-term policy choices after the termination of the martial law.

They must be **temporary** in nature, **proportional** to the requirements of the situation, and introduced under **democratic control**. And of course, they must be **lifted** as soon as the situation allows.

Emergency mechanisms such as the current martial law must not overlook the need to **establish and maintain co-ordination between the different**

levels of governance and a system of regular consultations with the national associations of local and regional authorities, making subnational authorities and their associations an integral part of national crisis management. The right to **proper, inclusive, representative and timely consultation is one of the key principles** of the Charter.

Such coordination and consultation are of utmost importance in view of the complex and differentiated situations in the different parts of Ukraine today.

The decentralisation process also needs a clear **distribution of powers** supported by a **stable framework for local finance** with more flexible and sophisticated mechanisms of vertical and horizontal equalisation. In this regard, it would be important to discuss a temporary mechanism to compensate the communities which suffered disproportionately.

Another important aspect of reforms is the respect of **the principle of administrative supervision** of local authorities, which shall aim at ensuring

compliance with constitutional principles and with the law and **not judge on the substance.**

There is also the need to uphold the **principle of proportionality**. Legislation should not define nor create cumbersome obligations for local and regional authorities and introduce a general obligation to report or collect and transmit data to supervision authorities.

Finally, legal provisions should be aimed at modernising the administration with a clear **separation of functions** between local and state authorities.

Ladies and Gentlemen,

Maintaining an effective **dialogue between the different levels of government** is key for a sustainable rebuilding and transformation of the country.

It is vital to protect the resilience of local communities in the post-war context and thereby create a climate of mutual trust, with shared responsibilities. Hence, reforms should be carried out to build a resilient and efficient system of multi-level governance in which every level is equipped with proper competences, means and resources.

I want once again to assure you of the Congress commitment and determination to be on your side in this historic endeavour of building strong cities, towns and regions for a stronger than ever Ukraine:

- today,
- after the war of aggression,
- and on the path to European integration.

As always, you can count on us.