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**HISTORY OF MUNICIPALITIES IN THE REPUBLIC OF AZERBAIJAN AND  
WAYS OF USING THE EXPERIENCE OF FOREIGN COUNTRIES IN THEIR  
FUTURE ACTIVITIES**

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Public administration is divided into central public administration and local public administration according to its scale and implementation characteristics. As in most developed countries of the world, municipalities ensure the participation of the population in local self-government in the Republic of Azerbaijan. Thus, municipalities prevent local authorities from burdening citizens with problems, play the role of mediator between the population and local authorities, and ensure the participation of local people in the adoption and implementation of various programs. In this regard, the work done under the action plan in the regions is considered one of the factors that stimulate the development of municipalities along with a positive impact on the socio-economic development of the region. Thus, the positive changes in the social life and economic activity of the population directly affect the work of municipalities and the population living in their territory. The presented article studies the history of the establishment of municipalities in Azerbaijan and international practices and notes the existing problems and ways to solve them.

**Keywords:** municipality, local self-government, state, European Charter.

**INTRODUCTION**

Municipalities are one of the main structures of any democratic state. The participation of the country's citizens in the governance of the state is based on legal principles. This principle is implemented by municipalities at the local level. Thus, citizens of any country, regardless of the structure (monarchy or republic) or form (federal, unitary) of the state to which they belong, express themselves primarily at the level of local government and can closely participate in decision-making that directly affects their daily lives.

In many countries around the world, municipalities are formed based on electoral legislation [4]. In many cases, the basis of municipalities is enshrined in the constitution, and the body unites elected councils and the executive bodies they establish. Municipalities also play an important role in the regional development of the country and the use of the potential of the regions [2]. In terms of regional development, municipalities have many advantages and are considered one of the main tools in the formation of civil society. Municipalities are empowered by law to decide on and implement any issue, with the exception of public affairs. However, the economic, social, and environmental decisions made by municipalities should be different from those implemented by the state and should address issues of local importance that are not provided for in these programs or in addition to them. Decisions made by municipalities within their competence must be implemented by all legal entities and individuals located in the territory of the municipality. Otherwise, the body that made these decisions may annul them or invalidate them by a court decision [5].

## **HISTORY OF MUNICIPALITIES IN AZERBAIJAN**

The Republic of Azerbaijan has gone through many historical stages during the development of its independence. These historical stages are characterised by the development of the state on the basis of democratic principles. One of the important events of this period was the emergence of municipalities as a new form of government.

The Constitution of the Republic of Azerbaijan, adopted on November 12, 1995, for the first time defined the legal status of municipalities within the law. Article 143 of the Constitution states that municipalities carry out their work through meetings, standing and other committees, and Article 144 lists the competences of municipalities [1]. They include:

- recognition of the competences of municipal members, loss of their powers and termination of their powers in cases provided by law;
- approval of municipal regulations;
- election of the mayor (head of a municipal government) and his/her deputies, standing and other committees;
- determination of local taxes and fees;
- approval of the local budget and reports on its implementation;
- ownership, use, and disposal of municipal property;
- adoption and implementation of local social protection and social development programs;
- adoption and implementation of local economic development programs; and
- adoption and implementation of local environmental programs.

Shortly afterwards, “About the status of Municipalities” (Jul 2, 1999) [8], “About municipal service” (November 30, 1999) [6], “About the municipal territories and lands” (December 7, 1999) [7], “About transferring property to municipal ownership” (December 7, 1999) [9], and other laws and legal acts have been adopted. On this basis, the process of decentralisation of power began with the holding of the first municipal elections on December 12, 1999. In this election, more than 22,000 municipal members were elected, and 2,767 new municipalities were formed [10]. In the municipal elections held on December 23, 2014, 15 035 municipal members were elected, and their number was reduced to 1607, which was due to the inability of many municipalities to fully implement local governance. During these years, the activities of 1 160 municipalities were terminated, which is a very high figure. However, research shows that the number of municipalities is expected to decrease in the future. Nevertheless, not only economic indicators but also natural factors (especially in mountainous areas) should be taken into account in reducing the number of municipalities.

In addition to the above, the main principles and provisions of the European Charter on Local Self-Government were taken into account when creating the legal framework for municipalities in Azerbaijan [3]. The ratification of the European Charter on Local Self-Government by the Republic of Azerbaijan in December 2001 was an important step in the development of self-government in the country. This is understood as the right and real ability of local self-government bodies to regulate and operate within the law, to take responsibility and manage it in the interests of the local population. In 2004,

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municipalities in the country were given the opportunity to perform part of the state work for the benefit of the local population, which was brought into line with the “European Charter”.

To determine the role and place of municipalities in the system of local self-government bodies, first, their powers should be defined, as municipalities carry out their activities based on these principles.

Following the research, the division of powers between municipalities and government agencies in our country has been determined (Table 1). According to this division, the functions of municipalities and state bodies in the field of education, health, culture, social insurance and defence, construction, water supply, transport, and environmental protection have been clarified. However, the powers of state authorities and municipalities in the country almost coincide.

Table 1.  
Division of competences between municipalities and government agencies in Azerbaijan

Education	state — secondary education, technical lyceums, music schools, higher education institutions municipality — primary education, vocational education in secondary schools
Health	state — specialised medical care, hospital service municipality — first aid, organisation and maintenance of sanitary facilities
Culture	state — construction of houses of culture, preservation of historical and cultural monuments of state importance, propaganda municipality — assistance in the development of cultural institutions, preservation of historical and cultural monuments
Social	state — social security: responsibility for the insurance system municipality — social protection: assistance to the orphans, the sick, the elderly, the needy, children deprived of parental care
Construction	state — assistance in housing construction of individuals municipality — responsibility for buildings on land plots, maintenance and use of residential and non—residential buildings
Water supply	state — drinking water supply, water transportation, supply, and quality municipality — use of local water sources, drilling of artesian wells, organisation and maintenance of sewerage facilities
Transport	state construction and maintenance of state roads (main and secondary roads), rail transport, sea and river ports, airports municipality — construction and maintenance of roads of local importance (third, fourth, and fifth roads)
Environmental protection	state — carries out general coordination municipality — mainly municipalities are responsible

Source: compiled by the author.

The existing socio-economic opportunities are identified and their effective use is ensured with the help of municipalities in each area where they operate. Local residents

also take an active part in this work, realising their experience, knowledge, and skills. Thus, municipalities take an active part in establishing a civil society based on democratic principles, as well as improve the living standards of the local population through the effective use of natural resources, labour resources, social infrastructure, and other relevant opportunities in the area.

### **INTERNATIONAL PRACTICES**

The long-term experience of economically developed countries shows that the existence of public administration bodies alone is not enough to effectively use the natural potential of each region and, in return, to improve the living standards of the population. In this case, public administration is divided into central public administration and municipalities according to its scale and the nature of management [11]. However, there is a need for research to eliminate existing problems in the field of municipalities, to justify the economic and socio-geographical principles in the territorial organisation of municipalities, to improve the legal framework in this area, to determine their boundaries, and quantify their numbers. In order to eliminate shortcomings in this area, the direction and powers of municipalities should be determined on a scientific and methodological basis and first applied in any region of Azerbaijan, based on the experience of economically developed countries and countries with their own economic development trends in the modern market. These include the following countries:

In France, based on historical traditions, local self-government bodies are elected from among the councils and councillors of municipalities, established by residents of small towns and rural settlements, and are also civil servants and mayors as heads of local self-government. Its activities are carried out under the administrative control of the municipal council and the republican commissioner. The financial control of municipalities is carried out by the regional chamber of accounts.

In the United Kingdom, the territory is divided into counties, which, in turn, are divided into urban and rural areas. In England, the lower territorial units are parishes, and in Wales and Scotland, they are communities. In all territorial-administrative units, except for small parishes, there are councils with elected local government bodies. In small parishes, the functions of local government bodies are performed by the assemblies of voters convened periodically by those parishes.

In Germany, the administrative-territorial division is determined by the constitutions of the lands. In accordance with the constitutions of the lands, the territories are divided into districts, the districts into regions, and the regions, in turn, into communities. Regions and communities have their own councils, which are local elected bodies, and operate in accordance with legal principles. In sparsely populated communities, in addition to elected councils, voter meetings are convened periodically to address local governance issues. Unlike regions and communities, districts do not have elected local governments.

Japan is divided into prefectures with a population of 500,000 to 12 million. The prefectures include cities, i.e. settlements, villages and settlements with a population of more than 50,000. Large cities with a population of more than half a million have a special status. Relevant assemblies elected by the population act as local governments in prefectures, cities, villages, and settlements.

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In Italy, administrative-territorial relations are divided into regions, provinces, and communes. Their powers include defining the boundaries of communes, organising their bodies and departments, regulating issues of public charity, sanitation, and natural assistance. They have at their disposal such issues as urban planning, tourism and hotel business, lake shipping, hunting and fishing, agriculture and forestry, handicrafts, urban and rural police, as well as issues that can be included in special constitutional laws. At the same time, the sufficiently broad democratic basis of territorial administration in Italy does not bypass the strict system of control of the central government. Thus, the regions submit all their laws to the government commissioner within five days of their adoption. In the provinces, the prefects subordinate to the Ministry of Internal Affairs control the activities of local governments.

In Sweden, municipalities, which are local self-government bodies, are represented by communes and work mainly for the development of local democracy. Communes are governed either by elected councils or by the first assembly of local residents (a small commune). They appoint their representatives to Congress, the country's highest legislative body, and focus on political issues, especially energy and climate change. The main source of funding for municipalities is membership fees collected from the local population, which is determined by the tax base.

The Association of Finnish Local and Regional Authorities, a democratically elected body in Finland, unites townships and municipalities. As there is no elected municipal council in Finland, this function is performed by the local municipality. However, this system is determined by different laws, as in Finland, each place has its own laws and principles. Article 51 of the Finnish Constitution states that municipalities are formed by citizens within the law. The main purpose of these municipalities is to ensure the development of local democracy and socio-economic sustainability, to conduct regular monitoring to determine the work of municipalities among the local population, and to predict future business activities. These include education, culture, health, social services, and employment.

At present, a number of newly independent states of the world are trying to build their activities based on the practice of the mentioned countries in the system of local governance. In order to achieve positive changes in the social and political life of the country's citizens, the Law "On Transparency in Decision-Making by State Bodies and Local Governments" in Romania in 2003, "National Strategy for Creating an Enabling Environment for Civil Society Development for 2006-2011" in Croatia in 2006, and the Regulations "On Consultations in Legislative Drafting" in Bosnia and Herzegovina in 2006, and other legal acts have been adopted.

### RESULTS

As a result of the analysis, the following conclusion can be drawn.

1. The division between the powers of the local executive power and the municipalities is essentially similar, which creates difficulties in governance. Among them, the regulation of the governance mechanism is one of the most important issues in terms of defining strategic principles from a political and legal point of view. Despite the significant progress made in recent years by municipalities in the implementation of socio-

economic programs of the population living in their territories, overcoming the problems they face and solving other issues, they are not unequivocally welcomed by the population.

2. In the practice of modern countries in the world, the relations between different levels of government are regulated and managed differently in accordance with the specifics of each country, its historical traditions, political and economic foundations, and existing laws. From this point of view, it is necessary to clarify the issues of defining and regulating the relations between the state and municipalities.

3. Transformation of municipal borders is characterised by the existence of various economic and socio-geographical problems arising from the interaction of elements of the political and economic-geographical environment, operating within territorial systems, and the issues of merger and separation of municipalities are actually carried out by the state rather than the local population.

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## **ИСТОРИЯ МУНИЦИПАЛИТЕТОВ АЗЕРБАЙДЖАНСКОЙ РЕСПУБЛИКИ И СПОСОБЫ ИСПОЛЬЗОВАНИЯ ОПЫТА ЗАРУБЕЖНЫХ СТРАН В БУДУЩЕЙ ДЕЯТЕЛЬНОСТИ МУНИЦИПАЛИТЕТОВ**

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Государственное управление в зависимости от его масштаба и характеристик реализации делится на центральное публичное управление и местное публичное управление. Как и в большинстве развитых стран мира, так и в Азербайджанской

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Республике, муниципалитеты обеспечивают участие населения в местном самоуправлении. Таким образом, муниципалитеты не дают местным властям обременять граждан проблемами, играют роль посредника между населением и местными властями, а также обеспечивают участие местного населения в принятии и реализации различных программ. В связи с этим работа, проводимая в рамках плана действий в регионах, считается одним из факторов, стимулирующих развитие муниципальных образований, а также положительно влияющих на социально-экономическое развитие региона. Таким образом, положительные изменения в социальной жизни и экономической активности населения напрямую влияют на работу муниципальных образований и населения, проживающего на их территории. В представленной статье исследуется история создания муниципалитетов в Азербайджане и международный опыт, отмечены существующие проблемы и пути их решения.

**Ключевые слова:** муниципалитет, местное самоуправление, государство, Европейская хартия.

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