

## LOCAL SELF-GOVERNMENT IN THE POST-SOVIET RUSSIA

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### ABSTRACT

*The disintegration of Union of Soviet Socialist Republics in the year 1991, has bequeathed Russian Federation as an independent country along with other fourteen countries. Since then Russian Federation has been engaging in establishing new outline for constitutional development. Entire political system of Russia had experienced the process of transformation from a centralized communist to a decentralized democratic government. The reform of local self- government bodies is one of those transitional reforms with the intention to enhance citizen's participation at all the levels of government. Subsequently, the adoption of Post-Soviet Russian Constitution in 1993 was followed by many other legislative provisions on the institution of local self government. This paper emphasizes on constitutional development and its challenges of local self-government in the post-Soviet Russia.*

**KEYWORDS:** *Local Self-Government, Post-Soviet, Decentralization, Democracy*

### INTRODUCTION

The institution of Local Government in the Russian Federation is one of the Boris Yeltsin's reforms in the transitional stage in the 1990s. To enhance democratic base in Russia, the decree of President "on the reform of local government in the Russian Federation" was approved on 26<sup>th</sup> October 1993. This decree establishes the organizational base for local self government in Russian Federation. It directs the constituent entities of the Russian Federation for the enforcement of local government reforms. The establishment of a decentralized system, the termination of local Soviets and local deputies had occurred. Democratic representation of the elected members of local self-government has been introduced. In order to exercise local electoral responsibility, the president of Russian Federation orders the local governments to carry out local election within the period from December 1993 to June 1994. The public authorities of the constituent entities of Russia have the right to decide the date of local election within the period provided by the president's decree. With the adoption of Russian constitution on 12th December 1993, the institution of local self-government has gained constitutional recognition and guarantees. The post-Soviet constitution of Russian Federation has granted autonomy to the local government bodies which was not present in the Soviet local government. The present local government authorities have the right to exercise its public responsibilities independently.

### Constitutional Base of Local Self-Government

Local self government holds an important part in the constitution of Russian Federation as it is provided with constitutional status in 1993. The local self-government under the present constitution has been entitled to have recognition and guarantees as provided in article 12. In addition to the announcement of recognition in the article 12 of Russian

constitution, chapter eight as a whole is engaged with the local self-government institution. In compliance with chapter eight of Russian Constitution, local population is endowed with the right to participate in the exercise of public activities of local interest. Participation is carried out in the democratic doctrines including referendum, public meeting and election. The establishment of local self-government is not confined only in rural settlement but it is also organised in urban settlement. The local level of government is an elected body as the representation is done through electoral procedure. In the local administration, its citizen is the main element of the local government structure. The development strategies are aimed in consideration for the welfare of local population. Besides, without the consent and opinion of the local population, any kind of changes cannot be done in the borders or territories of their land. The chapter eight also asserts the economic foundation of local self-government. In accordance to it, the authorities of local governments are allotted the power to exercise the financial responsibilities such as to administer local property, to introduce and implement local budget, to assign local taxes and fees etc. the constitution not only provides legislative, administrative and economic guarantees, but also provides judicial protection to the local self government.

Besides the constitutional affiliation of local self-government, Russian government has been adopting number of legislative regulations for strengthening the organisation of local self-government institution across the regions of Russian Federation. These federal laws are as follows:

#### **Decree of the President of the Russian Federation “on Guarantees of Local Self Government in the Russian Federation**

Local self-government of Russia has attained the constitutional guarantees with the president’s decree of 1993. The decree grants the local self-government bodies of constituent entities the freedom of decision on approving the municipal property lists. This list was delineated by the Supreme Soviet on 27th December 1991. The President’s decree bestows the chief of the local government with the authority for presiding the assembly or meetings of elected representatives and to conduct local referendum. The time and date to conduct an election is established by the legislative authorities of local self-government bodies. Neither the federal government nor the regional government has the power to manipulate the electoral procedures in local governments. The President’s decree also orders to amend sixth paragraph of the law “reforms of local self-government in Russia”. The fundamental objective of this decree is the proclamation to implement the institution of local self-government across the territories of Russian federation. Under this decree, the decisions made by the authorities of local self-government cannot be abrogated by the federal and regional governments. It can only be done in the court.

#### **General Principles of Local Self-Government in the Russian Federation**

The federal law “on the principles of local self-government” was adopted of the Duma on August 28th 1995. It lays down the fundamental principles on which local self-government bodies are to be based upon in the territories of Russian Federation. This federal law delineates the public responsibilities towards the development of local self-government among the central, regional and local governments. The functions of federal government of Russia towards the local self-government are as follows

- To introduce, enforce and amend the legislative provisions of local self-government.
- To administer the transfer of financial resources and inter-financial relations between federal government and local governments.
- To establish various development programs for the strengthening of local self-government.

- To grant protection to the local citizens and judicial protection to the local self-government institution.
- To grant guarantees for financial independence to the authorities of local government.
- To enhance the democratic electoral system in the local settlements of Russian Feder.
- The responsibilities of federal subjects of Russian Federation towards the development of local self-government are as follows:
  - The public authorities of the constituent entities are granted with right to regulate legislative provisions adopted by the federal government on the issues of local self-government.
  - It regulates the functions of the state government towards the local self-government.
  - It manages the local government officials in delivering public responsibilities.
  - The responsibilities and rights provided to the municipalities are as follows:
    - Municipalities of Russian Federations are granted with the rights to have charter which are to be adopted by the officials of local government.
    - The local self-government bodies are entitled with autonomous state power.
    - Local population are granted with the right to participate in state's responsibility such as municipal elections, local referendum, citizen's meeting etc.
    - The local self-government bodies have the right to conduct local election independently.
    - It has the autonomy in managing the jurisdictions allotted by the federal government.

#### **Federal Law on “Constitutional Rights of the Citizens to Elect and Be Elected to Bodies of Local Self-Government”**

The federal Duma on 23th October 1996 had adopted the law which grant constitutional rights to the citizen which enables them to choose and to be chosen the representative of local government. The law ascertains the conduct of election in the local settlements of Russia. The federal government of Russia enforces this law if there is an underperformed office of local government bodies. It can be applied in the following situations:

- When local government authority fails to deliver legislation for local election.
- When there is failure in adopting municipality's legislations.
- Increasing absenteeism in the legislative assembly of local government.
- When central government fails to establish municipal organisation.
- When local government offices do not meet the datelines.
- When elected representatives are not allocated their respective responsibilities.

#### **Federal law on “Financial Foundations of local self-government”**

The federal law of 1997 outlines the financial foundation of local self-government of Russian Federation. The local authorities have been granted with the powers to establish local budget and local taxes and fees on their own. Local population is privileged with the right to possess local property and local taxation processes are made transparent to them. The representative officials of local government have the autonomy to make decision on the establishment and abrogation of local taxes. However, this should be done following the instructions of federal legislation of Russia. The decisions on the financial issues of municipality are to be published within the period of not more than one month.

On the basis of this federal law, the financial intergovernmental relations of local government with state government as well as federal government have to be functioned. This relationship involves transfer of financial aid and allocation of financial responsibility to the local self-government bodies.

#### **Federal law on “Foundations of Municipal Service”**

The Council of Federation of Russia had approved the federal law on the fundamentals of municipal services on December 24, 1992. This law provides the categorization of municipality offices of Russian Federation into offices of municipality, which is composed of elective representatives. According to this law, the municipal service is provided to every citizen of Russian Federation, each citizen has equal accessibility to the municipal services. The municipal services function on the basis of these principles:

- Autonomy of local government officials within the jurisdictions allocated to local government
- Ineffectiveness of the municipal services will be accountable by its employees
- In delivering services, it should be in the interest of local history and traditional cultures
- Legal guarantees are granted to the employees of municipal services
- These services should be equally delivered irrespective of religion, race, region, etc.

#### **Structure of Local Self-Government**

The structure of local self government comprises of elected representative officials, municipality head, and local management body. These offices are the in charge to deliver local jurisdictions given in the municipal charter. Besides these offices the local population is the principal elements of the structure of local self-government. A representative body cannot be formed in a settlement of less than 100 voters. Peoples’ assembly is carried out in a settlement with below 100 eligible voters. The figure of representative body should be in proportion to the local population. The procedure for the representation is organized in proportionate to the population of a local settlement. For instance, 7 representatives will be generated from a settlement with the population of less than 1000. likewise, 10 representatives from 1000–10000 people populated settlement; 15 representatives from 10000–30000 population; 20 representatives from the settlement of 30000–100000 population; 25 representatives from 100000–500000 population; and so on.

In the intergovernmental relationships among the federal government, state government and local government; it is the administrative body of municipality which carries out the public responsibilities transferred to local government from federal and state government. The principal official of local self-government is the head of municipality. It is also the head of local administration.

#### **Challenges**

The recognition and guarantee to the local self-government is one of the constitutional reforms in the post-Soviet period in Russia. It is part of the democratic decentralization process which granted autonomy to the local government and enhances greater participation of local population. However, this reform process is not exempted from shortcomings. One of the major challenges is the hastiness in the introduction of decentralization process. It has not been an effortless procedure to restructure a political system. The first President of Russian Federation Boris Yeltsin’s introduction of decentralization process seems to be a hurried unplanned project as his government grants heedless sovereignty to the regions. It has

resulted in federal government with a weak centre and powerful regional. This hasty transformation process had the consequences of discontent among the regions of Russia as some of the regions become more powerful and the demands of sovereignty status inclined.

The procedure for reforms continues in the regime of Vladimir Putin but in a different direction as his main aim is to regain the power of central government. One of the most important reforms of Putin is the organization of eight federal districts of the territories of Russian Federation. Although, his reform could regain the supremacy of the centre, the local government had experienced a centralized federal relation which loses the genuine nature of the modern features of federalism.

In spite of the fact that the local self-government body in Russian Federation has gained autonomy in delivering its public responsibilities provided by the constitution, the right to approach the constitutional court for appealing local issues has been granted to the local government. It has been argued that the federal law of July 1994, “on the constitutional court of Russian Federation”, has not included the local self government in the list of institutions which have the right to appeal.

The constitution of Russian Federation has been criticized for not establishing clear demarcation of power among the levels of government. The constitution has only included the jurisdictions of federal executive government and the joint jurisdiction of federal government and the constituent entities. It has not provided the jurisdictions assigned for the local self-government separately.

The financial dependence of local self-government on other levels of government is considered to be one of the shortcomings. Due to insufficient economy, local administration often tends to depend on the financial aid from the federal government. In this regards, federal relations in Russian Federation is going towards the direction of centralization rather than decentralization.

## CONCLUSIONS

Regardless of the challenges meet while establishing the local self-government in the post-Soviet Russia, one cannot deny its importance in constructing a democratic decentralized political system in Russian Federation. Since Russia is very large in terms of territory, most of the constitutional entities are located at the great distance from the Centre; it is the local self-government which enables public activity to every levels of government through the process of devolution of jurisdiction.

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