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IMPLEMENTATION OF SUCCESSFUL EUROPEAN DECENTRALIZATION PRACTICES IN UKRAINE

Abstract. The historical path of implementation of the decentralization reform in democratic countries of the world can be described as a way to reconcile contradictions related to the search for an effective model of government organization. It is worth noting that even decentralization itself does not guarantee an automatic improvement in the quality of life for the residents of ATC (amalgamated territorial community) its results create conditions for the efficient use of resources and the development of communities as a whole. Therefore, the formation, taking into account institutional peculiarities, specifics of formation and development, of a unique model of decentralization is a prerequisite for obtaining high-quality positive development results. An analysis of the experience of European countries characterized by the success of democratic changes shows that the models themselves may be different, but they are united by a significant strengthening of the role of local self-government in ensuring the development process.

That is why the process of ATC formation in Ukraine and the implementation of the decentralization reform takes into account the successful practices and cases of European countries that had certain similar characteristics of public administration development and successfully passed this revolutionary path of development. Latvia, Slovakia, Finland, Czech Republic, Sweden, Hungary, Portugal. The implementation of their successful experience in the modern Ukrainian reality should undoubtedly proceed taking into account the uniqueness and specificity of Ukraine's development.

Keywords: decentralization, development, amalgamated community, reform.
покращення якості життя мешканців ОТГ, її результати суттєво розширюють можливості забезпечення населення якісними публічними послугами, створюють умови для ефективного використання ресурсів та розвитку громад в цілому. Тому, формування, з урахуванням інституційних особливостей, специфіки становлення та розвитку, унікальної моделі децентралізації є передумовою отримання якісних позитивних результатів розвитку. Аналіз досвіду європейських країн, які характеризуються успіхом демократичних змін, свідчить про те, що самі моделі можуть бути різними, але їх об’єднує суттєве посилення ролі місцевого самоврядування в забезпеченні процесу розвитку.

Саме тому процес формування ОТГ в Україні та реалізація реформи децентралізації відбувається з урахуванням вдалих практик та кейсів європейських країн, які мали певні схожі характеристики розбудови державного управління й успішно пройшли цей революційний шлях розвитку. Подібні Україні децентралізаційні реформи вже відбулися у більшості демократичних країн, таких як Польща, Франція, Литва, Естонія, Данія, Норвегія, Італія, Латвія, Словаччина, Фінляндія, Чехія, Італія, Латвія, Словаччина, Португалія. Імплементація їх успішного досвіду в сучасну українську дійсність беззаперечно має відбуватись з урахуванням унікальності та специфіки розвитку України.

Ключові слова: децентралізація, розвиток, об’єднана територіальна громада, реформа.

Posing a problem. The evolution of the territorial structure of authority, and the end of the consolidation of territories in Ukraine, in order to ensure their development, which we considered in the previous sections, were also concealed by democratic countries in the process of evolution of their development. Moreover, it should be noted, that public authorities do not have influence on the expediency of decisions of local authorities, and autonomies should act for coordination and realization the interests of residents.

Analysis of recent research and publications. Important aspects of the implementation of the decentralization reform and the administrative-territorial structure are highlighted by such Ukrainian scientists as V. Gladiy, B. Danylyshyn, Y. Kovbasyuk, V. Mogilevskyi, O. Skrypnyuk. However, in the existing works, in our opinion, the progress and results of the decentralization reform require specification and generalization.

The purpose of the article is to study the European experience in implementing the decentralization reform in order to implement its successful practices in Ukraine.

Presentation of the main material. Transformation, reform of the administrative-territorial structure in particular, and administrative and political systems in general, was considered an important task in the development of Eastern
and Central Europe after 1989 after the collapse of communist regimes. In Ukraine, as in European countries, the division of territory is based on the administrative-territorial structure – NUTS, elimination of imbalance between the development of territories of different subordination, – implementation of effective regional policy is one of the conditions for joining the EU. The nomenclature of statistical territorial units - NUTS, as a standard of territorial division of EU countries, serves as a basis for comparing the levels of development of territories, and also allows monitoring and evaluation of indicators of the effectiveness of the implementation of regional policy, ensuring the implementation of the principles of the formation of the administrative-territorial system of the EU member states.

In fact, the vast majority of candidate countries before joining the EU saw significant unevenness in the level of development of territories, the development of their infrastructure, demographic situation and income. Accession to the EU, decentralization reform and administrative-territorial structure, economic liberalization, active regional policy contributed to the intensification of citizens' participation in the development of territories, including the countries of Eastern and Central Europe as a whole. Thus, despite the multifaceted disputes that need to be overcome and reconciled, decentralization remains the main recommendation of international institutions of power to achieve proper democratic governance.

Therefore, the further implementation of the decentralization reform in Ukraine, taking into account the unique institutional features, remains one of the primary issues of strategic planning of Ukraine's development. The study of the genesis of the development of democratic countries allows us to draw certain generalizations and conclusions that the implementation of the decentralization reform in different countries was caused by various reasons. For example, in countries such as Belgium, Switzerland, Canada, decentralization was used as a tool to ensure the autonomy of the regions. Countries such as Argentina and Brazil, through the implementation of the decentralization reform, have solved certain issues related to improving the efficiency of resource use. As for the timing of the implementation of the decentralization reform, in different countries this process took different periods. For example, East Germany spent ten weeks implementing the decentralization reform, Hungary ten months, and Poland ten years. Such differences in time are due primarily to the unique historical feature of the development of countries, the level of development of their economy and management culture, socio-economic factors. These differences once again confirm the fact that there can be no universal model for implementing the decentralization reform for all countries, although systematization and unification of approaches exists, especially in matters of regional development. There are many examples of the fact that even unitary states have in their administrative-territorial structure regions with a special status - Ile-de-France in the North-Central part of the French Republic, Ireland, Scotland, Wales in Great Britain, or islands - Madeira, Corsica and others. In addition, absolutely every states, both unitary and federal, form their administrative-
territorial structure taking into account unique features, the need for intermunicipal cooperation, necessarily include regions with special status and plan to create conglomerates of communities in order to strengthen underdeveloped territories.

In support of the above-mentioned thesis, it is worth analyzing the experience of such a unitary state as France, which at one time made a lot of efforts to implement the decentralization reform and the administrative-territorial structure forcibly. This refers to the attempt to merge the communes of France, which were historically formed in very ancient times. Such an initiative of the Government of France was negatively perceived by the population, and, in the end, the forced unification of communes eventually transformed into their enough successful cooperation. In addition, in order to increase the efficiency of development and development of territories, in most countries of the world there is a tendency to unite underdeveloped or small areas. A striking example here is Ukraine, where, as a result of the implementation of the second stage of the decentralization reform and the administrative-territorial structure in 2020 490 existing districts were eliminated, and 136 new ones were formed instead. Interesting for the analysis remains the fact that the justification for the feasibility of such a number of districts in Ukraine has not been made public. As for France, even now the country in the issue of administrative-territorial structure demonstrates a conservative approach – at present there are 36,565 communes, 80% of which have less than a thousand inhabitants. Such an administrative-territorial organization undoubtedly creates many difficulties for local self-government bodies in the exercise of their powers [1]. In this case, the effective tools used in France to solve problems related to the unique feature of the country were the cooperation of communes – to solve common issues related to the provision of guarantees, including financial, as well as for the effective functioning of all services local self-government – amalgamation into one more powerful several small communes [2]. The study of the experience of France once again confirms the thesis that there is no single universal quantitative criterion for the unification of territories in order to ensure their development. Successful practices of the association took place only under the conditions of voluntary amalgamation of communes, mandatory consideration of institutional, cultural, historical, preferences of their inhabitants, the use of experience in intermunicipal cooperation.

Another successful experience is demonstrated by Germany, which is one of the first countries to implement reforms of the administrative-territorial system and decentralization of power in the post-war period at the basic local level.

Characteristic unique features of reforms in Germany are a sufficiently high level of democratic voting of the population and public activity in general, especially in processes related to ensuring an adequate level of life. The basic subject of local self-government in Germany are communities that, as a rule, are sufficiently densely populated and have a certain permissible size of the territory. The practice of consolidating communities in Germany demonstrates various results, including
not always being positive. Their autonomy is based on the prospects of the possibility of organizational and economic activity, the organization of effective local self-government in a certain territory, the solution of local issues related to the establishment of local taxes and fees, the adoption of local budgets and legal norms, as well as other issues of ensuring development [3].

To determine the new boundaries of municipal formations, different criteria were applied, but all of them were complex, quantitative and qualitative in nature. For example, in Sweden, municipalities that cooperated with each other united around cities, taking into account the level of development of territories between their settlements. In Denmark, to determine the municipal boundaries, a study was conducted that revealed areas which naturally developed in various spheres of activity and communication. Thus, forty-four trading zones and one hundred and twenty-three centers of gravity in the cooperation of resources were discovered. Many criteria and indicators were taken into account, even such as the volume of delivery of mail and periodical literature to the homes of community residents. As a result, a map of the interrelationships and interdependences of individual territories was produced and demonstrated. The "scale effect" was also analyzed in detail in order to optimize the provision of public services to the population. As a result of the analysis of the collected information, the legislation was changed, proposals for the creation of districts were made, this was discussed in municipalities and approved at the state level, after coordinating decisions with the communities themselves. Unfortunately, in 2020, the reverse process could be observed in Ukraine during the consolidation of districts - 136 out of 490 existing districts were left.

Despite the positive results of decentralization in Poland, the most critical was the failure not take into account the difference between the potential of rural and urban counties, in particular, the different amount of resources that those communities can manage. For most of Poland's less developed regions, decentralization meant an increase in the gap between more and less successful Polish regions and the country as a whole. Communities that found themselves without the help of the state, after the administrative reform, began to develop even worse. Territorial planning required amalgamation of communities together with the search for options for their uniform division. [4]

In Finland, 20 years ago, there was also an attempt significantly reduce the number of municipalities forcibly. As a result of political debate and discussion, the principle of voluntariness prevailed. At the same time, the state encouraged communities to amalgamation by providing additional subsidies. Administrative-territorial reform in Finland was carried out not by administrative-command way, but due to the economic stimulation voluntary decisions of local self-government entities to predict the effectiveness and expediency of such an association.

In Italy, financial incentives were provided for the amalgamation and further merger of communities with a population of less than five thousand inhabitants, or
their accession to larger communities (communes). Similar experience was also applied in Estonia. In Latvia, voluntary amalgamation of communities and administrative amalgamation were applied. Due four years each community was granted voluntary formation with financial incentives by providing subsidies from the state budget in the amount of 1% to 5% of the total community budget, and if the community was not formed, it was consolidated forcibly [5].

One of the biggest contradictions arising in the process of decentralization is the problem of equality and hierarchy in relations between regional and local institutions. The French constitution enshrined the principle that no local authority can exercise power or supervise other authorities, but in reality this is more a formality than a practice. Instead, in Germany, the priority is precisely the hierarchy of relations between different levels of government: legislative acts adopted by the state authorities are binding on the local governments located in their territories, and a higher level of regional authorities: (local) authorities have the right to supervise by the activity of the lower ones. Both approaches have their drawbacks. In the French system of formal equality, in fact, it does not correspond to the real practice of subordination relations between different levels of government, does not promote the development of cooperation between regions, departments or municipalities and does not exclude the possibility of competition between them. The hierarchy chosen by Germany promotes the re-concentration of power at the community level and contradicts the formal imperatives of decentralization. However, despite the diversity of the national experience of different countries, the idea of ensuring regional level of responsibility for maintaining the unity of the local self-government system finds more supporters. A clear separation of powers between the state and various local and regional authorities is an important and basic requirement for effective public administration. For example, local authorities in Poland, Slovakia and Hungary were given the following powers during the decentralization reform: land management and planning, zoning and local environmental protection; management of the municipal budget and property; construction of local roads, bridges, streets and public transport system; provision of water supply, as well as local waste processing; provision of primary health care and social security; municipal housing construction; support of the primary education system, including kindergartens; development of culture and sports; protection of public order and fire protection, etc.

Local authorities in the Czech Republic received a qualitatively different scope of powers. In the field of education, the municipality is responsible for covering the costs of maintaining and operating the buildings of preschool institutions and primary schools (up to 15 years old). Teachers' salaries are paid from the central budget. Solid waste is usually collected by private companies. In most cases, water supply and waste disposal systems have also been privatized, although a large part of these companies are owned by municipalities. In addition, local governments have a 34% stake in natural gas and electricity distribution companies. The provision of medical care in the Czech Republic belongs to the sphere of medical insurance companies.
The so-called "delegated" powers of municipalities in the Czech Republic. The so-called powers of a Czech municipality include keeping registers of births, marriages and deaths, as well as enforcing laws related to architectural and spatial planning. Environmental protection, local transport, water quality standards, waste disposal and sanitation also fall under this authority category.

The European Charter of Local Self-Government in Article 4 states that the main powers and functions of local self-government bodies are determined by the Constitution and legislation. However, this provision does not preclude granting local self-government bodies powers and duties for specific purposes in accordance with legislation. Local authorities, within the limits of the law, have full right to freely decide any issue that is not removed from their competence and which is not within the competence of any other institution. It’s also fixed by Charter that the powers granted to local self-government bodies should, as a rule, be full and exclusive. They cannot be terminated or limited by other central or regional authorities, unless required by law. The mechanism of exclusive competence is also used in Belgium, where each authority is endowed with powers that belong only to it. For example, issues related to sovereignty are the responsibility of federal institutions, cultural issues, health care and social assistance are within the competence of communities, and issues of housing and communal services are partially within the competence of regions. Exclusive authority means that there cannot be any interference from the federal government. The principle of "joint power" is practiced in Germany. According to the Constitution, the parliament has exclusive powers in clearly defined areas and communities are deprived of the right to adopt normative legal acts in several areas.

Reforms that took place in European countries during the last half of the 20th century are often defined as organizational reforms. They were carried out mainly under the significant influence of the central government and provided for a change in the internal structure of communities as territorial units and included the following elements: strengthening the role of mayors and elected councils, making the decision-making process more open, public and democratic, expanding public participation in decision-making, introducing mandatory necessary "rational" planning methods, changes in the composition of local personnel, changes in local rules for organizing the activities of government bodies, etc. In many ways, these measures were supposed to contribute to more active participation of local self-government bodies in the social and political life of the respective countries and their transformation into reliable leaders of state policy (Italy, Great Britain, etc.). In European countries, work was carried out and is still carried out to inform citizens in general about the process of decentralization, its positive aspects and the results of its implementation. For example, France has a National Commission for Public Debate, which is responsible for informing citizens and taking into account all comments in the decision-making process.

Conclusions. The study of the experience of European countries shows the following: decentralization has become the main feature of the development of institutional support for regional policy; regional policy is multi-level and is
implemented by central authorities and regions, as well as local self-government bodies, although until recently the main role belonged only to the central executive authorities of states; the role of local self-government and citizen associations, which protect the interests of communities and regions, whose main task is to promote regional initiatives, is growing significantly; the role of the state is increasingly reduced only to the formation of a regulatory and legal framework.

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