

**MODEL OF PUBLIC AUTHORITIES  
AT REGIONAL LEVEL IN UKRAINE: GENESIS, STATE  
AND PROSPECTS OF REFORM**

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**INTRODUCTION**

Going into the post-Soviet period of its history, Ukraine had to solve the problem of the system of public power, which is significantly different from the system of “power of the Soviets”. The Soviet model envisaged the state control of all levels of public management and administration and the lack of local self-government as a form of public authority. In the early 1990s, the process of governmental development at the regional level began, and continues to this day. Certain reform projects have been developed over the last three decades, and some of which have been still discussed today.

Following the change of power as a result of the Euromaidan, the issue of reforming the model of public administration at the regional level of Ukraine has become particularly relevant and has been included on the reform agenda. At the same time, it is possible to analyze not only the experience and current state of the issue of improving the model of public administration at the regional level, but also the prospects for its further resolution.

The administrative and territorial structure of independent Ukraine has not changed in comparison with the times of the USSR, when there were 24 oblasts, cities of republican subordination Kyiv and Sevastopol and the Autonomous Republic of Crimea. Our research is focused on public authorities in the regions of Ukraine, which are the main unit of administrative and territorial division of the country at the regional level. It is a question of a regional council as a regional body of local self-government and a regional state administration as a public authority of general competence.

## **1. Search for a model of public administration at the regional level in the context of confronting the presidential and Soviet verticals**

First of all, let us turn to the historical aspect of the question, which allows to identify and evaluate previously applied approaches to the creation of regional executive bodies and local self-government.

Independent Ukraine inherited from the USSR an outdated system of public administration built on a “Soviet model” of governance, in which a hierarchy of Soviet type elected councils of different levels and their executive committees existed. The introduction of the concept of “local self-government” at the USSR and Ukrainian (1990) levels did not lead to a rapid separation of local self-government bodies from state authorities, even at the legislative level. In the text of the Constitution of Ukraine in force until 1996, which was the Basic Law of the USSR of 1978 with certain changes of the times of perestroika and independence, up to the last moment all local councils of people’s deputies (including regional ones) were considered to be “the bodies of public authorities”. The Constitution itself did not mention local self-government bodies, but in the Law of Ukraine “On Local Councils of People’s Deputies of the Ukrainian SSR and Local Self-Government” (December 7, 1990) the Regional Councils of People’s Deputies (as well as village, settlement, district, city, district in cities) has been defined as “state bodies of local self-government”<sup>1</sup>. This formulation, despite its absurdity, made it possible to remove for a certain period the agenda of reforming the system of local authorities.

The introduction of the Presidency Institute in Ukraine has put on the agenda the question of building a “presidential vertical”, which should be extended to the oblast and rayon (district) levels. After the

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<sup>1</sup> Verkhovna Rada of the Ukrainian SSR (1990), *Zakon Ukrayins'koyi RSR “Pro miscevi Rady' narodny'x deputativ Ukrayins'koyi RSR ta misceve samovryaduvannya”* [Law of the Ukrainian SSR “On the Local Soviets of People’s Deputies of the Ukrainian SSR and Local Self-Government”], 07.12.1990, No. 533-XII as amended of 07.12.1990, available at <https://zakon.rada.gov.ua/laws/show/533-12/ed19901207>, accessed 25 October 2019.

first ever presidential election in Ukraine (December 1, 1991), the issue of executive bodies at the regional and sub-regional levels was examined in a concise period, which at the same time led to a revision of the position of lawmakers on the essence of councils as public authorities. A course was taken to create such state structures of general competence that would take over the real power in the regions and districts.

On March 5, 1992, the Verkhovna Rada of Ukraine adopted the Law “On the Representative of the President of Ukraine”, according to which the position of the representative of the President of Ukraine was created in the regions (oblasts), cities of Kyiv and Sevastopol, districts (rayons), districts of the city of Kyiv as the highest official of the state executive power in the respective state territorial unit. The position was officially called “Representative of the President of Ukraine – Head of the local state administration”. Thus, the first executive bodies in the regions appeared in the history of independent Ukraine, and they became the regional state administrations. At the same time, they were, so to say, a “minor” element in the lawmaking process, since the focus was on the representative of the President of Ukraine although he/she was only an official. Nevertheless, the whole structure of regional power was built not from the authority body, but from its head. The Representative of the President of Ukraine was vested with the right to form a local state administration, determine its structure and staff (in agreement with the President of Ukraine). The activity of the regional state administrations was regulated by the “Provision on local state administrations”, which was approved by the President of Ukraine (first approved on April 14, 1992)<sup>2</sup>. In the Law of Ukraine “On the Representative of the President of Ukraine” the issue of the primacy of the Representative of the President of Ukraine regarding the regional state administration was resolved by granting

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<sup>2</sup> President of Ukraine (2001), *Ukaz “Pro Polozhennya pro miscevu derzhavnu administraciyu”* [Decree “On the Regulations on Local State Administration”], 14.04.1992, No. 252, available at <https://zakon.rada.gov.ua/laws/show/ru/252/92>, accessed 25 October 2019.

the status of a legal entity to the Representative of the President of Ukraine and not to the regional state administration. However, unlike the President of Ukraine, the Representative of the President of Ukraine was not a sole executive body but only the head of an administration.

The Law of Ukraine “On the Representative of the President of Ukraine” stated that “the legal status of the local state administration is determined by the Constitution of Ukraine, this Law and the Regulations approved by the President of Ukraine”<sup>3</sup>. The document referred to the structure of the state administration, which included departments, offices and other services. Heads of regional state administrations and its structural units were prohibited from being members of parliament or members of local councils, to combine their positions with senior positions in the public and business sectors, and to engage in business activities. In fact, restrictions were imposed on civil servants, whose status was settled only in December 1993.

In the Law of Ukraine “On the Representative of the President of Ukraine”, a section on the relations between the Representative of the President of Ukraine and local self-government was singled out (in 1992–1996 the term “local and regional self-government” was used in Ukraine). The basic approaches to cooperation of the head of the regional state administration with the relevant regional council were as follows:

- The Representative of the President of Ukraine promotes the development of local self-government and supervises the activity of local self-government bodies;
- Heads of village, town and city councils are responsible to the Representative of the President of Ukraine for the exercise of delegated powers;

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<sup>3</sup> Verkhovna Rada of Ukraine (1992), *Zakon Ukrainy “Pro Predstavny’ka Prezydenta Ukrainy”* [Law of Ukraine “On the Representative of the President of Ukraine”], 05.03.1992, No. 2167-XII, available at <https://zakon.rada.gov.ua/laws/show/2167-12>, accessed 25 October 2019.

– The Regional Council may propose to the President of Ukraine to dismiss the Representative from office by the presence of  $\frac{3}{4}$  votes, that may be supported by the Head of State;

– The Representative of the President of Ukraine in the region has the right to sue local self-government bodies, raise the issue of early termination of powers of local self-government bodies, participate in meetings of local self-government bodies, apply to them with a submission<sup>4</sup>.

The Representative of the President of Ukraine was appointed and dismissed by the Head of State, and also was subordinated to him. The rule of approving the candidate for the Representatives of the President of Ukraine with the respective councils was introduced in the “Regulation on Local State Administrations” by a decree of the President of Ukraine in May 1993. At that time it was determined that the Representatives of the President of Ukraine were appointed and dismissed at the proposal of the Prime Minister of Ukraine<sup>5</sup>.

The essence of the major changes that took place in the system of public authority at the regional level in the early 1990s were reflected not in the Law of Ukraine “On the Representative of the President of Ukraine”, but in the Parliament’s resolution on its implementation. It stated that the local state administration was “formed on the basis of the executive committees of the respective councils”, their structural subdivisions, which were liquidated after the establishment of state administrations. At the time of such a decision (March 5, 1992), the Law of Ukraine “On Local Councils of Deputies and Local and Regional Self-Government” retained a hybrid norm for

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<sup>4</sup> Verkhovna Rada of Ukraine (1992), *Zakon Ukrajinii “Pro Predstavny’ka Prezy’denta Ukrainy”* [Law of Ukraine “On the Representative of the President of Ukraine”], 05.03.1992, No. 2167-XII, as amended of 05.03.1992, available at <https://zakon.rada.gov.ua/laws/show/2167-12/ed19920305>, accessed 25 October 2019.

<sup>5</sup> President of Ukraine (2001), *Ukaz “Pro vnesennya dopovnen’ i zmin do punktu 6 Polozhennya pro miscevu derzhavnu administraciyu”* [Decree “On amendments to item 6 of the Regulations on local state administration”], 12.05.1993, No. 168/93, available at <https://zakon.rada.gov.ua/laws/show/168/93>, accessed 25 October 2019.

councils as “state bodies of local self-government”. Namely, it could be formally said that the transfer of power took place from one state institution (though at the same time self-governing) to another one.

The emergence of local state administrations helped to resolve the issue of the essence of councils, which were located in two spaces of public authorities at the same time – in the system of state power and local self-government. On March 26, 1992, the Ukrainian legislation was amended to define the concepts of “local self-government” (its bodies were village, settlement, town and city councils) and “regional self-government” (district and regional councils).

Thus, it can be stated that the assignment of regional councils to the system of local (regional) self-government was preceded by the deprivation of their right to have their own executive bodies, which primarily concerned the implementation of the regional budget and the availability of functions of the budget manager. The oblast councils were seen as exclusively representative bodies.

Due to the introduction of legislative innovations in March 1992, a system of two elements was formed at the regional level. The first element – the state one – was represented by the regional state administration. The second element- local (regional) self-government one – was a regional council without executive bodies. The competences between them were distributed. Both structures were given the tools to influence one another. The regional council could apply to the President of Ukraine for dismissal of the head of the regional state administration, and the latter could ask the parliament to dissolve the corresponding council.

However, such legislative certainty did not last long. The issue of the status of the chairman of the regional council became the object of confrontation between the President of Ukraine and the Verkhovna Rada of Ukraine. Primarily, the position of the Representative of the President of Ukraine – the head of the local state administration, who was deprived of the status of “the highest official of state power” in the region in March 1993, – was adjusted. Then they introduced a rule on the necessity of coordinating the nominations of heads of local state

administrations with the relevant councils, which were entitled to consider and reject presidential candidates at their plenary sessions<sup>6</sup>. And in parallel, the chairman of the regional council acquired the status of “the highest official in the system of self-government of the region”<sup>7</sup>.

It should be noted that from December 1990 until March 1992 the chairman of the regional council was defined as the “highest official of the region”<sup>8</sup>, and then until March 1993 no such characteristics were used for the said official. Changing the status determination of the head of the regional state administration and the chairman of the regional council as the “highest officials” (albeit in their own sphere) was an attempt by the leadership of the Verkhovna Rada of Ukraine to restore power vertically along the line of councils (from the Verkhovna Rada of Ukraine to the village, settlement and city council) and eliminate the presidential vertical.

At the beginning of 1994, the situation as for the system of local public authorities changed dramatically. According to the Law of Ukraine “On Formation of Local Authorities and Self-Government” of February 3, 1994, the regional councils, which were recognized at that time by the bodies of local self-government, were entrusted with the

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<sup>6</sup> Verkhovna Rada of Ukraine (1993), *Zakon Ukraini “Pro vnesennya zmin i dopovnen’ do Zakonu Ukrainy’ ‘Pro Predstavny’ka Prezy’denta Ukrainy’”* [Law of Ukraine “On Amendments to the Law of Ukraine ‘On the Representative of the President of Ukraine’”], 16.03.1993, No. 3066-XII, available at <https://zakon.rada.gov.ua/laws/show/3066-12>, accessed 25 October 2019.

<sup>7</sup> Verkhovna Rada of Ukraine (1993), *Zakon Ukraini “Pro vnesennya zmin i dopovnen’ do Zakonu Ukrainy’ ‘Pro miscevi Rady’ narodny’x deputativ ta misceve i regional’ne samovryaduvannya”* [Law of Ukraine “On Amendments to the Law of Ukraine ‘On Local Councils of People’s Deputies and Local and Regional Self-Government’”], 16.03.1993, No. 3067-XII, available at <https://zakon.rada.gov.ua/laws/show/3067-12>, accessed 25 October 2019.

<sup>8</sup> Verkhovna Rada of the Ukrainian SSR (1990), *Zakon Ukrainy’s’koyi RSR “Pro miscevi Rady’ narodny’x deputativ Ukrainy’s’koyi RSR ta misceve samovryaduvannya”* [Law of the Ukrainian SSR “On the Local Soviets of People’s Deputies of the Ukrainian SSR and Local Self-Government”], 07.12.1990, No. 533-XII as amended of 07.12.1990, available at <https://zakon.rada.gov.ua/laws/show/533-12/ed19901207>, accessed 25 October 2019.

simultaneous fulfillment of the functions of state authorities<sup>9</sup>. They were subordinate to the Cabinet of Ministers of Ukraine in terms of activities on the exercise of the delegated authorities of the state executive power. Executive committees of the regional councils became the part of regional councils again. Hence, the executive committees of the city and district councils on delegated powers were subordinate to them. The concept of “higher council” reappeared<sup>10</sup>.

With the advent of executive committees of regional councils, the question of a new approach to determining the status of the Representative of the President of Ukraine and the regional state administration was raised. The use of foreign experience at that time allowed preserving the state element of the system of regional public administration in the form of a purely controlling body (like the French prefect), including the possibility of renaming the position of presidential representative and regional state administration according to their changed role. But the commitment of ideologists of this reform to the idea of “vertical councils” dictated another answer – the elimination of the institutions of the Representative of the President of Ukraine and the regional state administration without the creation of any state authority at the regional level. In June 1994, such adjustments were made according to the proposed scheme. After that, the heads and executive committees of the regional council were entrusted with the performance of the delegated powers of the state executive power<sup>11</sup>.

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<sup>9</sup> Verkhovna Rada of Ukraine (1994), *Zakon Ukrainy “Pro formuvannya miscevy’x organiv vlady’ i samovryaduvannya”* [Law of Ukraine “On the formation of local authorities and self-government”], 03.02.1994, No. 3917-XII as amended of 03.02.1994, available at <https://zakon.rada.gov.ua/laws/show/3917-12>, accessed 25 October 2019.

<sup>10</sup> Ibid.

<sup>11</sup> Verkhovna Rada of Ukraine (1994), *Zakon Ukrainy “Pro vnesennya zmin i dopovnen’ do Zakonu Ukrainy’ ‘Pro formuvannya miscevy’x organiv vlady’ i samovryaduvannya”* [Law of Ukraine “On Amendments to the Law of Ukraine ‘On Formation of Local Authorities and Self-Government’”], 28.06.1994, No. 64/94, available at <https://zakon.rada.gov.ua/laws/show/en/64/94-bp>, accessed 25 October 2019.

In 1994, a new procedure for the election of the chairmen of regional councils was established, which provided for their direct elections in the territory of the oblast (in a single-mandate constituency)<sup>12</sup>.

Introduced in 1994, the innovations were implemented in the summer of the same year, after which only one authority remained at the regional level – the regional council as a local government body. Its chairman and executive committee were delegated powers of the state executive power. In the new situation, the issue of state influence on the regions was regulated by a decree of the President of Ukraine “On providing the governance of the structures of local executive authorities” of August 6, 1994. According to this decree, the chairmen of regional councils and their executive committees should have understood under the delegated powers of the state authorities the powers, which were provided for in the “Provision on Local State Administrations” of July 24, 1992<sup>13</sup>.

This situation took place until June 1995, when according to the Constitutional Treaty between the Verkhovna Rada of Ukraine and the President of Ukraine on the basic principles of organization and functioning of state power and local self-government in Ukraine, a slightly revised model of public authorities organization of the period from 1992 to the first half of 1994 was returned before the adoption of the new Constitution of Ukraine. It was proposed to create regional councils without executive committee as representative bodies of local self-government and regional state administrations as bodies of state executive power led by their heads (without additional definition as a

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<sup>12</sup> Verkhovna Rada of Ukraine (1994), *Zakon Ukrajinii “Pro vy'bory' deputativ i goliv sil's'ky'x, sely'shny'x, rajonny'x, mis'ky'x, rajonny'x u mistax, oblasny'x Rad”* [Law of Ukraine “On election of deputies and heads of village, settlement, district, city, district in cities, regional councils”], 24.02.1994, No. 3996-XII, available at <https://zakon.rada.gov.ua/laws/show/3996-12>, accessed 25 October 2019.

<sup>13</sup> President of Ukraine (2001), *Ukaz “Pro zabezpechennya kerivny'cztva strukturamy' derzhavnoi vy'konavchoyi vlady' na miscyax”* [Decree “On providing governance of the structures of local executive authorities”], 06.08.1994, No. 430/94, available at <https://zakon.rada.gov.ua/laws/show/ru/430/94>, accessed 25 October 2019.

Representative of the President of Ukraine)<sup>14</sup>. An important innovation in the Constitutional Treaty on June 8, 1995 was that the president was limited in the choice of candidates for the head of the regional state administration. The only way was determined, according to which only the chairman of the regional council was appointed to this position. In order to resolve the acute domestic political crisis, such alignment was introduced. The dismissing from the Head of Regional State Administration position led to the termination of office of the Chairman of Regional Council position<sup>15</sup>.

The process of reforming public authorities at the regional level from Ukraine’s independence to the adoption of the new Constitution of Ukraine by the Parliament is shown in Table 1. The chronological frame period determined in accordance with the dates of the adoption of new legislation that changed the previously existing order.

Table 1

**Public authorities at the regional level from Ukraine’s declaration of independence to the adoption of the Constitution (August 24, 1991 – June 28, 1996)**

<b>Period</b>	<b>Local self-government body at the regional level</b>	<b>Executive body at the regional level</b>
<b>1</b>	<b>2</b>	<b>3</b>
August 1991 – March 1992	the regional council with the executive committee	was absent

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<sup>14</sup> Verkhovna Rada of Ukraine, President of Ukraine (1995), *Konsty'tucijny'j dogovor mizh Verxovnoyu Radoyu Ukrayiny' ta Prezy'dentom Ukrayiny' pro osnovni zasady' organizaciyi ta funkcionuvannya derzhavnoyi vlady' i miscevogo samovryaduvannya v Ukrayini na period do pry'jnyattya novoyi Konsty'tuciyi Ukrayiny'* [Constitutional Treaty between the Verkhovna Rada of Ukraine and the President of Ukraine on the Fundamental Principles of Organization and Functioning of State Power and Local Self-Government in Ukraine until the adoption of the New Constitution of Ukraine], 08.06.1995, No. 1к/95-ВР, available at <https://zakon.rada.gov.ua/laws/show/1к/95-ВР>, accessed 25 October 2019.

<sup>15</sup> Ibid.

1	2	3
March 1992 – February 1994	the regional council without the executive committee	the representative of the President of Ukraine – the head of the regional state administration
February 1994 – June 1995	the regional council with the executive committee	was absent
June 1995 – June 1996	the regional council without the executive committee	regional state administration

\* sources: Verkhovna Rada of Ukraine (1992), *Zakon Ukraini "Pro Predstavny'ka Prezy'denta Ukrainy'"* [Law of Ukraine "On the Representative of the President of Ukraine"], 05.03.1992, No. 2167-XII, available at <https://zakon.rada.gov.ua/laws/show/2167-12>, Verkhovna Rada of Ukraine (1994), *Zakon Ukraini "Pro formuvannya miscevy'x organiv vlady' i samovyaduvannya"* [Law of Ukraine "On the formation of local authorities and self-government"], 03.02.1994, No. 3917-XII as amended of 03.02.1994, available at <https://zakon.rada.gov.ua/laws/show/3917-12>, Verkhovna Rada of Ukraine (1996), *Konsty'tuciya Ukrainy'* [The Constitution of Ukraine], 28.06.1996, No. 254k/96-БП as amended of 28.06.1996, available at <https://zakon.rada.gov.ua/laws/show/254k/96-БП/ed19960628>, Verkhovna Rada of Ukraine, President of Ukraine (1995), *Konsty'tucijnij dogovor mizh Verxovnoyu Radoyu Ukrainy' ta Prezy'dentom Ukrainy' pro osnovni zasady' organizaciyi ta funkcionuvannya derzhavnoyi vlady' i miscevego samovyaduvannya v Ukraini na period do pry'nyattya novoyi Konsty'tuciyi Ukrainy'* [Constitutional Treaty between the Verkhovna Rada of Ukraine and the President of Ukraine on the Fundamental Principles of Organization and Functioning of State Power and Local Self-Government in Ukraine until the adoption of the New Constitution of Ukraine], 08.06.1995, No. 1к/95-БП, available at <https://zakon.rada.gov.ua/laws/show/1к/95-БП>

The peculiarities of determining the status of the heads of public authorities at the regional level are presented in Table 2.

Table 2

**The heads of public authorities at the regional level  
from Ukraine's declaration of independence to the adoption of the  
Constitution (August 24, 1991 – June 28, 1996)**

<b>Period</b>	<b>Title</b>
August 1991 – March 1992	the chairman of the regional council (the head of the executive committee)
March 1992 – February 1994	the chairman of the regional council, the representative of the President of Ukraine – the head of the regional state administration
February 1994 – June 1995	the chairman of the regional council (the head of the executive committee)
June 1995 – June 1996	compatibility of the office of the head of the regional state administration and the chairman of the regional council (appointment of the elected in direct elections the chairman of the regional council on the position of the head of the regional state administration)

\* sources: Verkhovna Rada of Ukraine (1992), *Zakon Ukrajini "Pro Predstavny'ka Prezy'denta Ukrayiny'"* [Law of Ukraine "On the Representative of the President of Ukraine"], 05.03.1992, No. 2167-XII, available at <https://zakon.rada.gov.ua/laws/show/2167-12>, Verkhovna Rada of Ukraine (1994), *Zakon Ukrajini "Pro formuvannya miscevy'x organiv vlady' i samovryaduvannya"* [Law of Ukraine "On the formation of local authorities and self-government"], 03.02.1994, No. 3917-XII as amended of 03.02.1994, available at <https://zakon.rada.gov.ua/laws/show/3917-12>, Verkhovna Rada of Ukraine (1996), *Konsty'tuciya Ukrayiny'* [The Constitution of Ukraine], 28.06.1996, No. 254k/96-bp as amended of 28.06.1996, available at <https://zakon.rada.gov.ua/laws/show/254k/96-bp/ed19960628>, Verkhovna Rada of Ukraine, President of Ukraine (1995), *Konsty'tucijny'j dogovir mizh Verhovnoyu Radoyu Ukrayiny' ta Prezy'dentom Ukrayiny' pro osnovni zasady' organizaciyi ta funkcionuvannya derzhavnoyi vlady' i misceвого samovryaduvannya v Ukrajini na period do pry'jnyattya novoyi Konsty'tuciyi Ukrayiny'* [Constitutional

Treaty between the Verkhovna Rada of Ukraine and the President of Ukraine on the Fundamental Principles of Organization and Functioning of State Power and Local Self-Government in Ukraine until the adoption of the New Constitution of Ukraine], 08.06.1995, No. 1к/95-БП, available at <https://zakon.rada.gov.ua/laws/show/1к/95-бп>

## **2. The Ukrainian constitutional model of public authorities at the regional level**

The current model of public management and administration at the regional level was established with the adoption of the Constitution (Fundamental Law) of Ukraine June 28, 1996. Subsequently, the rules specified in the Fundamental Law were consolidated and developed in a number of laws, in particular “On Local Self-Government in Ukraine” and “On Local State Administrations”. The period of fluctuations and the lack of clarity on the role of councils and state administrations in the regions ended with the delineation between public authorities and local self-government. But it happened because regional and district councils were denied the right to create executive bodies.

The Constitution of Ukraine established that local state administrations in particular should ensure the following:

- the implementation of national and regional programmes for socio-economic and cultural development, programmes for environmental protection, and also – in places of compact residence of indigenous peoples and national minorities – programmes for their national and cultural development;
- the preparation and implementation of respective region (oblast) and district (rayon) budgets;
- the report on the implementation of respective budgets and programmes<sup>16</sup>.

Local state administrations were defined as structures that “exercise executive power in oblasts”<sup>17</sup>. The role of heads of local

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<sup>16</sup> Verkhovna Rada of Ukraine (1996), *Konsty'tuciya Ukrayiny'* [The Constitution of Ukraine], 28.06.1996, No. 254к/96-бп as amended of 28.06.1996, available at <https://zakon.rada.gov.ua/laws/show/254к/96-бп/ed19960628>, accessed 25 October 2019.

state administrations were especially emphasized as they were entrusted with the formation of the administration. It was established that these officials are appointed to and removed from their office by the President of Ukraine upon the submission of proposal by the Cabinet of Ministers of Ukraine<sup>18</sup>. It is quite clear that the regional state administrations, as public authorities of general competence, could not be limited only to the functions “cut off” from the regional councils. They were primarily responsible for ensuring “the implementation of the Constitution and laws of Ukraine, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine, other executive bodies”, “legality and legal order; the observance of laws and freedoms of citizens”<sup>19</sup>. The Constitution of Ukraine determined that local state administrations shall be “accountable to, and under the control of, councils (radas) in the part of the powers delegated to them by the respective district (rayon) or regional councils”<sup>20</sup>.

The issue of regional councils activity was viewed in terms of they (as well as district councils) were defined as the bodies of local self-government, “representing the common interests of territorial communities of villages, settlements and cities”<sup>21</sup>. Meanwhile, councils of the basic level were characterized as the bodies of local self-government, through which the territorial community exercises local self-governing<sup>22</sup>. Territorial communities should elect respectively the head of the village, settlement, or city on the basis of universal, equal, and direct suffrage by secret ballot. A village, settlement and city council has the right to form their own executive

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<sup>17</sup> Ibid.

<sup>18</sup> Verkhovna Rada of Ukraine (1996), *Konsty'tuciya Ukrayiny* [The Constitution of Ukraine], 28.06.1996, No. 254k/96-bp as amended of 28.06.1996, available at <https://zakon.rada.gov.ua/laws/show/254k/96-bp/ed19960628>, accessed 25 October 2019.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

bodies led by a village, settlement, city head. In addition, regional councils had to elect chairmen from among the deputy corps<sup>23</sup>.

The powers of regional councils were as follows:

- approval of programmes for socio-economic and cultural development of the respective oblasts;
- approval of oblast budgets;
- resolve other issues ascribed to their competence by law<sup>24</sup>.

The absence of executive bodies in regional councils was only partially offset by the introduction of the notion of “executive apparatus of an oblast council”, headed by the chairman of the regional council. In the Constitution, this term was not clarified. In the previous time period, this approach was not used. However, in the Law of Ukraine “On local councils of deputies and local and regional authorities” in the amended March 26, 1992 the term “Secretariat of the Council” used for regional councils. The “Secretariat of the Council” was formed for the organizational and technical support of the regional council, its bodies and councilors. But this body, unlike the apparatus of the regional council, was led by the head of the secretariat, appointed by the chairman of the council<sup>25</sup>. The executive apparatus in the regional council was not foreseen up to deny their right to form executive bodies at the constitutional level.

Initially, the executive apparatus of the regional council was to provide organizational, analytical, logistical support to the activity of the council, its bodies, councilors, as well as to facilitate interaction of regional council with territorial communities, local self-government

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<sup>23</sup> Ibid.

<sup>24</sup> Verkhovna Rada of Ukraine (1996), *Konsty'tuciya Ukrainy* [The Constitution of Ukraine], 28.06.1996, No. 254k/96-ВР as amended of 28.06.1996, available at <https://zakon.rada.gov.ua/laws/show/254k/96-ВР/ed19960628>, accessed 25 October 2019.

<sup>25</sup> Verkhovna Rada of Ukraine (1990), *Zakon Ukrajini “Pro miscevi Rady’ narodny’x deputativ ta misceve i regional’ne samovvryaduvannya”* [Law of Ukraine “On local councils of people’s deputies and local self-government”], 07.12.1990, No. 533-XII, with amendments, available at <https://zakon.rada.gov.ua/laws/show/533-12>, accessed 25 October 2019.

bodies, other structures and representatives of local self-government<sup>26</sup>. In 2010, the possibility of taking measures to monitor the effectiveness of the regulatory acts of this council was added to its powers<sup>27</sup>.

The developers of the existing model of organization of public authority at the regional level in Ukraine have introduced a peculiar mechanism for defining the powers of the regional state administration and the regional council. The Constitution of Ukraine enshrined a provision on the delegation of powers from a regional council to a regional state administration. In Art. 44 of the Law of Ukraine “On Local Self-Government in Ukraine” there is a regulation that “regional councils delegate to the respective state administrations” powers, the list of which amounted to 23 items in May 1997 (as of October 2019, there were 24)<sup>28</sup>.

As it can be seen, the current requirements of the legislation are categorical – the regional council “delegates” the powers to the regional state administration. There is no possibility to discuss the exclusion of all or some of the provisions. That is, the actual consolidation of these powers by the regional state administrations took place, but through a compulsory “delegation” mechanism.

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<sup>26</sup> Verkhovna Rada of Ukraine (1997), *Zakon Ukraini “Pro misceve samovryaduvannya v Ukraini”* [Law of Ukraine “On local self-government in Ukraine”], 21.05.1997, No. 280/97-вп, available at <https://zakon.rada.gov.ua/laws/show/280/97-вп>, accessed 25 October 2019.

<sup>27</sup> Verkhovna Rada of Ukraine (2010), *Zakon Ukraini “Pro vnesennya zmin do deyakykh zakoniv Ukrainy shhodo pryvedennya yix u vidpovidnist’ iz Zakonom Ukrainy ‘Pro zasady derzhavnoyi regulyatornoyi polityky’ u sferi gospodars’koyi diyal’nosti”* [Law of Ukraine “On Amendments to Some Laws of Ukraine on Alignment with the Law of Ukraine ‘On Principles of State Regulatory Policy in the Field of Economic Activity’”], 01.07.2010, No. 2388-VI, available at <https://zakon.rada.gov.ua/laws/show/2388-17>, accessed 25 October 2019.

<sup>28</sup> Verkhovna Rada of Ukraine (1997), *Zakon Ukraini “Pro misceve samovryaduvannya v Ukraini”* [Law of Ukraine “On local self-government in Ukraine”], 21.05.1997, No. 280/97-вп, available at <https://zakon.rada.gov.ua/laws/show/280/97-вп>, accessed 25 October 2019, Verkhovna Rada of Ukraine (1997), *Zakon Ukraini “Pro misceve samovryaduvannya v Ukraini”* [Law of Ukraine “On local self-government in Ukraine”], 21.05.1997, No. 280/97-вп, as amended of 21.05.1997, available at <https://zakon.rada.gov.ua/laws/show/280/97-вп/ed19970521>, accessed 25 October 2019.

Apparently, the authors of the term “delegation” tried in some way to give regional councils the role of the entity delegating authority. In fact, the order established in the legislation puts the regional councils in the position of a local self-government body, from which the state authorities simply withdrew important powers. It would be more accurate to record in the document that the regional state administrations have specified list of powers, and the regional councils simply do not have them. In such an embodiment, the issue of delegation does not arise.

When the Law of Ukraine “On Local State Administrations” was adopted in April 1999, its developers and parliament also used the wording “to exercise the local state administrations powers delegated to them by oblast and rayon councils”, devoting to this issue a separate article 29. It simply referred to the provisions of the Constitution of Ukraine and Art. 44 of the Law of Ukraine “On Local Self-Government in Ukraine” without any further detail. However, in the Law of Ukraine “On Local State Administrations” on the basis of constitutional norms delegated powers were defined as the own powers of regional administrations. The executive bodies of the regional councils should be the ones to carry out them as their own powers. First of all, it is about the development of projects of regional programmes, the draft of the regional budget and their implementation. At the same time, the Law of Ukraine “On Local State Administrations” emphasized that to carry out the powers delegated by the regional councils “financial, logistical and other resources necessary for their implementation” are transferred to them<sup>29</sup>.

The distribution of powers of regional state administrations and regional councils according to the current constitutional model is shown in Table 3.

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<sup>29</sup> Verkhovna Rada of Ukraine (1999), *Zakon Ukrajini “Pro miscevi derzhavni administraciyi”* [Law of Ukraine “On Local State Administrations”], 09.04.1999, No. 586-XIV, available at <https://zakon.rada.gov.ua/laws/show/586-14>, accessed 25 October 2019.

Table 3

**Powers in the area of budgeting and programmes**

<b>Regional state administration</b>	<b>Regional council</b>
<ul style="list-style-type: none"> <li>– preparation of oblast budget;</li> <li>– execution of oblast budget;</li> <li>– reporting on the execution of oblast budget;</li> <li>– the implementation of regional programmes;</li> <li>– reporting on the execution of regional programmes.</li> </ul>	<ul style="list-style-type: none"> <li>– approval of oblast budget;</li> <li>– supervising the execution of oblast budget;</li> <li>– approval of regional programmes;</li> <li>– supervising the execution of regional programmes.</li> </ul>

\* sources: Verkhovna Rada of Ukraine (1996), *Konsty'tuciya Ukrainy* [The Constitution of Ukraine], 28.06.1996, No. 254k/96-бп as amended of 28.06.1996, available at <https://zakon.rada.gov.ua/laws/show/254k/96-бп/ed19960628>

Deprivation of regional councils of executive bodies substantially limited the influence of these authorities on the life of the regions. However, not all of their leaders agreed with this situation. They have found some solutions to enhance their relevance and credibility by strengthening the executive apparatus. For example, the Dnipropetrovsk Regional Council approved the structure of its executive apparatus, which generally duplicated the list of branch structural divisions of the regional state administration, creating a total of 16 departments and offices in 2011 (63 posts)<sup>30</sup> and 18 – in 2016 (94 posts)<sup>31</sup>. In addition, some of the heads of departments and offices

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<sup>30</sup> Dnipropetrovsk Regional Council (2011), *Rishennya "Pro strukturu vy'konavchogo aparatu Dnipropetrovs'koyi oblasnoyi rady"* [Decisions "On the structure of the executive apparatus of the Dnipropetrovsk Regional Council"], 25.03.2011, No. 105-5/VI, available at <https://dostup.pravda.com.ua/request/8642/response/12759/attach/4/img%20129110758.pdf>, accessed 25 October 2019.

<sup>31</sup> Dnipropetrovsk Regional Council (2016), *Rishennya "Pro strukturu vy'konavchogo aparatu Dnipropetrovs'koyi oblasnoyi rady"* [Decisions "On the structure of the executive apparatus of the Dnipropetrovsk Regional Council"], 19.02.2016, No. 12-2/VII, available at <https://oblrada.dp.gov.ua/rishennia/sklikannia-7/2-session/rishennya-pro-strukturu-vikonavchogo-apparaty/>, accessed 25 October 2019.

received the appendix “Deputy Head of the Regional Council for the Executive Apparatus” in the title of their position.

Regional councils began to acquire the status of developers, customers and coordinators of certain regional programmes, and impose on their executive apparatus the coordination of work of their execution. In December 2011, the Dnipropetrovsk Regional Council acted as the developer, the executive, the chief controller of funds for the implementation of tasks and activities of the “Local Self-Government Development Programme in Dnipropetrovsk Region for 2012–2016”<sup>32</sup>.

Efforts of regional councils to gain possibility in the development and implementation of regional programmes was a situation where the executive authorities tried to keep this option only for themselves. Thus, the guidelines for the development of regional programmes approved by the Ministry of Economy of Ukraine in December 2006 determined that the initiator of the program might be as local executive authorities as local self-government. However, the preparation of the draft programme was entrusted only to the regional state administrations alone or jointly with other partners, among whom no regional councils were named<sup>33</sup>. And in June 2007 the Dnipropetrovsk Regional State Administration attributed only its structural units to the initiators of development of the regional programme<sup>34</sup>.

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<sup>32</sup> Dnipropetrovsk Regional Council (2011), *Rishennya “Pro Programu rozvy’tku misceвого samovryaduvannya u Dnipropetrovs’kij oblasti na 2012–2016 roky”* [Decisions “On the local government development programme in Dnepropetrovsk region for 2012–2016”], 27.12.2011, No. 225-10/VI, available at [http://212.3.96.115/devel\\_program](http://212.3.96.115/devel_program), accessed 25 October 2019.

<sup>33</sup> Ministry of Economy of Ukraine (2006), *Nakaz “Pro zatverdzhennya Metody’chny’x rekomendacij shhodo poryadku rozroblennya regional’ny’x cil’ovy’x program, monitory’ngu ta zvitnosti pro yix vy’konannya”* [Order “On approval of the Guidance for the development of regional target programmes, monitoring and reporting on their implementation”], 04.12.2006, No. 367, available at <https://zakon.rada.gov.ua/rada/show/v0367665-06>, accessed 25 October 2019.

<sup>34</sup> Head of Dnipropetrovsk Regional State Administration (2007), *Rozporyadzhennya “Pro poryadok rozroblennya, zatverdzhennya ta vy’konannya regional’ny’x cil’ovy’x program u Dnipropetrovs’kij oblderdzhadministracij”* [Order

Another point of tension between the Regional Council and Regional State Administration was the preparation of oblast budget, which provides administration. The Council receives the draft budget for review and subsequent approval usually for a very short period of time. And this leads to resentment among councilors who treats the function of the regional state administration to develop a draft budget as an authority that can be exercised independently in the same way as village, settlement, city councils do. From the point of view of the regional council, this diminishes its identity as a regional public authority.

In times of crisis in Ukraine's political life, certain regional councils, even without the necessary legislative basis, put the issue of executive committees on the agenda. In most cases, these were the demarches of regional power elites addressed to the central government. Thus, in November 2004, dissatisfied with the events of the Orange Revolution, most of the councilors of the Lugansk Regional Council, supporting Prime Minister of Ukraine V. Yanukovich candidacy for the Presidency, called for the creation of their own executive committee<sup>35</sup> and in late November – early December 2013, dissatisfied with the power of President Viktor Yanukovich, the councilors of the Ternopil and Ivano-Frankivsk regional councils decided to form their own executive committees (though as part of the executive apparatus)<sup>36</sup>.

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“On the Procedure of Development, Approval and Execution of Regional Target Programmes in Dnipropetrovsk Regional State Administrations”, 12.06.2007, No. P-211/0/3-07, available at <https://adm.dp.gov.ua/ua/npas/pro-poryadok-rozroblennya-zatverdzhennya-ta-vikonannya-regionalnikh-tsilovikh-program-u-dnipropetrovskiy-f36cc7e82f1a7a4dc225732b00411530>, accessed 25 October 2019.

<sup>35</sup> UNIAN (2004), *Lugans'k xoche vidokremy'ty's' i shukaye pidtry'mky' u Putina* [Lugansk wants to secede and is seeking support from Putin], *Ukrayinska Pravda*, November 26, available at <https://www.pravda.com.ua/news/2004/11/26/3004702/>, accessed 25 October 2019.

<sup>36</sup> Tereshhuk G. (2013), *Choty'ry' obrady' Zaxidnoyi Ukrayiny' xochut' vidibraty' vladu v ODA* [Four regional councils of Western Ukraine want to seize power in the RSA], *Radio Liberty*, December 9, available at <https://www.radiosvoboda.org/a/25194410.html>, accessed 25 October 2019.

### 3. Main directions of reforming public authorities at the regional level

Shortly after the adoption of the Constitution of Ukraine, the issue of the absence of executive committees in regional councils became a matter of debate. The Council of Europe did not support the order introduced in 1996. In 2001, the Congress of Local and Regional Authorities called for regional (oblast) councils to have their own executive bodies “further to necessary amendments to the Constitution”<sup>37</sup>. Such a move would be directed on specific implementation of Articles 3.2 and 6.1 of the European Charter of Local Self-Government<sup>38</sup>. The fact is that Ukraine ratified the European Charter of Local Self-Government in full in July 1997, and this imposed obligations on the country.

The model of public administration at the regional level, laid down in the Constitution of Ukraine under the influence of criticism of domestic and foreign experts, has become one of the topics for discussion in the process of reforming public authorities. Already in the first half of the 2000s, proposals emerged to return to an order in which regional councils had their own executive bodies. This issue can only be resolved by amending the Constitution of Ukraine.

The first attempts to amend the regional governance model established by the Constitution of Ukraine were made by a group of members of the parliament in July 2003, proposing in the bill No. 3207-1 to entitle the regional councils to create their own executive bodies. Thus, the function of implementing the programmes of socio-economic and cultural development of the region and its budget should remain with the regional state administrations. As for the regional councils, they should only supervise the execution of these issues. The evident fact is that a partial solution was proposed

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<sup>37</sup> Congress of local and regional authorities of Europe (2001), *Recommendation 102 (2001)<sup>1</sup> on local and regional democracy in Ukraine*, available at <http://www.slg-coe.org.ua/wp-content/uploads/2012/10/Recommendation-102-20011-on-local-and-regional-democracy-in-Ukraine.pdf>, accessed 25 October 2019.

<sup>38</sup> Council of Europe (1985) *European Charter of Local Self-Government*, 15.10.1985, available at <https://rm.coe.int/168007a088>, accessed 25 October 2019.

and it did not result in the strengthening of regional councils. On the one hand, they should have received the executive body and, on the other hand, the powers necessary for the proper functioning of the regional councils remained with the regional state administrations. In addition, the mentioned deputy bill No. 3207-1 referred to the possibility of delegation of powers from regional councils to regional state administrations<sup>39</sup>.

In 2005, after revision of the draft law No. 3207-1, only the observance of legislation and interaction with local self-government bodies had to be the function of the regional state administrations. Functions for the implementation of regional programmes and the regional budget should have been performed by the regional council<sup>40</sup>.

It took more than five years for the head of state to support this position. Only in March 2009, President of Ukraine V. Yushchenko introduced a draft law of Ukraine “On Amendments to the Constitution of Ukraine” in which he proposed to entitle the regional councils to create executive committees and to exercise all those powers carried out by regional state administrations, as delegated from regional councils. It was intended first to introduce the post of the head of the regional state administration, with an emphasis on this position, rather than on the administration itself as an authority. As it can be seen, the approach used in 1992 when introducing the post of Representative of the President of Ukraine – Head of the Regional State Administration was followed. The head of the regional state administration should perform the following three main functions:

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<sup>39</sup> Verkhovna Rada of Ukraine (2003), *Proekt zakonu Ukraini “Pro vnesennya zmin do Konstytuciyi Ukrainy”* [The draft law of Ukraine “On amendments to the Constitution of Ukraine”], 01.07.2003, No. 3207-1, available at [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=15410.3207-1](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=15410.3207-1), accessed 25 October 2019.

<sup>40</sup> Verkhovna Rada of Ukraine (2005), *Postanova “Pro poperednye sxvalennya i napravlennya do Konstytucijnogo Sudu Ukrainy’ zakonoprojektu pro vnesennya zmin do Konstytuciyi Ukrainy”* [Decree “On the preliminary approval and submission to the Constitutional Court of Ukraine of a draft law amending the Constitution of Ukraine”], 23.12.2005, No. 3288-IV, available at <https://zakon.rada.gov.ua/laws/show/ru/3288-15>, accessed 25 October 2019.

1) control over the observance of the Constitution of Ukraine and other normative-legal acts by the bodies of executive power and local self-government; 2) ensuring the interaction of territorial units of central executive bodies and local self-government bodies; 3) exercise of other constitutional powers. The head of the regional state administration had to enter the presidential vertical<sup>41</sup>.

The 2009 presidential proposals intended to preserve the old name of the regional state executive body – “regional state administration”. However, at the same time its functions changed dramatically. This led to the search for a new name of the new state structures at the regional level. Moreover, such suggestions occurred. Thus, Minister of Justice M. Onishchuk, when presenting the Concept of Amendment to the Constitution of April 23, 2008, which was subsequently introduced by the President, proposed to introduce the names “prefecture” and “prefect” to “exercise the representative and controlling functions of the President”<sup>42</sup>.

The transition to practical steps to change the model of public governance at the regional level began after the events of the Euromaidan, officially called the Revolution of Dignity. On April 1, 2014, the Cabinet of Ministers of Ukraine approved the Concept of Reforming Local Self-Government and Territorial Authorities in Ukraine, according to which the regions envisaged the existence of regional councils with executive bodies and regional state administrations. In fact, the aforementioned governmental decision did not raise the issue of the powers of the regional state administrations, although it referred to the “institutional reorganization of local self-government bodies and local executive bodies on a new territorial

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<sup>41</sup> Verkhovna Rada of Ukraine (2009), *Proekt zakonu Ukraini “Pro vnesennya zmin do Konstytuciyi Ukrainy”* [The draft law of Ukraine “On amendments to the Constitution of Ukraine”], 31.03.2009, No. 4290, available at [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_2?pf3516=4290&skl=7](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?pf3516=4290&skl=7), accessed 25 October 2019.

<sup>42</sup> Onishchuk M. V. *Doktryna onovlenoyi Konstytuciyi Ukrainy: realiyi ta perspektyvy* [The doctrine of the updated Constitution of Ukraine: realities and perspectives], available at [https://minjust.gov.ua/m/str\\_16966](https://minjust.gov.ua/m/str_16966), accessed 25 October 2019.

basis”, and the completion of the formation of the relevant legislative framework<sup>43</sup>.

The Verkhovna Rada of Ukraine further elaborated the functions and powers of regional state administrations and regional councils in the draft Law of Ukraine “On Amendments to the Constitution of Ukraine (on Decentralization of Power)” No. 2217a submitted by President P. Poroshenko to Parliament in July 2015 and previously approved on 31 August, 2015. Since then, a new model of regional power has been submitted to society with no alternatives. The presidential document provides for giving the executive power to the prefect (namely the prefect, not the prefecture) in the regions and creating own executive committees in the regional councils. The prefect’s powers are to supervise local self-government bodies in observing the Constitution and legislation, to coordinate and supervise the activities of other state authorities in the region, to ensure the implementation of state programmes, and to take measures under martial law or emergency, and in environmental emergency. The new status of the executive power at the regional level in the form of prefect removes from the agenda the need to include a rule of no confidence on the part of the regional council, since no corresponding delegation of powers is envisaged.

The issue of extension of powers of regional councils was solved by introducing the term of “executive committee of the regional council”. Nevertheless, the term of “executive bodies” is used for village, settlement and city councils, which, in turn, includes both the executive committee and departments and offices that are engaged in certain areas of policy. The chairman of the village, settlement, city council is in parallel the head of the executive committee of the council, which also includes deputy heads, heads of departments and offices of the relevant council, as well as other persons (heads of

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<sup>43</sup> Cabinet of Ministers of Ukraine (2014), *Rozporyzdzheniya “Pro sxvalennya Koncepciyi reformuvannya misceвого samovryaduvannya ta terytorial’noyi vlady’ v Ukraini”* [The order “On approval of the Concept of reforming local self-government and territorial authority in Ukraine”], 01.04.2014, No. 333-p, available at <https://zakon.rada.gov.ua/laws/show/333-2014-p>, accessed 25 October 2019.

enterprises, institutions, organizations, educational institutions, and representatives of public organizations, etc.). The proposed by the President Draft amendments to the Constitution of Ukraine does not answer the questions about the creation of departments, offices and other executive bodies of regional councils.

Another innovation proposed by the head of state was the norm that the regional council, on the one hand, elects the chairman of the council, and on the other hand, appoints and dismisses the head of the executive committee of the council. Such a wording means that the chairman of the regional council and the head of the executive committee of the regional council must (may) be different people<sup>44</sup>.

Innovations on regional councils proposed in presidential draft law No. 2217a in the context of constitutional changes are shown in Table 4.

Table 4

**The main features of the regional council as an authority**

<b>The current Constitution of Ukraine</b>	<b>Draft Law of Ukraine “On Amendments to the Constitution of Ukraine (On Decentralization of Power)” No. 2217a of July 1, 2015.</b>
<b>1</b>	<b>2</b>
<ul style="list-style-type: none"> <li>– represents the common interests of territorial communities of villages, settlements, towns and cities;</li> <li>– the chairman is elected by the council;</li> <li>– forms the executive apparatus;</li> </ul>	<ul style="list-style-type: none"> <li>– represents the common interests of territorial communities of the region;</li> <li>– the chairman is elected by the council;</li> <li>– forms the executive committee;</li> </ul>

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<sup>44</sup> Verkhovna Rada of Ukraine (2015), *Proekt zakonu Ukraini “ Pro vnesennya zmin do Konstytuciyi Ukrayiny’ (shhodo decentralizaciyi vlady)’”* [The draft law of Ukraine “On amendments to the Constitution of Ukraine (on decentralization of power)”, 01.07.2015, No. 2217a, available at [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=55812](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=55812), accessed 25 October 2019.

1	2
– the chairman of the council is the head of the executive apparatus.	<ul style="list-style-type: none"> <li>– the head of the executive committee set apart from the chairman of the council;</li> <li>– the head of the executive committee is appointed and dismissed by the council;</li> <li>– the council forms the executive committee;</li> <li>– the head of the executive committee forms the staff of the executive committee.</li> </ul>

\* sources: Verkhovna Rada of Ukraine (1996), *Konsty'tuciya Ukrayiny'* [The Constitution of Ukraine], 28.06.1996, No. 254k/96-вр as amended of 28.06.1996, available at <https://zakon.rada.gov.ua/laws/show/254k/96-вр/ed19960628>, Verkhovna Rada of Ukraine (2015), *Proekt zakonu Ukraini " Pro vnesennya zmin do Konsty'tuciyi Ukrayiny' (shhodo decentralizaciyi vlady)"* [The draft law of Ukraine "On amendments to the Constitution of Ukraine (on decentralization of power)"], 01.07.2015, No. 2217a, available at [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?p\\_f3511=55812](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?p_f3511=55812)

The differences between the powers of the regional state administration and the prefect in the context proposed by the President draft law No. 2217a are presented in Table 5.

Having identified the main directions of reforming public authorities at the regional level, Parliament should take the following steps:

- to specify the constitutional provisions on the prefect, the chairman of the regional council, the head of the executive committee of the regional council;
  - to determine the status of the prefecture as an authority;
  - to clarify the meaning of the term “executive committee of the regional council” in the context of a broad understanding of the concept of “executive bodies of local self-government”;
- to elaborate drafts of relevant legislation, which should detail the new model of public administration at the regional level.

Table 5

**Powers of the executive body of the regional level**

<b>Regional state administration</b>	<b>Prefect</b>
<ul style="list-style-type: none"> <li>– ensures the execution of the Constitution and laws of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine and other executive power bodies;</li> <li>– ensures legality and legal order; the observance of rights and freedoms of citizens;</li> <li>– implements state and regional programmes for socio-economic and cultural development, programmes for environmental protection, and, in areas where indigenous people and national minorities reside, programmes for their national and cultural development;</li> <li>– prepares and executes regional budgets;</li> <li>– reports on the execution of respective budgets and programmes;</li> <li>– interacts with local self-government bodies;</li> <li>– realizes other powers vested by the State and delegated by the respective councils.</li> </ul>	<ul style="list-style-type: none"> <li>– supervises local self-government bodies in observing the Constitution and laws of Ukraine;</li> <li>– coordinates the activity of territorial bodies of central executive power bodies and supervises the observance of the Constitution and laws of Ukraine;</li> <li>– ensures the implementation of state programmes;</li> <li>– directs and organizes the activity of territorial bodies of central executive power bodies and ensures its interaction with local self-government bodies under martial law, emergencies or environmental emergency;</li> <li>– exercises other powers defined by the Constitution and laws of Ukraine.</li> </ul>

\* sources: Verkhovna Rada of Ukraine (1996), *Konsty'tuciya Ukrayiny'* [The Constitution of Ukraine], 28.06.1996, No. 254k/96-бp as amended of 28.06.1996, available at <https://zakon.rada.gov.ua/laws/show/254k/96-бp/ed19960628>, Verkhovna Rada of Ukraine (2015), *Proekt zakonu Ukraini " Pro vnesennya zmin do Konsty'tuciyi Ukrayiny' (shhodo decentralizaciyi vlady)"* [The draft law of Ukraine "On amendments to the Constitution of Ukraine (on decentralization of power)"], 01.07.2015, No. 2217a, available at [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?p\\_f3511=55812](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?p_f3511=55812)

## CONCLUSIONS

The question of defining a model of public administration at the regional level was on the agenda in the early 1990s in the context of the democratization of Soviet society and the building of the statehood of an independent Ukraine. The process of dismantling the Soviet governance model, eliminating the verticals of the Soviets, introducing European standards of local self-government, creating executive bodies has begun.

In 1991–1996, initially there was the search for an optimal model for the creation of an element of the presidential vertical in the regions, which was hampered by the parliament's attempt to turn the vertical of the Soviets. With the adoption of the Constitution of Ukraine, the existing model of governance at the regional level was introduced. It envisages the presence of regional councils as representative bodies of local self-government without executive bodies and regional state administrations as executive bodies with delegated functions that can be fulfilled by the regional councils (first of all, the issue of preparation and implementation of the regional budget).

The regional model of public authority organization in Ukraine has been criticized by foreign and domestic experts who consider it advisable to ensure the existence of own executive bodies of regional councils and the refusal of delegation of powers by regional councils to regional state administrations. The various reform options were identified from 2003 to 2015 through the parliamentary and presidential initiatives.

In 2015, the process of introducing a new model that provides the functioning of the prefect as an institution of regional executive power with supervisory powers and regional councils with executive committees and powers, which does not need to be delegated to the executive, began. This approach generally creates conditions for local self-government strengthening at the regional level and improving the system of checks and balances between different forms of public authority. It is important to overcome the inhibitory factors and provide the necessary constitutional changes. At the same time, there

is a need to specify the general provisions, preparation and adoption of a new legislation.

## SUMMARY

The article deals with problem of the functioning and reforming of Ukrainian public authorities' model at the regional level. The core question is about powers of the state and local self-government bodies, the delineation and delegation of their functions. Regional (oblast) state administrations and regional (oblast) councils are in unbalanced situation now. The history, current situation and perspectives for implementation of a new division of competences between the administration and the council have been investigated. In early 1990, state administrations were formed by way of removing the executive bodies from councils. Modern Ukrainian regional public authorities' model is based on the concept of the delegation of powers from regional (oblast) councils to regional (oblast) state administrations that have limited opportunities of local self-government. The article concludes that the essence of problem is the execution of regional (oblast) budget and programmes that have been cut off from the councils. The conflict resolution proposes both the establishment of executive bodies of oblast councils and the proper changing oblast administration (prefect) status to supervision authority as the aim of future constitutional reform in the decentralization sphere.

## REFERENCES

1. Cabinet of Ministers of Ukraine (2014), *Rozporozhdzhennya "Pro sxvalennya Konceptiyi reformuvannya miscevogo samovryaduvannya ta terytorial'noyi vlady" v Ukrayini* [The order "On approval of the Concept of reforming local self-government and territorial authority in Ukraine"], 01.04.2014, No. 333-p, available at <https://zakon.rada.gov.ua/laws/show/333-2014-p>, accessed 25 October 2019.
2. Congress of local and regional authorities of Europe (2001), *Recommendation 102 (2001)' on local and regional democracy in Ukraine*, available at <http://www.slg-coe.org.ua/wp->

content/uploads/2012/10/Recommendation-102-20011-on-local-and-regional-democracy-in-Ukraine.pdf, accessed 25 October 2019.

3. Council of Europe (1985) *European Charter of Local Self-Government*, 15.10.1985, available at <https://rm.coe.int/168007a088>, accessed 25 October 2019.

4. Dnipropetrovsk Regional Council (2011), *Rishennya "Pro Programu rozvy'tku misceвого samovryaduvannya u Dnipropetrovs'kij oblasti na 2012 – 2016 roky"* [Decisions "On the local government development programme in Dnepropetrovsk region for 2012–2016"], 27.12.2011, No. 225-10/VI, available at [http://212.3.96.115/devel\\_program](http://212.3.96.115/devel_program), accessed 25 October 2019.

5. Dnipropetrovsk Regional Council (2011), *Rishennya "Pro strukturu vy'konavchogo aparatu Dnipropetrovs'koyi oblasnoyi rady"* [Decisions "On the structure of the executive apparatus of the Dnipropetrovsk Regional Council"], 25.03.2011, No. 105-5/VI, available at <https://dostup.pravda.com.ua/request/8642/response/12759/attach/4/img%20129110758.pdf>, accessed 25 October 2019.

6. Dnipropetrovsk Regional Council (2016), *Rishennya "Pro strukturu vy'konavchogo aparatu Dnipropetrovs'koyi oblasnoyi rady"* [Decisions "On the structure of the executive apparatus of the Dnipropetrovsk Regional Council"], 19.02.2016, No. 12-2/VII, available at <https://oblrada.dp.gov.ua/rishennia/sklikannia-7/2-session/rishennya-pro-strukturu-vikonavchogo-apparaty/>, accessed 25 October 2019.

7. Head of Dnipropetrovsk Regional State Administration (2007), *Rozporyadzhennya "Pro poryadok rozroblennya, zatverdzhennya ta vy'konannya regional'ny'x cil'ovy'x program u Dnipropetrovs'kij oblderzhadministracij"* [Order "On the Procedure of Development, Approval and Execution of Regional Target Programmes in Dnipropetrovsk Regional State Administrations"], 12.06.2007, No. P-211/0/3-07, available at <https://adm.dp.gov.ua/ua/npas/pro-poryadok-rozroblennya-zatverdzhennya-ta-vikonannya-regionalnikh-tsilovikh-program-u-dnipropetrovskiy-f36cc7e82f1a7a4dc225732b00411530>, accessed 25 October 2019.

8. Ministry of Economy of Ukraine (2006), *Nakaz “Pro zatverdzhennya Metody’chny’x rekomendacij shhodo poryadku rozroblennya regional’ny’x cil’ovy’x program, monitory’ngu ta zvitnosti pro yix vy’konannya”* [Order “On approval of the Guidance for the development of regional target programmes, monitoring and reporting on their implementation”], 04.12.2006, No. 367, available at <https://zakon.rada.gov.ua/rada/show/v0367665-06>, accessed 25 October 2019.

9. Onishhuk M. V. *Doktry’na onovlenoyi Konstytuciyi Ukrainy’: realiyi ta perspekty’vy’* [The doctrine of the updated Constitution of Ukraine: realities and perspectives], available at [https://minjust.gov.ua/m/str\\_16966](https://minjust.gov.ua/m/str_16966), accessed 25 October 2019.

10. President of Ukraine (2001), *Ukaz “Pro Polozhennya pro miscevu derzhavnu administraciyu”* [Decree “On the Regulations on Local State Administration”], 14.04.1992, No. 252, available at <https://zakon.rada.gov.ua/laws/show/ru/252/92>, accessed 25 October 2019.

11. President of Ukraine (2001), *Ukaz “Pro vnesennya dopovnen’ i zmin do punktu 6 Polozhennya pro miscevu derzhavnu administraciyu”* [Decree “On amendments to item 6 of the Regulations on local state administration”], 12.05.1993, No. 168/93, available at <https://zakon.rada.gov.ua/laws/show/168/93>, accessed 25 October 2019.

12. President of Ukraine (2001), *Ukaz “Pro zabezpechennya kerivny’cztva strukturamy’ derzhavnoyi vy’konavchoyi vlady’ na miscyax”* [Decree “On providing governance of the structures of local executive authorities”], 06.08.1994, No. 430/94, available at <https://zakon.rada.gov.ua/laws/show/ru/430/94>, accessed 25 October 2019.

13. Tereshhuk G. (2013), *Choty’ry’ oblrady’ Zaxidnoyi Ukrainy’ xochut’ vidibraty’ vladu v ODA* [Four regional councils of Western Ukraine want to seize power in the RSA], *Radio Liberty*, December 9, available at <https://www.radiosvoboda.org/a/25194410.html>, accessed 25 October 2019.

14. UNIAN (2004), *Lugans'k xoche vidokremy'ty's' i shukaye pidtry'mky' u Putina* [Lugansk wants to secede and is seeking support from Putin], *Ukrayinska Pravda*, November 26, available at <https://www.pravda.com.ua/news/2004/11/26/3004702/>, accessed 25 October 2019.

15. Verkhovna Rada of the Ukrainian SSR (1990), *Zakon Ukrayins'koyi RSR "Pro miscevi Rady' narodny'x deputativ Ukrayins'koyi RSR ta misceve samovryaduvannya"* [Law of the Ukrainian SSR "On the Local Soviets of People's Deputies of the Ukrainian SSR and Local Self-Government"], 07.12.1990, No. 533-XII as amended of 07.12.1990, available at <https://zakon.rada.gov.ua/laws/show/533-12/ed19901207>, accessed 25 October 2019.

16. Verkhovna Rada of Ukraine (1990), *Zakon Ukraini "Pro miscevi Rady' narodny'x deputativ ta misceve i regional'ne samovryaduvannya"* [Law of Ukraine "On local councils of people's deputies and local self-government"], 07.12.1990, No. 533-XII, with amendments, available at <https://zakon.rada.gov.ua/laws/show/533-12>, accessed 25 October 2019.

17. Verkhovna Rada of Ukraine (1992), *Zakon Ukraini "Pro Predstavny'ka Prezy'denta Ukrainy"* [Law of Ukraine "On the Representative of the President of Ukraine"], 05.03.1992, No. 2167-XII, available at <https://zakon.rada.gov.ua/laws/show/2167-12>, accessed 25 October 2019.

18. Verkhovna Rada of Ukraine (1992), *Zakon Ukraini "Pro Predstavny'ka Prezy'denta Ukrainy"* [Law of Ukraine "On the Representative of the President of Ukraine"], 05.03.1992, No. 2167-XII, as amended of 05.03.1992, available at <https://zakon.rada.gov.ua/laws/show/2167-12/ed19920305>, accessed 25 October 2019.

19. Verkhovna Rada of Ukraine (1993), *Zakon Ukraini "Pro vnesennya zmin i dopovnen' do Zakonu Ukrainy' 'Pro miscevi Rady' narodny'x deputativ ta misceve i regional'ne samovryaduvannya'"* [Law of Ukraine "On Amendments to the Law of Ukraine 'On Local Councils of People's Deputies and Local and Regional Self-Government'"], 16.03.1993, No. 3067-XII, available at <https://zakon.rada.gov.ua/laws/show/3067-12>, accessed 25 October 2019.

20. Verkhovna Rada of Ukraine (1993), *Zakon Ukraini “Pro vnesennya zmin i dopovnen’ do Zakonu Ukrainy’ ‘Pro Predstavny’ka Prezy’denta Ukrainy’”* [Law of Ukraine “On Amendments to the Law of Ukraine ‘On the Representative of the President of Ukraine’”], 16.03.1993, No. 3066-XII, available at <https://zakon.rada.gov.ua/laws/show/3066-12>, accessed 25 October 2019.

21. Verkhovna Rada of Ukraine (1994), *Zakon Ukraini “Pro formuvannya miscevy’x organiv vlady’ i samovryaduvannya”* [Law of Ukraine “On the formation of local authorities and self-government”], 03.02.1994, No. 3917-XII as amended of 03.02.1994, available at <https://zakon.rada.gov.ua/laws/show/3917-12>, accessed 25 October 2019.

22. Verkhovna Rada of Ukraine (1994), *Zakon Ukraini “Pro vnesennya zmin i dopovnen’ do Zakonu Ukrainy’ ‘Pro formuvannya miscevy’x organiv vlady’ i samovryaduvannya”* [Law of Ukraine “On Amendments to the Law of Ukraine ‘On Formation of Local Authorities and Self-Government’”], 28.06.1994, No. 64/94, available at <https://zakon.rada.gov.ua/laws/show/en/64/94-bp>, accessed 25 October 2019.

23. Verkhovna Rada of Ukraine (1994), *Zakon Ukraini “Pro vy’bory’ deputativ i goliv sil’s’ky’x, sely’shny’x, rajonny’x, mis’ky’x, rajonny’x u mistax, oblasny’x Rad”* [Law of Ukraine “On election of deputies and heads of village, settlement, district, city, district in cities, regional councils”], 24.02.1994, No. 3996-XII, available at <https://zakon.rada.gov.ua/laws/show/3996-12>, accessed 25 October 2019.

24. Verkhovna Rada of Ukraine (1996), *Konsty’tuciya Ukrainy’* [The Constitution of Ukraine], 28.06.1996, No. 254k/96-bp as amended of 28.06.1996, available at <https://zakon.rada.gov.ua/laws/show/254k/96-bp/ed19960628>, accessed 25 October 2019.

25. Verkhovna Rada of Ukraine (1997), *Zakon Ukraini “Pro misceve samovryaduvannya v Ukraini”* [Law of Ukraine “On local self-government in Ukraine”], 21.05.1997, No. 280/97-bp, available at <https://zakon.rada.gov.ua/laws/show/280/97-bp>, accessed 25 October 2019.

26. Verkhovna Rada of Ukraine (1997), *Zakon Ukraini “Pro misceve samovryaduvannya v Ukraini”* [Law of Ukraine “On local self-government in Ukraine”], 21.05.1997, No. 280/97-ВР, as amended of 21.05.1997, available at <https://zakon.rada.gov.ua/laws/show/280/97-ВР/ed19970521>, accessed 25 October 2019.

27. Verkhovna Rada of Ukraine (1999), *Zakon Ukraini “Pro miscevi derzhavni administraciyi”* [Law of Ukraine “On Local State Administrations”], 09.04.1999, No. 586-XIV, available at <https://zakon.rada.gov.ua/laws/show/586-14>, accessed 25 October 2019.

28. Verkhovna Rada of Ukraine (2003), *Proekt zakonu Ukraini “Pro vnesennya zmin do Konstytuciyi Ukrainy”* [The draft law of Ukraine “On amendments to the Constitution of Ukraine”], 01.07.2003, No. 3207-1, available at [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=15410.3207-1](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=15410.3207-1), accessed 25 October 2019.

29. Verkhovna Rada of Ukraine (2005), *Postanova “Pro poperednye sxvalennya i napravlennya do Konstytucijnogo Sudu Ukrainy’ zakonoproektu pro vnesennya zmin do Konstytuciyi Ukrainy”* [Decree “On the preliminary approval and submission to the Constitutional Court of Ukraine of a draft law amending the Constitution of Ukraine”], 23.12.2005, No. 3288-IV, available at <https://zakon.rada.gov.ua/laws/show/ru/3288-15>, accessed 25 October 2019.

30. Verkhovna Rada of Ukraine (2009), *Proekt zakonu Ukraini “Pro vnesennya zmin do Konstytuciyi Ukrainy”* [The draft law of Ukraine “On amendments to the Constitution of Ukraine”], 31.03.2009, No. 4290, available at [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_2?pf3516=4290&skl=7](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?pf3516=4290&skl=7), accessed 25 October 2019.

31. Verkhovna Rada of Ukraine (2010), *Zakon Ukraini “Pro vnesennya zmin do deyaky’x zakoniv Ukrainy’ shhodo pry’vedennya yix u vidpovidnist’ iz Zakonom Ukrainy’ ‘Pro zasady’ derzhavnoyi regulyatornoyi polity’ky’ u sferi gospodars’koyi diyal’nosti”* [Law of Ukraine “On Amendments to Some Laws of Ukraine on Alignment with the Law of Ukraine ‘On Principles of State Regulatory Policy in the Field of Economic Activity’”], 01.07.2010, No. 2388-VI, available

at <https://zakon.rada.gov.ua/laws/show/2388-17> , accessed 25 October 2019.

32. Verkhovna Rada of Ukraine (2015), *Proekt zakonu Ukrainini “ Pro vnesennya zmin do Konstytuciyi Ukrayiny’ (shhodo decentralizaciyi vlady)’*” [The draft law of Ukraine “On amendments to the Constitution of Ukraine (on decentralization of power)”], 01.07.2015, No. 2217a, available at [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=55812](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=55812), accessed 25 October 2019.

33. Verkhovna Rada of Ukraine, President of Ukraine (1995), *Konstytucijnyj dogovir mizh Verxovnoyu Radoyu Ukrayiny’ ta Prezydentom Ukrayiny’ pro osnovni zasady’ organizaciyi ta funkcionuvannya derzhavnoyi vlady’ i miscevogo samovryaduvannya v Ukraini na period do pryjnyattya novoyi Konstytuciyi Ukrayiny’* [Constitutional Treaty between the Verkhovna Rada of Ukraine and the President of Ukraine on the Fundamental Principles of Organization and Functioning of State Power and Local Self-Government in Ukraine until the adoption of the New Constitution of Ukraine], 08.06.1995, No. 1к/95-BP, available at <https://zakon.rada.gov.ua/laws/show/1к/95-бп>, accessed 25 October 2019.

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