

**LOCAL SELF GOVERNMENT IN RUSSIA,  
DURING YELTSIN PERIOD**

**Dissertation submitted to Jawaharlal Nehru University  
in partial fulfillment of the requirements  
for the award of the degree of**

**MASTER OF PHILOSOPHY**

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2005



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## CERTIFICATE

This is to certify that this dissertation entitled "**LOCAL SELF GOVERNMENT IN RUSSIA, DURING YELTSIN PERIOD**" submitted by GURUKALYANA ROUT in partial fulfillment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY** of this university is his own work and has not been submitted for any other degree to this university or any other university.

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*Dedicated to*  
*My*  
*Bapa and Mami*

## ACKNOWLEDGEMENTS

*I am grateful to the persons and institutions who have contributed for this work. First of all, I express my deep gratitude to my respected supervisor Dr. Sanjay Kumar Pandey, whose guidance, suggestions and constructive comments helped me in producing this work. I am indebted to Prof. Ajay Patnaik for his suggestions and cooperation which was great support to me. I am also thankful to the faculty members of Russian, Central Asian and East European Studies for their cooperation.*

*I am indebted to my parents for their support and blessings. My heart-felt thanks goes to my loving younger brother Pinka and Bapina and elder sister Minidei for their emotional support and encouragements. It is very difficult to find words to acknowledge the contribution of my senior-brother Bulubhai, Bhauja and lulubhai, without whose help it was difficult to finish this work in time..*

*I express thanks to the library staff of the Jawaharlal Nehru University, Institute for Defence and Strategic Analyses (IDSA) and Nehru Memorial Museum and Library for providing necessary facilities for this work.*

*My heart felt thanks go to my Seniors Prasantabhai, Charanabhai, Biswabhai, Kabibhai, Laxmanbhai, Devbhai, Nishibhai, Umabhai, Manasbhai, Nandibhai, Rudrabhai, Byasabhai, and Prabirbhai for their help and moral support. I am also thankful to my classmate Rakesh and Bubun, roommate Tanveer for their support.*

*I am very much thankful to my friends Jayanta, Devendra, Kishore, Manas, Subrat, Gati, Pradeep, Pratap, Papi and Mrinal for their help and constant emotional support.*

*Finally I acknowledge that, I shall be responsible for all omissions and commissions in this work.*

**21<sup>st</sup> July 2005 New Delhi**

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## **Preface**

The study entitled “Local Self-Government in Russia during Yeltsin Period”, ventures to explore the concepts like, local-self government, decentralisation. This work defines the importance of grassroots democracy and its virtues which can be applied not only to Russia but also other developing countries which are in the early stages in implementing the process of democratic decentralisation.

The work has been divided into five chapters. The first chapter defines the concept of local self-government and democratic decentralisation. It also discusses the different Charters of Local Self Government, the virtues of local self government and democratic decentralisation and systems of local self government in various developed countries who are successful in implementing this process. The second chapter describes the history of local government in Soviet Russia, its structure and its election process. The third chapter deals with the constitutional and legal provisions of local self government in Russia and its implementation. The fourth chapter evaluates the functioning of local self government and its problems and prospects. The concluding part summarises all the four chapters and gives certain suggestions by which local self government can modify its fiscal structure.

*Chapter – I*

***UNDERSTANDING LOCAL SELF GOVERNMENT:  
A THEORITICAL PERSPECTIVE***

**UNDERSTANDING LOCAL SELF GOVERNMENT:  
A THEORITICAL PERSPECTIVE**

*“All Local affairs, of common interest, shall be administered and controlled by true practical institutions of Local Self Government”*

-John Smith

*“Local self-government denotes the right and the duty of local authorities to regulate and manage public affairs under their own responsibility and in the interests of the local population. This right shall be exercised by individuals and representative bodies freely elected on a periodical basis by equal, universal suffrage and their chief executives shall be so elected or shall be appointed with the participation of the elected body.”*

-International Union of Local Authorities (IULA) Declaration 1993.

**Local Self Government: The Sine-Qua-Non Of a Democratic Political System**

The wearer knows where the shoe pinches. Similarly, local problems being local in character, scope and intensity are best tackled at the local level by local government.<sup>1</sup> Local government has been envisaged as an indispensable part of a democratic political system. It is often rightly stated that local government is major instrument of political education, training for political leadership and nursery for civic virtues.

Local government i.e., local self-government, builds democracy at the grass root level and makes for an enlightened and participative citizenry. It brings government nearer to the people, virtually to their door-step.<sup>2</sup> It makes them active participants in a way, there by, holding them responsible and accountable for the success or failure of the system.

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<sup>1</sup> Marina R. Pinto, “Towards a Charter for Local Government” *Quarterly Journal of the All India Institute of Local Self Government (AII LSG)*, vol. LVIII, no. 1, Jan-Mar, 1987, p. 432.

<sup>2</sup> *Ibid.*



Local government, in its simplest sense, is government that is specific to a particular locality, for example a village, district, town, city or countryside. More particularly, it is a form of government that has no share in sovereignty, and is thus entirely subordinate to central authority or, in a federal system, to state or regional authority.<sup>3</sup> This level of government is, in fact, universal, being found in federal and confederal systems as well as in unitary ones. However, what makes local government particularly important in unitary systems is that in most cases it is the only form of government outside the centre.

It would, nevertheless, be a mistake to assume that the constitutional subordination of local government means that it is politically irrelevant. The very ubiquity of local government reflects the fact that it is both administratively necessary and because it is 'close to the people, easily intelligible'.<sup>4</sup> Moreover, elected local politicians have a measure of democratic legitimacy that enables them to extend their formal powers and responsibilities.<sup>5</sup> This often means that central-local relationships are conducted through a process of bargaining and negotiations rather than by dictate from above. The balance between the centre and the periphery is further influenced by factors such as the political culture (particularly by established traditions of local autonomy and regional diversity) and the nature of the party system. For instance, the growing tendency for local politics to be 'politicized', in the sense that national parties have increasingly dominated local politics, has usually brought with it greater centralization.<sup>6</sup> In the absence of the kind of constitutional framework that federalism provides, the preservation of local autonomy relies to a crucial extent, on self-restraint by the centre. This tends to mean that the degree of decentralization in unitary systems varies significantly, both over time and from country to country.<sup>7</sup>

Local government builds up public awareness and civic consciousness in the citizenry at large. At the same time, it enables the sons of the soil to assume the role of leaders and in that sense, enable them to find solution for their own problems effectively. Above all, it provides a vital foundation for democracy. Thus, we have come to believe

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<sup>3</sup> Andrew Heywood, *Politics*, (New York: Palgrave, 2003), p. 166.

<sup>4</sup> *Ibid*, p. 104.

<sup>5</sup> John Stewart, *Local Government: The conditions of local choice*, INLOGOV, (University of Birmingham: George Allen & Unwin, 1983), pp. 3-4.

<sup>6</sup> Heywood, n. 3, p. 167.

<sup>7</sup> John S. Reshetan Jr., *The Soviet Polity*, (New York: Harper and Row Publishers, 1989), p. 216.

that there is a necessary connection between local government and democracy. A nexus that is firm and final.

The Worldwide Declaration of Local Self-Government considers that local government is an integral part of the national structure. It is the level of government closest to the citizen and therefore in the best position both to involve the citizens in the making of decisions concerning their living conditions and to make use of their knowledge and capabilities in the promotion of development.<sup>8</sup> It recalls the principle recognized in Article 21 of the universal declaration of human rights that the will of the people is the basis of the authority of the government. It is at the local level that the conditions can best be provided for the creation of harmonious community to which citizens feel they belong and for which they feel responsible.<sup>9</sup> The declaration emphasizes that strengthening local government strengthens the entire nation by ensuring more effective and democratic public policies. Decentralized decision-making reduces congestion at the centre and improves and speeds up government action, as it gives vitality to new institutions and increases the likelihood that services and amenities, once established will be maintained and expanded.

### **The European Charter of Local Self-Government**

The first initiative for any form of international recognition of the principles of local autonomy was taken at the first General Assembly of the council of European Municipalities in Versailles in 1953.<sup>10</sup> The “European charter of Municipal Liberties” adopted on that occasion reflected its proponents commitment to rebuilding post-war Europe on the basis of strong local institutions enjoying a high degree of democratic autonomy. It took, however, until the late 1970s for this call to be answered, with the preparation by the standing Conference of Local and Regional Authorities of Europe (CLRAE), the official representative institution for the local and regional levels of government within the council of Europe, of a draft European Charter of Local Self-Government. This text was formulated following detailed study by a representative

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<sup>8</sup> “World Wide Declaration of Local Self Government”, *Quarterly Journal of the AILSG*, vol. LIX, no. 4, April-June, 1988, p. 72.

<sup>9</sup> *Ibid*, p. 104.

<sup>10</sup> “European charter of Local Self-Government”  
<http://Conventions.Coe.Int/Treaty/EN/Treaties/Html/122.htm>

committee with the assistance of a group of experts on constitutional law, as the legal basis of a European convention, and was adopted by the CLRAE in 1981 and referred to the committee of ministers of the Council of Europe for action. Approval of the principle of such a convention was secured from the 5<sup>th</sup> conference of European Ministers responsible for Local Government in 1982, and the text proposed by the CLRAE was then referred to a committee of senior officials of the member states for detailed scrutiny. The end result of this scrutiny was the present text of the European charter, which was drawn up in its final form as a European convention and opened for signature in 1985.

Article -3 of this final convention on European Charter of Local Self- Government clearly elaborates the concept of Local Self –Government. In this article, the Local Self-Government denotes the right and abilities of local authorities within the limits of law, to regulate and manage a substantial share of public affair under their own responsibility and in the interest of local population. <sup>11</sup> This charter entered into force on 1 September 1988 upon its notification by four countries.

It had by then already been signed by 16 countries, and to date a further 18 signatures have been added. The charter has now been notified by 30 European countries, and it has been used as a major guideline by several of the countries of central and Eastern Europe, which have been admitted to membership of the Council of Europe in recent years, in their constitutions and their basic local government legislation.<sup>12</sup> . The principle of local self government is seen as such an essential component of the council of Europe’s fundamental principles of democracy, human rights and the rule of law that signature of the European charter of Local Self Government, along with the European convention on Human Rights is, henceforth, a pre-requisites for accession by new member states.

The European Charter commits the parties to applying basic rules guaranteeing the political, administrative and financial independence of local authorities. It is thus a demonstration, at European level, of the political will to give substance at all levels of territorial administration to the fundamental principles of democracy upheld by the

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<sup>11</sup>Ibid.

<sup>12</sup>“Local-Self Government in Russia”, at <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN003976.htm>.

council of Europe since its foundation in 1949. Indeed it embodies the conviction that the degree of self-government enjoyed by local authorities may be regarded as a touchstone of genuine democracy. It specifies the need for a constitutional or legal foundation for local self-government defines the concept and establishes principles governing the nature and scope of local authorities' powers. Further, articles provide for due procedures to be followed regarding boundary changes, for autonomy in relation to local authorities administrative structures and access to competent staff and for proper conditions for the holding of elective office. Further provisions aim at securing a clear legal framework for any necessary supervision of the acts of local authorities and at ensuring that they have adequate access to resources to match the tasks assigned to them, on terms which do not impair their basic autonomy. Finally, the charter covers the rights of local authorities to co-operate together, including internationally, and to form associations and provides for the right of recourse to judicial remedy for the protection of local autonomy.

### **Towards a World Charter of Local Self-Government**

This is an important and ambitious partnership project between the United Nations and the local levels of government. Its aim is nothing less than to draw up an internationally agreed, adaptable framework for the practice of local democracy, as a vital contribution to the improvement of People's living conditions in all continents and regions. This is the first United Nations conference on Human settlements. At the second United Nations conference on Human settlements- HABITAT-II held in Istanbul in June 1996, national governments committed themselves to the objective of decentralizing authority and resources. They also recognized local authorities as the closest partners of central governments and as essential in the implementation of Agenda 21 and Habitat Agenda.<sup>13</sup> The preparation of the world charter of Local Self-Government is the joint undertaking of United Nations Center for Human Settlements (UNCHS) and World Association of Cities and Local Authorities Co-ordination (WACLAC). UNCHS (Habitat) and WACLAC are united in believing that the underpinning of the recent and very welcome decentralisation and democratization trends in many countries, by the constitutional anchoring of local self government on the basis of internationally

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<sup>13</sup> Towards World Charter of Local Self-Government, at <http://www.gapc.org/u-gov/charter.html>

recognized principle, can make a contribution of crucial importance to the effective and sustainable implementation of the Habitat Agenda.

The World Assembly of Cities and Local Authorities held in Istanbul on 30-31 May 1996 on the eve of the Second United Nations Conference on Human Settlements (HABITAT II), called upon the international community to take steps “to draw up, in partnership with the representative associations of local authorities, a world wide charter of local self government setting out, for the guidance of all national governments and international agencies, the basic principles which should underlie any democratic local government system”.<sup>14</sup> It urged that the basis of this charter should reside in the principles of subsidiaries and proximity, whereby decisions should be taken at the level closest to the citizens (municipality or town) and that only those tasks which the local level can not effectively carryout alone should be referred to higher levels.

The debates at the World Assembly had focused a good deal upon the constitutional position of local authorities and their relationship with central governments in the discharge of their functions. In this context, the positive experience of the European Charter of Local Self Government, adopted by the Council of Europe in 1985 as a European convention and now signed and notified by a large majority of the council of Europe’s member states, was strongly highlighted. The need for the development of national laws and regulations that clearly specify the role and responsibilities of local authorities vis-à-vis national governments and provide or effective decentralization and local democracy, taking into account the principles of autonomy, subsidiary and proximity, was also highlighted. In this context it was suggested that the experience gained in the implementation of the European charter of local self-government could be used as a basis for developing a global charter that would set out the key principles underlying a sound constitutional or legal framework for a democratic local government system.

The preparation of a world charter of local self-government figures among the aims specified in the constitution of the World Associations Of Cities And Local Authorities Coordination (WACLAC), the structure set up by the ten international local

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<sup>14</sup> Ibid, p. 3.

government associations which had convened the World Assembly in response to the call made by that Assembly for an ongoing co-ordination to serve as the interlocutor and institutional partner of the UN and its specialized agencies WACLAC envisaged that such a charter would most effectively be drawn up in partnership with national governments through the United Nations machinery, with a view to the final text being promulgated as an official United Nation's convention.

World Charter of Local Self Government is perhaps a mark of the universality and conciseness of the European charter's provisions that there have been no moves since its adoption to alter the text, and that the charter has been signed and ratified by a significant number of countries including Eastern European transition countries which were not members of the council of Europe at the time of its drafting and so had no involvement in that process. The existence of the charter, even in the absence of formal enforcement capability, may be taken to extent a degree of moral pressure upon all European governments and it is certain that any major breach would receive extensive public attention in the CLRAE, and hence in the parliamentary assembly and the committee of Ministers of the Council of Europe and in the media. While the initial drafting of the charter was regarded by some as a somewhat theoretical exercise of limited practical relevance to the day-to-day conduct of central or local government relations, recent history has proved the position to be otherwise. Few European mayors, and probably few European governments, would now question the value of having this internationally defined standard on the statute book as a constitutional safeguard of local self-government.

The universal nature of most of the principles in the European charter was recognized by the International Union of Local Authorities (IULA) in 1985 in the adoption at its world congress in Rio de Janeiro of a world wide declaration on the principles of local self-government, the drafting of which had drawn heavily upon the European precedent. In 1993, IULA's Toronto Congress reaffirmed the text of the worldwide declaration with an updated preamble highlighting its relevance to the marked decentralization and democratization trends in many party of the world.<sup>15</sup> At the IULA world congress in Mauritius in April 1997, the experience to date with the European

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<sup>15</sup> Ibid, p. 6.

charter and the World wide Declaration was presented at a crowded plenary session intended to focus attention upon the first steps towards the world charter called for in Istanbul. The final declaration of that congress included a call to international organizations and agencies and national governments to work together with local governments and their national, regional and international associations and networks to develop and promulgate through the United Nations, a world charter of local self government and to pursue its progressive implementation in all continents through a world decade of local government (2000-2009). Prior to that, the European Section of IULA, the "Council of European Municipalities and Regions" in its conference at Thessaloniki in May 1996 just before to the World Assembly of cities and the Habitat II conference in Istanbul, requested the international community to take decisive steps towards a "World Charter of Local Self Government" and thereby help establish an effective framework for the implementation of those tasks in international plans of action which must be dealt with at the sub-national level. The formulation of a world charter which is appropriate to the diverse circumstances and levels of development of all United Nation member states is inevitably a more complex undertaking than the formulation of a regional charter. Local Self-government needs to be seen in the global context as a vital component of the development process and of the commitment to decentralization policies made by the member states in the Habitat Agenda. However, there is some risk that this cause may not be aided by the elaboration of principles, which can not in practice be applied in situations of extreme shortage of resources and infrastructure. On the other hand, the ready adoption of the European charter by many countries in transition which had played no part in its drafting and the acceptance by IULA and some other international associations of a worldwide declaration embody largely similar provisions, suggest that certain universal principles of local democracy can be validly defined and promulgated at a international level.

### **Decentralization and Local Self Government**

Decentralization means the expansion of local autonomy through transfer of powers and responsibilities away from national bodies.<sup>16</sup> For more than four decades optimistic colonial powers, newly independent countries and Western aid agencies have

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<sup>16</sup> Heywood, n. 5, p. 159.

sought to assist the governments of late developing countries to formulate, adopt and implement decentralization reforms and programmes.<sup>17</sup> This long period is marked by at least three phases of attention. In the early 1960s proponents of decentralization focused on using the intervention to assist colonies in beginning a transition to independence, achieving political equity and responding to rising element for public goods and service. The second phase in decentralization occurred from the mid- 1970s to the early 1980s. Aid agencies urged governments of both long independent and newly emerging countries to introduce decentralization reforms and programs in order to promote development objectives, such as improved management and sustainability of funded programs and projects, equitable distribution of economic growth, and facilitation of grass roots participation in development process. Finally, since the mid-1980s aid agencies have used structural adjustment condition abilities to pressure governments to adopt administrative decentralization reforms and programmes.<sup>18</sup> In part this is being done to promote the emergence of civil societies, to support the growth of democratic institutions and to respond to ethnic, religious or nationalist demands for regional self-government and greater autonomy.

### **Forms of Decentralisation**

Several different ways of classifying forms of decentralization have been promoted over the past few decades by those making a clear distinction between centralization and decentralization. What is common to these classification systems is that they recognize the need for a definition that is grounded on more than legal concerns. Six approaches to identifying forms of decentralization can be identified in the literature.

The first approach classifies forms on the basis of historical origin. A focus on history has led one specialist to assert there were four basic decentralization patterns. French, English, Soviet and Traditional. Today this system of classification is viewed as both too simplistic and analytically weak.

A second approach distinguishes the forms of decentralization by hierarchy and function. According to this view “territorial decentralization refers to the transfer of centrally produced and provided public goods and services to local level units in the

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<sup>17</sup> Stephen B. Peterson and John M. Cohen, *Administrative Decentralisation: Strategies for Developing Countries*, (West Hartford, Connecticut: Kumarian Press, 1999), p. 1.

<sup>18</sup> *Ibid*, p. 2.



government hierarchy of jurisdictions.” “Functional Decentralization” refers to the transfer of such central responsibilities to either parastatals under the control of the government or to units outside governmental control, such as NGOs or private firms.<sup>19</sup> The problem with this classification is that it is too rudimentary to facilitate clarity over design and implementation issues, such as legal basis, structural organization, division of powers or administrative, financial and budgetary procedures. Further, the emphasis on territory highlights a major misconception about decentralization that decentralization is largely focused on the process of transferring public sector tasks out of the capital city and into the hinterland.<sup>20</sup>

This spatial view of decentralization is naïve and obscures the complexities of the concept. The notion of functional decentralization is more useful, for it underlies the current view, discussed shortly, that administrative decentralization is the expansion of the array of institutions and organization carrying out collective public sector tasks and that this can happen in the capital city as well as in other urban areas and the countryside.

The third approach identifies forms of decentralization by the problem being addressed and the values of the investigations. This approach is best illustrated by the work of the Berkeley Decentralisation project, which was primarily interested in finding ways of bringing more effective development programmes and projects to the rural poor.<sup>21</sup> Given this problem the Berkeley group identified eight forms of decentralization: devolution, functional devolution, interest organization, prefectoral deconcentration, ministerial deconcentration, delegation to autonomous agencies, philanthropy and marketisation.<sup>22</sup> In formulating this set of forms, most of the Berkeley groups were not interested in addressing larger generic issues related to the concept of “decentralization”.<sup>23</sup> Rather, it focused on studying the linkages of the centre and periphery on a sector-by-sector basis. In studying these linkages it formulated an idiosyncratic set of forms that ensured, on a project by project basis, that development

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<sup>19</sup> Ibid, p. 21.

<sup>20</sup> Eghora E. Osaghae, “A Reassessment of Federalism as a Degree of Decentralisation” *Publius: The Journal of Federalism*, vol. 20, no. 1, p. 84.

<sup>21</sup> Ibid, p. 91.

<sup>22</sup> Paul Smoke, “Decentralisation in Africa: Goals, Dimensions, Myths and Challenges”, *Public Administration and Development*, vol. 23, no. 716, p. 9.

<sup>23</sup> Ibid, pp. 10-11.

interventions addressed the vulnerability of the rural poor and the threat to them by central and local elites seeking their own interests. The problem with this approach to addressing particular weaknesses of over-centralisation is that it is eclectic and dependent on the administrative, political, economic and value rationale of the analysts addressing the problem.<sup>24</sup>

A fourth approach focuses on administrative structures and functions that are responsible for the production and provision of collective goods and services. One of the first of these was presented in 1962 by the United Nations. It identified four forms of decentralisation: Local level governmental systems, partnership systems, dual systems and integrated administrative systems. The problem with this approach is that it is not analytical enough to deal with the increasing diversity of structural and functional designs that marks the last three decades.

A fifth approach takes a narrow definition of decentralization, typically based on the experience of a single country. Under this view, transferring responsibility, manpower and resources to central government field offices is not decentralization. Rather, decentralization only occurs when local level government units are: (1) established by legislation, typically in the form of a charter that gives the unit legal personality, defined as established by law with the right to sue and be sued ; (2) located within clearly demarcated jurisdictional boundaries within which there is a sense of community, consciousness, and solidarity; (3) governed by locally elected officials and representatives; (4) authorised to make and enforce local ordinances related to developed public sector tasks; (5) authorized to collect legally earmarked taxes and revenues; and (6) empowered to manage their budget, expenditure, and accounting systems, and to hire their own employees, including those responsible for security.<sup>25</sup>

The sixth approach, classifies forms of decentralization on the basis of objectives: Political, spatial, market and administrative. Then it gives specific attention to three types of administrative decentralization: deconcentration, devolution and delegation.

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<sup>24</sup> Stephen B. Peterson and John M. Cohen, "*Administrative Decentralization: Strategies for Developing Countries*", (West Hartford, Connecticut: Kumarian Press, 1999), p. 22.

<sup>25</sup> Ibid, p. 22.

Deconcentration means handing over some amount of administrative authority or responsibility to lower levels within the government ministries or agencies.<sup>26</sup>

Devolution means, creation and strengthening of sub national units of the government, activities of which are substantially outside the direct control of the central government.

Delegation means transferring responsibility for specifically defined functions to organizations that are outside the regular bureaucratic structure and are only indirectly controlled by the central government.

Deconcentration denotes “more delegation to a subordinate officer of capacity to act in the name of the superior without a real transfer of authority”<sup>27</sup> and delegation refers to “relations in which powers are formally conferred under law on an executive agency or by an administrative order to a subordinate or from one level of government to another,<sup>28</sup> where again there is no real transfer of authority. Devolution on the other hand, refers to the process of “the legal conferring of powers to discharge specified or residual functions upon a formally constituted local authority.”<sup>29</sup>

It is not infrequently, rightly comments the study team on community projects and National Extension Service (appointed by the government of India in 1957), that delegation of power is mistaken for decentralization. The former does not divest the government of the ultimate responsibility for the actions of the authority to whom power is delegated; this authority is under the control of the government and is in every way, subordinate to it. Decentralization on the other hand is a process, whereby the government divests itself completely of certain duties and responsibilities and devolves them on to some other authority. Decentralization thereby creates a corporate sense of responsibility in local decision-making agencies with more or less independent existence and powers. “It is a training in self-government. It confines the administration of powers

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<sup>26</sup> S.S. Meenakshisundaram, *Decentralisation in Developing Countries*, (New Delhi: Concept Publishing Company, 1994), p. 11.

<sup>27</sup> Leonard D. White, *Decentralisation, Encyclopedia of Social Science*. vol. 5, (New York: Macmillan, 1959), p. 5.

<sup>28</sup> Ibid, p. 6.

<sup>29</sup> Henry Madiick, *Democracy, Decentralisation and Development*, (Bombay: Asia Publishing House, 1966), p. 23.

to those who will feel most directly, the consequences of those powers.<sup>30</sup> The word “decentralization” will therefore relate to the devolution of powers resulting from the creation of bodies separated by law from the national center in which local representatives are given formal power to decide on a range of public matters.

Decentralization being the process of sharing power, especially the decision-making authority has to be a continuum from centralization to full autonomy. The continuum will constitute the phases of decentralization in a given country. The main decisions are to be made in relation to the tasks of a system or in relation to the resources to accomplish the tasks. Hence one can think of decentralization as a continuum of controls of three variables: organizational tasks, finance and human resources. Tasks of control or autonomy may relate to policy making, strategy formulation, planning, priority setting, and implementation of programme. In financial and human resources the concern of autonomy can relate to regeneration and procurement of resources, controlling and owning them and their utilization.<sup>31</sup> Ethnic and other factors which result in pluralistic society make decentralization all the more necessary if the unity and integrity of the country is to be maintained.

### **Two Virtues of Decentralisation**

So long as representative and democratic institutions, capable of supplying the local interests’ supervision and care can be created, it would not be possible to evoke local interests and excite local initiative in the field of development administration. Strictly speaking, the term decentralization does not necessarily contain any democratic connotation, hence the adjective “democratic” is used to impart a special meaning to the term. Democratic decentralization possesses two virtues: it is consistent with the democratic trend and it is also technically the most efficient method of formulation and execution of local projects. It is democratic in the sense that the source from which power is decentralized has its democratic base and the body to which power flows is also democratically organized.<sup>32</sup> Some, therefore, conclude that “democratic decentralization

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<sup>30</sup> Harold J. Laski, *A Grammar of Politics*, (London: George Allen & Unwin, 1960), p. 61.

<sup>31</sup> Udai Pareek, *Decentralisation for Effective Governance*, (Jaipur: Centre for Administrative Change, India, 1989), p. 2.

<sup>32</sup> *Ibid*, p.16.

is a political ideal and local self government is its institutional form".<sup>33</sup> As Ensminger points out, "with democratic decentralization the administrative orientation must shift quite completely from making decisions and issuing orders to helping the people make decisions through their panchayats, cooperatives and samithis".<sup>34</sup> Thus the scheme of decentralization facilitates the combination of and cooperation between the official machinery of administration and the non-official leadership and control through the mechanism of local governments.

### **Arguments in favour of Decentralization**

These are the arguments in favour of decentralisation as given by Hans F Illy

- 1 Decentralization can be a means of overcoming the severe limitations of centrally controlled national planning by delegating greater authority for development planning and management to officials who are working in the field, closer to the problems. Decentralization to regional or local levels allows officials to desegregate and tailor development plans and programmes to the needs of heterogeneous regions and groups.
- 2 Decentralization can cut through the enormous amounts of red tape and the highly structured procedures characteristic of central planning and management in developing nations that result in part from the over concentration of power, authority and resources at the centre of the government in the national capital.
- 3 By decentralizing functions and reassigning central government officials to local levels, the official knowledge about local issues and sensitivity to local problems and needs can be increased. Closer contact between government officials and the local population would allow both to obtain better information with which to formulate more realistic and effective plans or government projects and programmes.
- 4 Decentralization could also allow better political and administrative 'penetration' of national government policies into areas remote from the

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<sup>33</sup> Iqbal Narian, "The idea of Democratic Decentralisation", *Indian Journal of Political Science*, vol. XXIV, no. 2 p. 191.

<sup>34</sup> D. Ensminger, "Democratic Decentralisation –A New Administrative Challenge", *Indian Journal of Public Administration*, July-September, 1961, pp. 42-43.

national capital, where central government plans are often unknown or ignored by the rural people and are undermined by local elites, and where support for national development plan is often weak.

- 5 Decentralization might allow greater representation for various political, religious, ethnic and tribal groups in development of decision making that could lead to greater equity in the allocation of government resources and investments.
- 6 Decentralization could lead to the development of greater administrative capability among local governments and private institutions in the regions and provinces, thus expanding their capacities to takeover functions that are not usually performed well by central ministers such as maintenance of roads and infrastructure, investments in areas remote from the national capital. It could also give local officials the opportunity to develop their managerial and technical skills.
- 7 The efficiency of the central government could be increased through decentralization by relieving top management officials from routine tasks that could be more effectively performed by field staff or local officials. The time released from routine administration would refer political and administrative leaders to plan more carefully and supervise more effectively the implementation of development policies.
- 8 Decentralization can also provide a structure through which activities of various central government ministries and agencies involved in development could be co-ordinated more effectively with each other and with those of local leaders and non-governmental organizations within various regions. Regions, provinces or districts provide a convenient geographical base for co-ordinating the myriad specialized projects that many governments in the developing countries are undertaking in rural areas.
- 9 A decentralization governmental structure is needed to institutionalize participation of citizens in development planning and management. A decentralized government structure can facilitate the exchange of information about local needs and channel political demands from the local community to national ministries.

- 10 By creating alternative means of decision-making, decentralization might offset the influence or control over development by entrenched local elites, who are often unsympathetic to national development policies and insensitive to the needs of poorer groups in rural communities.
- 11 Decentralization can lead to more flexible, innovative and creative administration. Regional, provincial or district administrative units may have greater opportunities to test innovations and to experiment with new policies and programmes in selected areas, without having to justify them for the whole country. If the experiments fail, their impacts are limited to small jurisdictions, if they succeed, they can be replicated in other areas of the country.
- 12 Decentralization of development planning and management functions allows local leaders to locate service and facilities more effectively within communities to integrate isolated or logging areas into regional economies and to monitor and evaluate the implementation of development projects more effectively than can be done by central planning agencies.
- 13 Decentralization can increase political stability and national unity by giving groups in different sections of the country the ability to participate more directly in development decision-making, thereby increasing their “stake” in maintaining the political system.
- 14 By reducing diseconomies of scale inherent in the over concentration of decision making in the national capital, decentralization can increase the number of public goods and services and the efficiency with which they are delivered at lower cost.<sup>35</sup>

### **Local Government**

The United Nations division of public administration defines a local government as “a political division of a nation (or in a federal system, a state) which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or to extract labour for prescribed purposes. The governing body of such an entity is elected or

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<sup>35</sup> Hans F. Illy, “Decentralization: A World Wide Trend”, Presented at the seminar Held at Chennai (Madras) on October 14-15, 1994, p. 30.

otherwise locally selected...<sup>36</sup> this definition makes it clear that a local government is a lower level government, when compared to a national or state government, it is set up by law and has certain responsibilities, it is normally elected. Hugh Whalen makes some additions such as territory, population and legal identity, when he said “each unit of local government in any system is assumed to possess the following characteristics, a given territory and population, an institutional structure... a separate legal entity, a range of powers and functions authorized by delegation from the appropriate central or intermediate legislature and lastly within the ambit of such delegation, autonomy subject always... to be test of reasonableness”.<sup>37</sup>

Critics believe that elected local governments are a dispensable part of the democratic process, that it belongs to a specifically English political culture and that it is unreasonable to transplant it to a developing country. There are four things to be achieved in a local government through the mechanism of local participation.<sup>38</sup> First, the ordinary local citizen should feel that he is not just an inert subject of an arbitrary government for removed from him, but a person whose views must be considered since the local government belongs to him and the ruler exists for his benefit and not the other way round. Second, the choice as to who rules them should be made by the local people themselves, as they are likely to choose the one who cares for their interests. Third, the local ruler should bear in mind the need to be sensitive to the local needs and articulate their needs so that he may continue to enjoy their local support. Fourthly, the local participation should provide the momentum for faster development through the harnessing of local resources.

### **Role of Local Government**

Other than being an instrument of democratic decentralization the role of the local government are described as follows:-

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<sup>36</sup> United Nations, *Summer Conference in Local Government in Africa*, (Cambridge, 1962), p.11.

<sup>37</sup> Hugh Whalen, *Ideology, Democracy and the Foundation of Local Self Government*, (Toronto: Methuen, 1970), p. 312.

<sup>38</sup> S. S. Meenakshisundaram, *Decentralisation in Developing Countries*, (New Delhi: Concept Publishing Company, 1994), p. 15.



Firstly, a local government can be an effective weapon for channeling local pressures, articulating and aggregating local interests, which may not necessarily coincide with the ideas of central governments. It can thus provide a forum for political education not only for the party leadership but also for the general population, who would be able to appreciate the utility of this basic level of government.

Secondly, a local government, because of its closeness to a location, can provide certain services far more efficiently than the central government. This, of course, presupposes the superior capacity of local people to understand and conduct their local affairs.

Thirdly, a local government with its superior local knowledge can plan for its social, economic and manpower betterment for more efficiently than a national government.

Fourthly, local government can ensure better accountability of public officials to the citizens, because of its nearness to the people.

Finally, local government, by virtue of its position, can be an effective communication channel between the centre and people, which can in a way, ensure the effectiveness of the central government's actions as well.

In addition, a local government can also perform two indirect functions. Firstly, it can prevent the emergence of alternative power centers, at the local level, that are usually not subjected to the influence and authority of the state. Secondly, it can be used to decongest the government at higher level, thereby freeing national or provincial leaders from necessary involvement in local issues. At this stage it must be re-emphasized that a decentralized government is, however, a semi-dependent organization.<sup>39</sup> It has some freedom to act without referring to the centre for approval, but its status is not comparable with that of a sovereign state. But the value of this semi-dependent political body is that it provides an opportunity and a channel for a government to hold the dialogue with the masses- to influence them and to get the feedback from them.

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<sup>39</sup> S. S. Meenakshisundaram, *Decentralisation in Developing Countries*, (New Delhi: Concept Publishing Company, 1994), p.17.

## Systems of Local Self Government

### A) American Local Self Government

The American constitution provides for a federal state with division of powers between the national (federal) and the state governments. Local government is a state subject. Each state has established its own system of local government depending upon history, experience and conditions. Hence the nomenclature, organization and functions of the units of local government in USA differ from state to state. In other words heterogeneity is the characteristic feature of the American system of local government.<sup>40</sup> Another such feature is a high degree of autonomy enjoyed by the units. In fact there are more autonomous than the British units of local government.

At present, the USA has the following units of local government

- i. County
- ii. City (Municipality)
- iii. Town and the Township
- iv. Special District

**County** - A county is territorially the largest unit of local government in the USA. The counties serve as agencies of the state government. They are administrative division of the state as well as the units of local government. The organization, powers and functions of these counties differ from state to state and in some states county to county.

**City** - A city is a unit of urban local self-government and is incorporated as a municipality. It can be compared to British Borough. It has a charter that is fundamental law which defines its organization, power and functions. The charter is granted to a city by the state legislature either under a special act or under general laws.

**Town and Township** - Town and township are the subdivisions of counties. They are principal units of local government in rural and semi-urban areas. The governing body of the town is known as the town meeting, which consists of all the eligible voters of the town. It generally meets once a year and elects board of chosen men and other official

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<sup>40</sup> K.R. Bombwall, *Major Contemporary Constitutional System*, (Ambala Cantt: Modern Publications, 2000), pp. 308-311.

functionaries to carryout the local administration. It is in these towns that 'direct democracy' in operation can be seen.

**Special District** - Special district is a unit of local government which is established to provide one particular service. This device provides a specialized machinery to carry a specified functions and permits a high degree of flexibility in local government such districts cut across the jurisdiction of the regular units of local government-county, city, town and so on. They exist throughout the country covering both rural and urban areas.<sup>41</sup>

## B) British Local Government

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The British constitution provides for a unitary state. Hence all the powers of the government are vested in the single supreme central government. It can create or abolish the units of local governments for administrative convenience. These units of the local government derive their authority from the central government. The statutes of the British parliament<sup>42</sup> are the major source of authority; the other sources being the common-law of England and the judicial interpretations. The present system of local government in England was established in 1974 by the local government Act, 1972. The Act has created two -tier system for the metropolitan areas (conurbations) and three-tier system for the remainder (mixed urban and rural areas). The conurbations are divided into six metropolitan counties. Each metropolitan county is divided into metropolitan districts and their number is thirty-six in all. Similarly, the mixed urban and rural areas (rest of England) are divided into thirty-nine non-metropolitan counties. Each non-metropolitan county is divided into non-metropolitan districts and their member is 296 in all. Further, each metropolitan district is divided into parishes or towns. There is no difference between parishes and towns except that the chairman of towns is called as Mayors.

The system of local government in and around London has always differed from other part of England. The London Government Act of 1963 established the present structures in 1965. Under the Act, Greater London became for the first time a clearly

<sup>41</sup> Vishnoo Bhagwan and Vidya Bhushan, *World Constitution*, (New Delhi: Sterling Publisher, 2001), p. 274.

<sup>42</sup> K.R. Bombwall, *Major Contemporary Constitutional System*, (Ambala Cantt: Modern Publications, 2000), pp. 140-144.

defined local government area.<sup>43</sup> Within this area lies the thirty two London Boroughs and the city of London. The corporation of the city of London acts through three courts, namely the court of common council, the court of aldermen, and the court of common hall. However, the court of common council is the real governing body and enjoys both legislative as well as executive powers.

### **C) French Local Government**

The French constitution provides for a unitary state. Hence all the powers of the government are vested in the supreme central government. It can create or abolish the units of local government or administrative convenience. The units of local government derive their authority from the central government. The most important feature of the local government is its high degree of centralization. In France, everything is centralized and local government units are controlled by the central government through the minister of interior, who is the final authority in this regard. Thus, the local government is neither autonomous nor self-governing. In fact, it is only local administration, not local self government. The units of local government are the agencies of central government for the purpose of local administration. Another feature of the local government is its rigid uniformity in two aspects-organizational pattern, and powers and functions. Throughout France, we find the same elective council, the same prefect, sub prefects and mayors, the same laws and police, the same school system and education.

At present, France has four types of local government units. They are:

- i) Department
- ii) Arrondissement
- iii) Canton
- iv) Commune

For the purpose of local government, the whole area of France is first divided into a number of departments. Each department is further sub-divided into a number of arrondissements. Each arrondissement is again sub-divided into a number of cantons. Each canton is finally subdivided into communes. The arrondissements and cantons are created

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<sup>43</sup> Vishnoo Bhagwan and Vidya Bhushan, *World Constitution*, (New Delhi: Sterling Publisher, 2001), pp. 121-130.

only for administrative convinces and hence are not the real units of local government. Therefore only departments and communes are the two real units of local government.<sup>44</sup>

#### **D) Japanese Local Government**

The organization, powers and functions of the local government institutions in Japan are determined by the constitution and the local autonomy law, enacted by the Diet in 1947. The Japanese constitution, though it retains the unitary system, prominently introduced the principle of local autonomy and grants extensive rights of self government to the local institutions. It makes the following provisions in this regard:

- (i) The regulations concerning organization and operations of local bodies shall be fixed by law in accordance with the principle of local autonomy.
- (ii) The local bodies shall establish assemblies as their deliberative organs.
- (iii) The chief executive officers of all local bodies, the members of their assemblies and such other local officials as determined by law shall be elected by direct popular vote within their several communities.
- (iv) Local bodies shall have the right to manage their property, affairs and administration and to make their own regulations within the law.
- (v) A special law applicable only to one local body can not be enacted by the Diet without the consent of the majority of the voters of the local area concerned.<sup>45</sup>

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<sup>44</sup> Emmanuel Negrier, "Changing Role of French Local Government", at [http://www.findarticles.com/p/articles/mi\\_hb3586/is\\_199910/ai\\_n8536317](http://www.findarticles.com/p/articles/mi_hb3586/is_199910/ai_n8536317)

<sup>45</sup> Ferrel Heady, *Public Administration: A Comparative Study*, (New York: Marcel Dekker, 1979), pp. 213-223.

*Chapter – II*

***THE HISTORY OF LOCAL- GOVERNMENT IN  
SOVIET RUSSIA***

## THE HISTORY OF LOCAL- GOVERNMENT IN SOVIET RUSSIA

If we analyse the history of pre-revolutionary imperial Russia we find that its political culture can be summarized in three words: autocracy, orthodoxy and nationality.<sup>1</sup> Of course, the autocracy was the keystone. The right to make decisions for all the Russian people was invested in the Tsar. The Tsar was accountable to no one. The orthodox clergy, whose mediation of the official faith was stressed, maintained that ethics and values were wholly consonant with those of the autocracy. They affirmed the Tsar's absolute authority, which came from God rather than from the consent of the governed. The Tsar's relationship to his people was patriarchal. He behaved like a wise and benevolent father who made decisions for his large family and household. The perception of politics, notions of popular participation in governance were no less fanciful than the suggestion that small children be allowed to run the household; the alternative to autocracy was anarchy.<sup>2</sup>

The Soviet system of local government is portrayed as a re-incarnation of Tsarist Russia with Stalin as the unlimited autocrat and Marxist ideology as his orthodoxy. There are shades of opinion. One view holds that in the absence of any democratic experiences, Russian national character became highly authoritarian, political choices were limited to obedience or violent revolt. Given their psychological predisposition for a strong leader whose authority was unlimited, failure to develop institutions of popular participation in government was all but inevitable.<sup>3</sup> A more optimistic view denies that Russians are incapable of self-government or that the transition from Tsarist autocracy to Stalinist dictatorship was inevitable. Without minimizing the importance of Russian political traditions to the evolution of Bolshevism, the emergence of parliamentary forms of government in the late nineteenth and early twentieth centuries provided a viable historical alternative, but one that was lost when the Bolsheviks took power.<sup>4</sup> Finally

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<sup>1</sup> Nicholas Riasanovsky, *A History of Russia*, 4<sup>th</sup> ed. (New York: Oxford University Press, 1984), p. 324.

<sup>2</sup> Jeffrey W. Hahn, *Soviet Grassroots*, (London: I.B. Tauris & Co. Ltd., 1988), p. 45.

<sup>3</sup> Nicholas Berdaiev, *The Origin of Russian Communism* (London: Geoffrey Bless, 1937), p. 194.

<sup>4</sup> Neil Weissman, *Reform in Tsarist Russia* (New Brunswick: Rutgers University Press, 1981), pp. 167-712.

although many political scientists maintain that Russia under the Tsars was an authoritarian system, to be distinguished from the totalitarian character of modern Russia, they too emphasise that the contemporary relevance of autocratic traditions, adding only that twentieth century technology had enhanced the degree to which Soviet Tsars could control their subjects.<sup>5</sup> Stephen White concludes in his more behaviourally oriented analysis of Soviet & Tsarist political systems that “an emphasis upon continuity rather than change in Soviet political culture would not appear to be misplaced.”<sup>6</sup>

### **Before the Revolution**

The dominant values of pre-revolutionary Russian political culture were antithetical to the development of the institutions and practices of participatory government. Simultaneously it can not be denied that the elements of participatory government were wholly absent in Russian history. In identifying these institutions and practices, it is helpful to adopt, the image of “two Russia”: the “official” Russia of the nobility and the gentry, whose political consciousness was exposed to concerns of national policy, and the “popular” Russia of the peasant whose political life was limited to village.<sup>7</sup> Because historical experience appears to be relevant to the formation of political attitudes and orientations, any assessment of the problems and possibilities for development of participation in local government in the modern period would be incomplete without reference to the practices that existed in the pre-revolutionary period.

### **Local Self-Government in “Official Russia”**

The earliest known institution of local self government in Russian history is the *veche*. As it existed in Kievan Russia of the eleventh and twelfth centuries, the *veche* was a crude form of direct democracy in which the heads of households gathered as an assembly, usually in the marketplace, to decide issue of war and peace and even conflict between princes as well as local concerns. The *veche* preceded the establishment of rule by the prince in the Kievan Russia, and the latter were obliged to take into account

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<sup>5</sup> Merle Fainsod, “Review” in E.J. Simmons, ed., *Continuity and Change in Russian and Soviet thoughts*, (Cambridge: Harvard University Press, 1955), p. 179.

<sup>6</sup> Stephen White, *Political Culture and Soviet Politics*, (New York: St. Martins Press, 1979), pp. 167-68.

<sup>7</sup> Robert Tacker, “The Concept of Two Russia and Dual Russia”, *The Soviet Political Mind*, (New York: W.W. Norton, 1971), Chapt. 6, p.122.



local opinion as expressed in these early towns. With the Tsar invasions of the thirteen century, they achieved their most refined expression in the northern Russian city state of Novgorod and Pskov in the fourteenth and fifteenth centuries. Here the members of the *veche* invited and dismissed princes, elected executive officials (the *posadniki* and *tysiatskii*), even bishops, and acted authoritatively on all matters of importance to the community. Only the expansion of the Muscovite autocracy under Ivan III brought these practices to an end in Novgorod and Pskov.<sup>8</sup>

Even with the establishment of Muscovite state, traditions of popular participation in decision making did not entirely disappear. While in no way restricting the sovereign's ultimate authority, these traditions were manifest in three ways. First there was the *boyar дума*, a council of the nobility ranging in number from 30 to perhaps 200. While only an advisory body the *duma* met frequently and dealt with virtually all matters of state business. Nicholas Riasanovsky suggests that the Muscovite formula to the effect that "the sovereign directed and the boyars assented resembles the activity of the royal councils of Europe".<sup>9</sup> The institution of *Zemskii Sobor* bears an even more intriguing resemblance to western parliamentary institutions. The *Sobori* were assemblies called by the Tsar. In attendance were perhaps, 200 to 500 representatives of the three estates, and the clergy. Townspeople and even peasants also took part in the deliberations. The most famous *sobor* resulted in the election of the first Romanov Tsar in 1613. Like the *boyar дума*, the *sobory* were advisory, and implementation of their decisions depended on the willingness of the Tsar to give them effect. Nonetheless, the issues they dealt with were significant and their influence cannot be discounted. Finally local self-government was officially encouraged in this period, in some cases including the elections of local town administrations. Legislation to this effect was adopted by Ivan IV in 1555 in an effort to use popular participation in local affairs as a check on corrupt officials pointed by an overgrowing Moscow bureaucracy.

The imperial age of Russia, which began with the accession of Peter the Great in 1689, witnessed the introduction of precedent shattering changes in many aspects of Russian life. Ironically, however, for a ruler committed to westernization, these included

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<sup>8</sup> N. Riasanovsky, n. 1, pp. 50-52.

<sup>9</sup> *Ibid*, p. 189.

a retreat from the tenuous traditions of self government that had preceded him. The *boyar дума* and *Zemskii sobor* ceased functioning; efforts to stimulate local participation in government remained stillborn. The objective of the reform in local government which did take place under Peter I and Catherine II was not the development of popular participation in government, but expansion of the central authority's control over local affairs, especially in collection of taxes. Whatever "participation" in local government did exist was exclusively the province of the gentry, who accounted for about 1.5% of the population. The overwhelming majority of Russians had been serfs for more than one hundred years and would remain so until 1861.

If the emancipation of the serfs was the signal reform of Alexander II's reign, the establishment of the *Zemstva* in 1864 followed it in importance. This represented the most ambitious experiment in local self-government in pre-Revolutionary Russian history. The basic unit of the *Zemstvo* was the district (*uezd*) assembly, which met annually. It was comprised of perhaps forty representatives elected for three year terms from the three classes of the local population: peasants, townspeople, and gentry. Each district assembly in the thirty-four provinces where *Zemstva* were created 'elected members to a provincial (*guberniia*) assembly, also for 3 year term. At their annual meetings these assemblies elected executive officers who managed the administrative affairs of the *Zemstvo*. These included a variety of basic municipal services, including roads, medicine, education and famine relief.

It is tempting to see in the *Zemstava* a major step toward the transformation of Russian autocracy into a constitutional democracy. Indeed, those who designated the system clearly did so with reference to the theories of democratic liberalism that prevailed in Europe in the nineteenth century.<sup>10</sup> In reality, the *Zemstva* as institutions of self-government were flawed, perhaps fatally. According to the authors of a recent book on this subject, the notion, that the *Zemstva* would promote the kind of social integration upon which a stable democratic polity could be based was a "liberal myth".<sup>11</sup> In the first

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<sup>10</sup> Fredrick S. Starr, *Decentralization and Self Government in Russia 1830-70* (Princeton: Princeton University Press, 1972), Chapt. 2.

<sup>11</sup> Terence Emmons and Wayne Vucinich, *The Zemstvo in Russia: An Experiment in Local-Self Government*, (New York: Cambridge University Press, 1982), p.434.

place, the *Zemstvo* reforms were accepted primarily because of their usefulness to the central authorities; promotion of popular participation in local government was at best a secondary purpose.<sup>12</sup>

In addition, the system of proportional representation by which seats in the assemblies were allotted was based on land ownerships. This ensured control by the gentry, whose decisions naturally reflected their own interests. It is hardly surprising that the peasants, although indirectly enfranchised to elect about one-third of the district representatives, took little interests in *Zemstva* affairs, correctly perceiving these as organs to preserve a status quo that was unfavorable to them. As William Rosenberg points out, for the peasants “the *Zemstva* symbolized reaction, not progress”.<sup>13</sup> Finally, there was the unequal relationship between the *Zemstva* and central bureaucracy. The chief administrative officer in the provinces was the governor, who along with heads of other key departments, notably, the police, was answerable to the center, not the *Zemstvo*. Thus, the central bureaucracy could and did, interference, at its discretion, in the affairs of the *Zemstvo*. The latter could do little but appeal. Matters worsened with the legislation in 1890 that established a system of land captain (*Zemskie nachalniki*) who had broad authority in the local districts and especially in the peasant *volosts*.

Yet if the *Zemstvo* reforms did not succeed in establishing the principles and practices of local self-government, neither can they be said to have been without any effect at all. They accomplished much in the provision of municipal services and served, perhaps inadvertently, to disseminate liberal and radical ideas, though to what extent is unclear.<sup>14</sup> In trying to draw conclusions about Russian political culture prior to the revolutions of 1905 and 1917, it seems clear that popular participation in state politics—that is, in the politics of “official” Russia was poorly developed, the political orientations of Russians were predominantly “subject” orientations. They had little if any, say in the decisions from above that affected their lives. Nevertheless, it is not accurate to conclude

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<sup>12</sup> Ibid, p.432.

<sup>13</sup> William Rosenberg, “The *Zemstvo* in 1917 and its fate under the Bolshevik Rule”, in Terence Emmons and Wayne Vucinich, *The Zemstvo in Russia: An Experiment in Local-Self Government*, (New York: Cambridge University Press, 1982), p. 402.

<sup>14</sup> Terence Emmons, *The Zemstvo in Historical Perspective*, (New York: Cambridge University Press, 1985), pp. 440-441.

that there were no traditions of self government. Institutions embodying such traditions did exist and they functioned, however imperfectly from *Veche* to *Zemstvo*.

### Politics in Village

From the beginning there was a second Russian society, separate and parallel yet intimately connected to the first. This was the Russia of the peasant. In trying to comprehend the development of Russian political culture, it is essential to maintain a demographic perspective. Until Stalin's forced industrialization, peasants accounted for at least 85 percent of the population. Equally important is to understand the political consciousness of the peasants in the psychological distance that separated them from the political life of "Official" Russia. While certainly aware of the autocracy and hardly untouched by the central bureaucracy that was operated by it, these institutions were of secondary importance in the daily affairs of the village. A peasant proverb neatly captures the greater immediacy of village governance for the peasant: "the whip of the village elder is felt more than scepter of Tsar".<sup>15</sup>

While the origins of the peasant commune (*mir* or *obshchina*) have been the subject of considerable controversy, contemporary opinion holds that after 1600 an important transaction in communal life took place with the development of the repartitioned commune system. This development was accompanied by the merging of individual households and small hamlets into larger villages, chiefly for the convenience of the state and the land lord, who found it easier to deal with a village representative than with the peasants individually.<sup>16</sup> It is not coincidental that these changes occurred at the time of expanding seigniorial control over the peasants and were accelerated by the onset of serfdom.

On the eve of the emancipation of the serfs in the 1861, the village had become established as the framework for peasant social and political life. Nearly 80 percent of the peasants of central Russia lived in rural villages comprising of six or more households.<sup>17</sup> Decisions affecting the life of the village and especially those regarding taxes and the periodic redistribution of communal land, were made by the heads of households at a

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<sup>15</sup> Jeffrey W. Hahn, n. 2, p. 53.

<sup>16</sup> Richard Pipes, *Russia Under the Old Regime*, (New York: Charles Scriber's Sons, 1974), pp. 17-19.

<sup>17</sup> Blum Jerome, *Lord and Peasant in Russia*, (Princeton: Princeton University Press, 1961), p. 505.

meeting (*Skhod*) open to all. Normally the head was male, but women also participated and could vote as proxies. Voting was by a simple majority- or by two thirds if the issue was of sufficient importance. At the meeting a village elder (*starosta*) would be elected, perhaps with other officers. Several smaller settlements or one larger one would be referred to as a *volost*, but the *volost* council was always elected, directly or indirectly, depending on size. This basic organization of political life in villages seems to have been widespread, despite regional variation.<sup>18</sup>

It is tempting to romanticize the participatory character of village political life. In the first place, given the general absence of literacy and a certain tendency to alcoholic over indulgence, the assemblies must often have been unruly and chaotic affairs. Even where order and sobriety prevailed the villages exercised their authority only at the sufferance of the land lord and, after emancipation, of the state with its intrusive bureaucracy and system of land captains. Village decisions found unsuitable by either were overridden, no matter how much they reflected popular sentiment. But this practice seems to have been the exception. As long as taxes were paid and no crimes were committed both landlord and state apparently preferred to leave local affairs to the peasant themselves.<sup>19</sup> Physical and psychological distance from “Official Russia” paradoxically served to nurture institutions and practices of local self-government among the peasants that were almost unknown among the higher classes. While the principles of autocracy dominated the pre-Revolutionary political culture of “Official Russia” the overwhelming majority of Russians engaged in what Stephen White refers to as “the rich and democratic community life” of the village.<sup>20</sup>

### **The Emergence of the Local Soviet: 1905 - 1917**

The word “Soviet” in Russian means advice, or counsel, only in the twentieth century it took a second meaning: a council as an institution of government comprised of elected representatives. The absence of such usage before 1905 indicates that these institutions lack roots in the political traditions of either the village or the autocracy but

<sup>18</sup> Michael J. Hittle, *The Service city: State and Townspeople in Russia, 1600-1800*, (Cambridge: Harvard University Press, 1979), pp. 46-57, 129,131.

<sup>19</sup> Blum Jerome, n. 17, p. 524.

<sup>20</sup> Stephen White, n. 6, p. 35.

are sui generis in Russian history. In fact, the first use of the word "Soviet" in its second meaning of a council, referred not to institutions of government but to committees of factory workers chosen by their peers to negotiate with their employers and with the state during the strikes around the end of the nineteenth century during Russia's period of nascent industrialization. Such committees would arise on an adhoc basis, often at the request of management, perform their function of communicating worker grievances and then be disbanded, not infrequently, with the dismissal from work of those workers who took part.<sup>21</sup>

The idea of the Soviet as a quasi-permanent body with a political character emerged at the time of the Revolution of 1905. The first of local bodies is generally considered to have appeared in May 1905 in the textile center of Ivanovo-voz-nesensk in Vladimir province, about 200 miles northeast of Moscow. Particularly bad living and working conditions prevailed in these factories, and on May 12 a strike that quickly spread to include 40,000 workers began. More than one hundred deputies (often called *starosti*, or elders) were elected at individual factories and on May 15 they constituted, the Ivanovo-Voznesensk authorized council (*Soviet Upolnomochennykh*). They in turn elected a presidium to negotiate not only for improved economic conditions but also for political rights. During the course of the strike, the conduct of local affairs often required the participation or at least acquiescence of the Soviet, while perhaps, one fourth of the deputies were social democrats, and the Soviet was not affiliated with any one political party.<sup>22</sup> Although the Soviet was disbanded on July 18 on its own authority and achieved little in practical results, the former deputies continued to speak for the workers and the idea of the local Soviet attracted attention in other parts of the country.

The idea of electing workers representatives was not unknown elsewhere in Russia. The General Strike, which came to head in St. Petersburg, served as a catalyst for the creation of the council of worker's deputies which first met in October 13, 1905. Originally consisting of 30 to 40 deputies elected on a ratio of one deputy per 500 workers, the St. Petersburg Soviet grew in a few days to 226 representatives from 96

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<sup>21</sup> Oskar Anweiler, *The Soviets: The Russian workers, Peasants and Soldiers, councils 1905-21*, (New York: Pantheon Books, 1974), pp. 1-24.

<sup>22</sup> Harcave Sidney, *First Blood: The Russian Revolution of 1905*, (New York: Macmillan, 1964), pp. 152-155.

factories and 5 unions. An executive committee was elected in which the chairman and vice-chairman were Mensheviks and another vice chairman was a Social Revolutionary.<sup>23</sup> The Soviet was the axis of all events; every thread ran towards it, every call to action emanated from it.<sup>24</sup>

A detailed description of the development of the Petrograd Soviet from its inception to the October Revolution is beyond the scope of the present work.<sup>25</sup> The development of the Petrograd Soviet as a popular body in whose name a smaller group of leaders made effective decisions facilitated its takeover by the Bolsheviks in September. At first, however, Bolshevik representation was weak. In March 1917, the total number of deputies reached an unwieldy 3000 of which two thirds were soldiers. The Bolsheviks accounted for only 40 of these. The 42 members executive committee of the Petrograd Soviet, which was technically accountable to its working class membership but included only 7 workers, made decisions that were ratified at sessions of the whole. Only two members, Stalin and Kamenev were Bolsheviks. While Lenin's party fared better in the borough Soviets in Petrograd and in the local *Zemstva*, which had been given control of the municipal Dumas by the provisional government, Mensheviks and Social Revolutionaries clearly dominated the Soviet movement in Russia.<sup>26</sup> Lenin's commitment in the "April Theses" about the Soviets as the only possible form of revolutionary government", and his slogan "All power to the Soviets," seem paradoxical in light of Bolshevik weakness in these organs.<sup>27</sup>

### **The Development of Local Soviet after the Revolution**

Lenin's approach to the local Soviets in 1917 was primarily tactical; they were means to an end rather than the end itself. But when the Revolutionary end was secured and the question of how to govern came to the fore, the Soviets were projected by Lenin as the incarnations of Marxist democracy.

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<sup>23</sup> Ibid, p. 188.

<sup>24</sup> Leon Trotsky, *1905 Trans Arya Bostock*, (New York: Random House, 1971), p. 104.

<sup>25</sup> Oskar Anweiler, n. 21, pp. 97-207.

<sup>26</sup> Hough and Fainsod, *How the Soviet Union is Governed*, (Cambridge: Harvard University Press, 1979), p. 51.

<sup>27</sup> V. I. Lenin, *Collected Works*, (Moscow: English trans. By Progress Publishers by the Institute of Marxism, Leninism, 1977), vol. 24, p. 23.

Lenin drew heavily on Karl Marx's description of the Paris Commune of 1871 in the *Civil War in France*, which was perhaps the clearest expression of Marx's views on governing a communist society, a society in which the state was to become extinct. According to Marx, communal government would consist of elected representatives of the working class, subject to recall. There would be no separation of executive and legislative functions apparently to ensure that those who passed laws would also be responsible for carrying them out. Public service would be remunerated at "Workmen's wages" to avoid the development of a class of professional politicians. All the municipal functions formerly undertaken by the state would now be run by the citizens themselves through their councilors. The Paris Commune was to have been prototypical for all France, with local affairs being decided by local communes while those "few but important functions which would still remain for a central government" would be conducted by instructed delegates sent from district assemblies. The standing army and the police were to be abolished; order would be preserved by local militia and the natural comradeship of the working class.<sup>28</sup>

Lenin's efforts to draw parallels between the communes and the Soviets are apparent as early as 1908<sup>29</sup>, but the conception of the Soviets as organs of state power modeled on the communes was not clearly elucidated until after the provisional government was established.<sup>30</sup> The most comprehensive expression of Lenin's views on the state is in *State and Revolution* where he provides the fullest theoretical definition of the state as the dictatorship of the proletariat. Much of the treatise is an attempt to associate the Paris Commune with this conception, seeing in it "the first attempt by a proletarian, revolution to smash the bourgeois state machine; it is the political form by which the state machines must be replaced".<sup>31</sup> It was not until after the Bolsheviks gained control of the Soviets in September than Lenin resurrected them from the "purgatory" of

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<sup>28</sup> Karl Marx, *The Civil war in France*, as trans. By Progress Publishers in Karl Marx and Friedrich Engels, on the Paris Commune, (Moscow: Progress Publishers, 1971), pp. 71-72.

<sup>29</sup> V. I. Lenin, *Lessons of the Commune* (March, 23, 1908) in *Collected Works*, (Moscow: Progress, 1972), vol. 13, p. 478.

<sup>30</sup> V. I. Lenin, *Letters from A far* (March 24, 1917) in *Collected Works*, (Moscow: Progress, 1929), vol. 23, p. 325.

<sup>31</sup> V. I. Lenin, "State and Revolution" in *Collected Works*, (Moscow: Progress), vol. 25, p. 440.



Menshevik and Social Revolutionary leadership and again identified them as “the new state apparatus” explicitly modeled on the experience of the Paris Commune.<sup>32</sup>

The evolution of Lenin’s thinking on the Soviets has significance for understanding the conception of the state in contemporary socialist societies. Neil Harding argues persuasively that two mutually exclusive conceptions of government were contending in Marxist thought on the state: the ideal of the commune, with its emphasis on proletarian self-rule and direct democracy, and the dictatorship of proletariat, with its reliance on coercion to repress class opposition. Harding believes that at least until April 1918 Lenin continued to favor the evolution of the Soviets into proletarian instruments of self government in which locally accountable worker- citizens would run their own affairs- a sort of government by amateurs. But the crises faced by the Bolsheviks during the period of the civil war forced Lenin to rely on the other Marxian theoretical construct of the state as a dictatorship, albeit one acting in the interests of the working class.<sup>33</sup> A contrary view holds that Lenin was never interested in the Soviets as instruments of self-government, but always viewed them simply as a means to make revolution and supported them only when they acted according to the directions of the party.<sup>34</sup> The absence of references to the Soviets in *State and Revolution* and the contemptuous repudiation of democratic “forms of government” in the *Proletarian Revolution* and the *Renegade Kautsky*, written in October 1918, support this.<sup>35</sup>

Any Soviet scholar seeking doctrinal legitimization of their efforts to resurrect the Soviets as institutions for popular participation in government will find ample ammunition in the writings of both Marx and Lenin. The communal model as a political archetype of the kind of government that would emerge in communist society after the coercive apparatus of the state was no longer needed persists in the theoretical

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<sup>32</sup> V. I. Lenin, “*Can the Bolsheviks Retain State Power*”, October 14, 1917, in *Collected Works*, (Moscow: Progress), vol. 26, pp. 101-104.

<sup>33</sup> Neil Harding, “Socialism, Society and the Organic Labour State”, in Neil Harding, ed., *The State in Socialist Society* (London: Macmillan, 1984), pp. 30-31.

<sup>34</sup> Oskar Anweiler, *The Soviets*, Translated From The German Edition of 1958, (New York: Pantheon Books, 1974), pp. 161-165.

<sup>35</sup> V.I. Lenin, *Collected Works*, (Moscow: Progress, 1929), vol. 28, pp. 231-242.

formulation articulated by Lenin after the October Revolution. It was even incorporated into the 1919 programme of the All Russian Communist Party (the Bolsheviks).<sup>36</sup>

Emphasis on direct participation of workers in the running of their own affairs is echoed in the Soviet writing on the Soviets.<sup>37</sup> Much of the language and spirit of this communal model also found its way into the legislation on the Soviets adopted since 1967.<sup>38</sup> In some of this writing, the dictatorship of the proletariat is presented as a necessary but temporary form of the state justified by the exigencies of civil war and the abnormal circumstances of rapid industrialization. In normal times, it is amplified a return to some version of direct worker participation found in early Bolshevik theory would become possible.<sup>39</sup>

Instead of moving toward direct democracy the state moved quickly in the direction of even greater centralisation. Any local autonomy that did exist was by default, not design, and even that disappeared with the onset of industrialization. It was one thing to declare at the Second All Russian Congress of Soviets on October 25, 1917, "All power henceforth belongs to the Soviets" and quite another to erect a government.

The structure of government that emerged initially was minimal and readily adaptable; real power rested with the party from the outset. Nationally, decisions were made by the council of people's commissars chaired by Lenin and nominally responsible to the Congress of Soviets and its central committee. Local government was handed over to the Soviets of workers, soldiers, peasants and farm labourer's deputies by means of a circular form of commissariat of internal affairs issued on January 4, 1918, which simultaneously terminated the authority of the *Zemstvo* organs that preceded them. The commissariat's instructions were less than a page in length. Local, organs decided local matters, they carried out the decrees and decisions of the central power and they elected an executive committee from among their members to do this.<sup>40</sup>

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<sup>36</sup> V.I. Lenin, *Collected Works*, (Moscow: Progress, 1929), vol. 29, p. 109.

<sup>37</sup> Jeffrey W. Hahn, n. 2, p. 62.

<sup>38</sup> *Ibid*, p. 62.

<sup>39</sup> *Ibid*, p. 63.

<sup>40</sup> M. Jacob Everett, ed., *Soviet Local Politics and Government*, (London: George Allen & Unwin, 1983), pp. 21-22.

Not until the constitution of July 10, 1918 did the principles of government by the Soviets receive institutional expression. Here however the legal requirements were quite specific. In towns local Soviets of between 50 and 1000 deputies were elected at a ratio of one per 1,000 inhabitants. Village Soviets numbered between 3 and 50 deputies, with one deputy for every 100 citizens. The town Soviets was to meet once a week, the village twice. An executive committee (*Ispolkom*) of upto 5 villagers, or 3 to 15 townspeople, would be elected from the membership to conduct current business. Election to Soviets at higher administrative levels (*volost*, *Uezd*, *gubernia*, and *oblast*) were indirect, the deputies being chosen by the executive committee of the subordinate unit. At the summit was the All Russian Congress of Soviets. While the constitution specified local control over local questions, central control was ensured both by the constitution and by the principle of democratic centralism.<sup>41</sup>

In fact two realities determined the character of the local Soviets in their formative years : The extension of party control over the organs of government, and the weakness of the Soviets outside the major cities. With respect to the first, it should be remembered that in their origins the Soviets were independent of any single party control. Their membership was comprised of individuals with varying party affiliations or frequently, none at all. Following the dismissal of the Constituent Assembly on January 19, 1918, all pretensions that the Soviets could act independently of the will of the Bolshevik party were eliminated. If the party was the vanguard of the proletariat, then in Lenin's words "the Soviets are the Russian form of the dictatorship of the proletariat".<sup>42</sup> Party control over the Soviets was ensured not only by the steady abolition of opposition parties but also by the erection in the summer of 1918 of an organizational structure which parallel that of the Soviets at every level from the center to the periphery.

The second reality to recognize about the early development of the Soviets is that the organization of the political life of villages, where most Russians lived, bore little resemblance to that prescribed by the constitution. The village becomes completely independent. Hardly anything is known in the countryside of Soviet systems, actions, or aims. The harnessing of the local Soviets to the tasks of industrialization and

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<sup>41</sup> Ibid, p. 34.

<sup>42</sup> V. I. Lenin, "The Proletarian Revolution and Renegade Kautsky" in *Collected Works*, (Moscow: Progress, 1929), vol. 28, p. 257.

collectivization in the 1920 and early 1930s did not so much change their character as subordinate them to control from the center. This was the result not only of economic necessity; political reasons also played a role.

It is tempting to dismiss the 1936 constitution as one of the history's great conceits. In the face of the eradication of perhaps 3 million kulaks (private peasant farmers) and at the height of the great purges, it was declared that class conflict had been ended in the Soviet Union and that the basis of socialism had been achieved. With respect to the local Soviets, the 1936 constitution contained changes in both nomenclature and structure, it also made explicit the principle of "dual subordination" by which the executive organs of local Soviets were accountable not only to the council that elected them but also to their corresponding administrative departments at higher level.<sup>43</sup> The pre-Revolutionary terms or the local organs of government (*gubernia*, *uezd*, *volost*, etc) were replaced. Republics were now subdivided into area (*Krai*), region (*oblast*), district (*raion*), city (*gorod*) and village (*selo*) Soviets. Equality of suffrage represented a change from earlier days, when the industrial workers were heavily over represented. Originally scheduled to meet once or twice weekly, Soviet sessions were now to be held four to six times annually, more nearly reflecting local practices.<sup>44</sup>

The activities of local Soviets under this constitution and for the rest of the period of Stalin's leadership were not insignificant. Especially during the war years and period of reconstruction that followed, much of the administration of local affairs was of necessity left to local administrators despite the loss during the war of two out of three deputies and over half the *Ispolkom* presidents, the Soviets continued to function. Yet the suggestion that "citizen influence on local decisions" may have been a by-product of these circumstances should be carefully qualified.<sup>45</sup> The realities of political life at the local level diverged substantially from what was prescribed by the constitution more often than not, local decisions appear to have been made by local administrators acting on instructions from above- and were imposed on an indifferent citizenry.

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<sup>43</sup> Article 101 of "*The Basic Law of the USSR*", December 5, 1936.

<sup>44</sup> Article 85 and 86 of "*The Basic Law of the USSR*", December 5, 1936.

<sup>45</sup> Hough and Fainsod, n. 26, p. 190.

Criticism of the work of the local Soviets, was long overdue. The resolution of January 22, 1957, is rightly considered a turning point in the revival of interest in promoting citizen participation in local government. But while the deputies were called upon to play a larger role in governmental affairs, the resolution expected them to do it within the existing legislative framework.

The evolution of the Soviets since the beginning of the twentieth century has resulted in an elaborate theoretical and legislative framework for the expansion of citizen participation in local government in Soviet Union. But it is equally clear from Russian history both before and after the 1917 revolution, that legislative expressions of democratic principles have to a large extent remained the registration of aspirations rather than an accomplishment of fact. Soviet specialists on local government are also fully aware that the legislative powers granted to the local Soviets are often underutilized. "The problem of 'developing' local government seems likely to be severe for the next generation at least; it takes a long time to change a culture".<sup>46</sup> In short it would be a mistake to base any conclusions regarding the possibility of increased citizen participation in local government in the Soviet Union on facile assumption about the antidemocratic character of pre-revolutionary Russian political culture or on the absence of an adequate legislative basis for greater participation in the contemporary period.

## **Organisation of Soviet Local Government**

### **Hierarchy**

The unique feature of Soviet type political system is the monopoly of legitimacy accorded to one party, the communist party. From the national parliament (the Supreme Soviet) to the village council, the Soviets constituted a "unitary system of state power". This means that each Soviet was considered an integral part of the whole. The resolution of local and particular concerns can not be viewed separately from how it affects other districts or the larger administrative units of which the local Soviet was a part. Rather each local Soviet must strive to ensure that what it was doing fits harmoniously with the greater good of Soviet society as a whole. The practice of asserting local or regional interests even though they might be disadvantageous to the larger community- a practice

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<sup>46</sup> Ronald J. Hill, "Local Government since Stalin", M. Jacob Everett, ed., *Soviet Local Politics and Government*, (London: George Allen & Unwin Publishers, 1983), p. 32.

often considered the mark of an effective legislator in American politics- was incompatible with the “unitary system”, at least in theory. For this reason Soviet political theorist vigorously rejected the idea of independent local self government while at the same time asserting that in strictly local issues the Soviets had complete authority. The unitary character of the Soviets as a system of government was manifested in the universality of the norms and procedures that governed the operation of Soviets. The law on the status of deputies, for example applied equally to deputies at every level in every region. Deputies at this level are elected for five years. All the Soviets below this level were called local Soviets and the deputy’s term of office was two and half years. The hierarchy of the local Soviets was quite complex and confusing, particularly because as Jacob point out, the territorial breakdown used by the Soviets does not always accurately reflect the ranking of the Soviets based on administrative subordination, especially in case of cities.<sup>47</sup>

Jacob’s approach will be employed here too. First the levels of local government used in Soviet statistical reporting will be outlined; this will be followed by a description based on administrative subordination. After the elections of February 24,1985, there were 52,041 local Soviets.<sup>48</sup> Based on territorial ranking used by the Soviet government, they are broken down as follows (the RSFSR, the Ukraine, Byelorussia, Kazakhstan, Uzbekistan, Tadzhikistan, Kirgizia and Turkmenia) are sub-divided into 123 regional units (Oblasts). Equal in administrative ranking to the oblasts, but distinguished by the ethnic composition of their population, are eight autonomous republics, six krai and ten autonomous okrugs. Within the regions and in the remaining union republics that have no regional sub divisions, are 3,113 district (*raion*) Soviets and 2,137 are city Soviets. In addition, 152 of the larger Soviet cities are subdivided into 645 city boroughs (*raion* or *gorode*). At the base of the pyramid are 3823 settlement Soviet and 42,176 village Soviets. Settlement Soviet represent a single population point, while village Soviets are comprised of clusters of several small rural communities.

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<sup>47</sup> E.M. Jacobs, ed., *Soviet Local Politics and Government* (London: George Allen & Unwin 1983), pp. 3-4.

<sup>48</sup> *Ibid*, pp. 4-5.

An examination of the Soviet political hierarchy from the perspective of administrative subordination reveals a different picture of the relative importance of the various levels in the hierarchy, a difference that accentuates the importance of Soviet cities as the nerve centers of the Soviet state system. Although more than 81 percent of the local Soviets were found in rural areas, more than 65 percent of the Soviet population lived in the cities and were subject to city government. In terms of subordination, cities fell into one of the three categories, depending on their importance or their size. In the first category, which included the capitals of all the union-republics were the cities that were directly subordinated to the union-republic or autonomous republic in which they were located in 1983, there were eighty-seven of the former and eighty five of the latter. Administrative subordination for this group of cities did not appear to be based on size, however, because forty-three of the eighty-seven cities subordinated to union-republics had populations of less than 50,000.<sup>49</sup> The second group included cities that were subordinated to the regional *krai* or *okrug* subdivisions because inclusion in the regional and *krai* category was determined by the governments of republics having such subdivisions, the minimal population size varies.<sup>50</sup>

In principle of dual subordination, the center ensured its interests and communicated it to the local level. For enforceability both local level and its administrative officials in their charge are responsible. Thus for example, the chief administrator of international affairs (police and fire) of one of the thirty-one city boroughs in Moscow reported not only to his council but also to the head of the corresponding Moscow city department, who in turn was responsible to the RSFSR minister of international affairs. The latter must oversee, the implementation of policies designed and administered by the USSR ministry of internal affairs. Most western observers see the principle of dual subordination primarily as a guarantee of control by the center,<sup>51</sup> but Soviet specialists rejected this view. For example Barabashev and Sheremet state: "it is necessary to emphasize that the leadership of the apparatus of the local Soviets horizontally that is from the side of the corresponding Soviet, as a rule, is the prevailing line of leadership in comparison with leadership 'vertically' that is from

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<sup>49</sup> Jeffrey W Hahn, n. 2, p. 85.

<sup>50</sup> Ibid.

<sup>51</sup> E.M. Jacob, n. 47, p. 7.

the side of the superior Soviets.”<sup>52</sup> Practice probably lies between these views, with influence of local Soviets being stronger in less important and primarily local issues, and with central authority taking precedence in issues of national or regional importance.

This question of the division of labour between central and local authority was also determined legally. Questions of jurisdiction or “competence” were defined for each level of the Soviets by national and republican level legislation.<sup>53</sup> The constitution (in article 145-148) established the general framework of local government jurisdiction and indicates the areas of activity for which each jurisdiction is responsible. The list is far more extensive than the powers accorded to the local government by article 97 and article 98 of the 1936 constitution. In particular, the local Soviets control over enterprises, institutions and organizations of higher subordination on their territory had been strengthened: the execution of the Soviets decisions by these bodies was mandatory (art-148). Area specified in which local Soviets “coordinate and control” the activities of the entities included land use, conservation, construction, labour resources, production of consumer goods and provision of every day consumer services. In short, by law their authority was supposed to be greatest in areas where the needs of the community are most direct.

A detailed description of changes in administrative and legislative jurisdiction of each level of Soviets is beyond the scope of the present work<sup>54</sup> but it can be said here that the rule making authority of the local Soviets in 1986 was greater than it was even twenty years earlier, not only in the number of areas in which their competence had grown but also in their ability to make decisions that contained normative prescriptions. It would be incorrect today to conclude as Maxmote did in 1963, that the deputy to the local Soviet had no power in the western sense of the word that “Soviet statutes do not originate with the Soviet as ordinances do with an American city council.”<sup>55</sup> Infact, while many local decisions were specific or certain classes of the population and therefore “non normative” the local Soviets were empowered to adopt public regulations that established general

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<sup>52</sup> Slider Darrel, “More Power To Soviets, Reform And Local Self Government in Soviet Union”, *British Journal of Political Studies*, 16 October, 1986, pp. 243-264.

<sup>53</sup> Ibid.

<sup>54</sup> Max Mote, *Soviet Local and Republic Elections* (Stanford, California: Hoover Institution, 1965), p. 119.

<sup>55</sup> W. E. Butter, *Soviet Law* (London: Butterworths, 1983), pp. 39, 42, 45, 46.



rules of conduct for the local community from procedures for collecting garbage to the manner in which retail sales could be conducted.<sup>56</sup>

One intriguing ambiguity in Soviet legislation regarding the jurisdiction of local government was whether local authorities were free to make rules in areas not expressly addressed by superior legislation. In the American system for example, the principle of 'residual powers' applies to states and to municipalities opting or 'home rule' local governments can legislate in areas not reserved to or covered by superior legislation. Soviet specialists appear to differ on these questions. One specialist on administrative theory P.N. Lebedev, writes that the "Soviet legislation did not exhaustively define the spheres of activity of the city and city borough Soviets" and that the local Soviet could by its own discretion define the circle of questions related to its jurisdiction". An apparently contradictory view is expressed as "It is impossible to agree that local government might have the right to publish normative acts when a particular issue is not forbidden by the center or if in general it is not found reflected in an act of the central organ. Therefore, no general principle is seen whereby the local Soviet was given the scope to regulate when the center is silent."<sup>57</sup>

### **Local Soviet Elections**

Soviet specialists on government insisted that elections in the Soviet system were the most democratic in the world. Multiple candidates were not prohibited by Soviet law, and a bill points out, the possibility of contested elections has been the subject of a lively debate among Soviet specialist for some time.<sup>58</sup> Mikhail Gorbachev in his speech to the 27<sup>th</sup> congress of the CPSU on February 1986, averred, "The time is apparently ripe for making necessary corrections to our electoral practice as well. What Gorbachev had in mind was spelled out in greater detail in his speech to the January 27-28, 1987, plenum of the CPSU central committee, when he described "democratization" as a key element of his policy or 'reconstruction' (perestroika) of Soviet society and proposed changes in the way members of the local Soviets were to be elected." On February 26, 1987, the

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<sup>56</sup> P.N. Lebedev, ed, *Systematic organization of Soviet city* (Leningrad: Leningrad University Press, 1980), p. 21.

<sup>57</sup> Ronald J. Hill, "Soviet Literature on Electorate Reforms" *Soviet Politics, Political Science and Political Reform*, (London: George Allen & Unwin Publishers, 1983) p. 7. pp. 24-30.

<sup>58</sup> Speech of M. S. Gorbachev to the January 27-28, plenum of the CPSU Central Committee.

presidium of the RSFSR Supreme Soviet adopted legislation that required the formation of multimember districts for the election of deputies to district, city, settlement and village Soviets in the elections scheduled for June 27, 1987. The legislation stipulated that in certain regions of the USSR selected single member districts were to be combined into new, larger districts electing the same number of deputies as before, but that the number of candidates would exceed number to be elected. The actual numbers will vary from one multimember district to another, but roughly seven or eight candidates will run for five seats. Names will appear on the ballots in alphabetical order, with voters crossing off the names of those they do not want to vote for an absolute majority 50 percent is required for election and if the number of those elected exceeds the number of places available, those receiving the fewest votes (but more than 50 percent) will become "reserve deputies" who will fill any vacancies that might occur during the term of office of those who are elected.

It should be emphasized that the multimember district elections were being held as an experiment in selected areas of Soviet Union. The conversations with Soviet specialists in May 1987 indicated that about 5 percent of the total number of deputies would be affected. In fact according to Pravda June 27, 1987, 94184 deputies were elected from among 120,449, candidates in June 21, 1987, local elections. That would represent about 4.4 percent of all the deputies elected at the district, city, settlement and village level. The results of this experiment were being analyzed and generalised prior to the elections of January 1990. Depending on the other outcome of this assessment a new election law requiring competitive elections or all local Soviets, and possibly the supreme Soviets as well will be adopted.

The results of Soviet elections to date, however, can hardly be considered an expression of people's preference about who will govern. Nevertheless, the electoral process itself does have some opportunities for citizens to present their views. In order to understand how citizens participate in local Soviet government, it is necessary to look at these participatory elements.

### **The Composition of Local Soviet**

Everett M. Jacobs emphasizes on comparing norms between republics but his different view emerges when the composition of local Soviets is analysed not by

geographical area but by the level of Soviet. First, if the difference between the highest and lowest percentages is used as a rough measure of relative uniformity, and if a difference of less than ten percent is used as an operational definition of relative uniformity, then only for gender, age and komsomol membership do we find a relatively high degree of uniformity between levels of government. For all other norms there was considerable variation with deputies at regional level more likely to have higher education, to be party members and to work in non-manual jobs than those at the village and settlement level, they are also slightly more likely to be male.

His second conclusion was that the composition of the Soviets mirrors the characteristics of the population at large only for gender with respect to the other traits considered here, the degree of representativeness is very rough indeed, with party members, those with higher education, the young, employees, and kolkhozniks over represented, the latter because the overwhelming majority of the Soviets are located in the villages.

*Chapter - III*

***LOCAL SELF GOVERNMENT IN RUSSIA: THE  
CONSTITUTIONAL AND LEGAL PROVISIONS***

## LOCAL SELF GOVERNMENT IN RUSSIA: THE CONSTITUTIONAL AND LEGAL PROVISIONS

Organizational reforms of local government in early 1990s mark the beginning of local government as a public institution in the modern Russian state. The constitution of Russian Federation of 12<sup>th</sup> December 1993 provides for a federal state structure based on developed local governments<sup>1</sup> though decentralization process was launched in the late 1980s. The constitution recognizes local self-government as one of the fundamental elements of the constitutional system and affirms the principles of local government, which is consistent with the internationally recognized principles.<sup>2</sup> In 1999, the Russian parliament notified the European charter of local self-government. The creation of local government institutions in Russia included several stages:

- Adoption of federal and regional legislation on local self government;
- Formation of territorial basis of local self government;
- Formation of the bodies of local self government;
- Formation of financial and economic basis for local self government

In order to provide for local government reform, a number of governing structures have been established, including:

- A council of local self government of the Russian federation;
- A board of local self government leaders;
- Specialized sub-divisions of federal ministries responsible for local government related issues;
- A specialized department within the administration of the president of the Russian Federation.

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<sup>1</sup>Article 130-133, Chapter 8, "Local Self Government", *Constitution of the Russian Federation*, [www.departments.bucknell.edu/russian/const/constit.html](http://www.departments.bucknell.edu/russian/const/constit.html) .

<sup>2</sup>"Federal Law on Local self Government Promulgated", Foreign Broadcast Information Service (FBIS), vol. 95, no. 183, 21 September 1995, p. 45.

The following features characterize the status of local-self-government in Russia.

### **Legal Basis of Local Government**

Since 1994, the following federal laws related to local government have been adopted and implemented:

- The general principles of local self government organization in the Russian Federation;
- The foundation of municipal service in the Russian federation.
- The financial basis of local self government in the Russian federation.
- The provision of constitutional rights of the citizens of the Russian federation to elect and be elected into the bodies of local self- government;
- The basic guarantees of electoral rights of the citizens of the Russian federation and their right to participate in the referendum.

The development of local self government legal foundation at the regional level has been inconsistent and less dynamic than the federal level.<sup>3</sup> The majority of the 89 regions (federation subjects) have already adopted the basic legal acts regulating local government issues. The legal foundations for local government also include municipality charters. The charter defines specific models of local government for each and every municipality. Presently the municipality charters keep developing in line with the federal law on the general principles of local self government organization in the Russian federation.

### **Territorial Basis of Local Government:**

The existing legislation allows local communities to choose any model of local government territorial organization, taking into consideration local, political, cultural, ethnic, geographic, historical and other peculiarities.<sup>4</sup> The legislation prescribes that:

- No settlement, shall be deprived of the right to establish local self-government;

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<sup>3</sup> Armen Danielian, "Local Government in Russia: reinforcing fiscal autonomy"  
<http://lgi.osi.hu/publications/2002/102/Davey-Russia.pdf>.

<sup>4</sup> Mordvinian Supreme Soviet Revives Local Soviets", *The Current Digest of Post Soviet Press*, (CDPSP) vol. XLVI, no. 15, 1994, p. 20.

- Municipal territories shall be defined by agreement with the local community;
- Municipal borders shall not be changed without local community agreement;
- The local community shall independently decide the issues of establishing, transforming, consolidating and abolishing the municipality.

The process of forming local government's territorial basis is developed within the framework of federal and regional legislation. Municipal territories are settled in accordance with federal laws. The procedure for establishing transforming, consolidating and abolishing municipal borders is regulated by regional legislation.<sup>5</sup> As a result, Russia now sees a great diversity in territorial forms of municipalities.<sup>6</sup>

### **Local Self Government Bodies**

Current legislation provides that local communities have full jurisdiction over defining the structure of local governing bodies.<sup>7</sup> However, it prescribes only one mandatory restriction in this respect: local government shall include an elected representative body.<sup>8</sup> In spite of a great diversity in varieties of local government, five basic types of local self-government bodies can be distinguished:

- A local legislature and generally elected local administration head (mayor); the latter also presides over the local legislature;
- A local legislature and a mayor elected by the legislature
- A local legislature headed by a person who has no right to make decisions on his own and a hired head of the local administration;
- Local legislature and a local administration formed out of the legislature's members who combine representative and executive function; in this case the head of the legislature is the head of the local administration.
- Local community assembly (*skhod*) and local government head (occurs in small rural settlements).

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<sup>5</sup> "Yeltsin Decrees Major Push Toward Freeing Localities both Legally and Financially from Regional Leaders" *The CDPSP*, vol. XLIX, no. 24, 1997, p. 12.

<sup>6</sup> "Federal Law...", n.1.

<sup>7</sup> "Kabardino-Balkaria Law on Local Self Government", *FBIS*, vol. 95, no. 179, 15 September, p. 34.

<sup>8</sup> Danielian, n. 3.

### **Local Government Competence (Authority)**

The federal law on the general principles of local self government organization in the Russian federation (1995) treats the term Local Self-Government in a broad manner.<sup>9</sup> It stipulates that local self government is constitutionally recognized and guaranteed independent body. It aims at solution of issues of local significance through the bodies of local self government based on population's interest, its historical and other local traditions.<sup>10</sup> Article 12 of the Russian constitution of the Russian federation 1993 guarantees that local self government is independent with the range of its authorities.<sup>11</sup> The authority of the local government include local governments own authority, i.e., recognized by the state as appurtenant to local significance and municipal property management, and special state authority vested in local governments according to law.

### **Local Self Government's Power**

According to article 6 of Federal Law on the General Principles of Local Self Government Organization in the Russian Federation, the main issues of local significance are: adoption, an amendment of municipalities' charts and control over the their fulfillment; pasture use and disposition of municipal property; local finance; drafting; approval and execution of local budgets; imposing local taxes and levies; integral socio-economic development of municipal housing; development of municipal primary, secondary and technical schools; developments of municipal health institutions; development of municipal institutions of public order; urban planning; executive control over land use within the territory of municipality; control over use of water resources and minerals of local significance; organization maintenance and development of municipal electricity; gas; water supplies facilities; supplying municipal institutions and population with fuel; municipal road construction and maintenance of roads of local significance; improvement of the landscape and planting; organization and maintenance of municipal archival depositories; organization of burial services and cemeteries; organization of refuse disposal; organization of public transport and provision of telecommunication services; creating normal conditions of retail trade; safeguarding municipal cultural and

<sup>9</sup> "Travkin on Local, Central Power Dynamics", *FBIS*, vol. 95, no. 235, 7 December 1995, p. 65.

<sup>10</sup> Richard Sakuwa, *Russian Politics and Society*, (London and New York: Routledge, 1996), p. 226.

<sup>11</sup> The Constitution of Russia, Article-12, 1993, [www.departments.bucknell.edu/russian/const/constit.html](http://www.departments.bucknell.edu/russian/const/constit.html)



historic memorials; organization and maintenance of municipal services and maintenance of municipal fire services.<sup>12</sup>

As stated above the powers of Local self government varies greatly. Inconsistency is a typical feature of territorial self government of Russia. As mentioned earlier local elites dominated in capturing the powers of local self government from the very beginning, it is difficult to provide a free and fair democratic de-centralization process in the present Russia. As a vast territory it is not possible for the central authority to maintain unique territorial self government for all the regions of Russia. Natural resources vary from one region to another region which is the root cause of imbalance of rich and poor in each and every region. Only because of this prevailing scenario the power and authority of each and every region varies from one another.

## **THE LEGAL FRAMEWORK FOR LOCAL GOVERNMENT**

### **Federal legislation concerning local government:-**

As defined in the constitution, the sole source of power in the Russian Federation is its multiethnic people. The people exercise their will both directly, as well as through state and local government bodies.<sup>13</sup> Representing state power, which is most proximate to the population, local government ensures the fulfillment and protection of the vital interests of the citizens. Neither the constitution of the Russian federation, nor federal legislation on local government differentiates between general principles of organization for local governments in urban versus rural areas. Equal rights for all citizens of the Russian federation regardless of their place of residence, is one of the main constitutional principles.

The legal framework of local government is founded in the constitution of the Russian federation, federal legislation (which includes international legal instruments, notified by the Russian federation), legislation of constituent units of the Russian Federation and local laws. The constitution of the Russian federation recognizes and

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<sup>12</sup> "Federal law on Local Self Government Promulgated", *FBIS*, vol. 95, no. 183, 21<sup>st</sup> September 1995, p. 47.

<sup>13</sup> Stephen White, Alex Pravda and Zvi Gitelman, ed., *Developments in Russian Politics*, (London: Macmillan, 1997), p. 260.

guarantees local government, establishing that local government is independent within its authority and that bodies of local government shall be separated from the general state government.<sup>14</sup> According to the constitution of the Russian federation, the institution of local government, along with the institution of state of local government, along with the institution of state power, federal state structure, republican form of government, and other provisions of chapter I of the constitution of the Russian federation is considered to be one of the basic elements of the constitutional system of Russian federation.

Chapter VIII of the Russian constitution establishes that local government shall be administered in urban and rural communities and in other territories taking into account historical and other local traditions. Changes in the boundaries of the territories where local government is administered shall be made in consultation with the population of relevant territories.<sup>15</sup> The structure of local government bodies shall be determined independently by the population. As established in the constitution of the Russian federation, general organizational principles of local government are in accordance with international standards and define not only the right of the population for local self governance, but also include economic and legal guarantees of support by federal and regional governments to this essential institution of people's power.<sup>16</sup> Thus the constitution of the Russian federation recognizes and guarantees local government as an organizationally separate form of exercising power by the people based on their own authority.<sup>17</sup>

Active development of legislation on local government effectively started following the adoption in 1995 of the federal law "on general principles of organization of local government in the Russian federation", which, according to many scholars, reflects the democratic tendencies of a developing civil society and rule of law and meets international standards. Norms of municipal law are contained in many other federal normative and legislative acts, including such significant pieces of legislation as the Civil

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<sup>14</sup> "Yeltsin .....Regional Leaders", n. 5.

<sup>15</sup> "Kabardino-Balkaria Law on Local Self Government" *FBIS*, vol. 95, no.179, 15 September 1995, p. 34.

<sup>16</sup> "Regional, Local Officials Score Rosugol for Financial Management" *The CDPSP*, vol. XLIX, no. 34, September 24, 1997, p. 11.

<sup>17</sup> "Yeltsin Decrees .....Leaders", n. 5.

Code of the Russian Federation, the Budget Code of the Russian Federation and the Tax Code of the Russian Federation.<sup>18</sup> The process of transferring state property to municipalities has not been established and no basic social standards have been determined by the state for calculating local budget minimums.<sup>19</sup>

Constituent entities of the Russian Federation are primarily responsible for regulating those aspects of local government related to the need to take into account local circumstances, settlement of the population, its traditions, economic, social, national and historical development of territories and regulation of budgetary relations between constituent entities of Russian federation and local government. Regional legislation reflects the specific character of local government in rural areas. This arrangement reflects both the process of determining territories in which local government is carried out and the boundaries of these bodies as well as process of altering the extent of authority of rural local governments through delegation of certain responsibilities of state powers from constituent entities of the Russian federation.<sup>20</sup> Presently each constituent entity of the Russian Federation has developed a separate legal framework for the local government system.

Apart from the laws addressing organization of local government, elections to local government bodies, local referendums, forms of public participation in local government and municipal service, a number of constituent entities of the Russian federation have enacted laws on administrative mis-conducts associated with the exercise of local government.<sup>21</sup> However, regrettably, these laws are only in force in some of the constituent entities of the Russian federation which does not ensure the functioning of an effective mechanism of accountability for noncompliance with the decisions of local government bodies and officials, and also undermines the efficient operation of local government.<sup>22</sup> To create a system of local government that is highly responsive to the

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<sup>18</sup> "Mayors Resolution Implementing Local Tax Statute", *FBIS*, vol. 95, no. 004, 6 January 1995, p. 46.

<sup>19</sup> *Ibid*, p. 47.

<sup>20</sup> "Russian Parliament, President Draft Document on Cossacks' Local Self Government" *The CDPSP*, vol. XLIV, no. 18, June 3, 1992, p. 20.

<sup>21</sup> "Russia: Tatarstan Group Campaign for Local Power Referendum", *FBIS*, vol. 96, no. 132, 9 July, 1996, p. 83.

<sup>22</sup> "Kabardino-Balkaria Law ..... Government" n. 7, p. 41.

interests of the population, it is essential to define the territories in which local government is carried out. First it is necessary to take into consideration the common public interests of a municipality and specific territorial and temporal availability of services provided to the population by the bodies of local government, municipal enterprises and institutions.<sup>23</sup>

The legislation of constituent entities of the Russian federation has a considerable impact in determining the territorial arrangement of local government. In addition to defining municipal boundaries and the process of establishment, transformation dissolution and unification of municipalities, government bodies of constituent entities of Russian federation must also determine the procedures and safeguard for incorporating public opinion in the process of altering municipal boundaries. However, in the majority of constituent entities of the Russian federation these issues have not been resolved, leading to the violation of the public's right to determine the boundaries of the territories in which local government is exercised. In addition to public opinion, a decision to set boundaries of rural municipality is guided by such concerns as the historical frontiers of compact settlement, the availability of adequate land resources, recreational areas and lands required for municipal growth including areas in which the economic activities of local government bodies are carried out. The majority of laws of constituent entities of Russian federation regulating determination of municipal boundaries do not provide these norms. Rural municipalities are not able to solve issues of territorial rearrangements quickly and effectively. This is due to lack of legislative norms in the majority of laws of constituent entities of the Russian federation on regulating succession of municipal property and liabilities and creating budgets in the event of territorial rearrangement.

Government bodies of constituent entities of the Russian federation are responsible for providing the financial and economic foundations for local government.<sup>24</sup> They must establish prudential budgetary requirements, carryout budget adjustment, ensure balanced local budgets and provide guarantees of financial self-sufficiency of local governments, transfer to local governments financial resources necessary for

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<sup>23</sup> Ibid.

<sup>24</sup> Yeltsin decrees .....Regional Leaders", n. 5.

implementation of delegated government functions and decisions of government bodies and assign to municipalities a share of federal and regional tax revenues.<sup>25</sup> In the major of constituent entities of the Russian federation intergovernmental regulation is controlled by budget laws for every fiscal year. In the majority of constituent entities of the Russian federation there is no necessary legal regulation for ensuring the financial and economic independence of local government, the creation of municipal property or the development of a local financial system.<sup>26</sup> In some constituent entities of the Russian federation, the rights of local government are clearly violated, particularly those of rural municipalities. In violation of the federal law “on general principles of organization of local government in the Russian federation” and budgetary laws, the majority of rural communities effectively adopt estimates of expenditures and revenues, rather than a budget.<sup>27</sup>

The absence in the laws of constituent entities of the Russian federation of appropriate regulation for separation of authority, income sources of local budgets, and property, when one municipality includes other municipalities in its boundaries, it is also a serious obstacle for development of rural municipalities. In these circumstances, rural municipalities often lack a necessary economic base for the functioning of local government and become directly dependent on the *raion* government bodies.<sup>28</sup> Thus, the legislation of constituent entities of the Russian federation that addresses the issues of local government in rural areas does not provide the necessary conditions for the development of rural municipalities.

### **Territorial Organization of Local Government in Rural Areas**

One of the characteristics of existing local government in the Russian federation under the existing legislation is legal recognition of multiple forms of its territorial organization, including cities, townships, *raions* rural districts (self soviet) and other communities or territories.<sup>29</sup> Civil legislation defines municipalities as legal entities

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<sup>25</sup> “Mayors Resolution.....Tax statute”, n. 17, p. 47.

<sup>26</sup> “Dumma Finally Passes Law On Demarcating federal, Regional, Local Powers; Senate Approval in Doubt Because of Treaty System Override”, *The CDPSP*, vol. XLIX, no. 19, June 11 1997, p. 12.

<sup>27</sup> *Ibid*, p. 12.

<sup>28</sup> “Power, Property Interest Seen as Root of Senate ‘Sabotage’ of The Local Self Government Law”, *The CDPSP*, vol. XLVII, no. 32, September 6, 1995, p. 18.

<sup>29</sup> “Federal Law.....Promulgated”, n. 2, p. 52.

entitled to participate in civil legal relations. Local government bodies, acting within the limits of their authority as determined by legislative acts establishing the status of these bodies, can acquire and exercise property and non-property personal rights and obligations on behalf of these municipalities.

Recent legislation of the Russian federation provides for equal rights of municipalities regardless of their type and specific features, whether associated with rural or urban territories. As an extension of the constitutional provisions, the current federal law “on general principles of organization of local government in the Russian federation” determines that the right to carry out local government cannot be denied to the population of an urban or rural settlement regardless of the number of residents. Thus, according to federal legislative norms residents of rural settlements have the right to exercise local government in their own communities or in association with other communities. In determining the types of municipalities the following forms can be distinguished:

1. Rural settlement (village township, *stanitsa*, *aul*);
2. Territorial settlement municipalities (*volost*, rural district, *nosleg*, *kaimak*, *somon*, rural council, *rural raion*, which must include one or several settlements);
3. Territorial municipality. This type is characteristic for the regions of the far north where the special character of the main economic activities rules out settlements due to the nomadic way of life. The same arrangement is applicable to municipalities in rural areas where the economy is based on individual farms (*khutor*). In Russia, like in most countries this type is not common and is an exception to the rule.

It is noted that in some cases a *raion* can be considered a rural municipality, but in most cases it is a territorial settlement of mixed type (both urban and rural). Because of this statistical data on *raions* are not representative and can not be used to evaluate the situation in rural territories. It is also not uncommon for the population of a rural settlement to make some decisions of local importance independently, while addressing other issues jointly with the residents of other communities. The law defines this situation

as a municipality located within the boundaries of another municipality.<sup>30</sup> Current legislation allows the choice of any model of territorial organization of local government, taking into account local political, cultural, national, geographic, historic and other issues.<sup>31</sup> This approach guarantees the consideration of traditional ways of life and the traditional economy and is very important for rural development. The right of the population to independently select the territory for local government is guaranteed by legislative provisions stipulating, that no settlement, regardless of the number of residents, may be denied the right to self governance. The municipal boundaries shall be established with regard to public opinion.<sup>32</sup>

In practice, however the choice of models of territorial organization or local government has been predominantly made in the process of consultation between regional and local political elites and according to their interests.<sup>33</sup> The right of people to independently determine territories for local government has been neglected, situations were artificially created where the population was forced to abandon its right to local government within the boundaries of settlements. This resulted in the establishment of municipal territories either through a compromise between said elites or according to the interests of one of these groups.<sup>34</sup> In addition, municipal territories were often determined without regard for the principles of maximum efficiency in carrying out the functions of local government or the establishment of local government structures at the level most proximate to the population. As a result, in an overwhelming majority of constitutional entities of Russian federation territorial organization of local government does not match its objectives, goals and responsibilities.<sup>35</sup> Furthermore, change of leadership in regional government bodies often leads to changes in the territorial organization of local government in that constituent entity of the Russian federation. A vivid example is provided by the situation in Tiumen oblast where following the elections and replacement of the governor the settlement model of territorial organization of local government was

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<sup>30</sup> Ibid, p. 49.

<sup>31</sup> Richard Sakwa, n. 10.

<sup>32</sup> "Federal Law.....Promulgated" n. 2, p. 52.

<sup>33</sup> Darrell Slider, "Regional and local politics", in Stephen White, Alex Pravda, and Zvi Gitelman *Development in Russian politics*, ed., , (London: Macmillan, 1997), p. 251.

<sup>34</sup> Ibid.

<sup>35</sup> "Problems in Passing Law on Local Self Government Discussed", *FBIS*, vol. 95, no. 149, 3 August 1995, p. 27.

changed into territorial settlement model, and municipalities were enlarged at the expense of the interests of the rural population.

Current federal legislation enables the population to independently decide issues of territorial organization.<sup>36</sup> The existing situation is related not so much to the gaps in the legislation, but to the violation of federal legislations by the regional government bodies. The violation of federal legislation is due to the insufficient activity and empowerment of citizens, on the one hand, and on the other hand to weak control and inconsistent implementation of federal policy of developing local government by federal authorities.<sup>37</sup> However, the mechanism of legal remedy, interaction with federal authorities, the use of qualified consultants, and the increased scope and quality of the information accessible to citizens, allow the population to defend its rights and to demand necessary changes not only in the territorial organization, but also in the economic foundation of rural government.

In the Russian federation all possible territorial types of municipalities exist:

1. Separate settlements (urban and rural)
2. Associations of rural settlements (rural districts, rural councils, volost, and so on) with smaller territory than that of administrative raions;
3. Raions combining both rural and urban settlements
4. Two-tier organization (raion and intra-raion municipalities, town and intra-town municipalities).

### **Organisational Framework of Rural Municipalities**

One of the basic principles of local government is the existence of exclusive delegated authority. In the Russian Federation the process of local government, i.e., local decision-making, may not be conducted by the government or by government officials. Thus, definition of the exclusive authorities of local government is a matter of critical importance. Since local government is a legally sub-ordinate authority, the law determines the scope of its authority or possibility of placing any matter, as well the

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<sup>36</sup> Kabardino-Balkaria.....Government", n. 7.

<sup>37</sup> "Travkin On Local , Central Power Dynamics", *FBIS*, vol. 95, no. 235, 7 December, 1995, p. 65.



rights and responsibilities of local government, under municipal authority.<sup>38</sup> At the present time, the main issues placed under the authority of local government competence are determined by the constitution of the Russian federation and the federal law “on the general principles of organization of local government in the Russian federation”.<sup>39</sup> A number of issues are placed under the authority of local government by federal laws. The current legislation does not differentiate between the scope of authority for rural and other municipalities. At the same time, the variety of local conditions does not allow determination of a conclusive list of matters of local importance at the federal level, including the specific features of rural areas. For this reason chapter VI of the federal law “on the general principles of organization of local government in the Russian federation” provides that municipalities have the right to consider other issues regarded by the laws of constituent entities of the Russian federation as having local importance, as well as those issues not excluded from their authority and not included in the authority of other municipalities and bodies of rural government.<sup>40</sup>

The constitution of Russian federation and federal laws establish the main rights and responsibilities of local government generally ensuring that local government meets the primary needs of the population in the areas under its authority and carries out delegated government responsibilities to the extent of available material and financial resources.<sup>41</sup> In addition, government bodies of constituent entities of the Russian federation may provide, within the limits of their authority, additional rights to local government, while local government may independently or through popular vote, assume additional responsibilities, taking into account the interests of the population, as well as historical and other local traditions.<sup>42</sup> Local government may also extend certain general government responsibilities delegated by law. Early local government legislation in the Russian federation provided for local government bodies of rural territories to maintain the registration of civil acts, to provide certain notary functions and other government responsibilities. Current legislation does not provide for delegation of some of these

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<sup>38</sup> “Kabardino-Balkaria.....Government”, n. 7, p. 45.

<sup>39</sup> Ibid, p. 39.

<sup>40</sup> “Federal Law.....Promulgated”, n. 2, p. 52.

<sup>41</sup> “New Treaties Makes Yakutia Part Owner of Local Resources, Obligates Moscow to Subsidize Social Services”, *The CDPSP*, vol. XLVII, no. 26, July 26, 1995, p. 14.

<sup>42</sup> Richard Sakwa, n. 10.

responsibilities to local government. For example, government bodies of constituent entities of the Russian federation must maintain the registration of civil acts; while the property records are maintained by the federal government. There is evidence that, despite legal prohibition government bodies of constituent entities of the Russian federation in practice still delegate to rural government the responsibility to maintain the registration of civil acts and perform notary service. This is due to the fact that delegation of certain government responsibilities to local governments of rural settlements such as registration of civil acts, notary actions, military records, environmental land use control, property record in remote areas, and provision of social assistance is necessary because the creation of government bodies is not feasible at the local level and the execution of these functions must be done in close proximity to the population.

When the boundaries of a municipality (*raion*, rural district *volost*) encompass other municipalities (*volost*, village) the areas of authority, sources of income, and property owned by these municipalities are separated by the laws of a constituent entity of the Russian federation.<sup>43</sup> The authority must be divided in a way that offers the most effective solution of each set of issues related to the provision of services to the population. Often government bodies of constituent entities of the Russian federation pass decisions covering all municipalities with similar territories (*raion-volost*; *volost* township, *volost* village). This practice is unacceptable because in each specific case municipalities have: different infrastructure facilities and different capacities for creation; different ways are available to provide services to the population; the distances between municipalities vary greatly; settlements have different accesses to transportation links and consequently different temporal availability of services provided by local government; specific national and historical features; different personal capacities, availability of resources and demographic composition of the population, which determines the need for various services and different environmental conditions. Thus, no single approach is appropriate for all municipalities.

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<sup>43</sup> "Federal Law .....Promulgated", n. 2, p. 49.

Thus, although current legislation establishes a unified list of subjects under the authority of local government for various types of municipalities, in practice, they have different authority, which reflects specific local features and types of municipalities. This arrangement is more appropriate to the needs of municipal government in each particular case and can be viewed as an achievement in legal regulation of the complicated issues of determining the authority of local government.

### **The Structure of Local Government**

According to the constitution of the Russian federation the structure of local government is determined independently by the population.<sup>44</sup> The principle of separation of authorities that determines establishment and operation of government bodies is not binding for local government under applicable legislation. The existing structure of local government of an individual municipality reflects local and national specific features and traditions. As a rule the structure of local government also reflects the specific features of different types of municipalities. The federal law “on the general principles of organization of local government in the Russian Federation” determines that the structure of local government must include a representative body, elected by ballot vote through universal equal and direct suffrage.<sup>45</sup> Federal legislation makes an exception for small rural settlements. If it is possible to hold a public meeting, then formation of a representative body of local government is not required, and its authority, including exclusive powers, are assumed by the public meeting.

Although the establishment of local government involves certain costs and compliance with complex electoral procedures set forth in the federal law “on general guarantees of voting rights and rights for articulation in a citizen’s referendum in the Russian Federation”, elected bodies of local government have not been created and their responsibilities have been assumed by a public meeting in only six rural territories. In all other rural municipalities representative bodies of local government have been elected and are functioning. Reflecting national, historic and other traditions various names are assigned to elected bodies of local government in rural municipalities *raion*, *ulus*,

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<sup>44</sup> “Kabardino-Balkaria.....Government”, n. 7, pp. 39-40.

<sup>45</sup> “Federal Law .....Promulgated”, n. 2, p. 52.

*kaimak, volost, somon, nasleg*, rural councils, villages), such as meeting of representatives, meetings of deputies, *khurals*, councils of deputies, self governance committees, municipal meetings, *zemstvo*, meeting, *volost* administration and so on.

Term limitations of the deputies of local representative bodies of local government in different municipalities are from two to five years.<sup>46</sup> Under the laws of the Russian federation a representative body may carry out all the responsibilities of local government, with the exclusion of cases where citizens exercise direct majority rule. A representative body of local government may assume only those functions placed under its exclusive authority of federal legislation.<sup>47</sup> All other responsibilities are carried out by other bodies, including executive bodies. Most frequently municipalities create a single executive and administrative body- the administration. Yet, small rural municipalities it is common to elect and appoint only a few municipal officials rather than to create a multi-member executive body of local government. All activity associated with local government can be headed by an elected official-the head of a municipality<sup>48</sup>. The head of a municipality is elected either by the entire population or by the representative body of local government from among its members. As a rule, the head of a municipality elected by the population, as well as the head of a municipality elected from among the deputies of a representative body, join the representative body with a casting vote, chair meetings and approves the decisions of the elected body of local government. Additionally, the head of a municipality either heads the administration, if one exists, or independently carries out executive and administrative activities within the limits of his authority as determined by the charter of the municipality.<sup>49</sup> Although it does not occur often, in some rural municipalities the executive administrative body is headed or executive and administrative activities are carried out by a contracted manager (head of the administration). In some rural municipalities a so called "commission model" can also be found, where members of the elected bodies of local government conduct executive and administrative activities in different areas. In villages these commission are

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<sup>46</sup> "Oblast Deputy Views Draft Law on Local Government", *FBIS*, vol. 95, no. 013, 20 January, 1995, pp. 29-30.

<sup>47</sup> "Kremlin Focuses on Link up With Local Officials", *The CDPSP*, vol. XLIX, no. 23, July 9, 1997, p. 01.

<sup>48</sup> "A Majority of Governors Favours Holding off on Local Elections; A Few want to go Ahead", *The CDPSP*, vol. XLVI, no. 36, October 5, 1994, p. 15.

<sup>49</sup> "Democrats Drubbed in Local Elections", *The CDPSP*, vol. XLVI, no. 48, December 28, 1994, p.01.

often formed from the members of a local community who are professional in specific fields and do not work in these commission on a regular basis. Thus, in rural municipalities of the Russian federation various models of organizational structure exist, reflecting different local conditions and traditions of the population.

### **Elections of Local Self Government**

Elections to the representative organ of local self-government are conducted by citizens of the Russian federation on the basis of universal, equal and direct right to vote by secret ballot for a term of two years.<sup>50</sup> The right to vote in elections to the representative organs of local self-government belongs to citizens of Russian federation who hold permanent residence and who have reached the age of eighteen as of Election Day.<sup>51</sup> The date of elections to representative organs of local self-government is determined by the *oblast* representative organ. Candidates for deputy are nominated by electoral associations and by group of voters. Measures related to the organization and conduct of elections to representative organs of local self government are financed from funds of the oblast budget and budgets of the appropriate territories and candidates with their electoral associations have the right to use their own funds and voluntary monetary contributions in financing their election campaign. Responsibility for the organization of elections to representative organs of local self-government is entrusted to the electoral commission.<sup>52</sup> In deciding all matters related to the preparation of and conduct of elections, electoral commissions are independent within the framework of their jurisdiction, from state organs and from public and other organs and organizations. Electoral commissions function collegially; they engage publicly and openly in preparation for and conduct of elections.

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<sup>50</sup> "Statutes on Local Self Government Elections", *FBIS*, vol. 94, no. 127, 22 November, 1994, pp. 51-52.

<sup>51</sup> *Ibid*, p. 51.

<sup>52</sup> *Ibid*, p. 53.

*Chapter - IV*

***EVALUATING LOCAL SELF GOVERNMENT:  
FUNCTIONING, PROBLEMS AND PROSPECTS***

## EVALUATING LOCAL SELF GOVERNMENT: FUNCTIONING, PROBLEMS AND PROSPECTS

In late August 1995 Yeltsin approved a new law on local self-government. In theory it marked a major advance in the democratization of local politics. The debate over the law was influenced by the Council of Europe's charter on local government, and the text was amended to taken in to account Western standards.<sup>1</sup> The constitutional right to devise local government bodies was confirmed, thus surrendering the principle of uniformity, as was a degree of control over local resources and taxation. Relations between local legislatures and executive authorities were clearly defined, as were the functions of the local authorities, including ensuring the implementation of laws and social policy. Municipal charters were to be adopted by local assemblies, but these were to conform to the broad rights allowed by the regional authorities over local government. This legislation mandated the formation of local government that would have wide-ranging powers, including tax and budgetary authority, control over municipal property and the right to make decisions that were binding on all organizations and factories that were located within its territory.<sup>2</sup> Regions themselves, as earlier established by the constitution, were to adopt their own charters. Local elections were to have been held within six months of the adoption of the law, but as usual they were postponed. While regional agencies were jealous of the powers granted to local government, the latter also faced encroachments on their prerogatives by federal institutions.<sup>3</sup>

There was considerable opposition to the law, particularly by the group that had the most to lose- *oblast* governors and republican presidents. In September 1995, just as the new law on self-management was passed, eleven chief administrators sent request that their territories be exempted from the law. Anatolli Sobchak, a leading democrat and at the time mayor of St. Petersburg, predicted, that the law will bring nothing but chaos to

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<sup>1</sup> Richard Sakwa, *Russian Politics and Society*, (London, New York: Routledge, 1996), p. 227.

<sup>2</sup> Darrel Slider, "Regional and Local Politics" in Stephen White, Alex Pravda and Zvi Gitelman,(ed) *Development in Russian Politics*, (London: Macmillan, 1997), p. 260.

<sup>3</sup> Sakwa, n. 1.

the country. Yeltsin himself backtracked and issued a decree postponing the elections a – step that the state Duma successfully denounced as unconstitutional.<sup>4</sup>

In Russia, “Local self governments” refers to units smaller than cities and *raions*. Though often mistaken, the subjects of the federation directly constitutive of the Russian Federation, and their authority agencies (administrative and legislative) are positioned as “state power agencies” at the same level with the federal institution. Even during the Soviet Union period, with an extremely powerful central government structure, the Soviet city and Soviet *raion*, municipal administrative and legislative agencies existed. These institutions were regional branches of state power and were not “Local self-government” where citizens with certain personal rights participated directly. In that sense, institutionalizing “local self government structure” was one of the most important processes of decentralization and democratization in the new Russian transition process.<sup>5</sup>

After the collapse of the Soviet Union, the reorganization of the federal and regional institutions took time. At the same time, the normalization of the relationship between the central government and the subjects of the federation took precedence. As a result, the reorganization was delayed and in August 1995, the Federal constitutional law “The General Guideline on Municipal Organization” (“Federal Municipal Law”) was established, and eventually the foundation of Russia’s regional authority system was laid.<sup>6</sup> The Russian constitution positions municipal issues as joint jurisdiction of Russian Federation and the subjects of the Russian Federation. The federation established a law determining the general guidelines of the municipal organization and each subunit bases its principle on the law, imposing legal regulation (regional laws) according to its socio-economic condition appropriate to its region. In any case, the adoption of the above “Federal Municipal Law” and the regional municipal laws formed a framework for the municipal system in Russia.

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<sup>4</sup> Armen Danielian, “Local Government in Russia: Reinforcing Fiscal Autonomy”, [http://egi.osi.hu/publications/2002/102/Davey\\_Russia.pdf](http://egi.osi.hu/publications/2002/102/Davey_Russia.pdf), 95

<sup>5</sup> Graeme Gill, “Democratization, the Bourgeoisie and Russia”, *Government and Opposition*, vol. 48, no. 5, July 1996, pp. 309-311.

<sup>6</sup> Nigel M. Healey, Vladimir Leksin, Aleksandr Svetsov, “The Municipalization of Enterprise-owned “Social Assets” in Russia, *Post-Soviet Affairs*, vol. 15, no. 3, 1999, pp. 262-263.



However, it should be pointed out that it has only been six years since the establishment of the Russian municipal systems and the local self-governments are still weak and in the process of developing. If we analyze the relationship of central government and the subjects of federation and local self government we can find out federal and regional governmental agencies don't have branch offices (sub-branches and semi-branches), certain functions, which would otherwise be under federal or subjects of the federation to the local self-governments. The Federal Municipal law allows the transfer of federal or regional authority to the local self-government in order to perform certain operations.<sup>7</sup> In doing so, the necessary financial resources shall be borne by the central government or the government of the subjects of the federation. For personnel and organizational issues, if the municipal councils or its leader adopts or enforces legal acts that contravene federal or regional constitutional laws, the municipal council will be disbanded on the basis of such laws and the local self government leader will be dismissed by the republican or regional head.

#### **Weakness of the Regional Local Government System under Yeltsin**

During the 1990s, regionalism was essentially a reaction to the weakness of the Russian State, and an attempt to offset the power vacuum at the center with initiatives at the periphery, in order to stabilize the situation in the respective territories. From the outset, a prominent feature was the efforts of regional elites to control the resources within their territories and there demands to be able to make economic policy decisions autonomously on the basis of regional and local interests.<sup>8</sup> This was the basis for the regions' aspiration to greater political autonomy and further federalization of the relationships between center and regions. It was partly, thanks to this form of regionalism, that Russia was able to survive the difficult years of crisis.<sup>9</sup> However, the stability created under Yeltsin was stability in name only. In the longer term Yeltsin's regional system would inevitably be incompatible with requirements for further progress towards modernization. The regional elites that came to power after 1991 built up and

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<sup>7</sup> Ibid, pp. 276-278.

<sup>8</sup> Maries Mendras, "How Regional Elites Preserve their Power", *Post Soviet Affairs*, vol. 15, no. 4, 1999, pp. 295-296.

<sup>9</sup> Vladimir Gel Man, "The Politics of Local Government in Russia: The Neglect side of the Story", *Perspectives on European Politics and Society*, vol. 3, no. 3, 2002, pp. 501-503.

consolidated political and economic structures on the basis of a traditional view of sovereignty<sup>10</sup>.

Accordingly regional and local politicians were running economic policies which may have strengthened their positions within the region, but took little account of the longer-term interests of the region<sup>11</sup>. The shortcomings of the form of regionalism seen under Yeltsin were highlighted by crisis of August 1998. Up to that time, the regional political actors shared their power by means of alliances formed with the powerful state corporations, and with oligarchs. Since most of the natural resources were owned by the region where they were located, and resource extraction and processing issues came under the authority of regional institutions, the resource rich regions of Russia in particular were in a position to exert a relatively strong influence on the corporations operating in their areas. However, ongoing mismanagement and corruption by regional authorities made the regions less and less attractive entities for domestic and international investors. In many cases, capital flight from the regions was the direct consequence. The August 1998 crisis led eventually to the bankruptcy of many regions, which were now completely unable to meet the payment obligations to their creditors, the major economic and financial groups<sup>12</sup>.

The economic inefficiency of this regional system of eighty-nine relatively autonomous entities was known before the arrival of Putin. Projects for the harmonization of the legal and economic structure and the amalgamation of the regions into larger units were discussed particularly during the term in office of Yevgenii Primakov as Prime Minister (September 1998 to May 1999)<sup>13</sup>. However, all attempts made during the Yeltsin period to change the regional system by measures implemented on a top down basis were unsuccessful. During 1990s there were also some moves towards the formation of regions by a “bottom up” approach, i.e., initiated from a sub-national level of focusing on building horizontal links across borders. During the 1990s

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<sup>10</sup> Mendras, n. 13.

<sup>11</sup> Jeromin Perovic, “Regionalisation under Putin: Old Models and New Trends”, Paper Prepared by Jeromin Perovic for the Occasional Seminar at the Davis for Russian Studies, Harvard University March 19, 2002, pp. 2-3.

<sup>12</sup> Ibid, p. 4.

<sup>13</sup> Ibid, p.5.

outside observers often expressed the view that the eight Inter-regional Associations for Economic Cooperation created from the beginning of 1990 could be a source of momentum towards a federal re-organization of Russia. However, the capacity of these associations to form coalitions proved to be very low. This can be attributed to the fact that the new, post-1991 Russia lacked not only a tradition of regional co-operation, but also the structures, which would have allowed it to take place. Instead of setting up social structures, the regional leaders used the associations primarily to safeguard their individual interests, vis-à-vis the Federal Centre<sup>14</sup>.

In addition to the above interregional associations, as the most obvious form of interregional cooperation, the late 1990's also saw increased efforts by regions to form bilateral agreements with other entities both within and beyond federal boundaries. The most active player in this context was the city of Moscow. By the beginning of 1999 Moscow not only had permanent commercial representation in most federal entities, but had also forged official economic partnership with ten CIS states, Lithuania, Crimea, Transdnestr and 15 major Russian cities<sup>15</sup>. By the end of the 1990s, efforts to ensure the survival of their regions through international contacts had possibly become the principal strategy of regional and local leaders. International links between sub-national entities and outside world had been established in an enormous variety of forms. In addition to contacts between federal entities and foreign region, states, and territorial organizations, there was a clear trend towards the formation of links also at the level of local self-government structures and co-operation arrangements between the interregional associations and international partners<sup>16</sup>. International co-operation has become a strategy of vital importance for border regions of Russia in particular.

During 1990s there was also increased activity in this context among Russian municipalities and boroughs. By the end of the decade there were approximately 40 associations of municipal grouping, some of which were actively involved in the implementation of federal regional policy, particularly on local self-government issues.

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<sup>14</sup> Ibid, pp. 5-6.

<sup>15</sup> M. Steven Fish, "Democratization's Requisites: The Post-Communist Experience" *Post-Soviet Affairs*, vol. 14, no. 3, 1998, pp. 212-220.

<sup>16</sup> Ibid., p. 219.

Regarded as one of the best known and most influential of these entities is the “Association of Russian Cities”, which was established in later years of the Yeltsin period and comprises around 100 cities (mainly capitals of federal entities and important industrial centers). To that, however, these municipal associations have played only a relatively modest part in the country’s political life. Even the larger groupings like the “Association of Russian cities” have often failed to have any substantive influence on national politics because of the difficulty in reconciling the disparate interests of the many different members<sup>17</sup>. While political and administrative calculations played a large part in the regional formation, it was primarily economic forces, which drove the formation of horizontal networks at sub-national level. These trends were only just beginning at the end of the 1990s and were far from having exhausted their potential.

### **Major Problems of Local Government in Russia**

Although local government has already become an integral part of the public administration system in the Russian Federation, it still remains burdened with many complicated problems.

### **Problem with the Local Government’s Legal Foundation**

The constitution of the Russian Federation, the Federal law on General principles of local self-government organization and a number of other federal laws provide the general basis for the functioning of local government in Russia. However, they do not settle a wide range of specific legal issues related to local government<sup>18</sup>. Some of these issues are regulated by regional and sectoral legislation. In this respect, it should be emphasized that:

- There is not adequate coordination or mutual adjustment among the legal acts regulating local government issues, which belong to different legal branches.
- All of the issues that need legal regulation have not yet been conceived or resolved;

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<sup>17</sup> Peter Kirkow, “Local Self-Government in Russia: Awakening from Slumber”, *Europe Asia and Studies*, vol. 49, no. 1, 1997, pp. 48-49.

<sup>18</sup> “Problems in Passing Law on Local Self-Government Discussed”, *FBIS*, vol. 95, no. 149, 3 August 1995, p. 27.

- In many cases, regional governments are either reluctant to pass the necessary laws on local government or adopt legal acts concerned with local government issues that contradict the relevant federal legislation.

### **Problems with Local Government's Territorial Base**

The competition among local and regional governing elites seriously distorted the process of developing local government's territorial organization models. The agreement on municipalities' territorial configuration has often been reached either on the basis of a compromise or without regard to the principles of efficiency for local government<sup>19</sup>. As a result the territorial organization of local government in a number of regions does not comply with local government's goals and functions.

### **Problems with the Formation of Local Self-Government Bodies**

Though the primary stage of the formation of local government bodies is complete, organizational issues need further consideration and settlement. These issues result from the fact that:

- Having defined the general type of organization for local self-government bodies, local governments keep adjusting these models to meet their specific conditions and needs;
- The process of developing organizational models for local government bodies has been greatly influenced by the interests of local elites; this naturally resulted in lower efficiency in governance caused by the over-concentration and undesirable mixture of political and economic power within the same local government bodies<sup>20</sup>.

### **Problems with the Formation of Local Self-Government Competence**

On the face of it, the problem of local government competence might seem negligible. However, most of the conflicts between the different tiers of public government in Russia arise from the vagueness of their range of authority as defined in the existing legislations. Inaccurate norms in the Federal law on General principles of local self-government organization in the Russian Federation allow federal and regional

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<sup>19</sup> Ibid, p. 27.

<sup>20</sup> Danielian, n. 4.

governments to interpret the authority of local governments at their own choosing. Therefore, local governments, as the most “vulnerable” layer in the public administration system, get more responsibilities and fewer rights.<sup>21</sup>

### **The Financial and Economic Problems of Local Governments**

The most critical problems for the functioning of local government in Russia are related to its financial and economic foundations. In spite of the fact that legislation provides for the fiscal autonomy of local government, its own revenue (including the so-called shared taxes) comprise less than 30 percentages of their revenue on average. This means that the existing fiscal model encourages large scale distribution and redistribution processes, among levels of public government. At the same time, the mechanism for regulating intergovernmental fiscal relations is not properly defined and suffers from frequent and erratic reform. These reforms as a rule result in further decentralization of expenditure responsibilities as well as further centralization of financial resources. Under the current fiscal model, local governments do not actually have sustainable sources of revenue to cover their vital expenditure items, nor can they schedule their financial resources and expenses in advance. This dynamic hinders the long-term progressive development of the territories. What makes things even more complicated is the fact that the central and regional governments tend to rid themselves of burdensome social mandates by imposing them on local governments without any sort of financial provisions (which by the way, is violation of the Budget Code of the Russian Federation).<sup>22</sup>

### **Russia’s Crises and Local Government**

The weakness of the post-Soviet Russian state has had various consequences. These factors have also affected policy toward local government. The vertical dimension of the decline of state capacity is exhibited in the federal authorities’ lack of control over regional institution-building process.<sup>23</sup> The practical implication of that decline was the ongoing rationalization of the reform of local government, which has resulted in great

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid., p. 95.

<sup>23</sup> Ibid., p. 96.

variation in the degree of autonomy which has been permitted for local governments and in the degree of democracy, which has been attained at the local level.<sup>24</sup> The lack of strategy by the central government for state building on the regional and local levels has led to unlikely outcomes for local government in some regions.<sup>25</sup>

Russia's economic crisis has been still another factor that has exerted an unfavourable influence on the effort to achieve local autonomy.<sup>26</sup> The severe economic slump has had complex and far-reaching implications for local politics. First, the budget crisis of the national government led to the chronic under financing of the principal municipal expenditures. If foreign debt was the major immediate problem for the national government, for local governments the most pressing problems resulting from the growth of their debt consisted of major interruptions in the supply of electricity, natural gas, and water to local citizens and enterprises due to under payment for such utilities. Primorskii Krai, where the budget crisis has resulted in frequent lack of heating in many cities and towns in the middle of the winter, has furnished the best-known example of that problem, but the problem is not confined to that region. Second, since the early 1990s, the national government of Russia has sought to shift responsibility for social benefits to the regional and local governments.<sup>27</sup> In combination with the trend toward municipal ownership of the social assets of privatized enterprises, the dumping of social obligations by the national government has further deepened the crisis of local budgets. Third, under existing regulations and practices, the potential for local governments to finance their operations through reliance on their own sources of taxation is highly limited. Although federal law declares that the expenditures of local governments should be covered by their own revenue sources, that statement is nothing more than wishful thinking. About 75 per cent of the spending of local governments in Russia consists of subsidies for municipal housing, social security, education, and public health, in sharp contrast, with

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<sup>24</sup> Gelman, n. 14.

<sup>25</sup> Kathryn Stonen-Weiss, "Central Weakness and Provincial Autonomy: Observations on the Devolution Process in Russia", *Post-Soviet Affairs*, vol. 15, no. 1, 1999, pp. 87-90.

<sup>26</sup> Alfred Stepan, "Russian Federation in Comparative Perspectives" *Post-Soviet Affairs*, vol. 16, no. 2, 2000, pp.133-40.

<sup>27</sup> *Ibid.*, pp. 141-144.

the budget of local governments in western countries and also in distinction with the budget of the *zemstovs* of the late Tsarist period.<sup>28</sup>

According to some estimates, among the local governments in Russia over 75 per cent cannot maintain their budgets without financial support from the federal or regional governments and thus find themselves financially subordinated to higher levels of authority. The majority of localities in that category are small towns, villages and rural districts,<sup>29</sup> which have no prospects for financial autonomy at least in the short term perspective. Only a small minority of city and district governments have sufficient financial resources to claim local autonomy. Most localities which have adequate tax revenues are either big cities (mainly regional capitals) or single enterprises towns with profitable enterprise. The latter cases are rare, though moreover, even in those success stories of local governments municipal authorities face attempts by the owners or managers of the enterprises within their territory to impose their control over decisions making. However, the relative well being of those towns depends primarily on current economic circumstances such as trends in the world oil market. The problems resulting from such economic dependency by local government are typical for most of the company towns of Russia.

In the course of the 1990s only large cities showed some signs of local autonomy and stimulated some hope for the emergence of local democracy. It is not surprising that the politics of larger cities produces multiple conflicts between regional and local authorities. Those conflicts are rooted in causes deeper than the contests of personalities between mayors and governors. Regional-local relations reflected fundamental controversies in center-periphery relations, even though on a smaller territorial scale. While big cities and their metropolitan areas served as centers of political, economic, and social modernization, the surrounding areas of most regions faded into semi-peripheries or hopeless peripheries.<sup>30</sup> Since the spatial structure of most

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<sup>28</sup> Leonid Gill'chenko, Paper presented at the Seminar of Center for Strategic Planning, Moscow, 3 April 2000, [www.scr.ru/conference/gil/html](http://www.scr.ru/conference/gil/html).

<sup>29</sup> Ibid.

<sup>30</sup> Alfred B. Evans, Jr., "Economic Resources and Political Power at the Local Level in Post-Soviet Russia," *Policy Studies Journal*, vol. 28, no. 1, 2000, pp. 118-124.



of Russia's regions is mono-centric, the cleavage between the regional capital and the rest of the region became evident.

According to the commonly accepted view, the center-periphery, relationship is key factor of processes of political modernization. The role of center periphery relations in Post-Soviet politics is undeniable. On the one hand, center-periphery cleavage was the major determinant of voting in national elections in Russia from 1989 to 2000, on the other hand, the dynamics of center-periphery relations were recognized as an explanatory variable in a comparative study of regime transitions in Russia's regions, which presented an attempt to analyze the causes of the success or failure of regional democratization. The dynamic of center-periphery relations also played a role in the emergence or failure of local autonomy and local democracy in Russia's cities.<sup>31</sup>

The large cities of Russia (mainly the regional centers) play a crucial role in the country's adaptation to the process of globalization. They fulfill a mediating and civilizing mission, pulling the less developed periphery up to a more contemporary level of development. That mission could not be carried out by the large cities unless they acquired political autonomy from the peripheries. However, the performance of that function would become more difficult if not impossible in conditions of the political dependence of the centers on the peripheries, which would lead to the forced redistribution of economic resources in favour of small towns and rural areas.

The very existence of elements of regional democracy, such as competitive elections, is even worse for the autonomy of the major cities, because such competition provides strong incentives for incumbents to cultivate electoral loyalty among voters in rural areas and small towns, which constitute the territorial bases of parties of power,<sup>32</sup> both national and regional. Therefore, the innovative potential of cities as centres of modernization is being dissipated through redistributive practices, reducing the larger cities to the level of the peripheries. Thus the unfavourable initial conditions of reforms in local government in Post-Soviet Russia have been reinforced by the unfavourable outcomes of the triple transition: limited and inconsistent democratization, ineffective

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<sup>31</sup> Ibid, pp. 118-124.

<sup>32</sup> Timothy J. Cotton and Michael McFaul, "Reinventing Russia's Party Power: Unity and the 1999 Duma Election," *Post-Soviet Affairs*, vol. 16, no. 3, 2000, pp. 214-215.

marketisation and the formation of weak state have contributed to the crisis of local government. The level of autonomy and local democracy in Russia is low. But that conclusion may lead us to ask whether weak and undemocratic local government is a permanent feature of Russian politics, or recent problems are only the temporary hardships of protracted transition process.

### **The Present Status of Local Self-Government and its Function:-**

Under the presidentship of Putin a package of legislation (three bills) were submitted to the state Duma, as second part of the regional system reform.

1. Alter the principles of Federation Council and prohibit the leaders of the subjects of the federation and the regional district council to hold office in the Federation council;
2. Introduce a mechanism for dismissing the heads of regions and dissolving legislative assemblies.
3. Give regional leaders the right to dismiss local (smaller than city and rain) authorities.

Regarding the laws on the Federation Council, since January 1996, the heads of regions and regional parliaments were automatically chosen as representatives for the Federation council. In respect to this, Putin gave a speech on television on May, 17 2002 “today, the governor and heads of the republics serve as heads of regional Parliament and concurrently act as legislators by serving as a representative of the Federation council. This destroys the principle of separation of power.”<sup>33</sup> He believes that these people should concentrate on the specific problems facing their territories. He submitted a draft bill “the Fundamental reform of the Federation council bill” to the state Duma relating to above.

Once the law is enacted, the subunit leaders will be deprived of the opportunity to meet and participate in national politics and special privileges guaranteed by the Russian constitution offered to the members of the upper and lower houses that protect them from

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<sup>33</sup> Takafuni Nakai, “Russia’s Local and Financial System”, <http://www.wiges.or.jp/en/fc/pdf/3456.PDF>.

being arrested. For this reason, laws on the Federation council encountered some resistance from the Federation Council itself.<sup>34</sup>

The second draft bill in the package that President Putin submitted on May 19, 2000, along with draft laws on the Federation Council, and the draft law on dismissing regional authorities, were amendments and supplements to the ‘general principles of the state power legislative and executive branch of subjects of federation (“Draft Law on Dismissing Governors”).

The President can essentially impeach regional authorities (Governor) under the draft law on dismissing governors:

- (1) In case of sub-unit leaders or the regional assembly issues decrees or legal acts that contravene the Federal Constitutional law, and the regional assembly fails to fix or annul the law within the given time frame;
- (2) If the subunit leaders or the regional assembly fails to issue an act stating to change or annul the law within the given time frame of the Presidential order.
- (3) In case the subunit leader or the regional assembly issues decree or legal acts containing issues decrees or legal acts that Russian constitutional court or the regional court of law finds to be contradicting the Russian constitution.
- (4) In case the subunit leader or the regional assembly applies legal acts containing issues that the Russian constitutional court or regional court of law finds as contradicting the constitution.

This reform reflects Putin’s intentions to create a mechanism to force regional authorities to comply with federal law, in view of the “dictatorship of law” and “vertical line of power” and to dismiss the subunit leaders who issues directives, or decisions that contravene federal constitutional laws.<sup>35</sup> Since the executive and legislatures became elected there had been no clear mechanism for Russian President to remove the regional authorities that refuse to comply with Federal law.<sup>36</sup> As predicted, many regional leaders showed concern and strong opposition for the draft bill allowing the Russian President to

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<sup>34</sup> Ibid, p. 44.

<sup>35</sup> Jeromin Perovic, “Regionalisation .....New Trends”, n. 11, p. 14.

<sup>36</sup> Ibid.

dismiss regional leaders and disband local Parliaments but the bill was passed by the state Duma with overwhelming votes on June 30, 2000. With the establishment of this law, President Putin unquestionably has gained large power over regional relations.

The third bill that Putin submitted to the state Duma is a package of amendments and supplements to the general principle of the regional administration in the Russian Federation (“bill on dismissing regional authorities”). The enactment of this draft bill indicates that the federal assembly or the President has the authority to dismiss the regional assembly and suspend the local self government heads (smaller than cities and *raions*) duly only after the court has found two or more violations.<sup>37</sup> The enactment of these bills reinforces Putins “Vertical Line of Power” policy in three levels for federal agencies, with central government at the top.

### **Prospects of Democratization in the Regions**

While Putin’s initiatives like the pluralisation of actors increase the prospects of democratization, in many regions power is still largely controlled by Governors and the quasi-authoritarian style of rule characteristic of the time under Yeltsin still prevails to some extent, a turn around can be observed in this area, with the potential for more major changes in the future.

First, in spite of the low level of administrative efficiency of the federal districts, and the limited respect in which they are held, it appears that the presidential representatives and the various local institutions in the regions now have a significantly higher profile than before. Whereas representatives of the Federation in the regions carried little political authority under Yeltsin, often actually being directly dependent on the regional authorities, they are now much more visible and above all more independent actors in the regional political landscape.

Secondly, the Putin reforms have also increased the importance of the regional Parliaments. The new federal legislation grants the regional legislative body rights and competencies giving it greater latitude vis-à-vis executive. Thus the regional legislative authority may block the appointment of the candidate for the Federation Council

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<sup>37</sup> Takafuni Nakai, “Russia’s ....Financial System”, n. 33.

nominated by the executive with a two-thirds of majority, and has a similar veto to block a decision to dismiss the representative.<sup>38</sup> The constellation of political actors in the regions could also be affected by proposed legislation currently under discussion on the election system in the regions. Among other provisions, the draft law would see elections for the regional Parliaments based in the same way as in the state Duma-on half the members being elected by proportional representation on the basis of party lists and other by the direct, or “first past the post” election of candidates in electorates, with one seat each. To date political parties have played only a minor role in the regional political landscape. If the draft law is passed, as well as potentially giving increased momentum for the formation of a party based political arena in the region, this would probably also strengthen the legislative in relation to the executive. This would promote political pluralism in the regions and at the same time is in line with the efforts of the Kremlin to restrict the power of the Governors.<sup>39</sup>

Thirdly, the institutions of local self-government could also free themselves to some extent from the tight grasp of the authorities of the federal entity. Even though under the constitution local self-government authorities are explicitly not subordinate to the regional authorities, the regional structures have always been at pains to ensure that local self-government is implemented as they see fit. This still applies today, to the extent that in many regions the heads of local government departments are appointed by regional authorities, and entirely dependent on the regional budget for funding.<sup>40</sup> During the first year of his term of office Putin took a cautious line on the issue of local self-government.

The situation of local self-government became the subject of intensive debate at the time of Putin’s monthly meeting with the seven Presidential representatives, where Putin urged them to start campaigns in their districts to strengthen this institution, which had previously been neglected. According to Sergei Kirienko, the Presidential representative in the Volga federal district, this institution included the formulation and

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<sup>38</sup> Ibid.

<sup>39</sup> Vladimir Gel Man, n. 9, pp. 501-503.

<sup>40</sup> Ibid.

implementation of clear legal principles setting out the rights and competencies of local self-government vis-à-vis other state government levels, the development of legal principles with a view to promoting the independence of local self-government from regional authorities, and ultimately the increased involvement of these institutions in regional strategic planning within the regional districts. Kirienko himself sees the strengthening of local self-government as an important instrument for the continuing democratization in Russia. How far it will be possible to implement these plans remains to be seen.

However, there are at least two indications to suggest that the situation of local self-government has already improved over the previous position. First, from the beginning of his term of office, Putin has clearly identified himself as a defender of the interests of Russia's politically and economically important cities. This is a point of considerable importance, in that many large cities and their mayors have long been struggling against having their decisions made for them by the political leadership of the regional centers. Putins position on this issue could lead to these conflicts being resolved in favour of the cities and an extension of their autonomy.<sup>41</sup> Secondly, the institution of local self-government has also benefited from the trend towards harmonization of the legal environment and a stronger emphasis on constitutional and federal law. In this context, a recent court decision could become a national landmark judgment. This is the ruling of the Russian Supreme Court of March 30, 2001 stating that the 125 local chairpersons of the districts of Moscow city must be elected in future, rather than being appointed directly by the Mayor of the city.<sup>42</sup>

This development is generally in line with the globalization trend, and increased integration of Russia into global structures and relationships is also likely to promote democratization trends in Russia. However, the continuation of the democratization process can ultimately only be guaranteed if it is actively supported by the Kremlin.<sup>43</sup>

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<sup>41</sup> Perovic, n. 11, p. 14.

<sup>42</sup> Danielian, n. 4.

<sup>43</sup> Perovic, n. 11, p.14.

Strengthening the regional parliament, creating a judicial system not dependent on political considerations, providing funding support for the structures of local self-government, promoting the development of small and medium sized business, activating the presence of political parties, are techniques which could be used to restrict the power of the regional executive and combat the associated negative effects of regionalism. These are some of the measures which would go a long way in strengthening democracy and local self government in Russia.

## ***CONCLUSION***



## CONCLUSION

The Local Self-Government is a worldwide phenomenon today and brings government nearer to the people. It is major instrument of political education, training for political leadership and nursery for civic virtues.

Although the “World Charter of Local Self Government” is a high water mark in the arena of the local self governance, the European Charter of Local Self Government is the real founding stone upon which the World Charter of Local Self Government now stands. In the simplest sense the European Charter of Local Self Government shows the beacon light to the world wide phenomenon of local self government.

The birth of local self-governance as public institution in Russia dates back to the nineteenth century, although some of its elements can be traced even earlier. In soviet times, however, local self-governance was transformed into a powerless branch of the state.

Decentralization and local self government are two different concepts though they seem to be synonymous. They vary in degree not in kind. Decentralisation symbolizes expansion of local autonomy through transfer of powers and responsibility away from national bodies but local government is the system of government of a town or an area by elected representatives of the people who live there. The United Nation ratifies the local government as an important level in the scheme of government of a state.

While studying the politics of local government in Russia, the study comes across two concepts. One is local government in Soviet Russia and another is local self government in Russia (post disintegration). There lies the distinction between local government and local self government in Russia. Local government means the system of government of a town or an area which is provided by central authority or provincial authority for administrative convenience. The concerned people of that area may not

enjoy power truly. It was partly centralized in nature, scope and character, and prevailed during the Tsarist and the Soviet period. But Local Self Government, is a system of government of a particular area or town by elected representatives of the concerned people of that area. In Local Self Government the concerned grass root people enjoy more power than the local government. During the Soviet period the local government personnel were appointed by the central authority and were completely obedient to the party. But constitutional reform of 1993 gave more power to the grass root people.

The rebirth of local self-governance occurred at the beginning of the 1990s with the restructuring of the economy under the constitutional reform of 1993. Under the constitutional reform of 1993 local self-government was declared to be an independent structure in the system of government. The new 1995 federal law on the General Principles of Organization of Local Self Governance in Russian Federation provided fresh impetus to the development of local government. The law introduced new terminology and concepts pertaining to local self-governance, determined its functions and established its fiscal foundations. In 1998, Russia signed the European Charter on Local Self-Government. The standards of the European Council and other co-operative programs with the Russian Federation influenced key aspects of the establishment and development of local self-government in Russia.

Local self-government is one of the cornerstones of the constitutional structure of Russia. It stands closest to the population and provides the most immediate protection of the public interest. These interests are based on the life of the community and its interaction within a given territory. Local self-government is an important mechanism for the formation of civil society in Russia. It has a unique place in its development. A true people's government involves members of the local community in the process of public decision-making.

Analysis of the development of local self-governance in Russia during the past decade demonstrates that the most important constitutional right of the population – that of independent problem solving at the local level – has not yet been realized on a national scale. For a number of years, the Federal Government largely ignored the problem of

local self-government. This disregard has directly affected the standards of living in both the city and the village over the long term. Russia is now faced with the need to fundamentally restructure its system of local self-government. In order to accomplish this successfully, a reformation of the entire system of public government is needed.

In this regard, the year 2003 marks a turning point. A new draft resolution of the federal law on the general principles of organization of local self-government in the Russian Federation is now under discussion in State Duma. The law is based on the division of legal and financial authority between federal and regional power structures and local governments, eliminating the vagueness surrounding these relationships. The main provisions of the draft resolution are related to changes in the territorial organization of local government; only those clauses of the resolution, which have proved to be viable in practice, will be adopted. At the same time, the law also takes into account the pre-revolutionary experience of Russia in local self-governance.

The reformation of local self-government is closely related to the problem of financing local government activities. Municipal revenues and expenditures must be balanced. The problem of creating an adequate financial base for local government in Russia has always been acute.

The Russian federation is building an entirely new local and financial system different from the old regime through an extremely complicated process that is still incomplete. What makes it difficult to analyze the Russian local and financial system are, the complexity, ambiguity and opacity of the authority division between the federation, the subjects of federation and local self-governments. This is due to the repeated deprivation and intrusion of authority by the federal and provisional governments in the affairs of the local self government. Currently, President Putin is promoting local system reform with centralized measures. The aim of President Putin's local reform can be expressed as clarifying the power relationship between federation, the subjects of federation and local self-governments.

On June 26, 2001, President Putin declared a Presidential decree to establish the proposal formulation committee on authority divisions between the three. This

committee will mainly work on the fundamental assessment of the power-sharing treaties between the federation and the subjects of federation. The power-sharing treaty was one of the sources that led to the chaotic relationship between the federation and the subjects of federation under Yeltsin Administration. Currently, President Putin's high public rating supports his solid political foundation. Under Putin administration, the local and financial system reorganization will be promoted and the central and local relationships will converge to a decent level.

The tendency towards further decentralization of political and economic authority and institutions in the Russian Federation could be characterized as objective and is meant to raise the general level of public administration efficiency. However, this process of decentralization is developing spontaneously: it fails to meet true imperatives of economic and social developments, it ignores the interests of the regions and local communities and sometimes it contradicts the norms of the Russian constitution. Under the circumstances, one of the most challenging problems facing Russian regional and local authorities is the necessity to provide the equilibrium of intergovernmental fiscal relations. In order to achieve this basic goal, the following measures, aimed at fiscal policy modification, have to be taken:

- (1) A more adequate co-ordination between the legal acts regulating local government issues should be provided;
- (2) Territorial organization of local government should be brought in line with local governments' goals and functions;
- (3) Organizational issues of local government bodies' formation need further consideration and settlement;
- (4) A more accurate legal definition of local governments competence should be provided;
- (5) The solution of the funding problem facing local governments call for (i) reassessment of benefit granting policy principles and (ii) raising the efficiency of fiscal resources redistribution;
- (6) Taxation and tax revenue distribution systems should be modified so as to provide the principles of matching local governments; expenditure responsibilities with their own budget revenue;

- (7) The principles of shared tax rates of shared tax proceeds should be implemented in a more consistent manner within the Russian taxation system in order to provide greater incentives for local governments to improve tax collection and stimulate the development of municipalities tax capabilities;
- (8) Optimization of tax revenue allocation among budget system levels call for clear and transparent legislative provision of permanent tax shares assigned to local governments;
- (9) In order to provide objective criteria for local governments expenditures estimation, federal and regional authorities should introduce minimum expenditure standards for each budget item;
- (10) In order to strengthen the local governments' fiscal autonomy and provide more structural balance in the consolidated budget's tax revenue allocation, in new framework for developing intergovernmental revenue sources allocation should be proposed;
- (11) The process of transfer granting at the regional level should become more objective in order to eliminate the space for political bargaining between regional and local levels of governments;
- (12) The current municipal property related policy needs serious reassessment, allowing the treatment of municipal property as a capital asset with the potential of revenue generation.

The proposed restructuring of local government and the realization of its envisioned powers strive to eliminate existing boundaries between regional and federal structures and the population. Local government in its new form will be close to the people, making local self-governance a reality throughout the Russian Federation. To achieve these goals, it is necessary to train qualified administrative specialists, the kind of specialists whose skills are equal to the scope of reforms. They will, without doubt, receive the support of the Federal Government.

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