

# The Peculiarities of the Reform of Local Self-Government: Examples of Ukraine, Latvia, and Poland

Studia Regionalne i Lokalne  
Nr 2(92)/2023  
© Authors 2023



ISSN 1509-4995  
E-ISSN 2719-8049  
doi: 10.7366/1509499529201

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## Abstract

The article considers the peculiarities of local government reform based on the examples of Ukraine, Poland, and Latvia. It is substantiated that the Ukrainian vector of European integration requires the implementation of the principles of deconcentration, decentralisation, and subsidiarity in the local governance systems. It is indicated that regional disproportions in the development of the territory of Ukraine, the inability to implement the reform on the ground in specific administrative-territorial units, the spread of corruption schemes – all these are the consequences of an ineffective model of local self-government and public administration of regional development, inherited from the Soviet system, which requires fundamental changes. Broad powers for sub-regional units characterise the Polish model of the administrative-territorial structure. However, this model is underpinned by a high level of political activity and community self-awareness. The Latvian experience of decentralisation of power emphasises the basic principle of success: the volunteer approach to the reform's implementation. In conclusion, it is proved that for the successful implementation of the Ukrainian local self-government reform, the following factors are necessary: firstly, the victory of Ukrainian armed forces against the military aggression of Russia; secondly, the elaboration of a legal framework for the development of local self-government and the support of society; thirdly, qualified personnel capable of continuing the implementation of the local self-government reform.

## Keywords

public administration, local self-government, decentralisation of power, territorial community, European integration

## Introduction

During the last decades of the twentieth and early twenty-first centuries, there has been an intensification of the processes of restructuring local self-government, which are becoming more global in nature, especially due to the decentralisation marked by the transfer of decision-making powers to regional or local authorities. Political elites initiated these processes both from the bottom and from the top, but they took place at different rates and had different results.

Local self-government reform is successful when there is the full support of people who are ready to organise their lives in this way. The European integration vector of Ukraine requires the actual implementation of the principles of deconcentration, decentralisation, and subsidiarity in the local governance system, in particular through the introduction of new models of relations between central bodies and regions. Regional disproportions in the development of the territories of Ukraine, Latvia, and Poland; the inability to implement the reform on the ground in specific administrative-territorial units, and the spread of corruption schemes – all these are the consequences of an ineffective model of local self-government and public administration of regional development, which we inherited from the Soviet system and which need to be radically changed (Siryk, 2015, p. 7).

In addition, the experience of such unitary states as Denmark, Norway, Sweden, Poland, Latvia, the Czech Republic, Estonia, and France shows that the transfer of significant powers from state authorities to local self-government bodies, and in such a way that as many powers as possible are held by those bodies that are closest to the people, ensured the strengthening of local self-government, and, accordingly, the elimination of artificial obstacles (e.g., unnecessary permits & regulatory acts, excessive control of the centre) for business and entrepreneurship, the creation of a transparent investment climate and the ability of empowered communities (i.e. communities with sufficient budget, human and natural resources) to more effectively address local issues for residents and the development of their territories.

When studying the reform of local self-government in general, it can be seen that the development and improvement of municipal bodies and territorial structure mechanisms is the most cost-effective contribution to the creation and strengthening of civil society in the state. The emergence, formation, the role of local self-government, and its ability to achieve its goals constantly attracts the interest of researchers in various fields of social sciences. One of the first to trace the process of reforming the local self-government system in Poland in the 1990s of the twentieth century was Regulski (2003). Along with him, one has studied methods and techniques of decentralisation in the countries of Eastern Europe, Poland in particular – Szencilo (2002), processes of reforming local self-government in Poland; Michałowski and Pawłowska (2004), Izdebski (2010) and others. Skorupska (2015) presented the results and prospects of international cooperation of the reformed local self-government bodies on cross-border cooperation with Ukraine in particular, especially on the promotion of decentralisation reform. The experience of the Polish government in financial issues of reform for Ukraine and Belarus, presented in the conclusions of the project of public administration reform in the Visegrad countries by Sauer (2013), was also useful for our research. The Latvian experience of reforming local self-government in the context of general democratic transformation processes was studied under close attention of King et al. (2004); Brauksa (2013) analysed the impact of political factors on the implementation of administrative reforms and financial issues of local budgets in order to understand the prospects of development and reform changes in municipalities; the authors were interested in the point of view of Draudiņš (2009).

In particular, Baimuratov, Batanov and Golikova (2006) paid attention to the problems of the legal status of territorial communities; the peculiarities of the management of territorial development of communities were studied by Molodojon et al. (2010). Also, a significant contribution to the study of local self-government as a specific form of public power and features of decentralisation of power was made by Bytyak et al. (2014). Still, various aspects of understanding the legal nature and ways of implementing the local self-government reform through the process of decentralisation of power in Ukraine and the implementation of European legal standards of public administration in the national practice of state-building require an additional comprehensive analysis based on own and foreign experience.

The article aims to identify, on the basis of a comparative analysis of the genesis of local self-government in Poland, Latvia, and Ukraine, the peculiarities of its political and legal nature as well as the determinants and problems of its reform, and their solution.

## **Research methodology**

The authors used the formal-dogmatic method to define the basic concepts and the functional-legal method to identify the forms and methods of the decentralisation of power. As the main methodological approach of the study, the authors chose a systematic approach to consider the processes of restoration or formation of self-government bodies of different levels as components of the decentralised system in their interaction and development, especially taking into account the conceptual understanding of citizens' participation in democratic decision-making and their legitimacy at the local level, without rejecting the influence of global, regional and national factors. In particular, primary attention is paid to the historical context of political decentralisation and determining its institutional quality in the selected countries for comparison. For this purpose, we consider effective the use of Worldwide Governance Indicators (WGI) (Kaufmann, Kraay and Mastruzzi, 2010): 1) Voting and Accountability; 2) Political Stability and Absence of Violence/Terrorism;

3) Government Effectiveness; 4) Regulatory Quality; 5) Rule of Law; and 6) Fight against corruption (Rodríguez-Pose and Tselios, 2018), among which the first three are chosen for analysis.

The authors compare the state of democratic reform of local and regional authorities by the following criteria: 1) accession of the state to the European Charter of Local Self-Government; 2) the legal (constitutional) consolidation of the principle of local self-government in accordance with a particular concept; 3) the efficiency of functioning of different levels of the system of local and regional self-government and the state of its reform, if necessary; 4) the election or appointment of a local or regional body; 5) the legal status of the capital and election of its leadership (Yuriychuk, 2012, pp. 303–305).

The hypothesis of the study – the European integration foreign policy vector of development has become the main stimulating factor of the pace of restoration, development, and reform of local self-government in the countries under consideration. The position of political elites (national, regional, and local levels) was decisive for the type and form of decentralisation, regulatory support, and the manifestation of their features.

### Basic research material presentation

Throughout the long development of human civilisation, society has created a system of local self-government, which reflects local traditions of managing settlements in each country. That is, local residents, united by a common place of residence and common interests, elected authorised persons or bodies entrusted with solving local problems. The formation and development of these bodies in Poland, Latvia, and Ukraine were significantly influenced by the belonging of parts of the territories of these states to different state formations, which led to their differences and peculiarities at the mental level. Thus, the self-governing bodies of all states were influenced by the administrative system of the Russian Empire, from the oppression of which they were liberated after the First World War, immediately laying the foundations of self-government at the constitutional level as newly independent states. In addition, Ukrainian, Polish, and Latvian self-governance systems were all influenced by the legislation of the Austro-Hungarian Monarchy, the Kingdom of Romania, the Polish Commonwealth, and the Swedish Empire, as various parts of their territories in different historical periods were united together in the same states. First of all, this connection is still manifested in the ethnic peculiarities of local communities of the borderland and is the cause of conflicts in determining the territorial boundaries of new administrative regional units in Ukraine and Latvia. This is confirmed by the practice of consideration of cases by the Constitutional Courts of Poland, Latvia, and Ukraine, which have repeatedly considered cases of conflict of interests of individual communities and society as a whole in the context of the boundaries of self-government units. Self-government practices were known to the population only in the western Ukrainian lands in one form or another. Soviet authorities in the occupied territories before, during, and after the Second World War destroyed the system of self-government as one being beyond the control of the totalitarian regime. The self-governance tradition lasted the longest in Poland – until 1950, when it was replaced by people's councils (*radny narodowe, sovjets*) subordinated to the central government led by communists. In Latvia and Western Ukraine, „electoral democracy” was carried out under the escort of armed soldiers. There was no talk about local territorial bodies' own budgets and decision-making powers in affairs. In Poland, the process of restoration of local self-government began the fastest, i.e. in the early 1980s; owing to the active conceptual developments and practical activities of the democratic political opposition, a new generation of Polish politicians was solving the question of the self-governance role: should it be the form of organisation for the residents of the community; an effective element of the public administration system; a provider of administrative services; an institution responsible for the development of a particular region? Primarily, the issue of institutional reforms regarding political decentralisation arose due to a significant reduction in the powers of national governments to formulate policies, elections of local and regional representatives, administrative-territorial reform, etc. Regulski, as the main initiator and author of the reforms of the 1990s, is convinced that the criterion for territorial division should be the size of a particular unit, taking into account its ability to perform public functions (2013, p. 7).

To date, a mechanism for structural, administrative reform has been developed, which includes the following stages:

- 1) problematising the functioning of the existing local government system, using empirical data and rational argumentation;
- 2) linking the problems associated with the local government system to the suboptimal size of municipalities;
- 3) determining and supporting the optimal, and therefore desirable, size of a municipality (most often expressed in terms of the number of inhabitants) (Sepp and Noorkõiv, 2018).

Having identified as a priority European vector of development Poland, Latvia and Ukraine joined the European Charter of Local Self-Government of 15.10.1985 and its Additional Protocol to it in 2009 (the Utrecht Protocol), which defines that local self-government means the right and ability of local self-government bodies within the limits of the law to regulate and manage a significant part of public affairs, under their own responsibility, in the interests of local population. It is worth noting the special role of the Congress of Local and Regional Authorities of Europe (CLRA), as its monitoring procedures of the state of local and regional democracy provide an opportunity to understand the whole range of problems of local self-government formation. At the same time, its recommendations contribute to 'the development of local democracy and decentralisation of power, as they take into account the internal organisation of the countries concerned'.

Accession of Poland, Latvia, and Ukraine to the European Charter of Local Self-Government stimulated the reform of local self-government in accordance with European standards. All states completed the path from signing to the entry into force of the Charter for them in a year (Poland – from 19.02.1993 to 1.03.1994; Latvia – from 5.12.1996 to 1.04.1997; Ukraine – from 6.01.1996 to 1.01.1998), but approached its implementation in different ways, although all states had same negative elements in the past such as the communist governance legacy, the dominance of former elites *in appareil d'état*, and the mentality of ordinary citizens.

However, the Republic of Poland, which restored self-government in 1990, already eight years later, abandoned the advisory councils, which consisted of *gmina* delegates at the voivodeship level and an executive chairperson appointed by the central government, and switched to the popular election of councils every four years. Thus, it fulfilled one of the requirements of the Copenhagen criteria on the democratic creation of the government as a condition for EU membership.

As for the Republic of Latvia, the Congress applied the procedure of monitoring the state of local and regional democracy in the context of accession to the EU (1998, 2005, 2008) and recommended carrying out partial administrative-territorial reforms to consolidate municipalities that were 'too small in size, had insufficient financial and other resources to perform their tasks and functions properly', and to solve the problem of non-citizens' participation in the political life of the country at the local level. In Latvia, according to Article 101 of the Constitution, persons who do not have Latvian or EU citizenship are not allowed to vote at the local level. Stateless persons (mostly ethnic Russians) live mainly in Riga (30 percent of the population) and some other cities (e.g. the eastern part of Daugavpils (27 percent), Jelgava (24 percent), Jurmala (25 percent), Liepāja (31 percent) (CG/INST (12) 3), where their opportunities for successful integration into the Latvian-speaking social environment and the democratic system of the country are limited. In the opinion of the Latvian authorities, granting stateless persons the right to vote at the local level would not only be unnecessary but even counterproductive, as obtaining full political rights at the local level is an essential incentive for naturalisation.

The peak activity in the naturalisation process occurred in 1999 – after the referendum on the law's approval on expanding naturalisation opportunities, and in 2004–2005 – in connection with Latvia's accession to the European Union. Gradually, the electoral legislation was supplemented by the legal norms arising from the Council Directive 1994/80/EC of 19 December, 1994, on the right to participate in the activities of self-government bodies of those EU citizens who are permanently residing in a Member State but are not citizens of the concerned Member State.

Due to the public discussion of reforms by central and local authorities and political parties, taking into account the current social, political, and economic situation in the countries, communicating to the population all the advantages (financial perks, the possibility of regional and municipal cooperation with the EU, political stability, participation of citizens in local public life, etc.), some of



the reforms were not only possible in Poland and Latvia, but were implemented quite quickly. The problem of deprivation of voting rights for non-citizens in the 1990s was also relevant for the Tatar population of Crimea in Ukraine. Some Ukrainian parliamentarians considered it possible to adopt a law allowing such non-citizens to vote in anticipation of permanent status. However, in the opinion of most members of the Verkhovna Rada of Ukraine, this issue was not timely.

The results of the monitoring of the state of local and regional democracy in Ukraine (1998, 2001, 2006) show that their implementation was much slower due to specific difficulties.

Having ratified the European Charter of Local Self-Government in 1997, Ukraine pledged itself to implement at the legislative level provisions aimed at strengthening the legal status of local self-government bodies, as one of the foundations of a democratic regime, granting citizens the right to participate in state affairs management, expanding autonomy and, accordingly, functions of local self-government bodies, and, therefore, the expansion of their financial basis (Hayka 2013, p. 5). However, its implementation in Ukraine was sluggish

Proshko, a member of the group of independent experts on the Charter at the Institutional Committee of the Congress, and Tolkovanov, Head of the Council of Europe Programme „Strengthening Local Democracy and Support to Local Government Reforms in Ukraine,” note (2011) the poor preparation for ratification: 1) delay with the official translation of the Charter for several years; 2) untimely interpretation of the provisions of the Charter in the Commentaries to it; 3) the lack of proper information campaign on the Charter; and 4) most importantly – the lack of analysis of compliance of the Charter provisions with the Constitution of Ukraine and official conclusions of the Constitutional Court. It is evident that when ratifying the Charter, the Ukrainian authorities probably underestimated the scale and political impact of this document, as the law on ratification of the Charter was adopted without publishing its text, numerous official translations of the Charter were not accurate, and the competent authorities did not take the necessary measures to inform and explain its provisions to local authorities. The Charter’s content was little known not only to ordinary citizens, but also to legal scholars.

Therefore, the implementation of local self-government includes not only the right of local self-government bodies, but also their ability to resolve issues of local importance. This constitutes a significant problem that requires research efforts, since the search for an optimal model of territorial organisation of power at the level of communities is constantly faced with the peculiarities of not only the historical development of certain territories and the traditions of self-government, but also the inability of local representative bodies to ensure the implementation of quality services for the population.

At the same time, taking into account the modern management paradigm, the result of the activities of local self-government bodies is the satisfaction of the needs and interests of community residents (Molodojon, 2010, p. 4). In 1996, for the first time, the Constitution of Ukraine (1996) declared that local self-government is recognised and guaranteed in Ukraine (Article 7). and part 2 of Art. 19 of the Constitution of Ukraine actually determines that state authorities and local self-government bodies, their officials are obliged to act only on the basis, within the limits of authority and in the manner provided by the Constitution and laws of Ukraine. Based on the legal content of this article, we must understand that the regulation of the activities of local self-government bodies and officials should be carried out by laws.

However, the same article 19 of Ukraine’s Constitution, according to Voit (2017, p. 21–22) has a certain controversy with paragraph 15 of Article 92 of the Constitution, indicating that the ‘principles of local self-government’ are defined exclusively by law. It is from the legal content of paragraph 15 of Art. 92 and part 1 of Art. 140 of the Constitution of Ukraine, which states that local self-government is the right of a territorial community – residents of a village or a voluntary association of residents of several villages, towns and cities into a rural community – to independently resolve issues of local importance within the limits of the Constitution and laws of Ukraine, it can be concluded that local self-government within the framework defined by law has the right to its own rule-making, focused in the Law of Ukraine ‘On Local Self-Government in Ukraine’.

Although a certain legal, organisational, and financial basis of local self-government has been formed lately. However, the practice of implementing the norms of the Constitution of Ukraine and the current legislation on local self-government convincingly shows the necessity to reform local

self-government, improve the legal basis due to the obsolescence of legal norms, develop new working forms and methods of local self-government bodies to solve issues of local importance.

It is important to clarify the value criteria and guidelines that determine the content and main directions of social transformations. The issues of fundamental basic values development within the framework of legal support for the development of civil society, the search for a balance between individual and collective interests, between the community and the central public authority (Todyka, 2009, p. 3) are gaining special relevance.

The development of local self-government, as a system of local government being as close as possible to people in order to provide quality services, is one of the priorities of local self-government and the administrative-territorial system reform of our democratic state, the central element of which is the territorial community. In this regard, there is a need to understand the definition of the concept of 'territorial community', which is connected with the fact that *the territorial community* plays, in most states, the role of the lowest link of the administrative-territorial system, thereby forming the foundation of the local self-government system.

In particular, the community in the USA is considered (along with the family) as the primary centre of society and at the same time as its model, where basic socio-political relations arise, which are then projected onto the 'upper floors' of the socio-political system (Molodojon, 2010). Golosnichenko and Rybak determine a territorial community as a group of people who live within certain territorial boundaries and are united by common collective interests (2020, pp. 34–35). And according to Kravchenko, 'a territorial community is a group of citizens who live together in a rural and urban settlement, have collective interests and a legally defined legal status' (1999, p. 89).

Molodojon (2010) notes that a territorial community is not only a social phenomenon, but also a legal one. When considering the concept of community, it is necessary to realise that it exists as an objective social phenomenon and the legal registration of this phenomenon. It is also necessary to understand that often there is a misunderstanding between actual and legal territorial communities, and vice versa. Territorial community as a social phenomenon is a special social community with qualities inherent in any community. The conditional scheme of a territorial community formation can be presented as follows: territory cohabitation and relations that arise between people within the territory collective consciousness. The basis for identifying a community is the fact of living together on the same territory. In the process of interaction among themselves, people living on a certain territory have certain relationships, on the basis of which an understanding of common interests and collective consciousness emerges, which in general indicates the formation of a community (Molodojon, 2010, p. 14).

At the same time, it should be noted that despite a great interest in the issues of local democracy in modern science, the research of the legal status of territorial communities as the primary subjects of local self-government is insufficient, which definitely negatively reflects on the normative regulation of these social communities status. Thus, the current norms call belonging to a settlement the main indicator of a territorial community. This approach practically equates the concept of 'community' with the concept of 'community of residents'. A territorial community acquires legal status in the process of its recognition by other legal entities, primarily by the state, as a collective whole, which is actually a manifestation of the community legalisation (Molodojon, 2010, p. 16).

Now in Ukraine, at the constitutional level, a territorial community is determined as the inhabitants of a village or a voluntary association of residents of several villages, settlements and cities into a rural community (Article 140 of Ukraine's Constitution), but this concept, in our opinion, is in contrast with today's situation, since after 2020 in Ukraine, people are united not only into rural communities, but also into settlement and city communities. And although Ukrainian parliamentarians tried to make changes to the Constitution of Ukraine, in 2019–2020 at the request of the President of Ukraine, a bill on amendments to the Constitution of Ukraine (regarding the decentralisation of power) was introduced. However, after expert discussions, in local self-government and in society in general, the proposed changes were withdrawn from the Parliament of Ukraine for revision. But the Law of Ukraine 'On Local Self-Government in Ukraine'. Article 1, fixed clearly a territorial community as residents united by permanent residence within the boundaries of a village, settlement, city, which are independent administrative-territorial units, or a voluntary association of residents of several villages, settlements, cities and have a single administrative centre.

Having analysed the legal and doctrinal definitions of the concept 'territorial community', we believe that the territorial community is the basic subject of the local self-government system, which includes a set of residents living in a certain territory with clearly defined boundaries and who identify themselves as residents of this territory and are united by common interests to solve issues of local importance both directly and through representative bodies. The legal meaning of the concept 'territorial community' depends to a greater and greater extent on the capacity of the community, as well as on the powers of local self-government bodies operating in the community.

In Ukraine, among the problems of forming a modern system of local government organisation, considerable attention is paid to reforming the system of local self-government, which will largely determine the further stable development of Ukrainian society. Legal support for the activities of local self-government bodies in Ukraine in modern period of time requires the development of such a management model that would meet the European standards of the European Charter of Local Self-Government and, first of all, clearly demarcate powers between local government bodies concerning the performance of their legally assigned functions.

In 2014, the domestic system of local self-government and administrative-territorial organisation required urgent changes, since about 12 thousand territorial communities were formed in Ukraine, in more than 6 thousand communities the number of inhabitants was less than 3 thousand people, in 4809 communities – less than 1,000 people, and in 1129 communities – less than 500 people, in most of them the executive bodies of the corresponding village councils have not been formed, there were no budgetary institutions, communal enterprises, etc. Local self-government bodies of such communities could practically not exercise the powers granted to them by law, because most of them were actually subsidised by 90%. The implementation of permanent financial support through the district budgets of small territorial communities using the system of equalisation subsidies was burdensome for the state budget and restrained the development of small towns and large villages, because the resources they had were sufficient only to maintain their own administrative apparatus, that is why on April 1, 2014, the Cabinet of Ministers of Ukraine (order No. 333-r) approved the Concept of Reforming Local Self-Government and Territorial Organisation of Power in Ukraine (hereinafter the Concept) and approved the Plan of Measures for its Implementation (CMU Order No. 591-r dated June 18, 2014), which envisages the construction of a three-level system of administrative-territorial organisation: basic level – communities; middle level – district, and higher level – region. The system of local self-government includes: at the basic level – village, settlement, city councils and their executive bodies, including headmen, as elected officials of local self-government in the headmen districts; at the district level – district councils and their executive bodies, district state administrations, territorial bodies of central executive bodies; at the regional level – the Council of Ministers of the Autonomous Republic of Crimea, regional councils and their executive bodies, regional state administrations, the Kyiv and Sevastopol city councils and their executive bodies, the Kyiv and Sevastopol city state administrations, territorial bodies of central executive authorities.

Thus, the foundations were laid for the reform of local self-government through the decentralisation of power in Ukraine. Decentralisation means the legally-defined process of transfer of power from central authorities to local self-government bodies. In other words, decentralisation ensures the community's right to have powers and be able to exercise them.

In order to implement the Action Plan for the Local Self-Government Reform Realisation in Ukraine, amendments were made to the Budget and Tax Codes of Ukraine, which stimulated the formation of basic level communities and increased their capacity by transferring 60% of the personal income tax to local budgets of united territorial communities, and through the mechanism of the transition of the budgets of united communities to direct inter-budgetary relations with the state budget. However, changes to the Constitution of Ukraine in terms of decentralisation of power by the national parliament were considered only in the first reading, which created a certain legal uncertainty of the decentralisation reform.

But on February 5, 2015, the Supreme Rada of Ukraine adopted the Law of Ukraine 'On the Voluntary Unification of Territorial Communities' (No. 157-VIII dated 05.02.2015 – hereinafter Law No. 157), which regulates relations in the process of voluntary unification of territorial communities of villages, settlements, towns. To ensure the implementation of the Law of Ukraine „On the

Voluntary Unification of Territorial Communities, the Cabinet of Ministers of Ukraine approved the Methodology for the Formation of Capable Territorial Communities (CMU Resolution No. 214 dated 08.04.2015 – hereinafter the Methodology). It was these acts that determined how communities should be united in order to become capable. What are these capable territorial communities? Capable territorial communities – territorial communities of villages (settlements, towns), which, as a result of voluntary association, are able to independently or through relevant local self-government bodies ensure the appropriate level of service provision, in particular in the field of education, culture, health care, social protection, public utilities, taking into account human resources, financial support and infrastructure development of the corresponding administrative-territorial unit. Therefore, in capable territorial communities of Ukraine, local self-government bodies must implement their own and state-delegated powers to provide services to the population of their villages, settlements and towns.

After the consolidation of the communities, the settlements that have entered the united community elect the chairman and deputies in the council of the united community, and the headperson candidacy of the corresponding headperson district is submitted by the head of the council after a public discussion, and approved by the council deputies. The headperson is essentially an administrator in an appropriate village, settlement, town of the community, who is called upon to resolve the issues of the residents of this settlement, i.e. he/she works on a permanent basis in the apparatus of the relevant council and its executive committee, and in case of being elected as a member of this executive committee – in the executive committee of the council (Article 54-1 of the Law of Ukraine 'On Local Self-Government in Ukraine'). The national legislator also provided that the territorial communities of villages, towns, and cities that voluntarily united into one territorial community have the right to leave the united territorial community (secession) in terms determined by law, this is provided by Part 3 of Art. 6 of the Law of Ukraine 'On Local Self-Government in Ukraine'. However, the problem is that Ukraine does not have any law that would ensure practical implementation of the secession right, for example, in our opinion, it can be done through a law on a local referendum, which currently does not exist (Chepel, 2019, p. 187).

We can say that the decentralisation of power in Ukraine has actually started since 2015, as a result of which the first 159 voluntarily united communities were formed, in Ukraine it was approximately 8%, then in 2016 – 366 communities, in 2017 – 665 communities, in 2018 – 806 communities, in 2019 – 888 communities dated April.

In 2020, after the voluntary unification of territorial communities, the government of Ukraine moved to the next stage of local self-government reform – to the administrative unification of territorial communities. Initially, the regional state administrations developed prospective plans for each region fully covered by the united territorial communities and submitted them for government approval. According to the Law of Ukraine dated 04.16.2020 No. 562-IX 'On Amendments to Certain Laws of Ukraine Regarding Determining the Territories and Administrative Centres of Territorial Communities', the Cabinet of Ministers of Ukraine is empowered to determine administrative centres and approve the territories of territorial communities. On June 12, 2020, the government of Ukraine approved new administrative and territorial system of Ukraine at the basic level – communities. In accordance with the orders of the Cabinet of Ministers, 1469 territorial communities were formed, which covered the entire territory of Ukraine. On July 17, 2020, the Supreme Rada of Ukraine adopted Resolution No. 3650 'On the formation and liquidation of districts', by which 490 districts in Ukraine were liquidated and 136 districts were formed, 490 district councils were reorganised into 136 district councils in which elections were held, in accordance with Resolution No. 3809 of the Supreme Rada of Ukraine of July 15, 2020, on the appointment of regular local elections. Also, on August 8, 2020, the Central Election Commission of Ukraine, in accordance with Resolution No. 160, scheduled the first elections of deputies of village, settlement, town councils of territorial communities and relevant village, settlement, town heads, which took place on October 25, 2020, in 1439 out of 1469 territorial communities. Elections were not held on the temporarily occupied by Russia territories of Crimea and Donetsk and Luhansk regions.

Such a result of the local self-government reform for Ukraine is quite high considering the current geopolitical situation of our country. However, the pace of local self-government reform through decentralisation in Ukraine would be faster if it were not for a number of negative factors, in particular:



until February 2022, the lack of political consensus between the central and regional political elites regarding the reform of the power distribution system; the unfinished stage of legislative support for the relevant reform; low activity and desire of the population for self-organisation, and after February 24, 2022 – military aggression of the Russian Federation against Ukraine.

However, the reform of local self-government in Ukraine is not completed, and the next stage is the formation of legal basis for the development of local self-government, in particular: the introduction of amendments to the Constitution regarding decentralisation, which are necessary for further promotion of the reform and its completion. To continue the reform, it is necessary to update the Law of Ukraine 'About Service in Local Self-Government Bodies' and the Law of Ukraine 'On Local Self-Government in Ukraine' so that these legislative acts meet the needs of reality, and a number of other important laws should also be adopted: on the principles of administrative and territorial system of Ukraine. The Constitution defines the principles on which the administrative-territorial system of Ukraine should be based, the types of settlements, the system of administrative-territorial units, the powers of state authorities and local self-government bodies in matters of the administrative-territorial system, the procedure for formation, liquidation, establishment and changes concerning borders of administrative-territorial units and settlements, maintenance of the State Register of administrative-territorial units and settlements of Ukraine; local referendum; state supervision over the legality of decisions of local self-government bodies, in particular, the possibility of introducing a new institute – a prefecture, where prefects, state representatives, who will have the authority to supervise the legality of acts of basic-level local self-government bodies – communities, will operate at the district and regional level.

After all, until 2016, this function of supervising the legality of local self-government decisions was carried out by the prosecutor's office, such a system was quite strict. But in June 2016, this system was cancelled with the hope that it would soon be replaced by a better one, but this has not happened so far. The Government of Ukraine proposed that in case when the decision of the local self-government body does not comply with the legislation or contradicts the Constitution of Ukraine, the head of the regional state administration could stop it and go to court. For example, in neighbouring Poland, the voivod does not simply stop such a decision – he/she cancels it, and after that the community, if it does not agree with his/her actions, can sue.

Experts are unequivocally opposed to regional administrations supervising the legality of local self-government decisions and suggested creating a supervisory body, an advisory council, which would include representatives of society and the state. In their opinion, such powers of regional administrations create conditions for centralisation, not decentralisation, which is the basis of local self-government reform in Ukraine. Experts draw attention to the fact that Art. 8 of the European Charter of Local Self-Government prescribes the principles of administrative supervision over the activities of local self-government bodies, but this is done in such a way that there is a maximum balance between supervision and autonomy of local self-government bodies. Council of Europe expert R. Herzog explains that the situation in Ukraine does not correspond to the European Charter of Local Self-Government, but if it could be changed, it would be an important signal for the whole world.

Thus, we would like to draw attention to the fact that Ukraine has taken significant steps in the implementation of local self-government reform, but due to Russia's military aggression against Ukraine, its completion has slowed down. However, upon completion of the reform, there will be an actual legal framework for the development of local self-government, and the powers of local authorities between government levels should also be demarcated according to the principle of subsidiarity. Community residents should be provided with mechanisms and tools to influence local authorities and participate in decision-making.

The issue of administrative and territorial organisation is a state issue, not a self-governing one. However, in Ukraine, the path of administrative reform is complex and unique, but somewhat similar to the one followed by Latvia. Since the beginning of 1990s, discussions regarding the reform of the system of administrative and territorial organisation began in Latvia. At that time, there were 590 self-governing bodies in the country. Latvia consisted of 26 districts, 7 cities of republican importance, 17 united self-governments, 457 villages (volosts), and 58 cities. During the first five

years, a number of laws on local self-government were adopted, the concept of self-governance reform (legal, financial, administrative-territorial) was approved (Tkachuk, 2015, pp. 7–8).

Latvian politicians were frankly afraid to carry out a complex all-encompassing reform of the territorial system in a forced way, which is why the mechanism of 'voluntary unification of volosts' was launched. However, in the over-6-year period of voluntary unification, about 20 united self-governments were created. One of the main obstacles on the way to the implementation of the reform was the Population's negative attitude due to the lack of information and explanations from the state authorities about the essence of the reform and its consequences. Another significant obstacle was uncertainty in the course of the process. The local authorities, recognising the lack of strong political will to carry out the reform, preferred to delay the reformation (Reform of the administrative and territorial system in Latvia 2011, p. 679).

At the end of 2000 – the beginning of 2001, the Project on the Administrative Division of Local Self-Government was developed, which included proposals for the administrative division of the state territory into 102 local self-government bodies. The central government was more interested in forced unification, which began when the number of merged communities equaled 51% according to the project of administrative division.

In 2009, 110 self-governmental units were created out of more than 500 self-governing bodies (now they are regions). After the unification, the state gave an additional subsidy of 5% to the total budget of the united volosts. Each association created under the project received a subsidy of 285,000 EUR for regional infrastructure. Despite this, 35 self-governments did not unite until 2009 and were united without a subsidy by force (Reform of the administrative and territorial system in Latvia 2011, p. 677).

Further reform in 2009 consolidated local self-government into one level, which consists of 110 municipalities (*novadi*) and 9 cities (*pilsētas*). In 2020, the Parliament approved another complex reform, according to which after the local elections in July 2021, Latvia has 42 local self-government bodies – 7 city municipalities (*valstspilsētas*) and 35 district municipalities. New councils started work on July 1, 2021, after the municipal elections in June. The aim of the reform was to create economically self-sufficient territories, whose municipalities were able to perform functions defined by legislation and provide quality services to the population, rationally spending money. The government believed that many municipalities still did not provide all the necessary social services and had high administrative costs. The expected results of the reform were determined to increase the ability to promote economic development and create effective networks in the fields of education, healthcare, social assistance, as well as to build transport and communal infrastructure. However, the government's administrative reforms faced criticism, first of all from local authorities association, which applied with an official complaint to the Congress of Local and Regional Authorities of the Council of Europe. After a working visit, the Congress spokespersons were critical of the lack of timely and proper consultations with the municipalities affected by the changes, their residents and associations, and called on the government to postpone the reform. At the regional level, during the Latvian local government reform, 26 districts were abolished and five 'planned regions' were created operating under government control but having decision-making councils made up of elected municipal representatives. The main functions of regions include spatial planning, public transport and management of investment programmes (Young, 2020, p. 30).

In Latvian legislation, the Constitution does not contain a direct provision on the protection of local self-government, although it specifies that councils are elected by Latvian citizens and EU citizens permanently residing in Latvia. Instead, the Law on Local Latvian Self-Government of 1994 gives a detailed definition of the powers and functions of local self-government bodies and allows them to implement voluntary initiatives in the interests of residents (if this does not belong to the competence of other bodies and is not prohibited by law). The law also establishes general rules regarding the organisation of work, election of chairs and committees, functions of chairs and executive directors, audit, property, inter-municipal cooperation, etc. (Young, 2020, p. 34).

The council (*dome*) is a decision-making body in each local self-governmental unit, elected through direct elections for a 4-year term. The council elects a chairperson (*priekssedētājs*) from among the members of the council, whose powers include managing the work of the council, representing the local self-government body in relations with the state or other authorities and in court,

signing contracts and issuing binding orders to employees of the local self-governmental body. In international context, the chairperson of the council is often called the mayor. Based on the recommendation of the chairperson, the council appoints an executive director (*izpilddirectors*), who does not necessarily have to be a member of the council to manage the work of local self-government institutions and enterprises. Councils, as bodies of local self-government in Latvia, play a significant role in providing social services, especially education. However, they are largely dependent on the central government in matters of financing, because more than half of it is received from a certain share of income tax on the income of individuals (Young, 2020, p. 31). Thus, Latvia carried out significant territorial reforms at the municipal level, to a greater extent voluntarily, the reform of local self-government has already led to the consolidation of municipalities and local self-government development in the country, although there are cases when local governments made an appeal to the Constitutional Court (*Satversmes Tiesa*) against amalgamation with other municipalities (Auce district council, Iksile city, Tinuzhi county).

Latvian cities receive the status of national and county towns. In particular, the national city status was granted to Daugavpils, Jelgava, Jekabpils, Jurmala, Liepaja, Ogre, Rezekne, Riga, Valmiera, and Ventspils. In the future, Latvia will be divided into the so-called „city-states” and local governments.

The balance of territorial development and the high activity of the population can mentally change the system of local government organisation in Ukraine. In this light, it is worth paying attention to the experience of the decentralisation of power reform in Poland.

According to Shportyuk, the main goal of the Polish administrative-territorial reform was the democratisation of public life and the decentralisation of state administration as a basis for building local democracy, as opposed to the socialist representative system of solving local affairs (2013, pp. 16–17).

In particular, Regulski (one of the authors of the Polish local self-government reform) indicated that the reform of the administrative and territorial system for Poland was, although long-term, quite successful.

On May 27, 1990, the reform in Poland came in force together with the first elections to local authority bodies. In accordance with the norms of the Constitution and the principles of unitarity, subsidiarity, decentralisation, and granting legal capacity to local communities, it was decided that the new basic territorial division should: a) consist of three units – *gmina*, county, and voivodeship; and b) correspond to the principle that each unit of the division must be simultaneously a unit of local self-government with an appropriate scope of powers. On June 5, 1998, the Seim adopted three laws that established the principles of territorial administration organisation: on county self-government; on voivodeship self-government; and on government administration in the voivodeship. The contents of these laws corresponded to the basic principles of the reforms and the norms of the Constitution.

Local self-government after the reform in Poland included regional, county, and *gmina* communities, which correspond to three different levels of the state's main territorial division. There is no relationship of organisational dependence between the three levels of self-government. They are equal and they differ according to the tasks assigned to them. As a result of this reform, the main principle of the Polish society organisation was changed.

Today, the number of the first level territorial units of local self-government in Poland is 2,479 *gminas*, each of which has an average population of about 15,000 people. The *gmina* (community) performs all state functions of a local nature that do not belong to the competences of other bodies (in the field of territorial order, utilities, social assistance, primary education, healthcare, etc.) The *gmina's* council is a body elected by direct voting which makes decisions and controls their implementation on the territory of the *gmina*. The president of the *gmina* manages the executive body of the *gmina*. The county (district) is the second level of local self-government. They make a total of 314 in Poland, with approximately 81,000 citizens in each county. In addition, there are 65 cities in Poland that have the status of a county. The number of their residents exceeds 190,000. The county is also engaged in local self-government, but performs tasks at the supra-municipal level (combating unemployment, public order and security, secondary education, protection of consumer rights, healthcare at the level of specialised hospitals, etc.) A county council makes and controls

decisions. The council, in turn, elects the county board as its executive body, which is headed by the headperson. A voivodeship (region) is a third-level regional administrative unit. Poland has 16 voivodeships, each of which has an average population of 2 million 400 thousand people. Voivodeship is a dual governmental self-governing type of state administration at the regional level. The voivodeship self-government performs tasks in the field of regional policy (determining directions of the voivodeship development, creating conditions for economic development and investments, development of social and technical infrastructure). Bodies of voivodeship self-government are the voivodeship *sejm* (council elected in direct elections) and the voivodeship board (executive body headed by a marshal), which is elected by the *sejm*. State administration in the voivodeship is carried out by the voivode. He/She is the government's representative in the region (Shapovalova, Presnyakov, 2005).

Particular attention shall be paid to the status of the capital city of Warsaw (Pol. *miasto stołeczne Warszawy*), which during 1994–2002 was a community association consisting of 11 municipalities with a common city council elected by direct elections. The council elected the executive power (Pol. *zarząd*), which consisted of the president (Pol. *prezydent*) and vice-presidents (Pol. *wiceprezydenci*) (Act No. 48.195/1994, articles 7, 9, 32). Since 2002, Warsaw has been a city with the rights of a county, which additionally performs the functions of a foreign diplomatic mission.

It should be noted that in Ukraine, there is still the practice of unreasonable dismissal of mayors of politically-important cities, especially the capitals, where a significant part of the population lives, electoral, economic, informational, political, human resources are concentrated, the question of political appointments throughout the country is being decided, the information field of the country as a whole, as well as its international image, is being formed. The position of the mayor gives the opportunity to fully control the election campaign in the city for presidential elections, in particular. The confrontation was observed between Kuchma and Kosakivskyi, Omelchenko, Poroshenko, Zelenskyy, and Klitschko. The most striking example is the early termination of the powers of Kyiv Mayor Kosakivskyi, elected on July 10, 1994, by the decision of 50 members of the Kyiv City Council on June 26, 1997, for whom 550,000 voters cast their votes. The main reason for this situation was the legislatively enshrined dualism of local authorities, defined by the representatives of the CLRA as 'parallelism of power – and, therefore, automatically institutionalised conflict – between the elected head of the council and the appointed head of the administration'. Such dualism is still present today. The practice of termination of powers and snap elections became widespread in Ukraine and took place in Vasylkiv, Lubny, Mukachevo, Odesa, Yalta, and other cities and villages, and was declared unlawful in the decision of the Constitutional Court of Ukraine on February 9, 2000, in the case of the constitutional petition of 46 people's deputies of Ukraine on the compliance with the Constitution of Ukraine (constitutionality), certain provisions of the Law of Ukraine 'On Local Self-Government in Ukraine'. However, it returned ten years later after the 2010 local elections in Chernivtsi and Poltava. Scholars point to the spread of such phenomena in the world when 'decentralised' central governments seek to pursue policies that limit the ability of local authorities to make meaningful decisions, restricting the powers attributed to local authorities and the area in which such powers can be used. Besides, 'decentralised governments' tend to create new institutions that work on local issues but still remain hierarchically subordinate to central authorities (Cameron, Ranis and Zinn, 2006). It would seem that the situation could be resolved through a local referendum on the issue of confidence in the mayor, thus ensuring the rights of citizens and local communities. Still, it was possible until 2012, as no legislative framework exists. Instead, in Poland, a local referendum is held at the initiative of the council or 10% of voters to dismiss a representative body (council or mayor); to introduce special taxation for local residents or other issues within the competence of local governments. For the validity of the referendum and the implementation of the decision, a quorum of attendance is established – 30% of the elections and a quorum of support – 50%.

Finally, one should point out the importance of international cooperation of local authorities, which 'has become an essential instrument of Polish foreign cooperation policy towards Ukraine. Poland supports the process of decentralisation in Ukraine; Polish local governments, which have many years of experience working with local authorities in Ukraine, are eager to help with the decentralisation reform in Ukraine' (Skorupska, 2015).



## Conclusion

Thus, the Polish model of an administrative-territorial structure, which is a kind of synthesis of the French and Anglo-Saxon models of local self-government, is characterised by extremely broad powers for sub-regional units. Nevertheless, this model is based on a high level of political activity and self-awareness of the community, a high level of civil society development, and an administrative method of forming the basic level of the Polish administrative-territorial structure. The Polish experience shows that making public administration effective without decentralisation is unrealistic in modern Europe. That is, Poland has changed the entire public administration paradigm, which was a response to the problems associated with searching for optimal relations between the regions and the political centre. Ukraine should partially use this experience, because the model of the Polish regional policy, which emerged as a result of administrative-territorial reform, is characterised by a pronounced principle of participation that permeates all levels of local government. Local community bodies have to carry out and implement measures to create socio-economic processes that affect the development of territories, based on close and constant contact with the business sector and non-governmental organisations, using the best local resources. The quality of governance of Ukrainian local authorities mainly affects the chances of socio-economic development and entrepreneurship as well as public trust in public administration, and contributes to strengthening the development of domestic civil society.

However, the Latvian experience of the decentralisation of power points to the basic principle of voluntariness in the process of reform implementation. However, in general, the Latvian local government reform is characterised by a rather lengthy process with mixed results. The local self-government reform in Latvia has succeeded, in particular, due to the readiness of the government to carry out compulsory mergers if municipalities cannot agree with each other. However, the primary key to Latvia's success is meaningful local consultations and a certain degree of flexibility in adapting reform proposals. Fast, coercive reforms driven by the central government will likely face resistance based on local democracy. Hence, dialogue with the local civil society is a driving force for the effectiveness of local government reform measures.

This peculiarity should be used by Ukraine during the finalisation of the local self-government reform. After all, the primary subject of local self-government in our country is a territorial community, which includes a set of residents living in a specific territory with clearly defined boundaries and who identify themselves as residents of this territory while being united by common interests to address issues of local importance both directly and through representative bodies on the ground. In fact, over the years of the local self-government reform, Ukraine has gained its own experience in the formation of the basic level of communities – a mixed one, which began with minimal legislative and financial support, but to a greater extent based on the principle of voluntariness, and, in 2020, the government formed territorial communities that did not amalgamate voluntarily by administrative means. The following factors should contribute to the successful completion of the Ukrainian local self-government reform: firstly, the victory of Ukrainian armed forces against the military aggression of Russia; secondly, the development of a legal framework for the development of local self-government and the support of society, because without it the reform makes no sense; and, thirdly, qualified personnel capable of continuing to implement the local self-government reform. That is, it is worth noting that the positive experience of European countries and the obligations undertaken by Ukraine under the European Charter of Local Self-Government regarding the ubiquity and financial self-sufficiency of territorial communities prove that it is impossible to make public administration effective and public services on the ground of high quality without decentralisation in modern Europe.

In the particular context of decentralisation, the following critical new areas of research arise: extending the conceptual apparatus of political economy distortions beyond corruption; the impact on a broader range of relevant dimensions, such as inter-community allocations and the functioning of local democracy itself (civic participation, political competition, legitimacy, leadership, and learning); evaluation of decentralisation in comparison with other organisational alternatives; design issues highlighted by first-generation theories of fiscal federalism, such as spillover between

jurisdictions, community sharing, and the severity of budget constraints; the appropriate domain and degree of devolution; and the political economy of implementation.

We state the confirmation of the study's main hypothesis on the influence of the European integration foreign policy vector on the pace of restoration and reform of local self-government in Poland, Latvia, and Ukraine. The weaker the development of local self-government in a particular country was, the more attention European institutions paid to its revival and implementation through monitoring mechanisms in counties, aspiring to build closer relations with the EU. It was the case in Poland and Latvia before joining the EU and in Ukraine during the constitutional reform and democratic erosion of 2010–2013.

The position of political elites on the type and form of decentralisation and its legalisation has transformed from the Soviet nomenclature approach to local public authorities as purely state bodies to self-governing bodies of territorial communities. However, in Ukraine in recent years, there has been a tendency to fold the unfinished decentralisation reform. The reasons for this phenomenon require research, especially in the field of corruption.

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