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Molodtsov Oleksandr Volodymyrovych,
Doctor of Sciences in Public Administration, Professor of the Department of Public Management and Administration, Associate Professor of the Ivano-Frankivsk National Technical University of Oil and Gas, 76010, Ivano-Frankivsk, Str. Korolia Danyla, 13, tel.: (0342) 72 49 57, e-mail: du@nung.edu.ua

ORCID: 0000-0003-4168-0092

Молодцов Олександр Володимирович,
доктор наук з державного управління, професор кафедри публічного управління та адміністрування, доцент. Івано-Франківський Національний технічний університет нафти та газу. 76010, м. Івано-Франківськ, вул. Короля Данила, 13, тел. (0342) 72 49 57, e-mail: du@nung.edu.ua

ORCID: 0000-0003-4168-0092

Молодцов Александр Владимирович,

доктор наук по государственному управлению, профессор кафедры публичного управления и администрирования, доцент, Ивано-Франковский национальный технический университет нефти и газа, 76010, г. Ивано-Франковск, ул. Короля Данила, 13, тел.: (0342) 72 49 57; e-mail: du@nung.edu.ua

ORCID: 0000-0003-4168-0092

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CONDITIONS OF IMPLEMENTATION OF ASYMMETRIC DECENTRALIZATION IN UKRAINE

Summary: The article reveals the essence of asymmetric decentralization as a form of political decentralization, its ideological basis and institutional purpose, defines the conditions that open the prospects of its implementation in Ukraine. It is shown that asymmetric decentralization is a kind of political decentralization the results of which provide regional authorities with unequal powers. Its institutional purpose is to provide regions with relative autonomy in the political, legal, material, financial, ethnocultural or other senses in order to resolve regional conflicts and overcome the separatist sentiment. Such autonomy makes it possible to protect the rights of the citizens and realize the interests of certain historically developed regions, where there are significant differences in historical, cultural, geopolitical, ethno-political, economic plans.

The ideological base of the asymmetric decentralization in Ukraine is the European “new regionalism” that justifies the principle of reproduction of the political identity of the region. It is based on improving the efficiency in administration, reducing corruption, involving citizens in the governance on the basis of participatory democracy, ensuring democratic standards, improving the quality of the administrative services, and economic growth.

It is argued that the European choice is orientating Ukraine to the path of “new regionalism”. However, under present conditions, asymmetric decentralization does not have the support of the political forces and the population of the regions. A characteristic feature of modern Ukraine is its institutional weakness. Nevertheless, the author argues that the preservation of decentralization processes will leave Ukraine on the sidelines of the European path of development for a long time. The conclusion is that decent decentralization, which is adequate for Ukraine, can admit elements of asymmetry only under certain conditions: the break-up of the party-oligarchic system, the introduction of the mechanisms of moderate party pluralism, the existence of mechanisms of party-conspiring and consensual democracy, the strengthening of the cultural-institutional environment and the foundations of the local self-government, the optimization and rationalization of the public administration, the democratization of the socio-political life in general.

Keywords: political decentralization, asymmetric decentralization, regionalization, autonomy of powers, separatism, new regionalism.

УМОВИ ВПРОВАДЖЕННЯ АСИМЕТРИЧНОЇ ДЕЦЕНТРАЛІЗАЦІЇ В УКРАЇНІ

Анотація. Розкрито сутність асиметричної децентралізації як виду політичної децентралізації, її ідейна основа та інституціональне призначення, визначені умови, що відкривають перспективи її впровадження в Україні. Показано, що асиметрична децентралізація є видом політичної децентралізації, за результатами якої регіональним органам влади надаються неоднакові повноваження. Її інституціональне призначення полягає у наданні регіонам відносної автономії в політико-правовому, матеріально-фінансовому, етнокультурному чи інших сенсах з метою розв’язання регіональних конфліктів та подоланні сепаратистських настроїв. Така автономія дає змогу захищати права громадян та реалізувати інтереси окремих історично сформованих регіонів, де існують значні розбіжності в історико-культурному, геополітичному, етнополітичному, економічному планах.

Ідейною базою асиметричної децентралізації в Україні виступає європейський “новий регіоналізм”, який обґрунтовує принцип відтворення політичної самобутності регіону. В межах обґрунтовується підвищення ефективності управління, зниження рівня корупції, залучення громадян до управління на основі партисипативної демократії, забезпечення демократичних стандартів, підвищення якості в наданні адміністративних послуг, економічне зростання.

Стверджується, що європейський вибір орієнтує Україну йти шляхом “нового регіоналізму”. Проте, в нинішніх умовах асиметрична децентралізація не має підтримки з боку політичних сил та населення регіонів. Характерною особливістю сучасної України є її інституціональна слабкість. Тим не менш, автор стверджує, що консервація процесів децентралізації надовго залишить Україну на узбіччі європейського шляху розвитку. На закінчення стверджується, що адекватна для України модель децентралізації може допускати елементи асиметричності лише за певних умов: зламу партійно-олігархічної системи, впровадження механізмів поміркованого партійного плюралізму, наявності механізмів партисипативної та консенсусної демократії, зміцнення культурно-інституціонального середовища та основ місцевого самоврядування, оптимізації та раціоналізації публічного управління, демократизації суспільно-політичного життя в цілому.

Ключові слова: політична децентралізація, асиметрична децентралізація, регіоналізація, автономія повноважень, сепаратизм, новий регіоналізм.

УСЛОВИЯ ОСУЩЕСТВЛЕНИЯ АСИММЕТРИЧНОЙ ДЕЦЕНТРАЛИЗАЦИИ В УКРАИНЕ

Аннотация. Раскрыта сущность асимметричной децентрализации, ее идейная основа и институциональное предназначение, определены условия, в которых открываются перспективы ее реализации в Украине. Показано, что асимметричная децентрализация является видом политической децентрализации, по результатам которой региональным органам власти предоставляются неодинаковые возможности. Ее институциональное предназначение состоит в предоставлении регионам относительной автономии в политико-правовом, материально-финансовом, этнокультурном или иных сферах для решения региональных конфликтов и преодоления сепаратистских настроений. Такая автономия позволяет защищать права граждан и реализовать интересы отдельных исторически сложившихся регионов, где существуют значительные различия в историко-культурном, геополитическом, этнополитическом, экономическом планах.

Идейной основой асимметричной децентрализации в Украине выступает европейский “новый регионализм”, который обосновывает принцип сохранения политической самобытности региона. В его рамках обосновывается повышение эффективности управления, снижение уровня коррупции, привлечение граждан к управлению на основе партисипативной демократии, обеспечение демократических стандартов, повышения качества предоставления административных услуг, стимуляция экономического роста.

Утверждается, что европейский выбор ориентирует Украину идти путем “нового регионализма”. Однако в нынешних условиях асимметричная децентрализация не имеет поддержки со стороны политических сил и населения регионов. Характерной особенностью современной Украины является ее институциональная слабость. Тем не менее, автор утверждает, что консервація процесів децентралізації надолго оставит Україну на обочине єв-

ропейского пути развития. В заключении утверждается, что адекватная для Украины модель децентрализации может допускать элементы асимметричности только при определенных условиях: перелома партийно-олигархической системы, внедрение механизмов умеренного партийного плюрализма, наличия механизмов партисипативной и консенсусной демократии, укрепления культурно-институциональной среды и основ местного самоуправления, оптимизации и рационализации публичного управления, демократизации общественно-политической жизни в целом.

Ключевые слова: политическая децентрализация, асимметричная децентрализация, регионализация, автономия полномочий, сепаратизм, новый регионализм.

Formulation of the problem and its connection with important scientific tasks. Ukraine has a model of territorial organization of power that is called symmetrical, since it provides for the same (symmetric) powers for all the regions. The concept of the reform of the local self-government and territorial organization of power in Ukraine in 2014 [8] is based on this model. However, this law does not harmonize the law “On the Special Procedure of Local Self-Government in Some Districts of Donetsk and Luhansk Regions”, the validity period of which has recently been extended until December 31, 2019 [6]. It involves a form of decentralization that is called asymmetric or the “devolution of power”. The Ukrainian legislature adopted the law for the construction of the minds necessary for a peaceful settlement of the situation in the districts of Donetsk and Luhansk regions.

The law provides significant powers for the conduct of language policy, the independent determination of the special order of appointment of the heads of the prosecutor’s offices and courts and other personnel decisions, the special relations of the region with the govern-

ment in matters of economic, social and cultural development on the basis of agreements, the special economic regime of economic and investment activity, cross-border cooperation with certain regions of Russia without the participation of the government, the creation of people’s militia detachments subordinated only to a regional body of power.

The parliament has an extremely negative attitude to the idea of granting asymmetric powers. The reason is quite understandable, since the consequences of implementing such a form of decentralization are a significant reduction in the possibilities of the hierarchical accountability and responsibility of the public authorities of lower levels, the departure from the principle of centralized redistribution of resources, the destruction of homogeneous cultural and institutional space in the regional sense. These factors, one way or another, within the framework of the old paradigm are associated with a potential threat to the territorial integrity of Ukraine, which requires an understanding of asymmetric decentralization in the context of its implementation in Ukraine.

Analysis of research and publications on this problem. The problem of decentralization was studied by many scholars, in particular V. Averyanov, M. Baimuratov, V. Bordenyuk, B. Danylyshyn, M. Dolishny, V. Kampo, I. Koliushko, M. Pukhtinsky, S. Sahanenko, S. Seroginym, S. Osadchuk and many others. A wide list of literature on decentralization can be found in various scientific works that reveals the complexity and multiplicity of the notion of decentralization [9–10]. During this period approaches to the definition of this concept, its connection with the notions of federalization, regionalization, autonomy are sufficiently fully disclosed. Finally, the parliament and the government of Ukraine have taken certain steps to ensure regulatory decentralization [4–9]. The last wave of publications diverges from abstract academic discourse to more applied aspects requiring, among other things the study and application of the European experience of asymmetric decentralization [1; 9–10].

The purpose of the article is to find an answer to the question of adequacy for Ukraine of application of the European practice of solving problems related to regional separatism on the basis of asymmetric decentralization. The answer, we believe, should be based on the theoretical basis for assessing the prospects for asymmetric decentralization in Ukraine, which is used in Europe as a form of acquiring territories of relative autonomy in the political, legal, material, financial, ethnocultural or other senses in order to resolve conflicts, in that among the “hot” ones as in Ukraine.

Presentation of the main material. It is clear that any changes in the ter-

ritorial organization of power should be carried out in the view of certain institutional values relating to this or that understanding of the nature of the relationship “center – regions”. Such values, in particular, are contained in the “new regionalism” promoted in European and Ukrainian scientific literature as an ideological base for regionalization and decentralization. The Declaration on Regionalism in Europe (1996) proclaims the principle of restoring the region’s political identity in various forms of political organization that its population prefers. Europe is closer to understanding the region as an analogue of a special “world” with its own mentality, way of thinking, traditions, world outlook and attitudes (Fernand Braudel).

Understood in this way, regionalism, as an ideological trend, acquires the property of an instrument of an applied nature. In this capacity it significantly affects the programs of national political parties in the European countries. On the basis of the ideas of “new regionalism” is substantiated an increase in the efficiency of administration, reduction of corruption level, involvement of the citizens in the administration on the basis of participatory democracy, provision of democratic standards, improvement of quality in the provision of administrative services, economic growth, etc. [12].

In the Ukrainian scientific literature the European “new regionalism” is presented as a model on the basis of which we must formulate theoretical and axiological positions for solving the institutional problems that are extremely important and relevant for Ukraine. Moreover, this axiological basis pro-

vides an opportunity to rethink the region in the context of globalization processes. This is manifested in the fact that today the European regionalism is increasingly oriented towards modifying the role of the region not only within the institutional-territorial framework of the state, but also extraterritorially throughout the institutional system of the European Union.

The European choice orients Ukraine to go by the approved in Europe way expressed in “new regionalism”. Moderate decentralization researchers advise the authorities to maintain a reasonable balance of centralization and decentralization, mindful of the complexity of this process, which contains potential risks of destabilization. The Cabinet of Ministers of Ukraine obviously understands this problem because it considers the idea of decentralization of power not only as a means of optimizing the public administration, but also as a means of combating the regional separatism. Although today it is clear that the adopted Concept for the reform of the local self-government and territorial organization of power in Ukraine from April 1, 2014 can not be an effective tool for solving this problem. And the aforementioned law “On the Special Procedure of Local Self-Government in Some Districts of Donetsk and Luhansk Regions”, with the existing balance of political forces, has no chances for implementation.

The assessment of the prospects for the introduction of asymmetric decentralization in Ukraine should be based on some theoretical concepts of political (and not purely administrative) decentralization, which involves building a public administration system based on more independent political institu-

tions at the regional and subregional levels than it is today. Abstract validity of such decentralization has long been proved in a number of works that use theoretical arguments, in particular the ideas of O. O. Bohdanov’s tectology and the theory of the social choice [3]. It is important to remember that arguments in favour of political decentralization are linked not only to the need for democratization but also to its more pragmatic results that are expressed in the more effective allocation of resources in the sector of production of the public goods, increase of the level of control of the public authorities by the territorial communities, the formation of an independent policy for the development of the territorial communities that stimulates the reduction of unwarranted costs in the public sector.

The social value of the political decentralization is expressed in the fact that it brings state power closer to the criteria of multidimensionality that assesses the democratic nature of the central government. According to a multidimensional approach, the central government not only imposes its will on others (first dimension), but also submits itself to self-restraint (second dimension), forms from the regional values and belief a unified system of national values and beliefs (third dimension).

It is this power that can be considered effective in terms of the European paradigm of development. In order to maintain its own effectiveness, the central government takes care of the effectiveness of the regions and territorial communities. The multidimensionality of the state power is actually a characteristic of its new paradigm that is characterized by the following

parameters: a) a system of democratic control, that is, from the side of the territorial communities (as opposed to administrative control); b) the system of interaction between the levels of the public authority based on the principle of “organizational pluralism”; c) a system of interdependence of the levels of power that requires synchrony and coherence of the administrative actions (the mode of cooperation of the authorities).

The idea of political symmetric decentralization in Ukraine, obviously, can find more support from the political forces and the population of the regions than the idea of asymmetric, as it guarantees the preservation of a homogeneous cultural and institutional space that simplifies the functioning of the entire system of the public administration, gives a sense of regional equality. Nevertheless, it can be argued that Ukraine is not even institutionally ready for symmetric decentralization. In our opinion, the main reason for such a state is the tendency toward a centralized institutional system due to the trajectory of the institutional past associated with the so-called eastern institutional matrix [2]. Researchers also call for more concrete reasons of objective and subjective nature [12, p. 16].

inconsistency, and often the reluctance of the center to change the existing model of the public administration and local self-government;

- insufficient capacity of the authorities to ensure adequate participation of the people in the administration of the political and economic processes in the state;

- weak development of the local self-government institutions, their in-

ability to fully perform self-government functions at community, district, and region level;

- ineffective system of service in the local self-government bodies and low level of remuneration of the employees of the local self-government;

- low general level of competence of the local self-government employees;

- the presence of imbalances in the economic and other areas of development of the territories between the industrial South and East and the agrarian West;

- low budget financing, imperfection of the mechanism of transfers of the financial resources of the state to the level of the territorial community, lagging behind the economic basis for the implementation of decentralization from legal, etc.

The above set of reasons can be subdivided into one category “institutional weakness of the state”. Does this mean that for radical changes in the sphere of decentralization it is necessary first to form the institutional capacity of the state? In search of the answer we turn to the monograph in which are widely presented the questions of the theory and practice of the application of decentralization. Its author, S. A. Romanyuk, argues that the empirical literature does not provide clear justifications for the extent to which decentralization, asymmetric, negatively affects the spread of separatist tendencies threatening the unity of the country [10, p. 4]. But it is quite clear that the external threats and internal regional conflicts in one way or another compel the state to restrict the powers of the local self-government bodies, increase the consolida-

tion of the public administration and strengthen its functions.

Today, the militant processes are closely intertwined with the socio-political, economic and cultural factors that keep decentralization “on the leash”. However, this process, in one form or another, sooner or later, will be realized by this or that authority. There is no doubt that the preservation of decentralization processes will leave Ukraine on the sidelines of the European path of development forever. Perhaps history itself gives Ukraine the chance to enter the main (European) path of development, starting with asymmetric decentralization as a step that will become an element of a larger reform of the political decentralization. It is clear that the first prerequisite for such a reform must be guaranteed by a tough and lasting peace.

Asymmetric decentralization is used in certain circumstances as an instrument for protecting the rights of the citizens and realizing the interests of certain historically developed regions where there are significant differences in historical, cultural, geopolitical, ethnopolitical, and economic plans. But if there are plenty of such regions, then it is more logical to apply a symmetrical approach. In Ukraine there is a significant regional (ethnic, axiological) heterogeneity between such lands as Donbass, Slobozhanshchyna, Kyivshchyna, Sivershchyna, Podillya, Halychyna, Zakarpathya. This heterogeneity is more pronounced today, as different regions are bordered and drawn to economic ties with countries that are actually geopolitical opponents.

The main features of asymmetric regional powers are that they: a) expand

opportunities for a regional experiment aimed at reforming the entire society; b) give the region the powers that allow them to distance themselves, if necessary, from excessive claims by the center; c) open the possibility for the regional political elite to use additional channels for the participation of the population in political life. The aforementioned advantages in asymmetric decentralization in the European Union countries are legally based on the European law that includes the doctrinal view enshrined in the Declaration on Regionalism in Europe. Such a document should also be developed in Ukraine.

Europeans believe that the model of asymmetric decentralization is acceptable for the organization of the local self-governance in some districts of Donetsk and Luhansk regions. So on April 21, 2015 at PACE, the Secretary General of the Council of Europe Torbjørn Jagland said in his speech that Ukraine needs an asymmetric decentralization of powers that gives various powers to different historically formed regions. He also referred to the experience of European countries, in particular Northern Ireland, Wales and Scotland in the United Kingdom that implemented the principle of asymmetric decentralization.

For Ukraine the more acceptable option is an example of a unitary but deeply decentralized Italian state that includes regions that are very different in their characteristics. These, in particular, include the South Tyrol region. It is located in the Italian Alps that for a long time belonged to Austria. As a result of asymmetric decentralization, in 2001, the region received the institutional status of an extended autonomy

that gave the German-speaking people the right to receive education in their own language, to form a regional parliament with the power to issue laws, elect a president, two vice presidents and ministers of autonomy. In this way it was possible to stop terrorist acts, to eliminate the “hot” conflict between the region and the center. Ukraine has adherents of asymmetric decentralization on the Italian model that may be a promising option for the Ukrainian constitutional reform. It is clear that for this purpose it is necessary to change the political and administrative structure, which involves the presence of subjects of power with different status, different rights and powers, different degrees of autonomy from the center.

The experience of a special form of the political and territorial organization of power on the basis of asymmetric decentralization is also shared by other European countries. For example, in Spain a complex model of the so-called “regionalized (unitary) state” was introduced, based on the autonomy of certain administrative-territorial units. However, the conflict of interest between the center and the regions remained. Political regionalism in this state was gradually transformed into open separatism in the form of undisturbed (peaceful) separatism of the autonomous province of Catalonia (Spain). Similar processes are taking place in Belgium. It is clear that in each country there can be reasons for separatism, among which, first of all, should be distinguished economic, cultural-historical and linguistic-cultural ones.

The foregoing gives grounds for assessing the European experience of asymmetric decentralization as rather

contradictory. Providing specific powers to specific regions does not always harmonize the “center-periphery” relationship, but only under certain circumstances. Such an opportunity should be considered in the context of modern Ukrainian realities. These include, in particular, the fact that the “center-region” conflict in Ukraine is caused largely from the outside, it has other roots and political circumstances that are not related to purely ethno-political relations.

In assessing the prospects of asymmetric decentralization in Ukraine, a comprehensive set of factors should be taken into account. So the authors of the manual point to factors that affect the diversity of the state forms. Among them one of the most important is the domestic political factor that consists in the specific correlation of the forces of the main social groups, their political representatives [11, p. 73]. If we come to a more general conclusion, then the main factor in the presence or absence of a high level of established democracy should be noted. The political and administrative system of Ukraine has already reached a qualitatively new state of democracy at the expense of the established mechanisms of elections, procedures for the recall of elected officials who have lost trust of the territorial community, holding local referendums, effective general meetings of the territorial community and other mechanisms of participatory democracy in decision-making. The openness and transparency of the activities of the local self-government bodies, the increase of their accountability and control over the territorial communities should become a prerequisite for the political decentralization.

In general, Ukraine's political life is still far from moderate party pluralism and consensual democracy. Generally, this system is ideologically (culturally, valueably) not able at the same time to move to a decentralized state administration with more extensive, especially asymmetric powers of the local self-government bodies. A serious barrier to asymmetric decentralization is the need for the simultaneous implementation of the political, administrative and fiscal reform. In this series the fiscal decentralization is the most important factor as the key factor in the implementation of other forms of decentralization.

Predicting the future, it can be argued that monocentric (centralized) power in peacetime will no longer be able to flexibly and effectively manage the regional processes. It will be forced to share authority with the regions. Therefore, we must now think that Ukraine should become not only decentralized, but also, in its entirety, institutionally polycentric, as European states, where power is divided between the public authorities, business and civil society. Delegating a large part of the state authority to the regional authorities and other institutional actors should be based on the trust **of these institutions on the part of the state.**

Conclusions and perspectives of further research. The institutional system of the public administration, in the not-yet-unknown perspective, will be brought to the needs of the modern practice of the public administration. But so far the European standards of the public governance remain an unattainable dream for us. And this, the further, will deepen the problems in various spheres of the society's life.

Experts have long said that excessive centralism leads to the inability of the state apparatus and the actual devaluation of the constitutional norms. Summarizing the above, we emphasize the following. An adequate decentralization model for Ukraine may allow elements of asymmetry to be limited to certain conditions: the fragmentation of the party-oligarchic system, the introduction of mechanisms of moderate party pluralism, the existence of mechanisms of party and consensus democracy, the strengthening of the cultural and institutional environment and the foundations of the local self-government, the optimization and rationalization of the public administration, the democratization of the socio-political life in general. These conditions require radical changes in all the spheres of the society, which, in turn, should be the subject of a study of the public administration theorists.

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