

ПРОБЛЕМЫ ГОСУДАРСТВА И ПРАВА ЗА РУБЕЖОМ

THE ROLE OF INTERNATIONAL ORGANIZATIONS IN THE DEVELOPMENT OF LOCAL SELF-GOVERNMENT

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It is therefore difficult to predict the future of local government, particularly as the various factors shaping its destiny stem from various sources. Indeed, local authorities must respond to a range of shifting forces, including economic, demographic, social and technological change. While it is almost certainly the case that local government is today weaker than it was before, we would contend that it does not follow that local government is therefore less relevant. Indeed, the reform of local government.

Key words: local government, democracy, international organizations, public control, mass, legislation.

There were prominent changes in the social life and the political structure of Europe during the last quarter of the XX century. There is a tendency towards integration within the European Union, regardless of the fact it is a member of the Union or not.

Such kind of situation effects the development of local democracy, the fundamentals of local self-government, and also the way government policy is determined and implemented at the national, regional and local levels. There is a clash of interests in the West European countries about the way the European Union is going to develop, its basic values and balances of power inside it. The future of local self-government and communities depends on the resolution of the issue in each of the European states.

As it is well-known, that there is a variety of types of local government bodies among European members — from quite small unifying separate localities to big cities, containing local and regional levels. There are considerable country-specific differences in local and central authorities, at local and regional levels. However, in spite of such differences, the countries share mutual interests and problems which makes the local self-government bodies of the United Europe concentrate their efforts, coordinate their activities, cooperate more effectively with each other.

It is significant that local government has been kept aside the decision-making process within the European Union, being able to implement a considerable part of the European legislation only. Currently, local authorities have to fight for their right to be part of the process both at the national and union levels.

The structures and institutions, facilitating integration of local authorities in European countries, have been developed and established throughout the history of the European Union [2. P. 212].

One of the organizations, influencing greatly the relations between the European Union and local authorities, is the Council of European Municipalities and Regions. It was founded in 1951 by a group of local government leaders, convinced that the United Europe could be created by involving common citizens through local communities into the process. In 1990, the Council was merged with the European section of the International Union of Local Authorities and currently represents a federation of European sections consisting of 25 European countries, the majority of which includes national associations of local and regional authorities. The headquarters of the Council are in Paris and Brussels and are considered a sort of an intellectual center. They also represent local and regional authorities in the European Union and the Council of Europe. The Council coordinates its members' participation in different official bodies and via its committees it works out political positions it occupies when participating in programs, organized by the European Union to promote cooperation in the field of technical relations and information networks among the local authorities of different countries. Since 1992, there has been a representative office of local and regional authorities, established with the support of the International Union of Local Authorities.

Another major organization is the Assembly of European Regions, founded in 1987 on the basis of the Council of European Regions, founded in its turn by merging region specific groups which shared mutual interests. These groups, along with participation in every-day Assembly's activities, handle their specific issues. All these institutions are organized on the basis of a straight membership of regional and local authorities or regional associations of local authorities. The Assembly conducts formidable research through the European Center for Regional Development.

The international organizations of local government institutions have taken the initiative to organize advisory agencies, among which the most powerful is the Congress of Local and Regional Authorities of the Council of Europe, consisting of 27 European countries, it operates under the aegis of the Council of Europe. The Congress cooperates actively with the European Commission and the European Parliament. Along with others, 18 Russian representatives participate in the Congress, 12 from which are representatives of the State Duma and 6 — of the Council of Federation.

Another important local government body is the Advisory Committee of Local and Regional Authorities of the European members, consisting of representatives of national associations and national sections of the Council of European Municipalities and Regions, also of representatives of the Assembly of European Regions.

Within the European Parliament, there operates the Group of Local and Regional Parliamentarians — members of the European Parliament, cooperating with local and regional authorities on issues of unemployment, problems of big cities, etc., and also on the development of recommendations for the committees of the European Parliament.

The Advisory Council of Local and Regional authorities, founded in 1988, also contributes to the development of cooperation between the European Commission

and regional, local, and central authorities The Council is an official advisory agency under the European Commission, headed by the Director General for Regional Policy. The Council consists of leading politicians, elected at the regional and local levels, conveys the position of local and regional authorities, has more power than other similar advisory groups [1. P. 84].

One of the constantly discussed issues is a technique employed for forming the Council of Regions (previously — Economic and Social Council) — an advisory assembly, whose position influences greatly the decision-making process in the European Union. The Council consists of 189 members, representing various groups. The main issues discussed are regional policy, country-side planning, transport and communications, city development, ecology, social policy and health care service. Attitudes of local and regional authorities towards the mentioned issues are taken into consideration during the decision-making process at the Union level.

The ratio of representatives of various government levels is the main issue of debate. Formally, members of the Council of Regions are to be approved by the European Council of Ministers representing national governments. In the majority of countries they have come to a conclusion that it is necessary to fill quotas, set for each country by elected representatives of the subnational bodies. At the same time, the Council of European Municipalities and Regions promotes a balanced representation of different levels of local and regional authorities, while the Assembly of European Regions considers that in the event when the regional level is presented, only its members should be admitted to the Council of Regions.

Taking into account, that the regional level is becoming prevailing, almost compulsory in the European countries, in practice such attitude may cause exclusion of the representatives of local self-government from the Council, and accordingly a loss of a strong instrument of influence on the formation of the European Union policy, which, in its turn, can have negative consequences for European local self-government, as the interests of regions and communities hardly coincide [3. P. 168].

Increased attention of local authorities to the European Union can be explained not only by its interest in getting additional funding or a necessity to influence the process of laws development of the European Union. Local authorities are beginning to treat European instructions as its rights guarantee, more than that — as a counterbalance to a possible tyranny of national governments. The latter explains the desire of supporters of the democratic process at the local level to render the European Parliament more considerable legislative functions, as in this case it will be able to play the role of a natural channel of influence for the process of policy formation for local communities. Only thanks to an active and well balanced policy local authorities will be able to occupy an appropriate place, being integral part of the future European government.

The main European document, defining general constitutional approaches towards self-government, as known, is the European Charter of Regional Self-Governance. By the end of 1996, the Charter had been signed by all European members except for Great Britain, which appeared to be a result of its government's conservative attitude towards local self-governance. The Charter in a flexible and easy-

to-use manner establishes basic principles, lying in basis of the democratic system of local governance. These principles are to be treated as a certain standard for all pluralistic democracies in Europe, but the process of creation of the United Europe requires a certain adaptation of these principles to the specific conditions of the European Union, and bringing the European laws in compliance with the main provisions of the Charter.

The European Charter of Regional Self-Governance is the main source of municipal law for European countries. The aim of the Charter is to protect rights of local authorities. This document also outlines the development trends for local self-government in the modern Europe. There is a classical principle of subsidiarity in the basis of the Charter, which states that there is no use of passing on issues to the higher levels that can be treated on the lower levels. Local communities should be given more management tasks, government intervention should be allowed when necessary. The document was adopted by the Council of Europe on October 15, 1985 in Strasbourg. As Russia became a full member of the Council in 1996, European principles of local self-government are applied to our state.

According to the Treaty of Rome, European Union legislation is at an upper level in relation to the national legislation systems, as a consequence, there can arise situations, in which the laws of the Union will derogate, expressly or by implication, the rights of local and regional authorities in some countries. To escape this sort of practice, the governing bodies are offered to accept formally the European Charter of Regional Self-Governance as a constituent part of European legislation. In the meantime, there has been no further progress regarding the matter. The latter is connected with objections made by a number of European politicians, considering that the Treaty of Rome does not deal with the issue of a possible influence on local self-government in any way. In our opinion, the objections of this sort are counterproductive, as a great number of decisions, made at the Union level, effect directly the functioning of local self-government and its field of competence. Official acceptance of the European Charter of Regional Self-Governance at the Union level is one of the major objectives, which should be achieved by the European Conference of Local and Regional Authorities.

Another important problem, the European Union has to tackle, concerning its influence on local and regional government, is financial aid provided by the structural funds of the Union to the least developed territories and regions. Up to now, the major role in granting and subvention is played by the national governments, acting, primarily, out of their own interests rather than interests of an object of funding — a particular area or region. Herewith, local self-government bodies are left aside the process of making decisions, quite important for them.

Considering the perspectives of development of local and regional government in the United Europe, an assumption can be made regarding their future. By a more formidable transformation of the society to the substantial European Union, it is certain, that the process will occur at the expense of national authorities reduction. National governments and parliaments will have their own institutional place in the political process, accomplished by the European Union, but they will to a smaller extent correspond to the objectives and specific targets, set at the Union level. Members of

the European will be responsible for saving their cultural heritage, but the transformation of the Union policy, where it will be necessary according to the principle of subsidiarity, will be in favor of the local and regional levels, which are closer to the community

This, in its turn, requires essential understanding and connections between all the management levels in the developing European Union by the general acceptance of the principle “unity through diversity” [3. P.98].

In spite of the fact that the process of building the United Europe is treated differently, the possible advantages of being a European country-member from Spain to Poland are enormous. For the first time, there appears a possibility to define the role of each level of regional and local government precisely, the role which will be acknowledged and protected within the constitutional frame. This will render more significant legitimacy to the local authorities and will give a guarantee to their political leadership in local communities.

Besides, the fundamentals of cooperation development can be strengthened inside the local among communities throughout Europe, sharing mutual problems and interests, tending to focus their efforts on working out optimal decisions. Meanwhile, a similar processes, seemingly, will also influence the countries of Eastern Europe and CIS which are not yet members of the European Union, but are oriented towards the Union, realizing the generality of the historical fate of all the European nations. Near future will show how this theory stacks up.

LITERATURE

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РОЛЬ МЕЖДУНАРОДНЫХ ОРГАНИЗАЦИЙ В РАЗВИТИИ МЕСТНОГО САМОУПРАВЛЕНИЯ В ЕВРОПЕ

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В статье раскрывается роль международных ассоциаций и союзов в развитии местного самоуправления в странах Евросоюза, среди которых есть существенные различия в полномочиях между центром и местами, между различными уровнями местного и регионального управления.

Ключевые слова: местное самоуправление, международные организации, публичная власть, демократия.