

LOCAL GOVERNANCE REFORMS IN POST-SOVIET AZERBAIJAN: A COMPREHENSIVE ANALYSIS OF STRUCTURAL CHANGES AND REFORM INITIATIVES

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Abstract

This study explores the evolving landscape of local governance in the Republic of Azerbaijan since gaining independence from the Soviet Union. This study underscores the geopolitical importance of the Caucasus and Central Asia, examining the transformation of administrative frameworks within the region, with a particular focus on Azerbaijan's distinct trajectory toward national sovereignty. The central aim of the research is to propose an effective model for local governance in Azerbaijan, distinct from Soviet-era approaches, and aligned with contemporary global standards. Through a comprehensive literature review, the study evaluates the existing local governance structure, implements reforms, and identifies areas requiring regulation and improvement. This study provides an in-depth analysis of local governance and reform challenges in Azerbaijan, focusing on the legal framework and practical implementation issues. The research delves into the constitutional provisions and practical aspects related to local governance, shedding light on the dynamics between municipalities and the central government. The examination covers the historical context, constitutional developments, and the impact of the Soviet legacy on Azerbaijan's local governance. Therefore, the study reveals discrepancies between the constitutional framework and the actual practices, hindering the effective functioning of local governance. The findings of this study not only contribute to the understanding of Azerbaijan's governance structure



but also offer recommendations for enhancing the socio-economic progress of local administrations, emphasizing efficiency, accountability, transparency, and other crucial goals. The study adopts a broad historical perspective while focusing on recent developments in the field of local governance, ensuring a comprehensive analysis of the subject matter.

Keywords

Azerbaijan, Post-Soviet era, Political reform, Local governance, Democratization processes.

Resumo

Este estudo explora a evolução do panorama da governação local na República do Azerbaijão desde a sua independência da União Soviética. Este estudo sublinha a importância geopolítica do Cáucaso e da Ásia Central, examinando a transformação dos quadros administrativos na região, com especial destaque para a trajetória distinta do Azerbaijão rumo à soberania nacional. O objetivo central da investigação é propor um modelo eficaz de governação local no Azerbaijão, distinto das abordagens da era soviética e alinhado com as normas globais contemporâneas. Através de uma análise exaustiva da literatura, o estudo avalia a estrutura de governação local existente, implementa reformas e identifica áreas que requerem regulamentação e melhorias. Este estudo fornece uma análise aprofundada da governação local e dos desafios da reforma no Azerbaijão, centrando-se no quadro jurídico e nas questões práticas de implementação. A investigação analisa as disposições constitucionais e os aspectos práticos relacionados com a governação local, lançando luz sobre a dinâmica entre os municípios e o governo central. A análise abrange o contexto histórico, a evolução constitucional e o impacto do legado soviético na governação local do Azerbaijão. Por conseguinte, o estudo revela discrepâncias entre o quadro constitucional e as práticas actuais, que impedem o funcionamento eficaz da governação local. As conclusões deste estudo não só contribuem para a compreensão da estrutura de governação do Azerbaijão, como também oferecem recomendações para melhorar o progresso socioeconómico das administrações locais, dando ênfase à eficiência, à responsabilidade, à transparência e a outros objectivos cruciais. O estudo adopta uma perspectiva histórica alargada, ao mesmo tempo que se centra nos desenvolvimentos recentes no domínio da governação local, assegurando uma análise abrangente do tema.

Palavras-chave

Azerbaijão, Era pós-soviética, Reforma política, Governação local, Processos de democratização.

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Introduction

Geographically, the regions of the Caucasus and Central Asia have garnered attention since the end of the Cold War, both due to their geopolitical significance and natural resources. Consequently, the development and systemic changes of the states in the region are closely monitored by other global powers (Hasanoğlu, 2008). The transformations in the administrative and systemic structures of the states in the region occur by adapting to new conditions and their own societal dynamics, often taking developed world states as examples (Hasanoğlu, 2019). According to Hasanoğlu (2008), Azerbaijan, holding a significant position in the region, adopted a new political approach based on national sovereignty after gaining independence, departing from the Soviet Union's public administration principles.

The Republic of Azerbaijan, upon gaining independence, prepared a new constitution with the aim of restructuring the fundamental framework and operation of the state (Elma, 2007). In the adopted structure emphasizing the separation of powers, the President holds a significant position, while the legislative body and independent judiciary have important powers and responsibilities (Hasanoğlu, 2008). Over time, constitutional amendments have been made to address changing needs. The agenda of the Republic of Azerbaijan has prominently featured the consideration of new regulations encompassing local governance and the subsequent reform initiatives envisioned since independence. According to Hasanoğlu (2008), Azerbaijan lacked historical experience in the field of local governance, and to this day, the administrative structure is generally centralized, with insufficient progress noted. However, efforts to strengthen local governance have been increasing each day in line with global developments in local administrations (Aslanov, 2007). Throughout the period from the establishment of the Republic of Azerbaijan to the present, numerous reform efforts have been undertaken concerning local governance. While some reform proposals have been formulated and implemented, others have faded from the agenda without materializing into drafts (Rehimli, 2020).



In this study, an examination will be conducted on how the changes and transformations in the governance structure of the Republic of Azerbaijan are reflected in reform efforts. In this context, the process of restructuring the state, which occurred with the new Constitution after Azerbaijan's independence, will be discussed initially. To provide a clearer understanding of the local governance structure, the Azerbaijani Constitution, including the section on local governance, will be explored through a literature review. The article will evaluate the current structure of local governance, the reforms implemented in this field, and areas that need regulation and improvement.

The primary objective of this study is to propose an effective model for local governance in Azerbaijan that aims at the socio-economic progress of local administration, departing from the approaches inherited from Soviet Russia, renewing itself in local governance, ensuring efficiency in service, accountability through oversight, transparency, and other such goals. The article will investigate whether Azerbaijan, after breaking away from the Soviet system that defined the local governance structure of the Azerbaijan Republic throughout the 20th century, has established a unique local system and will explore the current direction of the country's governance structure and the ongoing process of change.

Furthermore, an assessment will be made regarding the changes and transformations in the local governance of the Republic of Azerbaijan following its independence, providing insights into the reforms that have been implemented. The study employed a qualitative research method, utilizing a literature review as the method for collecting findings. Both primary and secondary sources were utilized during this process. In the literature review related to the subject, there was no specific historical limitation imposed; however, efforts were made to draw upon studies and approaches from as recent a timeframe as possible.

1. Local Governance Structure in Azerbaijan Before the Dissolution of the USSR

In the late 18th century, the struggles initiated by the Safavids against the Russians paved the way for the dominance of feudal principalities in Azerbaijani territories. Towards the end of the 18th century, uprisings initiated by peasants, primarily in the Tsarist Empire, and the pressures from the nobility compelled the Tsar to implement reforms in local self-governance (Hasanoğlu, 2019). "With the land reform, the country was divided into 50 Guberniyas (Provinces) with a population ranging from 300,000 to 400,000, and these were further divided into Uyezds (Districts) with settlement areas having populations around 20,000 to 30,000. Guberniyas and Uyezds, local administrative units responsible for the military, financial, and administrative affairs of the region and considered as the absolute representatives of Tsarism in the region, were governed by appointed officials." (Hasanoğlu, 2008). This centralized structure introduced in 1775 underwent some changes in 1785 under the pressure of the nobility (the "Nobility Charter"). In northern Azerbaijan, recognized as part of the Russian Empire, four Guberniyas were established, and General Governors (Governors) appointed by the Tsar presided over local administrations (Yıkıcı & Bilgili, 2022).



Azerbaijan remained under the dominion of Tsarist Russia for many years and experienced only a brief period of independence from 1918 to 1920 until it declared full independence in 1991 (Rehimli, 2020). During the two years of independence, the government faced numerous challenges both in terms of local administrations and economic-political issues. Joining the Russian Federative Socialist Republic on September 20, 1920, Azerbaijan went through a period until 1922 where intellectuals were forced to migrate to foreign countries, and efforts were made to reduce the influence of Azerbaijanis in the region. Azerbaijan's first experience of independence was short-lived due to the Russian occupation (Hasanoğlu, 2019).

From this historical portrait, it is evident that the state, first under the rule of Tsarist Russia, had a brief period of independence and then became a Republic within the Soviet Union. "The organization of the state in the USSR Constitution was based on local Soviets (councils) determined by a delegate system from bottom to top. Village councils were directly elected by the people, and their delegates constituted the rural district (volost) councils at the second level; district council delegates, along with city council delegates, formed the regional (guberniya) councils. The geographical divisions and names were inherited from Tsarist Russia." (Hasanoğlu, 2019).

Until 1985, the Soviet Union was often referred to as the "Prison of Nations." Following Mikhail Gorbachev's initiation of reforms aimed at democratizing the regime, national uprisings began to emerge within the Soviet Union. As a result of these uprisings, the Republic of Azerbaijan was re-established in 1991 (Elma, 2007). However, when evaluating the country's democratic future based on these events, the outlook may not be particularly optimistic.

The ability to govern oneself competently, a crucial aspect of becoming a democratic country, has not been evident in Azerbaijan's political history up until these years (Hasanoğlu, 2008). Therefore, implementing reforms related to local governance in Azerbaijan to create a democratic society is a challenging task. Years of being under occupation and the lack of a leadership cadre with a background in democratic education have been challenging for Azerbaijan in establishing a democratic order and adopting innovative approaches to local governance services (Rehimli, 2020).

1.1 Local Governance Structure and Constitutional Developments in The Republic of Azerbaijan after Independence

After gaining independence in 1991, Azerbaijan began developing various reforms to both align with modern society and implement a local governance system specific to their country (Rehimli, 2020). The goal of these reforms was for Azerbaijan to have equal rights with other countries globally and progress as a democratic nation. The legal basis for these reforms was the Azerbaijan Constitution (Rehimli, 2020).

Following Azerbaijan's independence, the first constitution came into effect in 1995 under the decision of Heydar Aliyev, who presided over the era. This constitution was prepared by the State Commission. It designates the people as the sole source of state sovereignty, exercised through elected representatives in the parliament (Yıkıcı & Bilgili, 2022). No one, except the representatives chosen by the people, is granted the right to



speak and appeal on behalf of the people, as specified in Article 6 of the Constitution (Hasanoğlu, 2008).

The Constitution states that Azerbaijan is a unitary, legal, secular, and democratic republic. The only limitation on state sovereignty is the obligations arising from international agreements. As previously mentioned, state sovereignty in Azerbaijan is based on the principle of separation of powers outlined in the constitution (Huseynova, 2019). According to this principle, each power operates independently within its domain while maintaining relationships with other branches (Hekimoğlu, 2020).

In Azerbaijan, the legislative authority belongs to the National Assembly of the Republic of Azerbaijan, while the executive authority is vested in the President (Hasanoğlu, 2019). The judicial authority is held by the independent courts of the Republic of Azerbaijan. The President, as the head of the state, is described as the Commander-in-Chief of the armed forces, the guardian of unity among the people, the representative of the state in domestic and foreign affairs, and a guarantee of the state's independence and territorial integrity according to Article 8 of the constitution (Elma, 2007).

The Azerbaijan Constitution extensively covers all titles encompassing fundamental rights and freedoms (right to life, right to work, etc.) (Aslanov, 2007). However, there is a contradiction with this principle in Article 8, paragraph 4 of the Constitution. According to this paragraph, it is stated that the President of Azerbaijan ensures the independence of the country's judiciary (Hasanoğlu, 2019). In all democratic and free countries, it is essential for the judiciary to be independent in carrying out its activities. However, the provision in the Azerbaijan Constitution that designates the President, who is the head of the executive branch, as the guarantor of judicial independence is not considered consistent with the concept of the "rule of law" (Hasanoğlu, 2019).

In a general evaluation, although the Constitution of the Republic of Azerbaijan exhibits features of a presidential system, it can be stated that it is not exactly the same as the U.S. presidential system due to its unique characteristics, emphasizing a strong executive principle (Khalafova, 2019). Among the reasons for this situation, the dominance of a single-party rule for many years, as seen in former Soviet Republics, and the absence of a traditional parliamentary system can be highlighted (Khalafova, 2019).

The Republic of Azerbaijan, with a unitary structure, also possesses a region named Nakhchivan with autonomous status. Nakhchivan was defined as an autonomous region by the Moscow-Kars Treaty in 1921. According to the treaty, any changes in this status are subject to the approval of guaranteeing states such as Turkey and Russia. Following Stalin's cession of Zangezur to Armenia in 1924, the territories of Nakhchivan were bordered by Azerbaijan. The governance of the Nakhchivan Autonomous Republic was safeguarded by the Constitution of the Republic of Azerbaijan in 1995, and the Constitution of the Nakhchivan Autonomous Republic was ratified through a referendum held in the same year, entering into force (Khalafova, 2019).

Azerbaijan has taken significant steps in local governance following the attainment of independence, similar to developments in the constitution and central administration (Amirov & Dani, 2006). As mentioned earlier, Azerbaijan, lacking experience in local governance systems, generally exhibits a form of governance where the central



administration holds prominence (Rehimli, 2020). The Republic of Azerbaijan, framed by unitary, legal, democratic, and secular principles, considers the development and implementation of a local democratic governance system as a crucial and necessary condition, representing a significant stage in democracy within its borders and administrative system (Khalafova, 2019). In accordance with the constitution, local services in Azerbaijan are delivered by two main entities: the 'local executive authorities,' functioning as extensions of the central government, and the municipalities, which are tasked with providing local services (Amirov & Dani, 2006).

2. Local Governments in the History of Azerbaijan

In the context of the history of Azerbaijan, local governments refer to decision-making bodies whose powers and responsibilities regarding the provision of local and common public services related to the geographic areas where the local population lives, such as cities, villages, and municipalities, are constitutionally and legally defined. These bodies are autonomous legal entities with administrative and financial autonomy in matters chosen by the local population (Hasanoğlu, 2019). Local governments recognized as an integral and essential part of public administration in all countries worldwide, complement the state as a primary element. Observing their expanding scope and increasing significance in today's world, it is evident that local governments play a crucial role (Pustu, 2016). The level of development of democracy in a country is directly related to how effective and powerful local governments are. Local governments are considered indispensable for the efficient and effective sharing and implementation of local services with the public, contributing to the formation of a culture of democracy and participation (Yıkıcı & Bilgili, 2022).

A comprehensive understanding of Azerbaijan's local governance system and the implemented reforms requires an examination of the country's unique circumstances and a review of the historical development of local governance units (Alçiçek, 2019). When delving into the history of local governments during this period, it becomes evident that their existence was under threat both in Tsarist Russia and during the Soviet era. However, after gaining independence following the separation from the Soviet Union, there was a noticeable decrease in the influence of the Russia-centric local governance structure, accompanied by an increase in European-centric approaches (Rehimli, 2020). This shift has been a crucial step in ensuring the autonomy of local governments. The restructuring, empowerment, and initiation of reform efforts for local governments in the Republic of Azerbaijan became feasible in the post-Soviet era. During the Soviet era, the structure of local governments was characterized by a coexistence of central and local elements. It is noteworthy that local councils existed during this period (Huseynova, 2019).

After gaining independence, the foundations of Azerbaijan's state structure primarily rely on the 1995 Constitution (Elma, 2007). The fourth part of the 1995 Constitution addresses the legal status of local governments. Despite numerous legislative amendments related to the 1995 Constitution, local elections in the Republic of Azerbaijan were only conducted in 1999. Local governments were assigned a crucial role in preparing and implementing the local tax system (Alçiçek, 2019). The initial local



elections took place in 1999, resulting in the establishment of 2735 municipalities as local governance units in Azerbaijan. However, through a regulation approved in 2009, some municipalities were merged, reducing the total number to 1772 (Yıkıcı & Salman, 2021).

Azerbaijan's administrative and political restructuring process began during the Elchibey era and was completed during the Haydar Aliyev era. The existing structure has been maintained in the Ilham Aliyev era as well (Elma, 2007). During Haydar Aliyev's tenure, executive powers, presidential authority, and executive control (governorate system) were strengthened, while national and local assemblies remained relatively weak in the face of executive authority (Rahimli, 2009). Furthermore, it is observed that political, administrative, and economic cadres are exclusively composed of members of the ruling party (Elma, 2007). After gaining independence in Azerbaijan, the reforms in the public administration system evolved from limited regulations in 1991 and 1992 to a more detailed structure following the enactment of the 1995 Constitution (Hasanoğlu, 2019).

Azerbaijan Republic municipalities are considered administratively and financially autonomous with strong financial resources according to legal regulations. However, in practice, these units are under the control of the central government, indicating a contrary situation. As a result, municipalities do not act independently of bureaucracy. Moreover, only a small portion of the taxes and revenue sources specified in the legal regulations for municipalities can be obtained. Therefore, one of the most significant problems that Azerbaijani municipalities need to address is the inadequacy of financial resources (Elma, 2007). Municipal council members are elected for a term of 5 years, and the election is based on the principle of direct election law rather than a majority voting system, with secret balloting. The number of members is determined based on the population of the locality where the municipality is located (Rehimli, 2020).

Municipalities, whose fundamental purpose is the effective provision of local services, have responsibilities such as adopting the municipal charter, establishing permanent and temporary commissions, determining and recognizing members' powers, setting local taxes, approving local social defence and development programs, and deciding on the loss of powers of council members in cases envisaged by the law (Hekimoğlu, 2020). Additionally, the preparation and implementation of the local budget, along with the approval of reports related to it, are under the responsibility of the municipal council (Rehimli, 2020). Municipal councils also undertake tasks such as establishing commissions to oversee the activities of institutions affiliated with the municipality in accordance with the powers granted by the municipal charter. According to Rehimli (2020), these commissions must operate in accordance with the municipal charter and the regulations prepared regarding the commissions.

Additionally, these commissions bear responsibility towards the municipality for their activities and periodically report to the council about their work. The distribution of duties and responsibilities between local executive authority and municipalities is considered a crucial issue in local governance. The reason for this is derived from the effectiveness of local executive authority in municipalities (Alçiçek, 2019). In the allocation of responsibilities related to public services, matters such as public order, population, health, communication, meteorology, public transportation, agriculture, energy, education, social policies and services, as well as cultural and artistic services, are left to



the central government and its regional organizations. On the other hand, services related to housing and settlement, road construction, parks, cemeteries, green areas, and similar issues are delegated to municipalities (Yıkıcı & Salman, 2021).

Furthermore, municipalities have the authority to collect regional taxes, considering their constitutional basis. Therefore, municipalities have been granted the power to determine regional taxes. In Azerbaijan, efforts to strengthen local governments for both regional and local development are made with the aim of improving conditions (Alçıçek, 2019). However, services provided through central administration and executive authority lead to inequalities due to the lack of strength in local governments. Strengthening the financial structure of these entities will enhance the quality of services, resulting in a more favourable outcome (Yıkıcı & Salman, 2021).

In local administrations, local governorates, which provide services to the rural structure, are considered representatives of the central government in the rural areas (Aslanov, 2007). Among the responsibilities of local governorates are improving the opportunities of the regional population, safeguarding the rights and legal interests of citizens, ensuring socio-cultural development, and giving importance to the opinions of the people (Alçıçek, 2019). In Azerbaijan, local governorate units are referred to as "executive authority" or "icra hakimiyeti" in Azerbaijani. Although "executive authority" is a clear expression, according to Alçıçek (2019), the term "local governorates" is used because it carries a more comprehensive meaning.

2.1 Local Governments in the Azerbaijan Constitution

The first constitution in the Republic of Azerbaijan was adopted during the initial period of independence in 1920. The first constitution during the Soviet era was prepared in 1921. In 1922, due to the formation of the "Transcaucasian Federation" between Azerbaijan, Georgia, and Armenia, the 1921 Constitution was initially applied to the Transcaucasian Soviet Socialist Republic in 1922 and later, in 1924, it was reorganized according to the Soviet Constitution (Ünal, 2019). With the adoption of Stalin's Constitution in the Soviet Union in 1936, the constitution was revisited in 1937, and Azerbaijan became fully one of the republics subordinate to the USSR (Elma, 2007). The Soviet Constitution of 1977, organized in 1978, was also adopted in Azerbaijan. In 1990, when the Soviets made amendments to the 1978 Constitution, these changes were transferred to the Azerbaijani Constitution as well (Amirov & Dani, 2006).

After gaining independence in 1991, Azerbaijan embarked on comprehensive reforms to align itself with modern society (Hekimoğlu, 2020). The primary objective of these reforms was to ensure that the country had the same conditions as other countries in the international arena (Hasanoğlu, 2008). The constitution, which is the fundamental characteristics and powers of the state, with no other legal norm above it and serving as the basis for other legal norms, was the legal foundation for the implemented reforms. Following Azerbaijan's independence, a new constitution was prepared by the State Commission led by then-President Heydar Aliyev, and it was adopted through a referendum on November 12, 1995 (Rehimli, 2020). According to the 1995 Constitution, the sole source of state sovereignty is the Azerbaijani people. The people exercise their



sovereignty right through representative democracy. Apart from authorized representatives, namely members of parliament, no one else has the right to represent the people or speak on behalf of the people (Yıkıcı & Salman, 2021). The Constitution's Article 6 stipulates that any organization or social group that does not reflect the people cannot have a say in sovereignty. According to the Constitution, Azerbaijan is a democratic, unitary, and legal republic (Amirov & Dani, 2006). State sovereignty can only be limited by obligations arising from international treaties. The separation of powers principle, expressed in Article 7 of the Constitution, is the basis for state sovereignty. According to this principle, each power is independent within its jurisdiction but is also in relation to other powers (Huseynova, 2019). Legislative authority belongs to the National Assembly of the Republic of Azerbaijan, executive authority to the President, and judicial authority to the independent courts of Azerbaijan. As per Article 8 of the Constitution, the President is considered a guarantee for the territorial integrity and independence of the state, serving as the head of the armed forces, and representing the state in both domestic and foreign affairs. The Constitution provides detailed provisions for all rights (Amirov & Dani, 2006).

After the dissolution of the Soviet Union, laws related to local governments in countries departing from the socialist system were prepared in compliance with the 'European Charter of Local Self-Government.' This situation is also evident in the Azerbaijani Constitution (Aslanov, 2007). Examining the provisions related to local governments in the Constitution of the Republic of Azerbaijan, we find that the fourth section of the constitution establishes the principles regarding this matter (Elma, 2007). Furthermore, Article 142 of the constitution designates local government institutions as municipalities elected in cities and towns. The method of election and the status of municipalities are specified by law. A single-tiered governance system has been adopted by granting municipal status to villages and towns, following the model applied in France (Rahimli, 2009). The Constitution outlines who should collect the governing bodies and in what manner. Additionally, the status of municipalities, as well as the duties and responsibilities of municipal members, is specified in the constitution (Yıkıcı & Salman, 2021). In the relevant article, the approval of the municipal parliament and the election process for the mayor are regulated. Explanations regarding the provision of regional taxes and salaries are also detailed in the same article (Elma, 2007). These mentioned articles have ensured the constitutional protection of local governments (Huseynova, 2019).

The concept of local governance in Azerbaijan is protected by the law enacted in 1999, known as the 'Law on the Status of Municipalities.' In the general principles section of the law, information about the concept of local governance is provided, elucidating the intended meaning of this concept. According to the local governance understanding outlined in the law, citizens are granted the right to independently resolve all issues of local importance within the framework of laws (Rahimli, 2009). The mentioned right, as stated in the law, is implemented by municipalities elected freely, secretly, and personally through a general, direct, and equal election method. According to the law, a municipality is defined as a form of local governance within the legally specified territorial boundaries. Municipalities have their own property, budget, and elected bodies. Municipalities



independently address issues of local importance authorized by the constitution and the law (Uygun, 2015).

Municipalities are established and continue their activities based on the principle of equality. The organs of the municipal legal personality are the locally elected governance bodies established by the members elected from the municipality, adhering to the Constitution of the Republic of Azerbaijan, the Law on Municipal Elections, the Law on the Status of Municipalities, and their own bylaws (Rahimli, 2009). Municipalities are not part of the state sovereignty organ system. 'State organs and authorized individuals of the state are not allowed to implement local governance. Following this decision, municipal members are not allowed to serve in legislative, executive, and judicial bodies' (Rahimli, 2009). According to the constitution, the decision-making body of the municipality is the municipal council, while the executive body is the municipal executive apparatus. The executive apparatus includes branches and departments to implement various services, programs, and economic groups. The mayor appoints the heads of these branches and departments. The legal status of officials serving in municipal executive apparatuses is regulated by the 'Law of the Republic of Azerbaijan on Municipal Service' (Huseynova, 2019). According to Article 2 of the law, 'Civil service is a professional activity in these organs carried out through appointment to perform the duties of local governance bodies and for which compensation is received for their services' (Amirov & Dani, 2006). While the salaries of officials are covered by the municipal budget, council members are not considered in the official status, as specified by the law.

Additionally, benefiting from the experiences and laws related to local governance in developed countries, various draft laws were prepared using the developments in municipal administration and local governance. Some of the enacted laws include the 'Law on the Status of Municipalities,' 'Law on Local Referendum,' 'Law on the Status of Council Members,' 'Law on Separation,' 'Law on Municipal Staff,' 'Law on the Basics of Municipal Finance,' 'Law on the Rules of Municipal Elections,' 'Law on the Granting of Real Estate to Municipal Property,' 'Law on Joint Activities, Mergers, and Separations of Municipalities' (Elma, 2007). In addition to these laws, significant regulations regarding municipalities were made in Azerbaijan with other laws enacted in 2001 and 2003. While preparing these law proposals and establishing the local governance system, the experiences and laws related to local governance from many countries within the Council of Europe, such as Turkey, Italy, Portugal, France, Germany, and the Russian Federation, as well as the local governance legislation of member countries of the Commonwealth of Independent States, were utilized (Rahimli, 2009).

A review of the legal sources related to local governance in Azerbaijan reveals decisions on the country's local governance structure, municipalities, their elections, and activities within the 1995 constitution (Elma, 2007). Legal regulations are generally prepared in accordance with the Council of Europe's Charter of Local Self-Government (Elma, 2007). This charter was approved by the country's parliament in 2001. While the Azerbaijani constitution grants limited autonomy to the local governance, in practice, both the constitution and laws perceive municipalities as civil society organizations outside the hierarchy of the centre (Rahimli, 2009). The constitution endowed municipalities with decision-making authority in matters related to freedom of action and execution (Abdullayev, 1998). However, in practice, a strong and centralized state structure has



been established in Azerbaijan, particularly in the capital Baku, with an extensive central government apparatus, imposing strict control over local governance (Yıkıcı & Salman, 2021). Therefore, it is not accurate to characterize the current local governance structure in Azerbaijan as conforming to a liberal model. While both constitutional and legal foundations of local governance suggest an autonomous structure, in practice, local institutions operate in the shadow of central authorities. Hence, despite the mention of autonomous local governance in Azerbaijani legislation, the practical implementation reveals a more passive local governance approach closely tied to the central government.

A general assessment of the Azerbaijani Constitution and legislation related to local governance reveals a century-long history of constitutional developments. This historical experience, shaped by various events such as occupation and upheavals, has gradually formed the institutions and rules of the current Azerbaijani constitution (Uygun, 2015). Therefore, to interpret Azerbaijan's existing local governance structure with a multidimensional perspective, one must first understand the constitutional developments of the state (Khalafova, 2019). Throughout Azerbaijan's history, four constitutions were enacted in the periods between the existence of the first independent People's Republic based on national sovereignty, the end of occupation, entry into the Soviet Union again, and finally gaining full independence (Hasanoğlu, 2008). The primary goal and common feature in making these constitutions were to implement changes in the Soviet Constitution in Azerbaijan and to maintain the traditional existence of legislative, executive, and judicial organs in protecting fundamental rights and freedoms (Uygun, 2015). This preserved institutional memory and protected fundamental principles and values, facilitating the rapid and easy establishment of the principles, structures, and institutions related to a democratic rule of law when drafting a new constitution.

3. Strengthening and Reform Initiatives in Local Governance in the Republic of Azerbaijan

In Azerbaijan, local governments are defined as public legal entities with administrative and financial autonomy, providing services to the public in a specific geographic area, and having decision-making bodies elected by the people as specified in the law (Khalafova, 2019). In unitary and federal states, the effectiveness of local governments is parallel to the democratic understanding, and it is possible to state that the effectiveness of local governments is often proportional to economic progress. In summary, there is a correlation between local governments, economic advancement, and local democratization (Mollaer, 2004). These aspects play a crucial role in ensuring and strengthening the country's integrity through local governments. When examining the pre-independence period in Azerbaijan, we observe that it was initially under the dominion of Tsarist Russia and later under the Soviet Union (Hasanoğlu, 2019). As a result of this domination, Azerbaijan carries traces of the Soviet era in its governance structure, cultures, and particularly in its lower administrative organizations. Under Tsarist Russia's dominion, although there were variations in the governance structure during certain periods, the provincial system and military governors dominated the administrative system. During the Soviet Union era, the district system and executive committees were significant formations in the administrative structure. Looking at the



administrative systems of other developed countries, it is evident that in many nations, local governments take on much more responsibility than central governments in implementing public services, leading to greater efficiency in public services (Mollaer, 2004).

On September 30, 1991, the Republic of Azerbaijan, after gaining independence, took significant steps towards implementing reforms in local governments and central administration, aligning itself with developments in Western countries. However, due to a lack of continuity in the reforms, the desired results were not fully achieved (Abdullayev, 1998). The Republic of Azerbaijan is administratively divided into "rayons," which can be translated as "districts" and correspond to the provincial units of the central administration in Turkey. Today, the administrative system and boundaries of these rayons largely date back to the Soviet era (Alçiçek, 2019). During the Soviet era, as a requirement of socialist system thinking, councils in the rayons, consisting of representatives of peasants and workers, formed the basic organs of governance. Before Azerbaijan gained independence, on June 1, 1991, the "Executive Authority" office, serving the same function, was established. Executive authorities (governors), appointed by the president, could appoint assistants to help them in their duties (Huseynova, 2019). In the peripheral units of the central administration, which are subordinate to executive authorities, various sub-administrations provide services for youth, sports, education, law, economy, health, agriculture, finance, police, transportation, and social and humanitarian aid (Şataf, 2020). The appointment of officials in these administrative units is made individually or collectively by the executive judge, who represents the capital organization of the central administration or the representative of the central administration in the peripheral organization, in a manner that may lead to authority confusion.

The explanations regarding executive authorities are provided in Article 124 of the constitution. According to this article, executive authorities consist of two organs: the President and the Council (Hasanoğlu, 2019). According to the relevant article, executive powers in cities and districts are granted to the President, while the advisory authority for discussing and solving the social, cultural, and economic problems of cities and districts is delegated to the Council (Elma, 2007). Executive judges are accountable to the President and are required to report to the Cabinet of Ministers and the President at least once a year. The Council, which meets twice a month, is presided over by the chief judge. In meetings where the judge is absent, this duty is assigned to the deputy executive judges (Alçiçek, 2019). The appointment and dismissal authority of executive judges, as well as the responsibility to determine their powers, are vested in the President. The governorships, which are part of the peripheral structure of the central administration and financed from the central budget, have been active as the fundamental units of local governance until the establishment of municipalities (Hasanoğlu, 2019). Their functioning as local governance units has not imposed any limitation on the existence of executive authorities. According to Hasanoğlu (2019), executive authorities represent the central government in cities, districts, and towns, and the appointments of executive authority presidents are directly made by the head of state (Yıkıcı & Salman, 2021). Executive authorities in Azerbaijan, possessing significant power and organized nationwide, serve as representatives of state authority and provide various



services at the local level (Avaner, 2017). In the mentioned local services, activities such as preserving environmental health, implementing measures to increase employment, implementing social and economic policies, enforcing urban planning policies, promoting agricultural activities, developing sports and tourism activities, maintaining general security and legal order, and fostering collaboration between religious institutions and civil society organizations are noteworthy (Hasanoğlu, 2008)

The 1995 Constitution of Azerbaijan established the legal framework for local governments. The Constitution specifically aimed to completely end the influence of the local Soviets and to create new legislation for local governance. Along with these decisions, it was stipulated that municipal elections should be held within two years, but these elections were delayed and could only be conducted in 1999. The official reason for the delay was cited as a lack of experience and the public not being ready for the new order; however, experts argue that the main reason for the delay was the unwillingness of local authorities to delegate their powers.

As a result, municipal elections were conducted on December 12, 1999, and municipalities began operating as local governance units in January 2000. According to the 1995 Constitution, local governance institutions are municipalities established through elections in provinces, villages, and towns. This implies that local governance units are constitutionally guaranteed and organized as a single level.

In Azerbaijan, it is observed that local services are provided through two different structures: executive authorities and municipalities. Executive authorities, being older in terms of establishment date and more powerful in terms of financial resources, are contrasted with municipalities. However, the constitutional regulations have fallen short of ensuring the effective operation of municipalities. The intensity of central control has hindered the progress of municipalities in terms of management.

The absence of specifications regarding the territorial divisions of municipalities and executive authorities in the constitution has hindered the emergence of an equal governance model. The concentration of all powers and responsibilities in executive authorities has led to unfair competition and inefficiency at the local level. These issues have resulted in municipalities becoming ineffective state institutions, and their tasks overlapping with those of executive authorities. Additionally, their lack of sufficient budgetary resources has prevented municipalities from carrying out necessary activities.

While Azerbaijan's administrative system has been significantly influenced by the Soviet era, it has undergone numerous changes and reforms over time, reaching its present form of governance. Currently, Azerbaijan has 90 administrative units, including an Autonomous Republic (Nakhchivan Autonomous Republic), 11 major cities, 78 rural districts of provincial and district size, 63 district centres, 14 city districts, 268 towns, 4248 villages, and 1726 municipalities.

Azerbaijan currently faces significant challenges in the full development of many institutions, organizations, and organizational stages. These institutions have numerous legal, organizational, and operational problems (Uygun, 2015). In addition to institutional issues, municipalities also face financial constraints and lack of experience, which limit their capacity to provide local public services and hinder the implementation of local



governance reforms (Avaner, 2017). Therefore, there is still a serious institutionalization problem related to local governance in the country. Expecting these institutions, which are currently insufficient even in fulfilling municipal services, to contribute to the institutionalization of the country's democracy is not feasible (Şataf, 2020). Azerbaijan has not yet achieved fully democratic and participatory local governance. Consequently, the current situation does not allow local institutions to be successful in the country. As the population of municipalities increases, their budgets should also grow, requiring more efficient involvement at the local level and support from the government (Hekimoğlu, 2020). Despite reforms and strengthening efforts, the changes have not provided any significant contributions to municipal units, which are local government entities. The ongoing problems over the years have not addressed key features of local governance, such as efficiency, effectiveness, and democratization, in municipal reforms (Abdullayev, 1998). Contemporary issues related to efficiency, autonomy, effectiveness, and democratization persist in municipalities today. In the restructuring and reform efforts of local governments, several aspects need to be anticipated. Looking at these aspects, it is crucial to move away from the old management mindset and rigid centralization in order to introduce a contemporary approach at the local level (Khalafova, 2019).

To meet the service and democratic expectations of the local community, a strong and democratic understanding of local governance should be adopted. In this context, it is important to make existing legal channels of participation functional and for Azerbaijan's democracy to embrace a culture of participatory citizenship, allowing local institutions to be open to the participation and scrutiny of the public (Yıkıcı & Salman, 2021). The autonomy granted to local governments constitutionally should also be applicable in practice. Additionally, sharing responsibilities and authority between the central and local governments will facilitate the transfer of tasks and responsibilities originating from the central administration to local governments within the budget framework (Şataf, 2020).

To effectively oversee the activities of mayors, municipal councils need to be fully established as a local representative body (Mollaer, 2004). The direct election of mayors by the public is crucial for their easy accountability to the public (Amirov & Dani, 2006). The central government's control over the neighbourhood management system, as practised during the Soviet era, should be abolished, and representative institutions with functions similar to neighbourhood muhtarlığı in Turkey should be restructured. Neighbourhood councils should also be strengthened (Abdullayev, 1998).

With these recommendations, the aim is to restructure local governance in the country, make reform efforts more efficient, establish a strong, effective, and democratic understanding of local governance, and transform local governments into a full-fledged institution of participation and representation (Yıkıcı & Salman, 2021). Effecting meaningful reforms in local governance is not possible in systems where the public is not sufficiently active and participatory, and where shortcomings are overlooked (Şataf, 2020).



Conclusion

In light of these evaluations, if we were to assess the local governance and empowerment efforts in Azerbaijan in the context of relations between municipalities and the central government, it can be said that Azerbaijan embarked on a significant reform process after the dissolution of the Soviet Union and its transition to an independent country. Firstly, the local governance units were constitutionally secured through laws in the 1995 Constitution of the Republic of Azerbaijan. In providing this assurance, a casuistic approach was preferred over a framework constitution. In this regard, the constitutional principles necessary for local governance were identified and enshrined in laws. From this perspective, Azerbaijan's local governance structure exhibits similarities with the Northern, Central, Eastern European, and French models. However, in the utilization of powers and responsibilities by local governance units, and in their limitations imposed by government decisions beyond legislation, there is also a resemblance to the French model.

Azerbaijan's constitution establishes municipalities as financially and administratively autonomous entities, separate from the central government structure. However, in practice, the situation is quite the opposite due to various reasons such as insufficient financial resources, failure to achieve decentralization, lack of experience, the absence of a deep-rooted local governance culture due to the dominance of the Soviet Union, deficiencies in democratic governance elements, the inability to fully establish local governance awareness among the public, a lack of public trust, and technical inadequacies.

Considering that the primary purpose of local governments is to identify and meet common local needs, the current structure falls far short of fulfilling these needs. Therefore, when undertaking reform initiatives in local governance, it is crucial to address these issues first. Subsequently, more effective and efficient measures should be implemented. Today, the Republic of Azerbaijan needs to find solutions to the aforementioned problems to break free from the traces of Soviet dominance and establish a democratic, independent local governance system. As Azerbaijan has a centralized tradition, significant efforts are required to transform societal consciousness entirely, establish democracy, and improve urban infrastructure and living conditions.

In conclusion, the Azeri constitution aimed to democratize institutions and eradicate remnants of the previous administrative culture following the dissolution of the Soviet Union. Despite constitutional guarantees for local governance, challenges persist in the form of insufficient financial resources, decentralization obstacles, lack of experience, and the absence of a robust local governance culture. The local government structures in Azerbaijan exhibit similarities with the models in Northern, Central, and Eastern Europe, as well as the French model. However, issues such as limited financial resources and government interventions beyond legal constraints resemble the French model. Addressing the shortcomings, the research underscores the necessity of resolving financial, administrative, and cultural challenges to pave the way for successful local governance reforms. Establishing a more democratic and autonomous local governance system is crucial for overcoming the influence of the centralized tradition and achieving



improvements in urban infrastructure and living conditions. Thus, Azerbaijan needs robust, democratic, and autonomous empowerment initiatives.

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