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Municipalities in Azerbaijan

In accordance with the Constitution of the Republic of Azerbaijan, a new institution of local self-governance in the form of municipalities has been established. Municipal institutions were created to decentralize governmental management systems and mobilize civil society to collectively resolve public issues. Relevant legislative acts give municipalities a wide range of responsibilities for resolving different social, economic and ecological problems within the territories of municipalities that are outside control of the relevant State programs.

In December 1999, the first municipal elections were conducted and nearly 23,000 citizens of the Republic of Azerbaijan were elected as members of municipalities. Among those elected there are ruling and opposition party members and independents. 2669 municipalities are functioning in Azerbaijan. The administrative and territorial divisions of districts, settlements, towns and town districts form the basis for municipal territorial divisions.

What is a municipality?

A municipality is a form of local self-government that enables citizens to deal with important local issues independently and freely. Unlike the state governing system, municipalities are not State structures. They possess, however, a set of authorities resembling state power. These include a detached administration, realization of power on a certain territory with respect to all persons, establishment and collection of taxes, and the formation of an independent budget.

In Azerbaijan a municipality has its own property, local budget, and elected self-government body. Municipalities use the power given to them under law to solve important local economic, social, cultural and ecological issues.

All decisions adopted by the municipality within their authority are compulsory for legal and physical entities located within the municipality.

Municipalities and their bodies are not included in the system of state bodies. State bodies and state officials are not permitted to implement local self-government. Local executive authorities are not part of the municipal structure and do not control the work of municipalities. According to Azeri legislation, municipalities can apply to the court if there is any interference in their work by such institutions.

Local self-governance combines elements of both governmental and public institutions. According to the European Charter on Local Self-Governance, local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population. Local self-governance has a number of characteristics that are common with government power such as the implementation of governance of a population within a certain territory, the possibility to use imperative and preventive actions within legislation, lawmaking etc. It also shares commonalities with the public sector.

Municipalities are also citizens associations established to address public problems, which are not resolved by the government.

Legal framework of a municipality

Legislation on municipalities consists of the Constitution of the Azerbaijan Republic and its laws, statutes of relevant executive authorities of the Azerbaijan Republic (in Nakhchivan Autonomous Republic – the Constitution of Nakhchivan Autonomous Republic and its laws, and also statutes of the relevant executive authorities of Nakhchivan Autonomous Republic). The Milli Majlis has adopted 17 laws that regulate functions of municipalities. The most important of these are the following: “Status of Municipalities”, “Basis for Finances of Municipality”, “Permanent and Other Commissions of Municipality”, “Status of Municipal Councilor” and “Municipal Service”.

Other laws and regulations also exist that affect the status and activities of municipalities. These include the Civil and Water Codes, and laws on urban development, land market, and natural protected territories and facilities.

A charter is adopted a meeting of the municipal council or citizens. The charter regulates issues such as the composition and borders of the municipality, as determined by law, the formation of local municipal bodies; responsibilities of municipal bodies and their officials; and terms and regulations for organizing municipal services.

What is the structure of a municipality?

The structure of municipalities and municipal bodies is determined by the municipal charter. The chairperson and where necessary a deputy chairperson are elected amongst the municipal councilors by open or secret ballot during the first meeting of newly elected councilors. They are considered to be elected if they obtain a majority of the municipal members' votes.

Municipalities establish permanent or *ad hoc* commissions to examine and address issues that fall within its mandate, to assist in the implementation of municipal decisions, and to control the functioning of municipal enterprises and organizations. These commissions prepare programs on local social protection and social development, ecology, economic development, and local services. These programs are submitted to the municipal council and the public for discussion.

The municipal executive apparatus is the executive body of the municipality. It consists of the chairperson of the municipality, and representatives of departments and other executive structures created in accordance with the municipal charter. The chairperson manages the activity of the municipal executive apparatus and appoints the heads of the executive structures.

The municipal charter may set forth additional municipal bodies and officials as required for the operation of the municipality.

Who are municipal councilors and what are their functions and responsibilities?

A municipal councilor is a permanent resident of the local community who is elected by citizens residing in within the territory of the municipality. The term of office of a municipal councilor is five years.

Municipal councilors are elected to resolve important local issues. One primary role is to work together with citizens in the community in order to provide goods and services that improve living conditions. Municipal councilors communicate with citizens to learn more about their needs. They hold monthly meetings to discuss community concerns and, by majority vote, decide which issues to address. They have the authority to determine local taxes and payments, and adopt and implement local programs

What kind of programs can municipalities perform?

Municipalities perform local programs, which are not covered by state programs. In particular, they can elaborate and perform social, economic, cultural and ecological programs at the local level. These programs should respond to specific local community needs and expectations.

Local social protection and social development programs are aimed at resolving important local issues which complement or are not in the State's social development programs. These programs address issues in the areas of education, health, culture, local infrastructure and roads, celebratory services, communication services, cultural facilities, and assistance to old, poor and sick people and children without parents.

Local economic development programs are intended to resolve important local economic development issues in areas such as agriculture, industry, communication, and transport.

Local ecological programs are aimed at raising awareness of environmental issues among the local population and addressing these issues. In particular, programs focus on those issues that complement or are not in the State's ecological programs. These programs can include maintaining the ecological balance in the local area, cleaning and improving the territory of the municipal, collecting and recycling waste materials, protecting water, air and land from pollution, and implementing ecological measures in conjunction with neighboring municipalities or with State institutions.

What is the economic basis of municipalities?

The economic basis of municipalities consists of the following:

- municipal property;
- municipal lands;
- allocations from the State budget;
- local budget; and
- municipal activities in production, services, and other economic activities.

The municipality has the right to be the 'owner' of its own property. This means that the municipality independently owns, uses, and manages its own property. Municipal property consists of assets of the local budget created from local taxes and payments; allocations from the State budget; municipal property (including land); municipal enterprises and organizations; municipal apartment stock and non-residential buildings; roads that do not belong to the state or private entities; municipal education, health, culture, and sport organizations; and other movable and fixed property.

According to the law, municipalities have the right to do the following:

- assign structures of municipal property to physical and legal entities for permanent or temporary use;
- lease these properties;
- privatize municipal property in accordance with the rules defined by the law;
- conclude deeds relating to municipal property; and
- define terms of usage of privatized and utilized property in agreements and contracts.

What are the income and expenditures of a municipal budget?

Municipalities independently form, approve, use and control local budgets. They also receive allocations from the State budget.

Income of local budgets consists of the following:

- local taxes and payments;
- necessary funds allocated by executive bodies and legislation for municipalities to implement their functions;
- funds obtained from privatization, lease of municipal property, local lotteries, advertisements;
- taxes retained from the income of municipal organizations, enterprises and offices;
- grants, subventions, transfer payments; and
- other funds created as the result of municipal activity.

State bodies form local budgets sufficient to implement the normal responsibilities of the municipality by approving payment of the income resources necessary for covering the expenses of the local budgets. Income requirements for local budgets are considered annually for the relevant municipalities when adopting the state budget of the Azerbaijan Republic.

How can citizens become involved in their municipality?

The law allows all citizens, who are 18 years old, including internally displaced persons, to be involved in the communities where they live. Citizens can implement local self-governance directly or through their representatives without regard to their race, gender, language, origin, religious practices, or political beliefs.

Citizens can participate in the following ways:

- run in municipalities elections;
- inform municipal councilors about community needs;
- participate in local associations, citizen groups, and/or building associations;
- participate in local referendum issues;
- vote in local elections;
- take initiative or participate in local public opinion surveys; and
- participate in the process of determining the rules and regulations to privatize municipal property.

Municipal meetings are open for the public. Citizens can familiarize themselves with the protocols of the council meetings. Citizens, individually or as a group, have also the right to appeal to municipalities, municipal bodies and municipal officials.

Meetings of Citizens

In municipal communities of less than 500 people, self-governance may also be implemented by means of citizens' meetings. Citizens can hold meetings to express their opinions and make proposals on how to deal with important local issues. All citizens who live in the municipality and are at least 18 years of age have the right to participate in such meetings. A meeting of citizens is valid if at least 25% of the eligible voters in the municipality attend. Decisions or proposals made at such meetings may be submitted to the municipal council for consideration and adoption. If the decision is adopted at the meeting, it becomes binding for the municipality.

In densely populated municipal communities, organization and conduct of citizens' meetings is fairly difficult. Therefore, the law envisages such meetings only for scarcely populated municipal communities.

IFES Azerbaijan Local Governance Program

Since establishing its permanent field office in Azerbaijan in 1998, IFES has closely cooperated with the Milli Majlis and Central Election Commission and actively participated during the elections to municipalities. In 1999, IFES launched civic education programs to increase citizens' awareness of municipalities. In 2002, IFES increased the scope of its programs by initiating its Local Governance Project.

The Local Governance Project is providing training and professional development to a select group of nine municipalities. These include: Barda town, Ismayilli town and Khanereb (Ismayilli), Khatai, Yasamal and Ahmedli (Baku), Masalli town, Mingachevir town and Kapaz (Ganja). The goal of this cooperation is to create model municipalities, which understand their role and are on the path to providing adequate services to the population.

The Project supports the professional development and networking of municipal councils through a variety of mechanisms, including relationship-building and on-going consultations and training. IFES addresses issues such as communication within the municipality,

outreach to constituents, management structure, service provision, laws affecting the work of municipalities, and the role of local government.

In addition to working directly with municipalities, IFES is identifying the strengths and weaknesses in current legislation, which affects the work of local government. This work is complemented by a book of legislative documents related to municipal activity in Azerbaijan (in Azeri). IFES is also developing a short, easy-to-use legal manual for municipal councilors and other information and training materials. The Project addresses the dearth of information on municipal government through variety of mechanisms including the establishment of Resource Centers in key municipalities.

About IFES

Founded in 1987, IFES is a private, non-profit, non-partisan organization providing need-based assistance for election administration and sustainable democracy building. IFES also serves as a clearinghouse for information and resources on election worldwide. Headquartered in Washington, DC with over 20 field offices throughout the world and experience working in over 120 countries, IFES offers vast country-specific experience in democratic institutional development, including election administration, good governance, rule of law, civic society, conflict resolution, applied research, gender issues, and public information technology.

Since 1995, IFES has assisted democratic reform in Azerbaijan by doing the following:

- strengthening the electoral processes through municipal, parliamentary, and presidential elections by working with legal and regulatory drafters, election administration structures, and the judiciary;
- increasing the capacity of local self-government bodies by assisting municipalities to develop the necessary structures and skills to listen to the needs of citizens and respond to these needs, either directly, or through advocacy to national government bodies; and
- enhancing the role of citizens in building a democratic society by giving them resources and civic education aimed at making sure that their voices are heard, particularly in their municipalities and through the electoral process, and that government institutions do indeed meet their needs.

Through its publicly accessible Democracy Resource Center, IFES provides its partners and other interested citizens with information about municipalities, civic education, elections, and other topics related to democratic governance. IFES is making these materials more available by expanding the Democracy Resource Center to regions outside of Baku.

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