

**ADMINISTRATIVE-TERRITORIAL REFORM AS THE BASIS
OF THE DECENTRALIZATION IN UKRAINE:
IMPLEMENTATION OF THE POLAND EXPERIENCE**

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The article is devoted to the review of the experience of Polish succeed reforms in decentralization and local governing in the field of administrative-territorial division. In the article the importance of decentralization reform for Ukraine and the role that every government can play in this hard process are emphasized. The author analyzes the main disadvantages of the former territorial division of Poland and several further phases of decentralization process. In the article, the author shows some new elements of administrative-territorial system and in the management of these units. The author summarizes the Polish experience of the decentralization reform with respect to Ukraine.

Keywords: *decentralization, local government, public administration, administrative-territorial division, authorities.*

INTRODUCTION

Nowadays Ukraine has started long and hard way to the progress, to the decentralization reform for the economic and social growth, improving standards of living. Decentralization policy is important part of the national development. In the basic definition, decentralization is the transfer of part of the powers of the central government to regional or local authorities. The researches by different international organizations is confirmed such point of view that decentralization would make national public institutions more effective, and that it would make local governments and civil society more competent in the management of their own affairs.

We know many examples of reforms for successful decentralization, but to our opinion, Polish experience is more common to our conditions.

It should be noted that Poland demonstrates a successful case of transition from a centralized communist state to a decentralized local government system. Poland put to uses a model of radical changes in economic and political strategies which were developed and proposed by international monetary and financial institutions. And a special role in this process was given to the decentralization of power as an important component of political reform and increasing of economic growth.

The Polish experience shows that to succeed decentralization and local government reforms it is necessary to divide administrative-territorial units which should be able to govern themselves and be effective in managing their own public sphere.

Today Ukrainian territory-administrative system doesn't encourage the increase of the effectiveness decentralization of power, and legislation doesn't allow it to be optimized in accordance with Europe standards.

So, the development of scientific researches in the field of decentralization and administrative division in the case of European experience are very important for Ukraine.

The scientific community represents a lot of researches in the field of Polish experience of market reforms. These are publications of famous scientists and practitioners in the sphere of polish reform, among them Jerzy Regulski, Michał Kulesza, L. Balcerowicz, A. Wildavsky, R. Gortat, M. Dabrowski, L. Kolyarska-Bobynska, A. Levitas, V. Orlovski, M. Federovych and others.

In Poland such a transition was made possible through persistent negotiations, trials and legislative amendments regarding various aspects, including administrative division, responsibilities, and financing. This experience is highly informative for Ukraine as regards the construction of the democratic country based on the principles of decentralization.

STATEMENT OF THE PROBLEM

The purpose of the article is to conduct the research about theoretical issues and practical approaches in the sphere of decentralization, and to analyze the way of administrative-territorial decentralization in Poland, a country that was governed through centralized communist systems similar to Ukraine, which experience of decentralization in the governance process of the local public administration can be implemented in Ukraine.

RESULTS

The administrative system in Poland, as in other countries of the Eastern Bloc, was centralized and based on the domination of ministerial and departmental structures.

Past Polish administrative territorial system provided creation of many small and weak voivodships and had centralized vertical system of management.

The main disadvantages of the past territory division into 49 voivodships was as follows:

1) Voivodships were not territory units which could be characterized as regions in geographic, dimensional and historical sense (too little size, population and artificial boundaries);

2) It hadn't needful resources for self-development;

3) It hadn't any tools and mechanism of regional policy realization (budget).

It should be noted that decentralization reform was long process in Poland which have being continued for 20 years. Public administration reform in Poland realized through several phases:

1) Creation of self-governing *gminas* produced transformations that definitely exceeded administrative issues (The law about self-government in *gminas*).

It led to the development of local nongovernmental organizations, local press and radio, even banks providing services for local budgets. Many institutions that support and cooperate with *gminas* were established. The main aim of the reform was to strengthen the *gminas*, letting them become accustomed to independence and the burden of responsibility, and to stimulate and integrate local communities.

2) Realization of the extension program for the authorities of large cities.

3) Reform of administrative-territory system, which has three tiers of territory: *gmina*, *powiat* and voivodships. And creation of self-government authorities in *powiats* and voivodships.

All the work of designing and drafting specific legislative solutions was carried out by experts from outside the office, self-government workers and others. There were, among others, the following working groups preparing the reform: two teams designing the new administrative division of Poland; the team for organizational changes; the team which analyzed the cost of the reform; and 14 teams drafting the legislative proposals in the various areas of public management. As a result of the work performed by the teams of experts, all of the territorial reform projects were created, including bills (amendments of 150 Acts) as well as organizational projects, and a map of the new administrative division of Poland was agreed by the majority of *gminas* [1].

The preparation and implementation of the reform was coordinated by three government centres. The work on the main concepts and the preparation of basic legislative measures were coordinated by Prof. Michał Kulesza who, in December 1997, became the Plenipotentiary of the Government for Reform of the State System. Prof. Kulesza, who had held the same position in 1993, was Secretary of State in the Chancellery of the Prime Minister. The work on financial issues was coordinated by Jerzy Miller, the Plenipotentiary of the Government for Decentralization of Public Finances [2].

Work on the reform continued later on, after the new system had become operational, as it was necessary to introduce new mechanisms. Of special importance were the government instruments of supporting regional development (G. Gęsicka, later Wł. Tomaszewski). The *Sejm* passed a law regarding this issue in May 2000.

It is important moment that the Prime Minister set up the Advisory Council for the Reform of the System of Government with Jerzy Regulski as its president. The Council was to issue opinions on the administrative reform and other social reforms that were being introduced by Jerzy Buzek's government [2].

The implementation of decentralization reform in 1998 took place according to the political will of the ruling coalition, who wanted to restructure the administrative system of Poland. This reform was not a goal in itself but a prerequisite for increasing the effectiveness of public management and for constructing democratic mechanisms. It was also a step on the road to improving the conditions of various sectors of public life, including the health care system and the educational system.

Conceptual bases of decentralization reform were introduced in legislative framework, first of all in Constitution. At the article 15 of the Poland Constitution it is noted that territorial system of the Republic of Poland shall ensure the decentralization of public power. The basic territorial division of the State shall be determined by statute, allowing for the social, economic and cultural ties which ensure to the territorial units the capacity to perform their public duties [3].

According to reform there are three levels of administrative-territory system in Poland:

1) First (basic) tier - gminas.

Gmina is the basic level of public administration introduced in 1990. The most important collective needs of a local community are representing here. There are 2500 gminas in Poland, among them rural and urban (towns) of various sizes:

- Rural gminas are headed by voits (wójt);
- Urban gminas and gminas with townships – by mayors (burmistrz);
- Larger towns – by presidents (prezydent).

The average rural gmina has 7000 inhabitants (there are only 28 gminas with a population lower than 2500). Gmina is headed by burmistrz, who is the mayor of an urban gmina, is authorized to represent it. Burmistrz is elected in a general vote.

2) Second (intermediate) tier – powiats.

In powiats it was assigned local functions that were beyond gminas' scale of management capacity. Powiat is the intermediate level of public administration (upper local self-government unit) designed to maintain efficiently many of the everyday local services and institutions of public life. There are 315 powiats headed by self-government officials (starosta), who are appointed by democratically elected powiat councils. An average powiat (statistically) comprises 8 gminas and has approximately 85,000 inhabitants. In addition, 65 of the largest urban gminas (towns) have been granted powiat status. Some functions included management of secondary schools, hospitals and public roads and others.

3) Third (highest) tier – voivodships.

The central administration was at the voivodship level. Voivods, as representatives of the central government, were granted only supervisory powers over the management and development of their regions. They were to supervise the operation of all units that the government's duties are exercised, such as the institutions responsible for building inspection, environmental control, or health and sanitary inspection. Voivodship is the largest administrative unit in the sub-national organization of the state. There are 16 voivodships (regions) in Poland. The term voivodship can also be understood as the regional self-government (where Sejmik is the governing body and Marshal is the chief executive) and simultaneously as the area of activity of the central government appointee – Voivod, who is appointed by the prime minister.

As the result of implementation of the reform there was created the specific list of responsibilities that satisfied the collective needs of the community. It can be seen from the Table 1.

Table 1- Summary exclusive tasks (responsibilities) of authorities [5]

Gmina (Municipality)	Powiat (County)	Voivodship (Region)
1) Spatial order, land use and environmental protection; 2) Local roads, streets, bridges, squares and organization of traffic; 3) Water systems and water supply, sewage, removal and treatment of municipal sewage, waste removal, maintenance of dumps and recycling of municipal waste, supply of electricity and heating; 4) Local public transport; 5) Health care; 6) Public welfare, including group homes and guardianship institutions; 7) Municipal housing; 8) Primary schools, kindergartens and other educational institutions 9) Culture, including municipal libraries and other cultural institutions; 10) Physical culture, including recreational areas and sports facilities; 11) Open-air and indoor markets; 12) Green spaces and wooded areas; 13) Municipal cemeteries; 14) Public order and fire departments; 15) Maintenance of municipal and administrative buildings and facilities used by the public	1) Education, particularly secondary schools and schools for the disabled; 2) Health care, including management of hospitals; 3) Public welfare and family support policy; 4) Management of public roads considered powiat roads; 5) Maintenance of cultural, sports and physical culture institutions; 6) Geodesy and cartography; 7) Building inspection; 8) Environmental protection as well as agriculture and forestry; 9) Public order and resident safety; 10) Protection against fire and flood; 11) Protection of consumer rights and others	1) Promotion of economic development; 2) Management of public services of regional significance such as higher education, specialized health care providers and some cultural institutions; 3) Environmental protection and management of natural resources; 4) Development of regional infrastructure, including management of roads and regional transport and communications

The implementation of the reform of public administration in Poland included:

- 1) Legislative work – preparation of bills regulating the rules and procedures of implementing the reform, i.e. transition from the old to the new system and issuing of secondary legislation; regulation of the issues relating to the liquidation of some institutions and to the continuation of pending cases;
- 2) Operational work – setting up structures responsible for implementing the reform, stocktaking, and re-designation of the resources of the territorial administration; distribution of information about the new structure of the administration (training courses, etc.);

- 3) Monitoring of preparations and the implementation process as well as undertaking actions where necessary;
- 4) Evaluating the effects of the reform and making corrections of a legislative nature;
- 5) Informing the public about the reform.

CONCLUSIONS

Decentralization in Poland is an example of a successful effort of the state. It was a common effort made by the political elite and experts. The effect of the reform would be a civil state that acts at various levels of public management and is open to change, co-operation and competition.

In order to implement a sizeable reform in a democratic country, at least three basic elements are required, namely: political will, knowledge (expertise), and support of the elite and the media.

So factors of the success:

- 1) Political will
- 2) Expertise (knowledge)
- 3) Support of elite and media.

The main lessons from the Polish experience with the “decentralization” reform of the state are:

1) The need for political will and support at political level (Parties, Government and Parliament);

2) Technical capacity and teams able to work during a long period of time in preparing all the necessary studies and legal instruments, as well as ready to assist in the implementation of the reforms not only at central, but also at sub-national level;

3) Gathering and mobilizing wide support to the reform in civil society, starting by the local communities and their leaders but also reaching nation-wide public opinion leaders and the population at large;

4) Reforms of this kind have a proper time. The window of opportunity for such reforms is open only for a limited time (after a political breakthrough) and decisive action is needed, before the structures and sectors opposing such reforms can get organized and able to exercise an effective opposition to such reforms.

РЕЗЮМЕ

АДМІНІСТРАТИВНО-ТЕРИТОРІАЛЬНА РЕФОРМА ЯК ОСНОВА ДЕЦЕНТРАЛІЗАЦІЇ В УКРАЇНІ: ІМПЛЕМЕНТАЦІЯ ПОЛЬСЬКОГО ДОСВІДУ

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У статті підкреслюється важливість реформи децентралізації для України, тієї ролі, яку кожен уряд може взяти на себе в цьому процесі. У статті розглянуто досвід польського успіху реформування в області децентралізації та місцевого самоврядування щодо адміністративно-територіального поділу. Автор аналізує основні недоліки минулого територіально-адміністративного поділу та наступні етапи процесу децентралізації у Польщі. У статті автор показує елементи нової системи адміністративно-територіального устрою та їх відповідні повноваження. Стаття узагальнює основні уроки польського досвіду реформи децентралізації для України.

***Ключові слова:** децентралізація, місцеве самоврядування, публічне адміністрування, адміністративно-територіальний поділ, повноваження.*

РЕЗЮМЕ

АДМИНИСТРАТИВНО-ТЕРРИТОРИАЛЬНАЯ РЕФОРМА КАК ОСНОВА ДЕЦЕНТРАЛИЗАЦИИ В УКРАИНЕ: ИМПЛЕМЕНТАЦИЯ ПОЛЬСКОГО ОПЫТА

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В статье подчеркивается важность реформы децентрализации для Украины, той роли, которую каждое правительство может взять на себя в этом нелегком процессе. В статье рассмотрен опыт польского успеха реформирования в области децентрализации и местного самоуправления в контексте административно-территориального разделения. Автор анализирует основные недостатки прошлого административно-территориального разделения и последующие этапы процесса децентрализации в Польше. В статье показаны элементы новой системы административно-территориального устройства и их соответственные полномочия. Статья обобщает основные уроки польского опыта реформы децентрализации для Украины.

***Ключевые слова:** децентрализация, местное самоуправление, публичное администрирование, административно-территориальное деление, полномочия.*

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