

### ON CERTAIN ASPECTS OF INTERNATIONAL AND FOREIGN ECONOMIC RELATIONS OF LOCAL SELF-GOVERNMENT BODIES

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The subject. This article has been prepared in order to analyze federal and regional legislation in the field of regulation of international and foreign economic relations of local governments, as well as to prepare proposals for its improvement. This article examines the main issues related to the definition of the concept of "international and foreign economic relations of local self-government bodies" and indicates its signs; analyzes the powers of bodies of three levels of public authority in the field of international and foreign economic relations of local self-government bodies and problematic issues related to their implementation; analyzes the normative legal acts necessary for adoption at the level of the subjects of the Russian Federation and municipalities in this area.

Main results. International and foreign economic relations of local self-government bodies should be understood as the relations carried out by local self-government bodies in order to resolve issues of local importance and, in coordination with the state authorities of the subject of the Russian Federation, with representatives of state-territorial, administrative-territorial and municipal formations of foreign states, with local self-government bodies of foreign states, including for the purpose of participation in activities international organizations in the field of inter-municipal cooperation.

Conclusions. There are no provisions in federal legislation on the need for the Ministry of Economic Development of the Russian Federation to organize interaction with other federal executive authorities in order to effectively exercise powers in the field of international and foreign economic relations of local governments. In this regard, this gap needs additional legal regulation. There is a need to include new provisions in federal legislation defining the features of the legal status of "twin cities", as well as supplementing federal and regional organizations of inter-municipal cooperation among the subjects of international and foreign economic relations.

## I. Introduction.

Currently, the situation in the field of international relations is quite tense and difficult. According to the legislation of the Russian Federation, international and foreign economic relations can be established not only by federal and regional state authorities, but also by local governments. Not so long ago, Federal Law No. 131-FZ of October 6, 2003 "On the General Principles of the Organization of Local Self-Government in the Russian Federation" (hereinafter - Federal Law No. 131) introduced a new chapter 9.1 "International and foreign economic relations of local governments". Its appearance is connected with the adoption of Federal Law No. 420-FZ dated August 4, 2023 "On Amendments to the Federal Law "On General Principles of Organization of Local Self-Government in the Russian Federation" and Article 44 of the Federal Law "On General Principles of Organization of Public Power in the Subjects of the Russian Federation", which entered into force on August 15, 2023.

The specified Federal Law No. 420 was quite long-awaited, since earlier, paragraph 8 of part 1 of Article 17 of Federal Law No. 131 referred to the powers of local governments to resolve issues of local importance for the implementation of international and foreign economic relations in accordance with federal laws, but the most general federal law, which would comprehensively and systematically regulate these relations, for a long time it did not exist in principle.

The draft of the relevant federal law No. 1164301-7 was developed by the Government of the Russian Federation in pursuance of paragraph 5 of subparagraph 12 of paragraph 1 of the list of instructions of the President of the Russian Federation No. Pr-354 dated March 1, 2020 and submitted to the State Duma of the Russian Federation on April 30, 2021. The explanatory note to the draft

federal law indicated that at the federal level, in accordance with Federal Law No. 179-FZ dated July 26, 2017 "On the Basics of Cross-border Cooperation", the powers of local governments of border subjects of the Russian Federation in the field of cross-border cooperation, the procedure for concluding agreements on cross-border cooperation of municipalities, as well as other issues are regulated today international relations of local governments, but only in the border regions of the Russian Federation. However, other municipalities that are located on the territory of subjects of the Russian Federation that are not border areas do not have a legal basis in the field of international and foreign economic relations with foreign partners. Currently, the website of the Ministry of Economic Development of the Russian Federation contains a list of border subjects of the Russian Federation, which includes only 41 regions of the Russian Federation out of 89.

This article examines the main issues related to the definition of the concept of "international and foreign economic relations of local self-government bodies" and indicates its signs; analyzes the powers of bodies of three levels of public authority in the field of international and foreign economic relations of local self-government bodies and problematic issues related to their implementation; analyzes the normative legal acts necessary for adoption at the level of the subjects of the Russian Federation and municipalities in this area. We will consider these issues using the formal legal method, methods of analyzing normative legal acts of different levels regulating the powers of bodies of three levels of public authority in the field of international and foreign economic relations of local governments, as well as synthesizing the preparation of conclusions and proposals based on this analysis.

The issues of the implementation of international and foreign economic relations of local governments and the powers of public

authorities in this area are poorly studied in the scientific and educational legal literature.

Traditionally, in the sciences of constitutional and administrative law, issues of international and foreign economic relations of public authorities of the subjects of the Russian Federation are studied mainly (dissertation research by Rogozin N.A. [1], Nurutdinova R.I. [2], Badalina M.B. [3], Kolesnik A.A. [4], Doronina P.E. [5], Ksenofontova M.V. [6], Izotova L.M. [7], Lukyanchenko E.N. [8], Simonova N.V. [9] and Kolpakova T.P. [10], as well as individual scientific articles and monographs by Bocharnikov I.V. [11], Suvorova V.Ya. [12, 13], Tolstykh V.L. [14], Ignatenko G.V. [15], Fedorova Yu.I. [16] and Pustogarova V.V. [17]).

Issues related to the study of international and foreign economic relations of local governments are rarely the subject of study in legal science. At the same time, the main subject of scientific research is only the issues of cross-border cooperation of municipalities and only in the border regions of the Russian Federation (dissertation research by Semakina Yu.A. [18], as well as individual scientific articles by Abukhba I.L. [19] and Bykova L.A. [20]) or the powers of local governments in border territories (scientific articles Zykhova I.V. [21] and Mozharova A.V. [22, 23]). Only scientific articles by Moskalenko A.F. [24], Teslenko A.M., Beresneva Yu.V. [25] and Troshkina T.N. are devoted exclusively to the study of international and foreign economic relations of local governments of any municipalities [26]. At the same time, these works were prepared before the latest amendments to federal legislation were introduced and, in this regard, partially lost their relevance.

In this regard, scientific legal works aimed at studying the international and foreign economic relations of local governments are

currently absent in the legal literature. In this regard, this work is relevant and new.

## **II. The problem of defining the concept of "international and foreign economic relations of local governments".**

First of all, it is necessary to note the main drawback of Chapter 9.1 "International and foreign economic relations of local governments" of Federal Law No. 131 – it lacks a legal definition of the concept of "international and foreign economic relations of local governments." To do this, we have to turn to the use of a similar concept in Article 1 of Federal Law No. 4-FZ of January 4, 1999 "On the Coordination of International and Foreign Economic Relations of the Subjects of the Russian Federation".

If we analyze Article 69.3 of Federal Law No. 131 on the powers of local governments in the field of international and foreign economic relations, we can come to the following conclusions necessary for the formulation of the missing concept and characterizing its features:

1) international and foreign economic relations are carried out by local self-government bodies in order to resolve issues of local importance;

2) international and foreign economic relations are carried out by local self-government bodies in coordination with the state authorities of the subject of the Russian Federation;

3) international and foreign economic relations are carried out by local self-government bodies with the following subjects: with representatives of state-territorial, administrative-territorial and municipal formations of foreign states; with local self-government bodies of foreign states;

4) international and foreign economic relations of local governments also involve participation in the activities of international organizations in the field of inter-municipal cooperation.

On the basis of the above, international and foreign economic relations of local self-government bodies should be understood as those carried out by local self-government bodies in order to resolve issues of local importance and in coordination with state authorities of the subject of the Russian Federation, communications with representatives of state-territorial, administrative-territorial and municipal formations of foreign states, with local self-government bodies of foreign states, including for the purpose of participation in the activities of international organizations in the field of inter-municipal cooperation.

### **III. The powers of the federal executive body authorized to carry out the functions of developing and implementing state policy and regulatory regulation in the field of international and foreign economic relations of local governments.**

Chapter 9.1 "International and foreign economic relations of local self-government bodies" of Federal Law No. 131 establishes, first of all, the division of competence between bodies of three levels of public authority in the field of international and foreign economic relations of local self-government bodies, as well as the procedure for concluding agreements on the implementation of international and international and foreign economic relations of local self-government bodies. It should be noted that the content of Chapter 9.1 of Federal Law No. 131 is based on similar norms regulating similar public relations and currently enshrined in Federal Law No. 4-FZ of January 4, 1999 "On the Coordination of International and Foreign Economic Relations of the Subjects of the Russian Federation" and Federal Law No. 179-FZ of July 26, 2017 "On the basics of cross-border cooperation". There is a lot in common between the three federal laws in terms of their content in relation to the legal regulation

of the powers of public authorities at three levels in the field of international and foreign economic relations of local governments

Article 69.1 of Federal Law No. 131 defines the powers of the federal executive body authorized to carry out the functions of developing and implementing state policy and regulatory legal regulation in the field of international and foreign economic relations of local governments. The Government of the Russian Federation initially proposed to grant these powers to the Ministry of Economic Development of the Russian Federation, since it is this federal executive authority that currently exercises similar powers in the field of cross-border cooperation of local governments in accordance with Federal Law No. 179-FZ dated July 26, 2017 "On the Basics of Cross-Border Cooperation". By Decree of the Government of the Russian Federation dated November 9, 2023 No. 1882 "On Amendments to the Decree of the Government of the Russian Federation dated June 5, 2008 No. 437", in development of Articles 69.1 and 69.5 of Federal Law No. 131, amendments were made to the Regulation on the Ministry of Economic Development of the Russian Federation, which give the Ministry of Economic Development of the Russian Federation the status of an authorized federal executive body performing functions for development and implementation of state policy and legal regulation in the field of international and foreign economic relations of local governments.

Thus, the powers of the Ministry of Economic Development of Russia include:

- 1) development, implementation and ensuring the implementation of a unified state policy in the field of international and foreign economic relations of local governments;
- 2) identification of priority directions of international and foreign economic relations of local governments;

3) representing the interests of the Russian Federation in relations with foreign states and international organizations on issues of international and foreign economic relations of local governments;

4) providing legal, organizational and methodological support to the subjects of the Russian Federation on issues of international and foreign economic relations of local governments;

5) formation and maintenance of a list of agreements on the implementation of international and foreign economic relations of local governments with local governments of foreign states;

6) other powers in the field of international and foreign economic relations of local governments in accordance with international treaties of the Russian Federation, federal laws and other regulatory legal acts of the Russian Federation.

In addition, pursuant to Article 69.5 of Federal Law No. 131, the Order of the Ministry of Economic Development of the Russian Federation No. 911 dated December 25, 2023 "On Approval of the Procedure for Annual Informing the Ministry of Economic Development of the Russian Federation by the Supreme Executive body of the subject of the Russian Federation on the implementation of international and foreign economic relations of local governments and on the results of such relations in the previous year" was adopted.

At the same time, the implementation of international and foreign economic relations by local governments logically implies the need for coordination of their activities not only by the Ministry of Economic Development of the Russian Federation, but also by other specialized federal executive authorities exercising powers in the field of foreign affairs. For example, it is unclear why such bodies as:

1) The Ministry of Foreign Affairs of the Russian Federation, as an authorized federal

executive body responsible for the development and implementation of state policy and legal regulation in the field of international relations of the Russian Federation;

2) Rosstrudnichestvo, as a federal executive authority responsible for the provision of public services in the field of ensuring and developing international relations of the Russian Federation with the member states of the Commonwealth of Independent States, other states, as well as in the field of international humanitarian cooperation and international development assistance.

There is not a word about these federal executive authorities in Chapter 9.1 of Federal Law No. 131. In addition, there are no provisions in federal legislation that the Ministry of Economic Development of the Russian Federation should organize interaction with these bodies in order to effectively exercise the powers in the field of international and foreign economic relations of local governments. Therefore, this gap needs additional legal regulation.

#### **IV. The powers of the state authorities of the subject of the Russian Federation in the field of international and foreign economic relations of local governments.**

Article 69.2 of Federal Law No. 131 defines quite briefly the powers of the state authorities of the subject of the Russian Federation in the field of international and foreign economic relations of local governments. So the government's powers include:

1) legal regulation of the implementation by local governments of international and foreign economic relations;

2) provision of legal, organizational and methodological support to local self-government bodies in the implementation of their international and foreign economic relations;

3) other powers established by this Federal Law and other federal laws.

When analyzing articles 69.3 – 69.6 of Federal Law No. 131, one can see some randomness in determining the types of regulatory legal acts of the subjects of the Russian Federation, through the adoption of which legal regulation of certain issues of implementation by local governments of international and foreign economic relations should be carried out:

1) the law of the subject of the Russian Federation should regulate:

a) the procedure for coordination by the state authorities of the subject of the Russian Federation of the implementation by local governments of international and foreign economic relations;

b) other powers of local governments in the field of international and foreign economic relations;

c) the procedure for registration by the state authorities of the subject of the Russian Federation of agreements on the implementation of international and foreign economic relations of local governments of this subject of the Russian Federation;

2) a regulatory legal act of the supreme executive body of a constituent entity of the Russian Federation should regulate the procedure for the formation by a municipal entity of a list of agreements on the implementation of international and foreign economic relations of local self-government bodies of this municipality;

3) a regulatory legal act of a subject of the Russian Federation of an indefinite type (in accordance with the procedure determined by the subject of the Russian Federation: the law of the subject of the Russian Federation or a regulatory legal act of the supreme executive body of the subject of the Russian Federation) must regulate the procedure for approval by the supreme executive body of the subject of

the Russian Federation of the conclusion by local governments of agreements on the implementation of international and foreign economic relations with local governments of foreign states;

4) a regulatory legal act of the authorized body of state power of the subject of the Russian Federation should regulate the procedure for informing the specified body by the head of a municipality about the implementation of international and foreign economic relations of local governments of this municipality and about the results of such relations in the previous year.

Due to such legal uncertainty, when the Public Chamber of the Russian Federation conducted a public examination on the draft of the relevant federal law No. 1164301-7 on May 25, 2023, a proposal was made on the expediency of preparing a model law of a constituent entity of the Russian Federation on international and foreign economic relations of local governments. To date, in the development of Chapter 9.1 of Federal Law No. 131, more than 30 subjects of the Russian Federation have adopted relevant separate regional laws in the field of international and foreign economic relations of local governments, most of them in the Central (8) and Northwestern (6) federal districts. Some subjects of the Russian Federation have limited themselves to supplementing the existing general laws on local self-government with separate chapters or articles on international and foreign economic relations of local self-government bodies, for example, the Arkhangelsk and Omsk regions.

In order to coordinate international and foreign economic relations between the region and its constituent municipalities, structural divisions of the executive bodies of state power of the subjects of the Russian Federation have already been established and are functioning in all subjects of the Russian Federation. At the same time, in a number of subjects of the

Russian Federation, for example, in the Vladimir, Nizhny Novgorod, Sverdlovsk, Tver, Yaroslavl regions, Perm Krai, regional regulatory legal acts contain recommendations to local governments in the implementation of their international and foreign economic relations. For example, the latter inform the state authorities of the subjects of the Russian Federation about visits of foreign delegations, negotiations with foreign partners, including the conclusion of agreements.

#### **V. The powers of local governments in the field of international and foreign economic relations.**

Part 2 of Article 69.3 of Federal Law No. 131 establishes the powers of local governments in the field of international and foreign economic relations:

1) holding meetings, consultations and other events in the field of international and foreign economic relations with representatives of state-territorial, administrative-territorial and municipal formations of foreign states;

2) conclusion of agreements on the implementation of international and foreign economic relations of local governments with local governments of foreign states;

3) participation in the activities of international organizations in the field of inter-municipal cooperation within the powers of bodies created specifically for this purpose;

4) participation in the development and implementation of projects of international programs of inter-municipal cooperation;

5) other powers in the field of international and foreign economic relations of local governments in accordance with international treaties of the Russian Federation, federal laws, other regulatory legal acts of the Russian Federation and laws of the subject of the Russian Federation.

In more detail, the powers of local governments in the field of international and

foreign economic relations are regulated in normative municipal legal acts adopted much earlier than Chapter 9.1 of Federal Law No. 131. These normative municipal legal acts should be applied in the part that does not contradict Chapter 9.1 of Federal Law No. 131.

#### **VI. Legal gaps in the definition of the powers of local governments in the field of international and foreign economic relations.**

Experts in the field of municipal law note the existence of legal gaps in Chapter 9.1 of the Federal Law regarding some problems in determining the powers of local governments in the field of international and foreign economic relations:

1) Chapter 9.1 of Federal Law No. 131 says nothing about the existence and necessity of legal regulation of such a widespread phenomenon as twin cities. According to the information of the Committee of the Federation Council of the Russian Federation on International Affairs, as of January 29, 2019, more than 330 Russian cities have sister cities with more than 1,600 foreign municipalities. Twin cities or sister cities are in fact cities between which permanent friendly relations have been established for mutual acquaintance with their life, history, culture, etc. Russian cities are members of international organizations such as the World Organization "United Cities and Local Authorities" and the International Association "Twinned Cities", in which more than 180 cities of Russia and CIS countries participate. At the same time, there is currently no definition of "twin cities" and their legal status in federal legislation.

2) Chapter 9.1 of Federal Law No. 131 does not say anything about the possibility of participation in international and foreign economic relations not only of local governments, but also of organizations of inter-municipal cooperation (councils of municipalities of the subjects of the Russian Federation, the all-Russian association of

municipalities, etc.). At the same time, according to the All-Russian Association for the Development of Local Self-Government and the Union of Russian Cities, in Chapter 9.1 of Federal Law No. 131 it is necessary to define the role of federal and regional associations of municipalities in the field of international and foreign economic relations of local governments, since these associations and unions are actually effectively engaged in projects in the field of international relations. For example, the Union of Russian Cities is actively developing cooperation with the CIS, SCO and BRICS member states. They have signed cooperation agreements and are actively cooperating with the Union of Communities of Armenia, the Union of Local Governments of the Kyrgyz Republic, the Congress of Local Authorities of Moldova, the Council for Interaction of Local Governments under the Council of the Republic of the National Assembly of the Republic of Belarus, the International Chinese Friendship Association of Cities (CIFCA), the Union of Municipalities of the Turkic World, the International Association of Peace Messenger Cities, the Alliance cities of the Silk Road and many others.

In this regard, it is necessary to consider the need to include in Chapter 9.1 of Federal Law No. 131 new provisions defining the specifics of the legal status of the "twin cities", as well as including federal and regional organizations of inter-municipal cooperation among the subjects of international and foreign economic relations.

#### **VII. Conclusions.**

Summing up, it should be said that the appearance of Chapter 9.1 in Federal Law No. 131 has certainly become a new stage to stimulate development and restore order in these relations. At the same time, the implementation of the new provisions of Federal Law No. 131 has revealed certain

legal problems that need to be resolved. In this regard, the article defines the concept of "international and foreign economic relations of local governments" and indicates its features; The powers of bodies of three levels of public authority in the field of international and foreign economic relations of local governments and problematic issues related to their implementation are considered; the analysis of normative legal acts necessary for adoption at the level of subjects of the Russian Federation and municipalities in this area is carried out. Conclusions are drawn about the need to include new provisions in federal legislation defining the features of the legal status of the "twin cities", as well as supplementing federal and regional organizations of inter-municipal cooperation among the subjects of international and foreign economic relations.



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