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Reform of decentralization and regional policy in the Visegrad

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Abstract

In our work, we highlight how, in particular, territorial changes of public authority have been taking place and analyze the current state of the territorial basis of municipal power (local governance) in the countries under review via comparative qualitative research methods. As a result, it appears that Slovakia, like other Visegrad countries, boasts a high level of territorial fragmentation. In conclusion, the

corresponding changes have made it possible for the former post-socialist countries to experience the benefits from structural and regional EU policies through cooperation and interaction.

Keywords: Reform, Decentralization, Regional, Policy, Visegrad.

Reforma de la descentralización y la política regional en Visegrad

Resumen

En nuestro trabajo, destacamos cómo, en particular, se han producido cambios territoriales de la autoridad pública y analizamos el estado actual de la base territorial del poder municipal (gobernanza local) en los países bajo revisión a través de métodos comparativos de investigación cualitativa. Como resultado, parece que Eslovaquia, como otros países de Visegrad, cuenta con un alto nivel de fragmentación territorial. En conclusión, los cambios correspondientes han hecho posible que los antiguos países post-socialistas experimenten los beneficios de las políticas estructurales y regionales de la UE a través de la cooperación y la interacción.

Palabras clave: Reforma, Descentralización, Regional, Política, Visegrado.

1. INTRODUCTION

Each of the Visegrad countries made their way of administrative-territorial reform. In the period from late 1980's till early 1990's of the last century Poland, Slovakia, Hungary and the Czech Republic launched large-scale restructuring of their administrative and territorial systems, without which they would never have gained significant achievements in the development of local self-

government, regional policy, quality improvement of life in communities, increasing of GDP per capita, and eventually joining the European Union (hereinafter - EU). And the effect of implementing territorial reforms was by an order greater than that from implementing a series of other structural reforms of public administration.

The most significant boost for radical change in the territorial organization of power and the revival of local self-government in Poland was the adoption of the Law On Territorial Self-Government dated 8 March 1990 (which since 1999 was called On Municipality Self-Government). The adoption of the relevant law marked the first step of the reform.

However, the reform introduced the electoral local councils only at the municipal level (municipalities), while higher levels of the territorial division remained under the control of the local state administration. According to Art. 1 of the above law, municipalities were defined as an association of citizens who live in a particular area. Restoring the self-government in the municipality, Poland was surely returning to the traditions dating back to Second Commonwealth of Both Nations, however, which was unusual for post-communist countries did away with Soviet-style institutions - people's councils. They gave way to the municipality as the most important unit of the territorial structure of the state with independent budget, legal entity, municipal property and clearly defined competence.

In 1992, the government of Kh. Sukhotska initiated the self-government system at the county (powiat) level and started working on a new provincial division of the country. In particular, the powers of towns acquired some of the central administration functions, while it was assumed that these powers will later move to self-managed counties. Several options of the new administrative-territorial division were prepared at the level of provinces, the number of which had to be significantly reduced. Powers of authority and responsibilities were planned to be decentralized.

The purpose of the administrative reform was to change the territorial division that has existed since 1975, when the country was divided into 49 provinces and 2,500 municipalities. The reform was to reduce the number of provinces, which were too numerous for a decentralized state and to establish another territorial level - districts. In 1993, the municipalities were presented some draft reforms with which some disagreed. The project was redesigned, however, on May 28, 1993, a political earthquake took place in Poland, as a result of which the reform plans were delayed for many years (KAMINSKI, 2000).

After parliamentary elections in 1993, the Democratic Left Parties Alliance, the Polish Village Party and the Union of Labor came to power. The work on draft reforms was suspended due to resistance to the introduction of the county level on the part of the Polish Village Party.

A significant influence on the formation of territorial self-government in Poland had its accession in 1994 to the European Charter of Local Self-Government. In particular, the Polish territorial self-government introduced such principles of activity as homogeneous solutions, three-stage approach, relatively broad decentralization, guarantee of autonomy and protection of self-government rights, as well as organization of supervision over compliance with legislation. Significant was also the impact of EU law. As late as in the mid-1990s the process of harmonizing the Polish law with the EU law started, which affected the territorial self-government (MUSSABEKOV ET AL, 2018).

The progress of changing the administrative-territorial structure of the country was not in vain. Supporters of continued decentralization reform prepared a theoretical, legal and practical framework for the implementation of self-government at the level of counties and provinces (HORVÁTH, 2000).

Thus, on June 5, 1998, the Sejm of Poland adopted the Laws On County Self-Government and On Province Self-Government, which entered into force on January 1, 1999 while on July 28, the Law On Introduction of Three-Level Territorial Division of the State was adopted.

It is advisable to note that in Poland during the formation of districts and provinces the following factors were taken into account:

formation took place of above-municipality functions relating to municipalities, economic potential, historical and cultural background, support for the administrative center and spatial organization by the population, geographical location, allocation of population, number of municipalities, number of population, county area, human potential and functional-spatial structure of the area of innovation and scientific potential, economic potential, institutional potential, infrastructural potential, the potential of media, management potential (LENDEL, 2011).

So the result of the administrative-territorial reform was the introduction in Poland from January 1, 1999, of a three-tier administrative-territorial division instead of two-tier division which existed since 1975. The reform resulted in establishment of 16 provinces (NUTS - 2) and 308 rural and 65 urban districts. The basic element of territorial organization in Poland was the municipality. However, as a result of the reform, the amount of municipalities as basic self-governing units was reduced almost fourfold - from the existing 9.5 thousand in 1955 to 2489 thousand in 1999 (LLNER, 1999).

2. METHODOLOGY

The current state of the Polish territorial basis is as follows: 2478 municipalities, including 1555 village municipalities, 621 urban-

rural municipalities and 302 urban municipalities, including 66 urban municipalities having the rights of the county. The average population of a municipality is 5-8 thousand persons. The vast majority of municipalities include 5 to 40 thousand people, there are about 40 to 100 thousand people in about 100 municipalities, while 45 municipalities include more than 100 thousand people. In Ukraine, the area of which is 1.9 times larger than the area of Poland, there were 4.6 times more basic-level units than in Poland prior to the voluntary association of local communities. At the same time, in Ukraine one basic level self-government unit on the average includes much less rural population compared to Poland - almost by 5 times; villages - by more than 8 times; territory - by almost 3 times (HORCHER, 1998).

It is important to take into account other factors and peculiarities such as population density and size of settlements, the state of social infrastructure, etc. In rural areas of Ukraine, the population density - number of residents per 1 km² of area - is lower than that in Poland, the rural population is more dispersed - there are 56 villages per 1000 km² of area against 181 in Poland.

Besides the villages by quantity of population are larger - on the average, 520 vs 270 residents per village, respectively. Obviously, the denser the concentration of small settlements in a certain territory, as it is in Poland, the easier it is to form them into a self-governing unit. More scattered rural settlement structure in Ukraine, more populated

villages, large differences in the interests and needs of residents of different villages complicate the process (DOWLEY, 2002).

Organization of the second tier of the territorial structure is as follows: 380 counties, of which 66 towns have the status of a county, which, in addition to having the nature of a municipality, implement the tasks and powers of county bodies of self-government, and 314 rural districts. The average population of a district is 83 thousand people. Among 66 towns having the county rights, 19 have a population of 100 to 150 thousand people, 14 have the population from 200 to 500 thousand people, 4 cities have a population of over 500 thousand persons (CHYRKIN, 2015).

Regarding the structure of Polish provinces which are the largest regional units and the basis for regional self-government, they include a different number of districts - from 11 to 38 and municipalities - from 71 to 325. The average population of a province is 2 million. 417 thousand people. The administrative map of provinces was being built, taking into account the conditions of different regions of Poland. Two smallest provinces by population - Lubuske and Opulskie include 12-14 districts, while the largest one - Mazowieckie - (more than 5 million people) - 42 counties. The average area of a province is 19.6 thousand km, while the average population is 2.4 million people. For comparison, in Ukraine the average area of a region is 24.2 thousand km, while the population is 2,05 million (CIVIN, 2004).

The development of local democracy in Hungary was closely connected with the process of the country's integration into the European Union. Given the existing EU Nomenclature of Statistical Territorial Units (NUTS), Hungary Law No. XXI dated 1996 On Regional Development and Spatial Planning and the 1998 Parliament's Resolution No. 35 on the Concept of Regional Development in Hungary, respective territorial units were created for the purposes of planning and statistics. Thus, Hungary has introduced NUTS classification prior to accession to the EU and after the changes, the administrative-territorial division before 2013 was as follows:

NUTS I - 3 macro-regions (non-administrative units);

NUTS II - 7 regions (non-administrative units);

NUTS III - 19 regions and the capital city (administrative units);

NUTS VI - 168 micro-regions (non-administrative units);

NUTS V - 3,144 municipalities (administrative units).

According to the law On regional development and spatial planning, two types of regional institutions were introduced: the planning and statistics region and the development region. The latter comprises the territory of one (or several) districts or the capital and are formed as free associations. The counties that were part of the

association created a joint body - the Council of the region's development (BODROVA, 2012).

168 micro-regions were vested with three important functions: providing services to meet the local needs, performance of the tasks given by the Center, implementation of regional development programs. To implement all these measures, the government adopted a resolution, which had a definition of functions and powers of the Office of the Prime Minister as regards public administration and regional development. According to the resolution, the Prime Minister would exercise their powers through the Secretary of State who is assigned with this task. National Development Councils were formed in districts that became the scene of collision of local, central, administrative, professional and political interests.

It is due to the transformation of public administration and implementation of decentralization, which took place in the course of 1990s, Hungary was the focus of special attention and financial support of the EU, which later allowed to effectively establish a system of public administration to provide an administrative environment for the market-oriented economic system. The success in this activity is evidenced, in particular, by the fact that the Hungarian Government in 2000 was recognized as the most effective one out of 20 transition countries in the Index of the European Bank for Reconstruction and Development. Another positive feature of Hungary was a stable and effective mechanism of administrative reform

management that did not experience significant impacts from the political process, allowing coherent and consistent formation of public administration (BALDERSHEIM, ET AL., 1996).

The category of towns with county rights provided for by the Hungarian Law On Local Self-Government includes the towns that provide public services not only for their residents but also for those who live on the adjacent territory. Such cities are traditionally provincial and have a population of at least 50 000 people. Today there are only 23 municipalities that meet such requirements. From an administrative point of view, the two-tier management system is not profitable for the city, since most districts exist as individual municipalities, and the trend extends almost to the entire city or its major part. The level of fragmentation is obvious, since more than half of the communities (over 1700) have a population of fewer than 1,000 residents, about a third - fewer than 500, about 100 settlements - fewer than 100. At the same time, almost 60% of the population live in 139 towns with over 10,000 inhabitants (ANDRASH, 2002).

3. RESULT

In Czechoslovakia, unlike Poland and Hungary, as of the end of 1980, no organized political opposition to the ruling regime was formed, and in professional circles, there were discussions about the way of social organization of the society, about new approaches to

managing the territory of the country. Tsivin was right, naming the then Czechoslovak regime frozen or geriatric post-totalitarianism, meaning that in the country until autumn 1989 not only no changes in the ways of managing the power were taking place but such changes were not even planned.

However, in 1990, particularly in Slovakia, significant transformations in the organization of public authorities at the local level took place, and the changes primarily applied to the administrative and territorial structure of the country. By 1990, Slovakia had a three-tier administrative-territorial arrangement: region-district-municipality. Obviously, like in all the neighboring countries of the Visegrad group, local government was not expected in Slovakia but it was the actual appropriation of local authorities, while local councils were elective bodies. However, starting in 1990, the respective processes of reforming the administrative-territorial system of the country were launched. Thus, there are three waves of building a new system of administrative-territorial structure of Slovakia:

- First - (1990-1996) was characterized by reformatting of the post-socialist state system and adoption of a new legal framework, in particular, on the basis of the Law On the Territorial and Administrative Division of the Slovak Republic (1996) 8 regions and 79 districts were established.

- Second - (1996-1998) is marked by harmonization of the new Slovak legal framework with the socio-economic realities of the European democratic space.

- Third - (1998-2004) is related to the purpose of joining the European Union and the relevant European integration processes, including compliance with the NUTS system.

In Slovakia, as well as in Poland and Hungary, one of the first steps in building a post-socialist territorial organization of government was to restore and strengthen local government by consolidating the community as the primary basis of municipal government. National committees in communities were eliminated, and their powers were divided between local government authorities and state representatives. The relevant provisions have been embodied in Constitutional Law No. 294/1990 Coll.

The next step was the abolition of public administration at the level of areas and creation of 38 districts (*okresiv*); with their own management bodies and 121 territories (*obvod*), i.e. first-order bodies of local state administration. However, it was evident that the reform contains a number of deficiencies, including excessive fragmentation of Slovak territorial units, the consequences of which, as in the neighboring countries, was the lack of prospects for economic development.

Thus, as early as in 1996, 121 territories were eliminated, the boundaries were changed and the number of districts was changed from 38 to 79, and the regional level of self-government was introduced - 8 regions (kraj). Under the NUTS nomenclature, the new division is as follows: NUTS 2 includes four statistical regions; NUTS 3 - eight territories, and NUTS 4 includes 79 districts, NUTS 5 included communities. Modern local self-government in Slovakia operates at two levels: the community (obce) - region (kraj). At the regional level, there are 8 senior administrative-territorial units - regions (kraj) which, in turn, are divided into smaller units - 79 districts consisting of 2891 communities (obce).

It should be noted that only 137 communities have city status, all other communities are rural. It appears that Slovakia, like other Visegrad countries, boasts a high level of territorial fragmentation. Thus, 67% is small towns where 16% of the population lives. Overall, 44% of the population lives in small communities. However, there are medium-sized and large cities, which are home to almost 25% of the population of Slovakia.

4. CONCLUSION

Analyzing the learning processes of the administrative and territorial structure of the Visegrad group countries, we can draw some conclusions.

Transformation of territorial organization of power began in the early 90's of the twentieth century and continues to this day. The corresponding changes were part of a whole complex of public-political reforms conditioned upon the post-socialist vector of the development of states. It should be noted that in the way of these reforms was an old political nomenclature whose aim was to return the centralization of power and prevent the development of public administration at the local level.

Reforms of the territorial system in four countries under review took place in several stages and had certain common features. The aim of the first stage in each of the countries was to build a baseline of the territorial government, the primary element of local self-government - municipality (gmina, község, obec) with a large amount of competence to address significant local issues, as required by the European Charter of Local Self-Government, 1985.

The purpose of the second stage was to introduce or restore an effective sub-regional and sub-national level. This stage fell at the end of the 90's early 2000's. It should be noted that in Slovakia, like in the Czech Republic at the intermediary local level, neither local self-government nor state management is exercised, i.e. this level performs purely statistical and geographical features as required by NUTS. So it is clear that the result of corresponding changes was the considerable difficulties relating to new redistribution of powers between local

authorities (base-regional level) and central public authorities or their representatives at the local level.

In this aspect, there remains certain diarchy of municipal power and state power at the regional and district level. It should be noted that these problem issues also exist in Ukraine, where at both the district and at the regional level, there is also a representation of the state and local governments. Therefore, one of the vectors of constitutional and legal reforming of the organization of public power at the level in Ukraine should be a change in the legal status of local state administrations, depriving them of local government functions and their transformation into regulatory bodies subordinated to the President of Ukraine. These bodies have to focus on a clearly defined range of public issues to be resolved at the district, regional level and which are impossible or impractical at this time to be transferred to the local authorities.

It is necessary to pay attention to the fact that the cornerstone of administrative-territorial reforms was the introduction of decentralization and deconcentration of power and transfer of significant powers to the basic level of local government. However, in the last seven or eight years in Hungary somewhat contradictory steps are observed. A significant factor and stimulus in reforming of the administrative-territorial system of Visegrad countries was their desire to join the European Union. Thus, it is the key to European requirements and standards taken as a model, especially the NUTS

system. In this context, it is expedient to note that the reforms of territorial organization of power were comprehensive and were implemented in parallel with corresponding transformations in the area of public management, organizational, personnel, material and financial security on the basis of a neatly formed legal framework.

Overall, the administrative and territorial reforms in the Visegrad countries during the 90's and early 2000's provided for the formation of multilevel governance, an effective regional policy that is inherent in most EU countries. The corresponding changes have made it possible for the former post-socialist countries to experience the benefits from structural and regional EU policies through cooperation and interaction.

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