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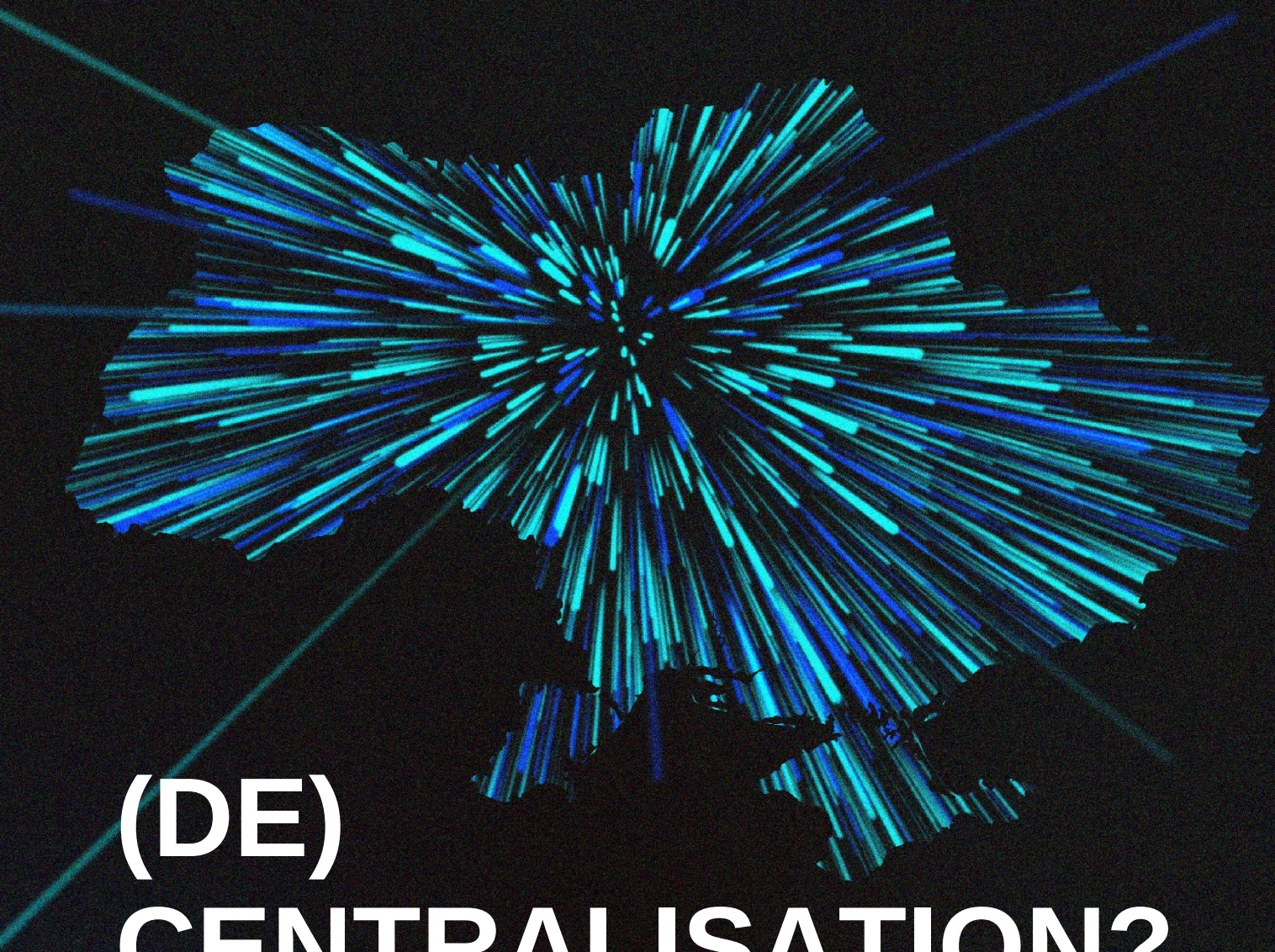

(DE) CENTRALISATION?

TRENDS IN THE INTERACTION OF LOCAL SELF-GOVERNMENT AND STATE AUTHORITIES AT THE LOCAL LEVEL IN UKRAINE

SHORT VERSION OF THE REPORT

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LIST OF ABBREVIATIONS

LSG	Local Self-Government
LMA	Local Military Administrations
RMA	Regional (Oblast) Military Administrations
DMA	District (Rayon) Military Administrations

Subnational public authorities, regional public authorities, and local public authorities are all terms used to describe RMAs and DMAs.

Military administrations are temporary state bodies that operate for the period of martial law to ensure the operation of the Constitution and laws of Ukraine, to ensure, together with the military command, the implementation of measures of the legal regime of martial law, defence, civil protection, public safety and order, protection of the rights, freedoms, and legitimate interests of citizens. (Article 4, Article 8 of Law No. 389).

INTRODUCTION

The decentralisation reform is considered **one of the most successful reforms after Euromaidan** and an essential **factor in Ukraine's resilience to Russian invasion** (Council of Europe, 2021, Rabinovych et al., 2023). However, Russian aggression and the resulting introduction of martial law have significantly changed the interaction dynamic **between the central government and local self-government**. In particular, the powers of the military were expanded (Umland, Burkovskiy, 2023).

In emergency situations such as war, centralising decisions for efficiency **may be a natural response of the system**. The risks of (re)centralisation under martial law in Ukraine arise not only from the potential logic of the state trying to centralise resources to fight the enemy. The introduction of martial law restrictions can be used by actors opposed to decentralisation to restore the status quo that the reform has changed. This situation is described by the theory of **"stubborn structures" (**Magyar, 2019), which states that long after the reform, institutions try to return to the previous rules of the game. In Ukraine, **a centralised decision-making system at the subnational and local levels existed for more than 20 years before the decentralisation reform began in 2014,** making it difficult to break down existing *"stubborn" institutions* and governance models (Magyar, 2019, Minakov, 2019).

The purpose of this study is to **analyze the main trends and changes in the interaction system between the state authorities and local self-government bodies in the context of war and martial law and their importance for democratic govern.**

The methodology and criteria for assessing interaction are disclosed in the Methodology of the full report. In addition, in Section 3, the assessment of interaction is divided into **aspects of interaction**[1] and types of hromadas.

We hypothesise that hromada's characteristics, such as region, security factor, periphery and urbanisation factor, and political characteristics of the hromada leader, will influence the **format and type of interaction.**

Our study includes a total of **43 interviews** conducted with hromadas' representatives living in regions where territorial communities were either under occupation and then liberated or continue to be under occupation. In particular, our study covers hromadas located within *Sumy, Kharkiv, Kherson, Chernihiv, and Zaporizhzhia region*. *An important aspect is that in these oblasts, there are hromadas where both local self-government bodies have been preserved and where MBAs have been established.* Read more about the methodology in the full report.

[1] System of resource allocation, Degree of formalisation of cooperation, Nature of organisation of cooperation, Level of participation in decision-making, Satisfaction with cooperation.

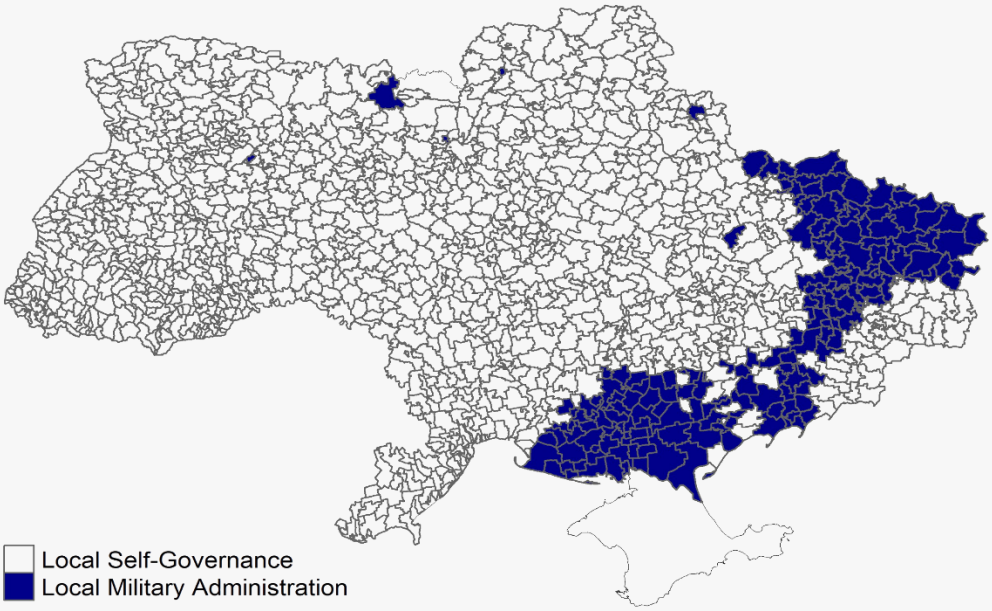
PRACTICE FOR CREATING LMA

Regional practices for creating LMA

Most often, military administrations of settlements are created in a scenario where the government is restored in the liberated territories or to ensure governance in the temporarily occupied territories or territories where hostilities are ongoing. Currently, military administrations operate in all types of hromadas:

61 **urban** **59** **settlement** **64** **village**

Map 1. Geography of LMA programs in Ukraine

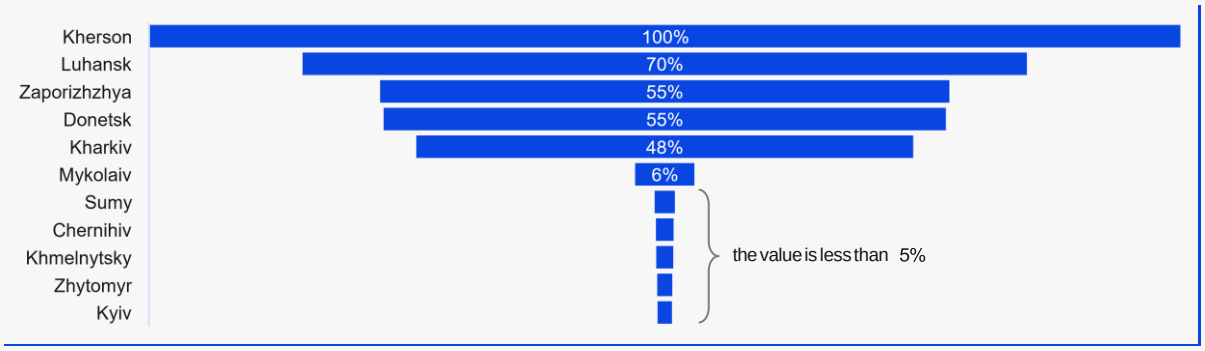


Most of these administrations were established in **Kherson (49)**, **Zaporizhzhia (37)**, **Donetsk (36)**, **Luhansk and Kharkiv (26)** regions, i.e., in relative proximity to the frontline. At the same time, the work of almost half of the military administrations is impossible due to the occupation of settlements. These administrations often operate in other cities on government-controlled territory.

> Only **13% of the total number of hromadas** in Ukraine have military administrations established at the territorial community level.

We see that the **practices of establishing LMAs in the regions are not unified,** are most likely regional in nature and are coordinated with the regional level of government. We see this in the example of Kherson region, where local self-government bodies were changed to LMAs in all hromadas. At the same time, Donetsk, Luhansk and Zaporizhzhia region, where the fighting and the level of occupation are no less, still have local self-government bodies even in the occupied hromadas.

Graph 1. Percentage of LMAs among hromadas in the region

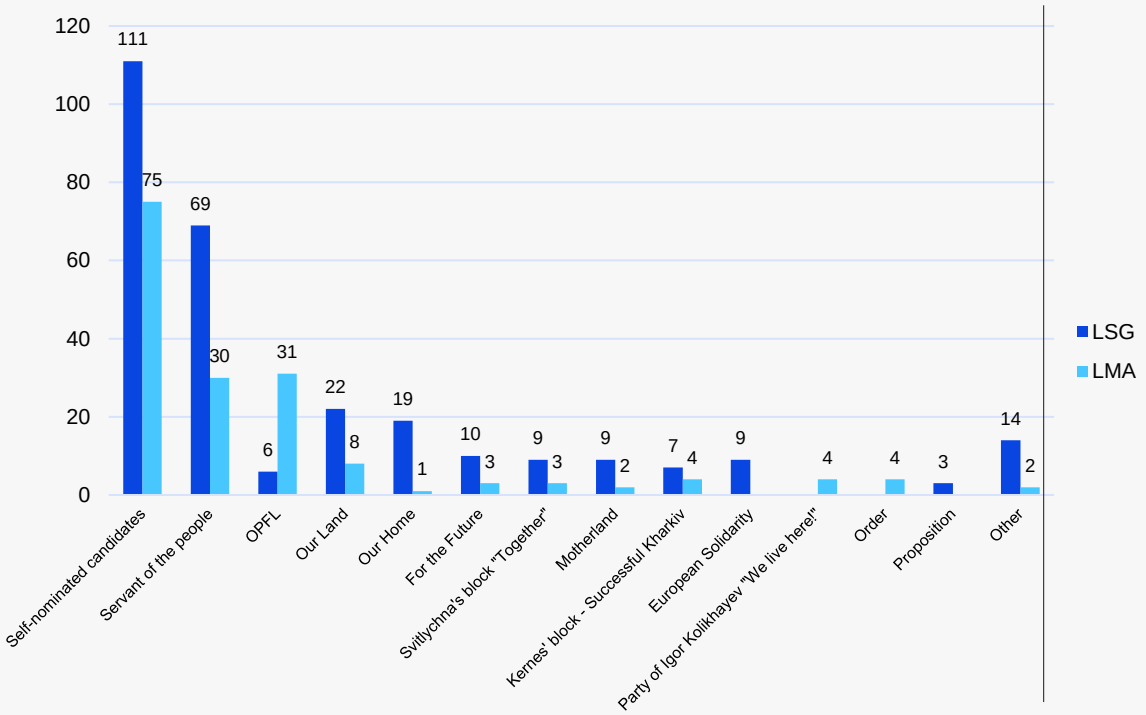


It is not only the security logic that can explain the fact that local military administrations established in **Chernihiv hromada**, **Sumy hromada**, **Gostomel hromada** (Kyiv region), **Shepetivka hromada** (Khmelnytsky region)**,** and **Netishyn hromada (**Zhytomyr regions). These hromadas are the only ones per their region with LMAs.

The impact of political affiliation on the creation of LMA

The media often **attribute the** unjustified establishment of LMAs in hromadas in certain regions to **political conflicts between territorial hromada leaders** and the **central government,** as in the Chernihiv case. Therefore, we analysed the political affiliation of elected in 2020 head in hromada where LMAs were established and where LSG are not changed in frontline regions.

Graph 2. Number of LMAs by political affiliation of the head in frontline regions [2]

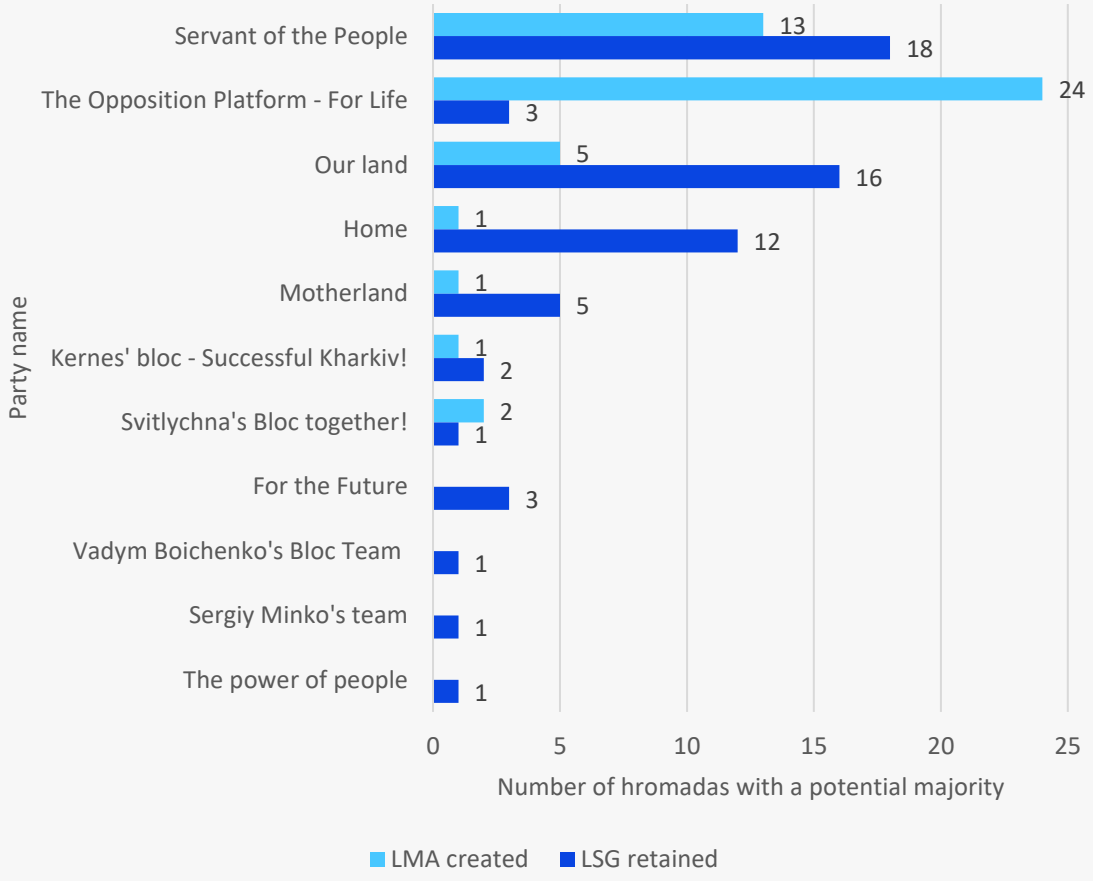


In general, we do not see any evident political distortions in the structure of the hromadas where the LMAs are established. **Several observations** are interesting:

[2] Chernihiv, Kyiv, Sumy, Kharkiv, Zaporizhzhia, Kherson, Mykolaiv, Luhansk and Donetsk regions

- Local military administrations were established **in 57%** of the hromadas, where representatives of banned in Ukraine parties **Opposition Platform for Life (OPFL) and Opposition Bloc** were heads of local council.[3] However, 24 hromadas' heads elected from banned parties are **still heading LSGs in Ukrainian hromadas**, even in 3 hromadas in the Zaporizhzhia region, 2 in the Mykolaiv region and 1 in the Donetsk region. One of these territorial communities, the Staromlynivska village hromada in the Donetsk region, is already under occupation.[4]
- In the **30 hromadas** headed by representatives of the **Servant of the People**, LMAs were also established, and territorial hromada leaders were partially replaced. Military administrations were established in all hromadas in Donetsk and Kherson regions, where mayors from this party were elected.
- In none of the 9 hromadas in the areas where there was fighting, where the head was a representative of the **European Solidarity**, no LMA was established. In addition to the party affiliation of the chairman, we also checked which parties in the hromadas in the regions where the LMAs were established had a decisive influence on the work of elected hromada councils. We assessed which parties had a "potential majority", i.e. 40% or more of the elected deputies in the hromada.[5]

Graph 3. The practice of creating a party affiliation of the potential majority in the hromada



We can see from the practice of creating an LMA:

[3] Of course, this is not to say that all 32 leaders from these parties were replaced, as some may have been appointed by the MVA, as we saw in Kharkiv and Kherson oblasts, but most were.

[4] Part of one of these communities, Staromlynivska village community in Donetsk region, is already under occupation.

[5] We take into account the limitation that not all councils had such an almost absolute majority, but among the communities in these oblasts, 110 communities had a party with such a majority.

- **In hromadas, where the OPFL potentially controlled** **the majority of the council,** LMAs were most often established. Thus, **in 88% of hromadas** in the frontline regions, where this party gained potential control over decision-making in the 2020 elections, **LMAs were established**. This is often explained in in-depth interviews by respondents that **representatives of this party, which is already banned in Ukraine, usually refused to leave the occupied territorial communities** and stopped conducting deputy activities, which set a **precedent for creating an LMA in the hromada.**

- **In hromadas, where the** **Servant of the People had a** potential majority, **LMA were nevertheless established**. Thus, in **42% of the hromadas** in the frontline regions **with a majority of the Servant of the People, LMAs** were **established**.

GENERAL TRENDS OF INTERACTION

Centralisation of processes for hromadas where LMAs have been established

This centralisation leads to a directive approach, with local administrations primarily executing orders from district and regional military authorities. An interlocutor from a local military administration emphasises this change.

> *When you are a local authority, you decide the fate of people and resolve certain issues. There [in the local military administration] you can start some good work, and then the region wants to stop it - you must stop.*

Hromadas' leadership and the idea of self-reliance

LSG representatives in hromadas, where military administrations have not been established, emphasise the importance of **autonomy in the face of challenges after the shock of the first months of the war.**

> *We are constantly invited to meetings, and meetings are already being held with the participation of all hromada heads. Previously (until February 24, 2022), these were only heads of administrations, but now all heads of hromadas are invited. And, of course, all the tasks that have been set for both the region and the district today, of course, the primary fulfillment of these tasks depends on the hromadas.*

The importance of human resources

Territorial communities with employees who **speak English** or other languages are able to **travel for business** and establish partnerships, demonstrating a higher level of operational independence.

> *In order to raise funds, you need to have staff with the ability to travel abroad and knowledge of a foreign language, which most hromadas cannot afford. These are highly paid positions, and they are often not kept in the state.*

Maintaining a representativeness

Our results also show a dominant tendency to **maintain representation in hromadas**, where in territorial communities that was in sample of research, approximately ***one-third of the heads of local military administrations (LMAs)*** are **incumbents *elected in the 2020 local elections as heads of municipalities.*** *In addition, a* significant number of the appointed heads of regional military administrations **(RMAs) were previously deputies of hromadas councils**, district, or regional councils in their respective regions.

INDIVIDUAL CHARACTERISTICS OF INTERACTION

Satisfaction with cooperation

There is a need to revise the strategy of interaction between the RMA/DMA and hromadas:

occupied hromadas

urbanised hromadas

General positive aspects:

- We have seen that hromadas with systematic interaction with the RMA, both in **formal** and **informal formats**, are more satisfied with their cooperation with the RMA.
- **Rural communities tend to be more satisfied with oblast administrations than their urban counterparts.**

General negative aspects:

• There is an **increased bureaucratic burden due to the significant volume of correspondence related to the dissemination of information and requests coming from region and district administrations** and reaching hromadas.

> *...I would like them **[the meetings]** to be more effective, so to speak. I will not say that they are ineffective, there are certain positive aspects of these meetings.*
>
> *Such point issues, either regarding the provision of humanitarian aid, or the provision of some temporary shelters, or other issues, they are so small, they are resolved .... I hope that it will improve. And there will be a wider range of issues that can be covered. I hope, at least, that the situation will improve, that everything will not drown in the bureaucratic system.*

- Hromadas report **duplication of functions** between district and region administrations, which leads to an increased administrative burden. Interviews show positive responses from hromadas to **cooperation with districts that have adapted their work to real, local needs, prioritise areas not covered by the RMA, and move away from the model of copying the functions of region administrations.**
- **Most of the hromadas expressing dissatisfaction** are currently located in the **occupied territories**.

Degree of formalization of interaction (formal or informal)

There is a need to revise the strategy of interaction between the RMA/DMA and hromadas:

- hromadas with leaders without political experience in the region
- border/frontline hromadas
- occupied hromadas

The analysis of cooperation between local self-government bodies (LSG) or local military administrations (LMA) with **RMAs/DMAs** revealed a clear trend: **interaction involving local military administrations (LMA)** is more often **formalised**.

General positive aspects:

- **In one-third of the hromadas** surveyed, we **see both formal and informal cooperation** between regional actors and hromadas.

General negative aspects:

- We can see the **influence of some factors on the level of formalisation in the work of hromadas and** RMAs, which indicates a difference in approaches to hromadas. The factors that influence more formal cooperation between hromadas and RMAs are primarily related to the *security status of hromadas, peripheral status and personal characteristics of hromada or RMA leaders.*
- Interaction is more informal in territorial communities, where the **heads have previous experience in region administration.**
- **The formalisation of border/frontline (30 km zone) and occupied communities is excessive.**

> *Sometimes I think that we have been forgotten, not to mention informal communication. The previous head of the RMA* ***had never been to the hromada*** *at all.*

The nature of the interaction organization (systematic or sporadic)

There is a need to revise the strategy of interaction between the RMA/DMA and hromadas:

occupied hromadas

General positive aspects:

- **Systematic cooperation is widespread in most of the hromadas in our study**..
- The systematic cooperation between the LSG and the LMA, on the one hand, and the RMA, on the other, is manifested in regular interaction, such as *weekly meetings, online calls, and joint meetings with various agencies*. In addition, in some cases, **chats** are created **in messengers.**

> *We are not afraid to ask questions directly to the chairman and deputies. And if we really see a problem, we can pick up the phone and talk about it directly. I don't have to write long letters and wait for a response.*

- The majority of LSG and LMA leaders **expressed a preference for communication on specific issues over regular meetings**.

General negative aspects:

- Hromadas that are currently **under occupation more often mention sporadic cooperation.** This pattern can be observed in many regions with occupied hromadas.

> *There were meetings once a week, attended by the governor, all his relevant deputies, heads of departments, heads of districts and heads of military administrations. But ... for some reason, everything has changed. And now only district heads attend these meetings. That is, even from this communication, for some reason, we were removed.*

Level of participation in decision-making

There is a need to revise the strategy of interaction between the RMA/DMA and hromadas:

border hromadas	rural/settlement hromadas

General positive aspects:

- RMAs play a key role in informing hromadas about various opportunities and resources. Their role **goes beyond simply informing**: they provide detailed information about projects, grants, and ways to cooperate with international partners. RMAs also share important details about funding, the work of humanitarian organisations and how to get involved in various programs. Also, RMAs are perceived as a more reliable way to address issues at the level of the Congress of Regional and Local Authorities.

> *You know how it is, we watch the meetings [referring to the Congress], observe what is happening, and draw some conclusions for ourselves. We try to voice our concerns. But still, you know, not directly, but through the regional military administration more of our appeals.*

General negative aspects:

Failure to take into account the peculiarities of border/frontline hromadas

Hromada leaders, especially in border areas, often express a desire for a more individualised consultation process. They **want their unique concerns and circumstances to be recognised and considered,** which suggests the need for the RMA to listen more closely to them and respond more specifically to their individual situations. It should be borne in mind that the problem may lie not only in the lack of communication with the RMAs regarding the problematic issues in these territories but also in the extent to which these issues are addressed at the national level.

> *I mean, [the name of the regional center] heard us, if we told them about the problem, they heard us, but the solution... I mean, not everything depends on the regional military administration. If everything depended on them, maybe things would be a little different.*

The more active and successful a hromada is, the more formats of cooperation there are

The partnership between regional military administrations (RMAs) and hromadas varies considerably, influenced by factors such as **administrative capacity and the hromadas' initiative**. **Urban hromadas, with their more qualified staff and greater economic resources, tend to be more actively involved in cooperation**.

VISION OF REGIONAL MILLITARY ADMINISTRATIONS

The main **reasons of dissatisfaction with** cooperation on the part of the RMA are:

Forced cooperation with **inexperienced LMA managers who do not know the local context of the hromadas.**

Exclusive right and **hromadas' unreasonableness in allocating funds.**

Excessive burden of communicating with hromadas, which could be facilitated by introducing the **role of the district as an intermediary.**

The most **positive** assessments given to the RMA are:

Proactivity of LSG: working out their own **needs** and being proactive **in their interaction** with both the state authorities and donors.

A high **level of self-awareness** of gaps **in the hromadas' own work,** which eliminates the need for regular intervention by the region.

RMA on problems identified by the hromadas:

- Some RMAs **already work with border hromadas separately.** This practice should be introduced to the occupied hromadas as well**:**

> *In addition, recently **we have been more actively cooperating and gathered them separately, the border hromadas, to understand their needs**. They gave us their problems in advance, and we prepared answers and comments, especially for the fifteen border hromadas I mentioned, because they exist there in more difficult conditions than any other hromadas.*
>
> ***Representative of the RMA***

- Also, the **greater emphasis on cooperation with rear hromadas** in the RMAs **is explained by the requirements for cooperation from international organisations** or the **vision of the ability to** implement projects:

> *It is inappropriate to gather all hromadas, **we gather urban hromadas or rear hromadas**. There are some projects of the European Investment Bank, for example, you know, they have a restriction **that you should not be closer than 70, and preferably 100 kilometers from the border.** Then, on the contrary, we gather only our rear hromadas. We are the only district that does not border the aggressor country. And even then, we discuss with them opportunities for cooperation, submitting applications, and so on. In addition, **we have a practice where deputies are assigned to districts, and they meet and hold field meetings with hromadas.** For example, I met offline with [Name of District] about 2 weeks ago, with all the heads of hromadas, and we discussed several issues, including international cooperation.*
>
> ***Representative of the RMA***

- Some RMAs have established **Regional Offices for International Cooperation(ROIC),** which are positioned as an initiative of the Congress of Local and Regional Authorities under the President of Ukraine, aimed at **developing the interaction of local and regional authorities with international partners** seeking to cooperate at the level of the region and territorial hromada. The problem is that even representatives of the largest cities in the regions where these offices have been established did not respond to in-depth interviews were not yet aware of their activities (it should be noted that at the time of the interview, the process of establishing ROIC had just been completed).

- The RMA representatives also **agreed with the problem of duplication of functions** with the DMA:

> *Today, the **functions of district administrations**, let's say... I'm not talking about the whole Ukraine because maybe they are valid somewhere, but for us today, they are a little bit of an **extra link in communication directly with the heads** of local military administrations. Today, I have to communicate with the district administration, where there are just a catastrophic lack of people – it is both time and information, so, **today, the regional military administration communicates directly with the LMA**. We have a department for **development and decentralisation, which has direct communication functions with hromadas**.*
>
> ***Representative of the RMA***

VISION OF DISTRICT MILLITARY ADMINISTRATIONS

The main **reasons of dissatisfaction** with cooperation on the side of the DMA are:

- Forced paternalism and passivity of hromadas in initiating reconstruction processes
- Excessive fiscal decentralisation of hromadas

The most **positive** assessed by DMA are:

- Active engagement of hromadas with the district, rather than direct cooperation with the RMA
- The presence of an active civil society that can influence hromada decisions

MA about the problems identified by the hromadas:

- Some DMAs are **already working on unloading hromada requests and forming datasets:**

> *We are trying, among other things, to ensure that **our employees at the level of the district state administration do not simply act as transmitters of these letters from higher state authorities to hromadas and vice versa**. We want to do this, and we are trying to **organise the collection of such information that passes** through us so that if the **state requests certain information that has** already been requested before or has not changed, we **can operate with this information on the spot and not burden them with unnecessary bureaucratic paperwork the local government body**. We need to relieve them a little bit, and provide such answers ourselves, if it is within our competence, if we have such information.*
>
> ***DMA representative***

- DMAs understand the **need to reform the powers of the district level:**

> *So, as a result of the local government reform, there was and now is a need **to reform the vertical of public administration**. Because the district state administrations do not have the means to... **they have a structure that does not actually correspond to their powers**. I believe and support the opinion that existed before the full-scale invasion of the so-called Russia that we should still implement the reform, and that state administrations, district, and regional administrations should become **more supervisory bodies that would comply with, let's say, monitoring compliance with the law by local authorities' self-government**. And they also coordinated state policy on the ground, the same state subventions for the most critical areas of work. Because today there are no such control powers, and they should be. There are not enough powers now in DMAs.*
>
> ***DMA representative***

5 QUOTES ABOUT 5 PROBLEMS FROM DONOR ORGANISATIONS

Forced leadership of local governments in solving problematic issues:

> *The duality that arises in some hromadas where LSGs have remained and LMAs have been created is for citizens, for service users, and causes great confusion about "who is to blame and what to do," as they say. Where to go and whom to ask? And out of old habits, they still **run to the municipality and knock on the door**. And municipalities, it's not that they don't pass on this need; **they pass on this need to the right place**. But they don't wait for someone to respond because they have real people here with their own life problems, and **they have to respond to them.***

Bureaucratic overload of LSG:

> *At the request of the Department of Education, you received information on the composition. For example, demographics, yes, well, take it to manage with civil cases, but not for the health department. These are constant requests - **hromadas are "howling", to be honest, because all they do are tables for yesterday's report tables, then tables for today's report, then tables for tomorrow,** and they feel very pressured in this way.*

The different situations in the regions:

> *There are cases of allocation of funds from the Recovery Fund **to hromadas that have not been physically damaged**. But I cannot say that this is wrong under the law because there are conflicts in the law itself. While the law defines what a recovery area is and is tied only to hostilities and damage, the Cabinet of Ministers' resolution says that such **recovery areas** include those areas **where has been an influx of more than 10% of the population**. And how do you view this position? I consider it as follows**: if 10% of internally displaced persons come to my hromada, it is a big plus** for me because it is my labour force, and I have to figure out how to use this labour force. It has to create working capital for me. This is my investment in my territory because these are taxes.*

Problems of management practices in LMA:

> ***...the elected chairman, he doesn't go anywhere, and either he does a situation where he is forced to be idle for two-thirds of the time without any reason, yes, or, if the relationship is normal, then you need to build communication somehow. The mayor still has his powers, yes, and they gave them to the chief. And the mayor is left with only communication with the residents, like, we're going to decide everything here, we're going to be in charge of finances and everything else, and you go there and calm the citizens down, and you do some reception, and something else.***

Staff shortage in frontline hromadas:

> *Here, it all depends on the competence, skills, and abilities of a particular official at a particular workplace. For example, if a school is destroyed, who should look for money to rebuild this school? Probably some department or education department. But does this education department have a person who has these skills, knowledge, and abilities?* ***You can't go to a store and buy this specialist; you have*** *to grow him. Even if some people grew up in local government, they just left today.*
> .

5 MAIN THESIS OF OBSERVATION

01 / Martial law **creates favourable conditions for centralisation of power even in countries with decentralised governance systems**. Moreover, Ukraine is still experiencing the baggage of the Soviet legacy in its governance system, and **the young local self-government system may be vulnerable to the risks of centralisation due to the challenge of "stubborn institutions".** This concern may be exacerbated by **the LMA and RMA's claims that communities have too much fiscal decentralisation and spending independence.**

02 / **13%** of the total number of communities in Ukraine have military administrations of settlements. **The practice of establishing LMAs is not unified**, and although we **have not seen** clear **patterns of party affiliation influencing this process**, under the current legislation, there is still a possibility that informal ties between the RMA and self-government may influence the process of establishing LMAs in the community. This can be used to influence local authorities, as the law does not clearly define and prescribe **indicators for assessing the ability of local authorities to perform their functions.**

03 / **The strategy of interaction between the LMAs and RMAs and the occupied communities, border and frontline communities needs to be revised**. The representatives of these types of communities who most often pointed to ineffective and complicated interaction with the LMA and RMA. Most of the problems stem from excessive formalisation, lack of interest in the problems and specific context, and lack of resources.

04 / Common trends among the studied communities **are centralisation in MBA communities, forced self-sufficiency of communities, lack and importance of human resources and preservation of representation.**

05 / The methods of appointing military administrations and their working methods, the ability of administrations to ignore the needs and interests of local governments and exclude them from the processes of solving important issues for the community, **lead to a weakening of the political leadership of communities and the interest of local political leaders to actively participate in socio-political life.** This can, in turn, have **negative consequences for the involvement of producers and local politicians in fundamental political processes**. Although our study does not establish specific dimensions of this problem, it does identify the perceptions and complaints of local governments.

RECOMMENDATIONS

At the level of the RMAs and the DMAs, we see significant differences in policies and practices of interaction and communication with hromadas. As of the time of the study (September - November 2023), the most problematic situation in terms of interaction was with **border hromadas, rural hromadas remote from regional centers, and occupied hromadas.** A possible solution to this problem would be for the RMA in regions with a large number of **such hromadas to** hold **separate regular thematic meetings with the heads of LSGs and LMAs** of these types of hromadas (if they are not already held regularly).

To improve communication and scale up successful practices between regional actors, it is worthwhile to **systematise and share regional experience on topics** between employees of **RMAs economic development departments**, as well as regional institutions such as **Regional Development Agencies** and **Regional Offices for International Cooperation in** various areas with common problems. It is important to focus not only on meetings, but also on summarising successful practices/projects.

A new tool for hromada representatives to interact with the central government, the **Congress of Local and Regional Councils under the President of Ukraine**, has been created, but some hromadas are not ready to discuss their problems in this format. Therefore, the RMA and Donors should also **engage with regional offices of hromada associations,** which are an important source of data and information about problems and challenges from a select group of hromada leaders.

To reduce the **duplication of requests and functions between the RMA** and the **DMA**, the reporting and data requirements of these levels should be reviewed. Learning from experiences where the DMA facilitates or moderates cooperation with the RMA may be useful for **redistribution of roles and functions of RMAs/DMAs at the national level**.

To reduce the existing **heterogeneity in the practices of establishing LMAs**, it is important to clearly define and **prescribe indicators for assessing the capacity** of an LSG to perform its functions. This will also facilitate communication for the public and international partners in the case of new LMAs.

International partners' resources can be used to develop a platform for interaction between hromadas and regional authorities, and as it has been done at the regional and hromada levels to create **Recovery and development offices,** in cooperation **with international partners such as the European Union, the Government of Sweden and the United Nations Development Program.**