

The Problem of Decentralization of Public Power in the Context of Territorial's Independence

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ABSTRACT

The development of modern forms of social organization on conditions of prosperity and deepening of influence on human life of the information society affects all the elements of the society mechanism, and especially the public administration's subsystem, in the first turn. Acting as a subject of public administration, the modern state gradually alters its functions by passing their significant part to the regional and local level, creating the more efficient decentralized model of public administration. The decentralization processes have become an integral feature of modern democracies. Sometimes these processes occur quite painfully for both young democracies and for the states with the stable democratic traditions. The experience of the countries testifies that the decentralization is an objective condition for the public administration's adaptation to the social changes, taking place in the sphere of the interrelations of the state and its territorial elements. The re-distribution of the power authorities for the benefit of the territorial communities becomes an important problem for the young democracies, the solvation of which testifies to the degree of their entrance into the developed information society.

Keywords: *decentralization, independence of territory, local communities, public administration, resources of public administration, decentralization of power*

1. INTRODUCTION

Our modern information society is characterized by the fact that it's mainly oriented at people, at the development, in which everyone can create information and knowledge, have an access to them, use and share them, giving the opportunity to some individuals, communities and peoples to realize their potential, promoting their stable development and improving the quality of their life [1].

Such an orientation concerns not only the individuals, but also the social communities, including those, created, according to the territorial characteristic feature of living together within the limits of the definite community. Considering this circumstance, the system contradiction in public administration and political life of many countries appears between the old forms of power, though the successful ones, but oriented at the centralized methods of government, and the new requirements of the society to the functions and methods of the public administration's activity, being mainly put into the decentralized forms of the interrelations between the central administration and the local power.

The solvation of this contradiction bears the character of the civilized choice, being similar to that, which was once performed by the humanity for the benefit of the democratic forms of government. - However, on

conditions of the gradual crisis of the representative democracy, which is observed as well in the "old" democracies, on conditions, when the forms of public administration tend more and more towards the direct democracy with their possibilities to guarantee the real participation of citizens in the government of the state's affairs

1.1. Related Work

The problem of decentralization at the separate state's level is discussed rather profoundly in the scientific circles, including that from the view point of the researches of the political, state-government, economic character. The system comprehension of decentralization takes place simultaneously with the realization of the practical tasks of creation of the capable territorial communities. Such experience was experienced in different time periods in the countries of Europe, Latin America, the East, Africa.

in his work «Supporting Decentralisation, Local Governance and Local Development through a Territorial Approach» notes that the upheaval in the decentralization's understanding occurred over the last decade. There is a distinct step beyond the limits of the

rather narrow problem of the state's reformation for the provision of the resources' efficient distribution.

At present, the attention is more concentrated at the actual political propulsive agents of the decentralization's reforms and their capability to help to reveal the potential of the territories with the aim of the efficient struggle with the inequality, the creation of wealth and the working places and the solvation of the other urgent problems of the development [2].

Territorial capacity is the key to successful decentralization reforms. It should be acknowledged that in today's context the concept of potential is seriously changing. Earlier, it was a question of key natural, economic and labor resources, then in the conditions of information society the territory potential is formed under the influence of other factors. First of all, it is under the influence of such as human capital, information, management resources and more. Therefore, standard approaches to assessing the ability of territories to solve local problems on their own cannot be applied by central government in the process of deepening decentralization in the country.

It should be noted that the new vision of the decentralization's goals for the further development of the states as a whole must be in line with the democratization of all spheres of public life. These trends do not always coincide with government strategies. Occasionally, there is an attempt by the central government on the facade of a declared decentralization policy to maintain centralized public administration structures. Such policy is doomed to internal conflicts and could turn into a serious crisis of power.

M. Illner in his research "Territorial Decentralization – a Stumbling Block of Democratic Reforms in East Central Europe?" discusses some aspects of the decentralization's efforts in the Czech Republic, Hungary and Poland - their political and intellectual experience, expectations, they were having, the results they've got, and the problems, they have created or visualized. The territorial decentralization of power did not occur, as had been expected, in the three countries, and the reforms were stopped halfway. Despite the fact that the decentralization till the local level was mainly successful, it is lasting at the regional level, and recently the more centralized policy has been introduced for the last time. The author states that the problem lies in both the insufficient decentralization and the excessive decentralization too [3].

The similar problems exist in the other countries of the world too. Depending on the historical, political and economic situation in the countries of Africa, Asia, the decentralization processes have their own characteristics and their own problems. The comprehension's experience of the decentralization problems of the territorial communities is interesting in Cameroon.

GY Yombi, M. Chouaïbou and LY Agoume in their essay «Decentralized Territorial Communities and Implementation of Public Policies: The Case of Cameroon» state that, concerning the specific case of Cameroon, the decentralization has been approved by the Constitution of 1996, which made this country a unitary

decentralized state. This implies the recognition of the local communities' existence and the maintenance of the state's unity. Eight years later, a series of the legal texts have brought the clarification on the objectives, assigned to the decentralization and the territorial communities, the emphasis on which promotes to the development at the local level. Besides, the laws on the decentralization of 2004 have re-comprehended the relations between the central government and the local authority in the problems of the state policy.

Entering the operational phase in 2010, the territorial communities see the transmission of the certain skills and the corresponding means to give the impulse to the development at the local level with the help of the corresponding state policy. This article permits you to present the role, played by the territorial communities in the implementation of public policies on conditions of Cameroon. [4].

How should the state policy be realized in the sphere of the decentralization? First of all, the state's recognition of the process' irreversibility of granting the independence to the territories should be established at the constitutional level. Such an institutionalization of the communities' right for the self-administration looks quite logically, because it is the basic value of the modern democratic society. In addition, the state policy in this sphere should not depend on the political conjuncture or the change of the political power. Therefore, the widening of the territories' right for the self-administration should foresee the reliable protectors from the manipulations with the rights of the territories in the mechanism of the state government. In fact, the state should guarantee the posing of the problem, initiate such laws and ensure the timely regulation of this sphere for the relatively long period. The positive practice of the European power institutions is the confirmation of the necessity of the legal course's formation in this important problem.

Some countries of the world have been already faced with the problem of the imbalance in the realization of the decentralization's reforms through the political, economic or religious events. Thus, for example, in Jordan, the decentralization, being held without the participation of the central power, has led to the slowing down of the economic development's rates of the territorial communities.

A. Myriam gives the comments on this problem in "The Challenges of Territorial Development and Decentralization in Jordan".

Due to the absence of the integrated policy of spatial planning, Jordan is experiencing a strong territorial imbalance. It may be seen in the increasing influence of Amman, the uncontrolled spreading of cities and the poor economic indicators of many territories. The reception of 750,000 refugees since 2011, into the countries with the total population's number of 10 million, has strengthened these territorial imbalances and these refugees move towards the big cities in search of informal work. The decentralization, which took place after the elections to the municipal and the managerial councils in August, 2017, is presented as a tool for the territorial balancing. But it has

taken the form of the power's capture by the definite tribal elites, having a desire to redistribute the state rent to the narrow circles in order to ease the problems, dealing with the slowing down of the economic growth [5].

So, the practices of tasks' realization of the power's decentralization prove the necessity of the state's mandatory participation in these processes.

At the same time, you should note the need in this experience's adaptation to the conditions of the states that are only beginning their way to the goal of the wealthy territorial communities' creation as the basis of the states' political and territorial order of future.

1.2. Our Contribution

The theoretical conclusions of the authors, based on the observations of the decentralization processes in the young democrac states, are presented in the article. Our contribution is to demonstrate the connection between the global changes in the public life of the society and the genesis of the territorial organization's forms, the contents of the administration's authorities of the bodies of the central and local powers. The important theoretical conclusion is the thesis on the fact that the decentralization of power through its spreading should be the strategic direction in the state policy, as the development and improvement of the state's role in management of the territories is the strategic goal for the nearest perspective. It's also concluded that the state's incapacity to effectively realize the the management functions of the territories on conditions of the information society's changes should be compensated by its ability to govern the relatively independent and self-sufficient territorial communities, which delegate the state functions of the global order.

The purpose of the article is to investigate the impact of the decentralization process of public power and territorial independence on the stability of state-building processes in modern states that have entered the era of the information society. Our hypothesis is that the decentralization is a modern tool for ensuring the stable development and unity of states, while over-centralization leads to an exacerbation of centrifugal tendencies in the government of the world.

To achieve this purpose, we have used methods of comparative analysis, content analysis of scientific sources on the identified issues, synthesis of the countries experience to summarize the characteristics of the study's subject.

1.3. Paper Structure

The main part of the article's text analyzes the conditions in which the processes of decentralization are developed at the level of the territorial communities and at the level of the states in the whole. Some aspects of the administrative, financial, managerial, resource, personnel and information decentralization with an emphasis on the human resources

and information in their combination are further examined as the characteristic features of the information society. The term "decentralization of power" is introduced as an indicator of the administration authorities' movement on condition of the realization of the state's decentralization policy. The tools of the state policy for the achievement of the self-sufficiency's effect of the communities are such forms of decentralization as the delegating, deconcentration, the redistribution of the state ownership (including the privatization too). The directions for the future researches in the presented sphere of knowledge are also introduced in this part.

2. BACKGROUND

2.1. Probabilistic Automata

The traditional representative democracies are stagnating on conditions of the information society, they require the searching of the new forms of the public administration's realization, existing beforehand, but not completely realized on conditions of the traditional democracies of the industrial and post-industrial epoch. The systems of the state and municipal government, being formed in this epoch, experience the crisis too together with the political system. The information society, with its main characteristics – the economy of knowledge and the availability of information - is removed out of the centralized influence of the central government of not only a definite person, but also the territory, being formed into the territorial communities on the basis of the traditions with the purpose of the independent decision of the problems of local importance. Such a tendency is observed in many countries and has the different forms - from federalism to separatism. The state government's system cannot resist this objective tendency, because it does not move beyond the limits of the states of the democratic type and may drag the authoritirism along itself.

Jean-Philippe Bras believes that the decentralization becomes a "rhetorical figure conveying change" (Turki, Loschi). The previous lack of concern for the decentralization, being sharacteristic to the authoritarian regimes, was determined as one of the reasons for their decline and collapse, leading to the disunity between the central power and the local population. Besides, the decentralization was examined as the element, contributing to the democratization of government, promoting the greater closeness between the citizens and the persons, taking the political decisions, as the means for the establishment and strengthening of the law supremacy and the realization's guarantee of local freedoms. Thus, the decentralization becomes the vital obligation, proclaimed by its electors, demanded by its people, implemented by the legislators and supported actively by the international partners, who are still examining this process as the lever of the economic development.

Why does it not deny the existence of the state institutions in future?

At the same time, the redistribution of administration's authorities should be examined not as a threat to the state power and public administration, but as a qualitatively new mechanism of the coexistence of the state's centralized structures and the decentralized structures of the local political, economic and administrative elites.

Jean-Paul Faguet, Ashley M. Fox and Caroline Poeschl in their work «Does Decentralization Strengthen or Weaken the State? Authority and Social Learning in a Supply State» believe it's necessary to research how the decentralization affects the four key aspects of the state's force:

- 1) authority over the territory and prevention of conflicts;
- 2) political autonomy and ability to observe the law;
- 3) responsible, liable presenting of services;
- 4) social training.

We provide the definite ways of the reforms, which should lead to the strengthening in each one. The decentralization below the level of the social disunity should weaken the pressure of the separatists by pushing away of the moderate citizens from the radical leaders. The regional specificity of the elite interests is the key one. If the regional elites lose than win from the national disunity, they will not invest money into the politicians and the conflicts, promoting the separation. The strong mechanisms of the accountability and the national guarantees of the minorities' right may coordinate the incentives of the local leaders with the citizens, - the fact, contributing to the division of power and the counteraction to the local capture or oppression. The "fragmentation of authority" is a mistaken conclusion; what is really done by the decentralization is the transformation of the policy from the top to the bottom, covering many inhabited areas and their problems. [7].

The central power should move as soon as possible, by its political will, from the primitive centralized and rigid system of the territories' government to the more difficult, but the effective structure from the view point of the final result in the sphere of the decentralization. Such a system should move away from the direct administration and be flexible enough in that sense that it can respond quickly to any local problem. Such a system can make the state more resistant to the problems in general. The decentralization of threats and risks in the state's government of the territories takes place simultaneously on the basis of the principle of the power decentralization. At the same time, including the communities into the process of government, one more important goal of the democratic state is achieved – the involvement of the citizens into the process of the decisions-taking in the public sphere. In this sense, the debated policy of decentralization, founded on confidence, is able to strengthen the completeness of the state and to improve its democratic traditions.

In general, you may come to the conclusion that the decentralization does not threaten the democratic power institutions in the modern developed countries. Rather, on the contrary, it strengthens the development's positions of the new democratic mechanisms in public administration.

Let's present the following arguments to confirm such a conclusion;

The state power should be strong on conditions of the information society, not due to the concentration of the resources, the management of which can be complicated by the objective problems of the centralized government, but on the contrary, it should widen its influence on the most part of the decentralized territories, recognizing a priori the need in the solvation of the global problems from the side of the state;

If the state accumulated practically all the public policies in its hands in the industrial and post-industrial times, then, at present, it may share them for the sake of the capability to realize the global policies;

The lack of opportunities and tools in the hands of the state for the realization of the global functions drags out not the further concentration of resources and power, but the need in delegating of the territories;

-The states should concentrate not on solving of the individual's problems, but on the creation of the safe conditions for the self-development of the territories, able to realize the basic rights and needs of the citizens;

The development of the territories on conditions of the information society permits to use more efficiently the information resource (being decentralized a priori in addition), the human resource, that cannot be simply provided and effectively developed by the state for any territory.

We state that the decentralization is able to strengthen the state institutions on conditions of the new global social order.

However, the decentralization is the more complex phenomenon than just the public administration as it drags out the other influences and the aspects of social life: economic, political, cultural-spiritual, ethnical, religious, etc.

Simon Toubeau and Markus Wagner believe that debates about decentralization raise the cultural problems of identity and the economic problems of the redistribution and efficiency. Therefore the preferences of the general-national parties in relation to the decentralization are connected with their positions, concerning the economic and cultural ideological aspects. The statistical analysis with the use of data from thirty-one countries confirms it: the left-side parties, dealing with the economic rights, support the decentralization more than the right-side parties, dealing with the economic rights, while the culturally liberal parties prefer the decentralization more than the conservative ones in cultural relation [8].

That's why the factors, providing the functioning's stability of the political system, are important in the context of each state. The political instability drags out not only the economic problems, but unbalance quite logically the nature of the relationship between the state and territories. The threats for the territorial integrity of the state in such cases are completely real, - the fact, being confirmed by the examples of many unitary and federative states.

It is clear that the marginalization's danger of the new political elites appears in the background of this problem.

Such a problem is now solved by many countries, including also the federative ones, according to the form of the state system.

As the above presented arguments of BA. Bee demonstrate in his work «Recentralising Political Power through Decentralised Environmental Governance: A Case from Mexico'S Early REDD + Program», the economic and political marginalization of the municipalities in the region, combined with a weak legal base, makes the municipalities susceptible for the influence of the political parties [9].

Thus, the contradiction between the globalization at the national and the transnational levels, from one side, and the decentralization at the level of the separate territories, from the other side, appears at the institutional level of the public administration's system. How to solve this contradiction conceptually, from the view point of the country's development strategy.

Decentralization – is the objective reality, which is caused by the following objective factors:

the objective necessity in transference of the power authorities in public administration to the lower level, as an indicator of the democratic characteristic features of the territories' government;

the provision of the legal and financial independence to the territories, as the recognition of their ability and the real capability to solve the problems of the local importance individually;

the need in the formation of the strong local management, the principle's realization of the public management's ubiquity;

the sign of the development's dynamics of the publically managerial systems;

the indicator of the democratic processes' deepening in the society.

The creation of conditions for the further decentralization - is a key task of public administration. The problem of the power decentralization on modern conditions is characteristic to all the countries, but especially it is mostly bright for the young democracies, where the traditions of the decentralization are only being formed. This is especially referred to the post-Soviet countries.

The researchers from Ukraine L. Pron'ko and T. Kolesnyk try to study the goal of the modern system of the local self-government in Ukraine, the scientific analysis of the feasibility and the advantages of the conducted reforms for decentralization and the subordination of the local authority's bodies, the decentralization of public administration and public control and also the need in strengthening of the political status of the local authority's bodies. To their mind, the system of the state government in Ukraine does not play the role, put on it, because there is the double subordination and the authorities' uncertainty of the representative and executive bodies [10].

Such dualism and incompleteness of the real decentralization's processes testify to the immaturity of the political power and the inconsistency in the reforms' realization of the decentralization. From the view point of the development's perspectives of the local self-government institute, the similar phenomena do not only

limit the rights of the territorials, established in the laws, but carry the threats for the development of the other political institutions, as they slow down the progress of the public administration's system in general.

The logics of the decentralization problem's research in public administration foresees the solvation of the two key theoretical-methodological problems:

- the minimization of the state's interference into the processes of management and the administration of the processes and services at the level of territories;

- the decentralization of the public authority's resources at all the levels of the public authority's organization, including the institutions of the national society.

Unfortunately, the great number of public administration's resources (the information and political ones in particular) is collected in the center. However, human resource is concentrated mostly just on the very territorial communities or at the levels of regions. Here is, properly, one of the key advantages of the decentralization because it widens the application's possibilities of the communities' human resources in management of the public affairs.

The decentralization foresees the systems of the territories control's creation, confirming the actual ability of the communities, representing the territories, to give the instructions, concerning their available resources, individually. Therefore, the main forms of this process may be the following ones:

- the administrative decentralization (the change of the territorial order's system in the formation's interests of the able territorial communities);

- the financial decentralization (the enduement of the territories with not only the authorities, but also with the real resources for their realization);

- the administrative decentralization (the restructuring of the organizational structures of public administration in accordance with the changes in the territorial organization of the power);

- the resource decentralization (the re-distribution of the resources and sources of their receipts in the interests of the territories);

- the information decentralization (the transmission of the information resources to the bodies of the local administration and the right to create the information massives and data base individually in the interests of the territorial communities);

- the personnel decentralization (the concentration of the publically managerial personnel and their training centers for the meso- and the micro level).

The problem of the personnel decentralization is worth stopping at separately, because it touches the interests of the higher school. The local human resources for the needs of the decentralization should be improved in the interests and due to the territories in order to prevent the possibility of the imbalance's appearance in the allocation and migration of human resources from the periphery to the center. It is spoken of the formation of the powerful regional educational centers, dragging out a kind of educational decentralization.

The resource provision of the decentralization's reforms has to be aimed at the coordination of the interests of all the levels of the territorial organization. The state must ensure the efforts' coordination between the different levels of public administration in order to achieve the optimal effect of the use of the public administration's resources.

Thus, in the opinion of G.A. Ruiz Pava, the experience of Colombia demonstrates that the decentralization process set the task, besides the other ones, before the territorial educational institutions in Colombia: to improve the quality of their education. Formally, the General Participation System (GPS) was elaborated as a mechanism, which permits the territorial subjects to allocate the necessary resources for the realization of their new tasks. In spite of the fact that the resources are necessary, the appropriate coordination between the government's levels affects the quality of the resources' creation, available for the territorial educational establishments [11].

Of course, the state, on its way to the decentralization, should invest the resources and create the conditions for the support of the territories on their way to the capacity and independence. It is the strategic investment of the state resources, which will give the managerial effect in future. Besides, the state may provide the creation of its own standards or the implementation of the international-legal standards for the creation of the independent self-sufficient communities, able to react to the global challenges and to provide the development of the corresponding territories objectively.

The globalized world determines the development's way of the territories exclusively on the basis of the decentralization. At the same time, not only the structure and functions, but also the contents of public managerial activity require changes.

The group of the authors from Mexico E. Valenzuela, O. Henriquez, I. Cienfuegos hold the thought that the analysis is usually made in the in researches of the state and its public administration, concerning its structure, function, form and type. However, in some cases, these general categories do not reveal the distribution of the attributes or the real power at the different territorial levels [12].

Introduce in our study alternative situations with slowing decentralization (France, Spain, and United Kingdom) or ignoring it (Syria). The experience of these countries leads to the conclusion about the benefits of decentralization, especially in times of crisis - economic, typical of European practices, and political, which determine the causes of the power crisis and international conflict in Syria.

Decentralisation in France in historical meaning was implemented belatedly and took place gradually 3 XIX century. The confirmation of the principle of decentralisation was enshrined in law in 1982 only and then in the Constitution in 2003 [13].

While the institutions of French democracy contributed in a positive manner to the issue of trust in the broader polity, the French subnational government system, however, has

many principal weaknesses: particularly in terms of the institutional layering and the public confusion on where the responsibility lies for delivering services [14].

From the point of view of the relations analysis between central government and local governments, the situation in European countries, which are unitary in territorial form, but which are potentially at risk of statehood as a result of inconsistent decentralization policies, is of interest. Studying the experience of developed European countries makes it possible to trace the dependence of the integrity of state institutions on sound policy of decentralization or ignoring it. This is a modern trend for European countries, especially in the context of separatist sentiment in both Spain (Catalonia) and the United Kingdom (Scotland).

Convery, A. and Lundberg, T. C. draw attention to the dependence of territorial unity on the policies of conservative governments in those countries where the motives for decentralization have taken a radical turn.

Understanding these motivations is especially important in the context of the Scottish independence referendum and Catalonia's recent moves towards secession or greater autonomy [15].

The decentralization can not only solve the problems of relations between the central government and the territories, but also be an instrument of post-conflict settlement in the unitary states, such as Syria.

B. Kodmani believes that the political process as designed by the UNO had set the constitution as the priority track for the negotiations. Decentralization will affect all fields of life - administration, finance, security, the economy, education, culture, political participation and representation. The Syrian negotiators committed to a democratic decentralized Syria will need to insist on including a detailed set of provisions on decentralization in the Constitution thus drawing the contours of a new order and defining with some detail the distribution of power between the central and local authorities and the mechanism for devolving prerogatives from the centre to the regions [16].

Thus, on the basis of comparative analysis, we have received further confirmation of our hypothesis that the decentralization has more advantages than disadvantages, it does not carry as much risk to the unity of states as excessive centralization and unjustified unitarism.

Therefore, it should be about systemic reforms in the field of decentralization. This requires legislative and institutional support for power-sharing reforms. Thus, the logic of further territorial development of states and public authorities, which is their integral feature, has the following basic tendencies:

- redistribution of power-management powers on the principle of their concentration in the lower levels of management;

- the creation of capable territorial communities that have.

Is decentralization an alternative way of developing territorial management systems? The answer to this key question in our study seems obvious. The whole logic of social change in the context of the information of society and the globalization of human life implies changes in the system of public authority, because the change of the

object of influence determines the changes in the subject of governance. In this sense, the change strategy seems to us without alternative, but the tactics for each case may have its own peculiarities.

These processes are sometimes quite painful for both young democracies and states with longstanding democratic traditions. The experience of countries shows that decentralization is an objective condition for the adaptation of public authority to the social changes taking

3. CONCLUSION

The information society has largely actualized the problems of decentralization at the micro and macro levels of the functioning of social systems. This problem is particularly characteristic of public administration in the context of territorial management. The experience of democratic states, both young and established democratic systems, shows the need to introduce qualitatively new principles of interaction between central and territorial authorities in order to ensure a balance of national and local interests.

This is due to the fact that the resources of the government are more concentrated on the periphery, which requires adequate dispersion of power while preserving the basic functions of the state. Integration of such efforts is the basis of a new model of cooperation and interaction between centralized state structures and decentralized elements of local self-government in a single mechanism of public administration and implementation of regional policy.

The initiative in changing approaches to such interaction should belong to the state, as it strategically builds the prospects of adapting the whole system of political power to the conditions of the information society. At the same time, there must be guarantees that the rate of decentralization of territorial management will remain constant in the face of political and economic change.

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