

# CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

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## **Resolution 123 (2001)<sup>1</sup> on local and regional democracy in Ukraine**

The Congress,

### 1. Recalling:

*a.* Article 2.3 of the Committee of Ministers' Statutory Resolution (2000) 1 on the CLRAE, which entrusts it with the preparation of country-by-country monitoring reports on the situation of local and regional democracy in member states and in applicant states;

*b.* its Resolutions 31 (1996), 58 (1997) and 106 (2000) establishing guiding principles on the preparation of the above-mentioned reports;

*c.* its Recommendation 48 (1998) and Resolution 68 (1998) based on a first monitoring report on the situation of local and regional democracy in Ukraine;<sup>2</sup>

*d.* the Information Report on the Situation of Local and Regional Democracy in Ukraine prepared by Mr Louis Roppe (Belgium, L) and Mr Leon Kieres (Poland, R), rapporteurs, after their official visit to Kyiv in December 2000;<sup>3</sup>

*e.* the two expert reports approved by the Congress Institutional Committee concerning the removal from office of the mayor of Myrhorod as an illustration of the difficult relationship between locally elected representatives and peripheral state executive powers;

2. Having examined the second monitoring report prepared by the rapporteurs on the basis of a decision taken by its Bureau on 1 February 2001 and taking into account the results of the rapporteurs' official visits to Kyiv and Cherkassy from 17 to 21 July and on 3 and 4 September 2001;

### 3. Thanking:

*a.* The Ukrainian presidential, parliamentary and governmental authorities for their spirit of co-operation and their constructive attitude during the preparation of this second monitoring report;

*b.* Dr Heinrich Hoffschulte, Dr Giuseppe La Scala, CLRAE experts, and the secretariat for assisting the rapporteurs in the preparation of the above-mentioned report;

*c.* the Foundation for Local Self-Government of Ukraine and Mr Vadym Proshko, Ukrainian member of the CLRAE Group of Independent Experts on the European Charter of Local Self-Government (ECLSG), for their assistance in

the meetings' organisation and for the information provided;

4. Takes note of Presidential Order No. 749/2001, signed on 30 August 2001, on "state support for the development of local self-government in Ukraine" (see Appendix 3 of the explanatory memorandum to this resolution) and considers this text as a political commitment of the President of Ukraine before the Council of Europe's Congress of Local and Regional Authorities of Europe towards the development of local democracy in the country;

5. In particular, welcomes the paragraphs of the above-mentioned order in which the President of Ukraine:

*a.* considers the development of local self-government as a political priority and confirms the programme on state support for the development of local self-government in Ukraine;

*b.* creates a specific working group responsible, *inter alia*, for:

i. preparing proposals towards the development of local self-government in the country;

ii. analysing the fulfilment of international obligations by Ukraine in the field of local self-government;

iii. organising a system aimed at informing the competent authorities of the Council of Europe about the above-mentioned fulfilment;

6. Is ready to maintain official contacts with the Presidential authorities, the Verkhovna Rada (Parliament of Ukraine) and the Government of Ukraine in order to support the said programme and, more particularly, with the foundation for the development of local self-government of Ukraine and the above-mentioned working group;

7. Congratulates the Committee for State Building and Local Self-Government of the Verkhovna Rada of Ukraine on its request for an official CLRAE opinion on the emerging draft law on local self-government and confirms its intention to take part in the preparation of the legal opinion under the responsibility of the Council of Europe's Directorate of Co-operation for Local and Regional Democracy;

8. Is determined to continue to closely monitor the problematic relationship between locally elected representatives and peripheral state executive powers, and, where necessary, to organise fact-finding missions as well as prepare detailed expert reports in this respect;

9. Welcomes the letter from the Executive Vice-President of the Association of Ukrainian Cities, addressed to the CLRAE President on 10 September 2001 (see Appendix 4 of the explanatory memorandum to this resolution) confirming that, further to the rapporteurs' last two visits to Ukraine, some steps towards the reinforcement of local democracy in Ukraine were made;

10. Hopes that this trend will be confirmed in the future and invites the associations of local and regional authorities of Ukraine and, more particularly, the above-mentioned association, to regularly inform the Congress Institutional Committee on:

*a.* the implementation of the above-mentioned presidential order and governmental programme;

*b.* the regular consultation of the above-mentioned associations by central authorities in the decision-making processes for all matters which concern local authorities directly;

*c.* the regular consultation of the above-mentioned associations regarding the appointment of delegations to the CLRAE by the competent central authorities;

11. For a better implementation of the present resolution, entrusts the Institutional Committee secretariat to establish, when necessary, direct contacts with all associations of local and regional authorities of Ukraine and international institutions, including non-governmental organisations, working in Ukraine, and this notably with a view to a regular exchange of information and co-operation towards the development of local and regional democracy in the country;

12. With this in mind, is determined to follow the implementation of the recommendations it addressed to the Ukrainian authorities on the basis of its second monitoring report on the situation of local and regional democracy in Ukraine and to keep the Committee of Ministers, the Parliamentary Assembly and the competent authorities of the European Union informed on its future conclusions concerning the development of local and regional democracy in the country.

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1. Debated and adopted by the Standing Committee of the Congress on 9 November 2001 (see Doc. CG (8) 22, draft recommendation presented by Mr L. Kieres and Mr L. Roppe, rapporteurs).

2. CLRAE Document CG (5) 6 part II dated 19 May 1998.  
Rapporteurs: Mr A. Chénard (France, L) and Mr K. Bodfish (United Kingdom, R).

3. CLRAE Document CG/BUR (7) 95 dated 21 February 2001.  
Rapporteurs: Mr L. Roppe (Belgium, L) and L. Kieres (Poland, R).

4. CLRAE Documents CG/INST (7) 21 and CG/INST (8) 2.