

REFORMING THE INSTITUTE OF LOCAL GOVERNMENT: CURRENT POLISH AND UKRAINIAN CASES

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Abstract

The process of decentralisation and reform of local government in contemporary Ukraine are explored on the basis of Polish experience, from the introduction of local government institutions in the political practice of Poland and Ukraine to the present day. The aim of the article is to identify problems, unresolved issues, possible risks and prospects for further decentralisation and local government reform in Ukraine, taking into account the Polish experience. Such methods as dialectical, historical, systemic, functional, formal-legal, comparative and predictive are used to prove that these countries had roughly the same political and administrative-territorial conditions at the start of reforms but have achieved different results and now meet new specific challenges forcing each country to use the political will of all citizens to continue reforms.

Key words: *Decentralisation, Reform, Local Self-Government, Voluntary Territorial Communities' Integration, Political Will*

INTRODUCTION

Decentralisation of power implies the creation of an extensive system of local self-government. The success and effectiveness of this project are highly dependent on the quality of the organisation of this process. Local and regional self-government institutions, as a link between the state and civil society in a democracy, are called upon to bring the government closer to the people, to enable the united territorial communities to autonomously solve the tasks they face.

In 2014 Ukraine, having received external guarantees of its democratic development as a result of the government model changing and Ukraine's aspirations for accession to the European Union, started full-scale reforms in all spheres of public life.

Decentralisation and local self-government reforms were given a leading role in the reform system. The Ukrainian reformers during the choosing of a decentralisation model had analysed the positive experience of Denmark, France, Italy, Sweden, Switzerland, Poland, Slovakia, Latvia and other countries and concluded that the reforms of decentralisation and local self-government in Ukraine would be carried out taking into account the Polish experience.

Five years have already passed since the Revolution of Dignity after which the decentralisation reform received a new impetus for development, so there is a scientific need to study the real status of the decentralisation process and the local self-government institution development in Ukraine in the context of compliance with European criteria and the Polish experience in particular.

The study's source base includes the normative documents of the European Union, Ukraine and Poland, analytical materials and scientific research by Ukrainian and Polish authors on decentralisation and the Ukrainian-Polish experience of reforming local government institutions.

THE INSTITUTE OF LOCAL GOVERNMENT IN POLAND: EVOLUTION AND CURRENT CHALLENGES

The Republic of Poland transformation experience, which was the first among the states of the former Soviet bloc to embark on the path of democratisation, is to some extent the model for post-communist countries. Experts from the Council of Europe have recognised that Poland was considered a model for a number of administrative reforms in Central and Eastern Europe. M. Sakowicz asserts that reforms in Poland have moved in three main directions. *“Firstly, they included political changes to create the foundations of a democratic system including individual rights, civic and political liberties. Secondly, reforms refer to economic system aimed at reviving market economy based on private ownership, and thirdly, they focused on the system of government, particularly decentralisation”* [Sakowicz 2017:329]. The latter was connected to reforms of public administration, especially local self-government, which is perceived as a constituent of decentralisation and an essential part of the political systems [Decentralisation and local democracy in the World 2009 : 316].

Poland has become one of the more decentralised states in Europe. Local governments now control a third of all public expenditures and a remarkable 70% of public investments [Levitas 2017: 23]. At the same time, the discussion does not stop as to what extent this model can be applied to different countries, which are in different specific historical and different specific stages of the transformation process. That is why the Polish success has been chosen to be studied in this paper taking into consideration the Ukrainian case for decentralisation.

The principles laid down for territorial and local government reforms in both Ukraine and Poland were identical and based on the provisions of the European Charter of Local Self-Government, namely:

1. Recognition of local self-government in national legislation and, if possible, in the Constitution (Article 2).
2. The realities of local self-government, which is reflected in the emphasis on the substantial (and not any arbitrarily determined by state) amount of public affairs, regulation and management which are empowered to exercise local self-government (Article 3).
3. Local government subordinate legislation, as the capacity of the relevant authorities to regulate and manage local affairs, is solely within the limits of state law (Article 3).
4. Defining the nature of local self-government as a public authority acting on behalf of the local population (territorial community) on the one hand (Article 3), and on the other is derived from sovereign state power, since the main powers and functions of local self-government are determined by the Constitution or the law (Part 1, Article 4) [European Charter 2010].

Poland's policy makers saw local government as a functional component of its national system of power. They wanted to make local governments responsible for the wide number of day-to-day public services because they were convinced that this was the only way to ensure that decentralisation was the foundation of a broader state-building strategy.

At the initial stage of reform, both in Ukraine and in the Republic of Poland, the principles of local self-government were revived: autonomy and independence of local electoral bodies within the limits of their powers to resolve issues of local importance; economic and financial independence of the territory; self-financing and self-sufficiency; optimal decentralisation.

Local government reform in Poland was oriented toward fully re-establishing democratic self-government at the municipal level proposing eight requirements for the new system of local government:

- abolition of the constitutional principle of uniform state authority (i.e., local councils should represent the local community only and be released from hierarchical dependencies);
- a new democratic electoral law;
- re-establishment of the municipal legal entity and property rights;

- a stable and controllable system of supplying local budgets, free of arbitrary state administration decisions;
- state interference in local affairs limited to controlling the legality of municipal decisions;
- transfer of state administration to municipal control;
- freedom to establish intercommunal associations; and
- right to juridical appeal against decisions of state administration [Kocon 1991].

Decentralisation in Poland was carried out in two phases. The first in 1990 and the second in 1999.

In the first reform of March 1990, the current status of the municipalities was enshrined in the Law on Municipal Self-Government. In May 1990, the first fully democratic local elections took place for 2500 municipal and communal governments called Gmina, which made them responsible for all the basal metabolic functions of urban life.

To sum up the first years of the transformation it is worth mentioning one of the founding fathers of the Polish 1990 decentralisation reform, Jerzy Regulski, who pointed out that the main challenge of breaking with the centralist heritage of the communist state can be summarised as dealing with five monopolies: the political monopoly of the one party; the monopoly as regards homogeneous state power; the monopoly as regards state property; the monopoly on public finances and, finally, the monopoly on state administration. All of them were stopped [Regulski 2003:208-215]. In the second reform, a legislative package passed in 1998 and in force from 1 January 1999, re-established the districts (powiaty) dissolved in 1975 and created 16 regions (voivodeships) based upon pre-existing similar territorial demarcations. Each territorial sub-State authority is governed by distinct national legislation: the regional authorities (voivodeships) are regulated by the Law on Voivodeship Self-Government; the districts (powiaty), by the Law on Powiat Self-Government; and the municipalities, by the Law on Municipal Self-Government. Warsaw, the capital city is specifically regulated by another ad hoc statute: the Law on the System of the Capital City of Warsaw [Baro Riba & Mangin 2019].

In 2014, Poland was ranked among the “top ten” countries within EU Member States for the level of local autonomy. Polish legislation and its political framework were in compliance with the Charter. This meant that, in general, local and regional democracy in Poland presented an overall acceptable situation from the perspective of the Charter and the Reference Framework for Regional Democracy.

At the present time, there are in Poland 16 voivodeships, 34,380 districts (powiaty) (including 66 cities with powiat status), and 2,478 gminy [Baro Riba & Mangin 2019]. The gminas *“grew in size and gradually took ownership of local administration. Note that while powiats “subordinated” gminas and voivoidships “subordinated” powiats, the unit of local governance was gmina. In other words, it was the local community that was an independent unit while powiats and voivoidships were designed to help*

gminas to coordinate their activities. In part, this philosophy was reflected in the fact that powiats and voivoidships owned little property and employed few people relative to gminas” [Gorodnichenko & Kim 2014].

Many initiatives promoting new forms of public participation have emerged over the last 30 years. They have proved the transformation from government to governance. As M. Sakowicz mentioned: *“The recent reforms of decentralisation have consciously attempted to improve the quality and efficiency of public service delivery and to increase the participation of citizens in public decision-making processes. The key problem is to work on the creation of a true civic society, which proactively engages in the full range of the political processes. Poles are not willing enough to integrate and act on behalf of the common good” [Sakowicz 2017: 350].*

The Act on Civil Service (2008) has introduced a new strategic approach to human resource management in the civil service, which should transfer into better functioning of the civil service and the whole public administration in Poland. However, the formation of an apolitical and professional civic service was not immediate, as the administrative reform and its personnel policy. So, there is a necessity to professionalise local government administration by introducing civic service at a local level.

However, there are expectations of a third wave of local and regional government reforms that will be of a «soft» nature and will avoid any organisational changes. Such reforms will include:

- developing and strengthening tools for broader public participation in decision making processes and performing public tasks at both local and regional levels;
- developing and strengthening tools and incentives for intragovernmental cooperation schemes (multi-level governance schemes);
- territorial stabilisation, after more than two decades and hundreds of boundary changes that altered the map of municipalities and counties. This process should lose its impetus once plans are implemented to amend the procedure that governs these transformations [Kulesza & Szescilo 2012].

In 2019 Poland is celebrating the 30-year Anniversary of local government reform and nobody can say that everything is good in this sphere. Unfortunately, in just a few years, the situation has changed significantly. The current conflict between central government (controlled by the PiS) and local government (mainly controlled by the opposition) has demonstrated that the process of re-centralisation of competences, the increase in detailed national regulation aimed at setting standards for local services, and the pervasive supervision over local authorities, all appear to be elements of a larger political struggle that is currently taking place in Poland.

In April 2019 the Congress of Local and Regional Authorities after local government and democracy monitoring in Poland underlines the relatively alarming trends in local and regional democracy in Poland. It notes that the principle of local self-government is recognised both by the Constitution and domestic legislation. However, the recentralisation of certain competences has taken place in a context of conflict

between the central power and local authorities. The Monitoring Commission is concerned about interferences by central authorities in local functions, shortcomings in the consultation process, deterioration of the status of elected representatives and a loss of confidence of local authorities in the judiciary. *“National authorities are called to return to the path of decentralisation and genuine local and regional democracy by ensuring that the subsidiary principle is applied in practice and that the supervision over the activity of local authorities is proportional or by reinstating a fair consultation process with local authorities. They also invite the Polish authorities to sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority”* [Poland: Monitoring Report 2019].

The political parties and civic society representatives agree with such a solution. *“We live in a globalised world. Whether we like it or not, many matters must be resolved at the international level; and here the efficient diplomacy of nation-states counts. But as the decisions in various matters move away from the citizens, the principle of subsidiarity, the decentralisation, acquires a new meaning... Why has the centre delegated more and more tasks to the local government for years? Because it knows that they can find practical solutions. However, it is shameful that the authorities are imposing more and more tasks on local governments forgetting to give finances for their implementation”* [Przybylski & Wojciuk 2019].

That’s why, in light of the foregoing, Congress requests that the Committee of Ministers invite the authorities of Poland to: get back on the path to decentralisation and reverse the trend towards the re-allocation to the State of local and regional competences; avoid overregulation of delegated tasks and thus allow local authorities to have more discretion in adapting their exercise to local conditions; reinstate a fair consultation process with local authorities; make sure that the supervision over the acts of local authorities is proportional to the importance of the interests that it is intended to protect; allocate sufficient financial resources to local authorities; enable local authorities to establish local taxes and to determine their rate to increase fiscal capacity of local authorities; ensure that the adoption of any measures impacting upon the conditions of office of local elected representatives, including their financial remuneration, does not negatively affect their ability to freely exercise their functions; refrain from adopting numerous regulations at the central level that would unnecessarily rigidify local internal administrative structures and make them less adjustable to local conditions; follow the recommendations of the Venice Commission, contained in its opinions on the judiciary in Poland: etc. [Recommendation 431 (2019)].

DECENTRALISATION AND REFORM OF LOCAL SELF-GOVERNMENT IN UKRAINE: THE CURRENT COURSE OF REFORMS

The 1996 Constitution of Independent Ukraine acknowledged the general principles of local self-government (article 140–146), which has been separated from the State Government. These constitutional principles were detailed in the Law on Local Gov-

ernment in Ukraine dated May 21, 1997.

In 1997-2007, the system of local self-government in Ukraine largely retained a decorative character. The political system of the state did not meet the constitutional provisions and the tasks, and the functions of local government were not matched by the material and financial resources [Muzychenko 2007: 166].

Fixed by the Constitution of Ukraine, the systems for the local organisation of power were archaic and inefficient, they did not address the issue of working to European standards and did not ensure the provision of public administrative and social services at the appropriate level. Thus, in 2014, Ukraine proclaimed a plan for the implementation of reforms of the institution of local self-government and decentralisation of the administrative and territorial division of Ukraine. When choosing a foreign experience of conducting such a reform, the experience of Poland was taken as a model, since, in the opinion of the government reformers, its decentralisation model was the most successful and most closely approximate to domestic conditions, and that was exactly the reason why the experience of introducing Polish reforms was considered to be quite suitable for its successful implementation in Ukraine.

However, the Polish experience was not a sufficiently substantiated choice, since the basic administrative, legislative, social and economic conditions for the implementation of the decentralisation reform in Poland and Ukraine are quite different. Experts from the public organisation “European Dialogue” highlight that the Polish decentralisation model is in line with Ukrainian realities and individual differences in the starting conditions and in the reform process in Ukraine and Poland are not fundamental [Yevropeisky dialoh 2017].

Moreover, the Polish way of decentralisation is not a “benchmark of impeccability”, it also has significant drawbacks. Of course, both in Poland and in Ukraine it is considered that the Polish county is the weakest level of self-government and is not sufficiently secured either with powers or with the appropriate resources. Moreover, there is still a problem of interaction in Poland: on the one hand, between strong gminas and weak counties, and on the other hand, between cities with county status and counties that are situated close by [Savastieieva, Butenko, Zhuravlova & Fic 2019: 406].

Poland was one of the first countries in the world that expressed its willingness to help Ukraine on the path of conducting reforms in local self-government and decentralisation. After the signing of the Memorandum of Cooperation in December 2014 to support the reform of local self-government at the level of the Ministry of Regional Development, Construction, Housing and Communal Services of Ukraine, a special advisory group, which included Ukrainian and Polish experts, started its work.

It should be noted that the system of administrative and territorial division of Ukraine is characterised by the following constituent elements:

- “oblast” represents the territorial basis for the functioning of the executive authorities and the regional council, which is a body of local self-government and a rep-

representative of the interests of the communities that belong to the administrative division;

- “rayon” (region) includes a certain number of communities. In turn, the region is the basis for the functioning of the Regional Council, the local self-government of this level;

- “hromada” (community) includes several settlements, it is the territorial basis for the organisation of local self-government by residents of settlements within the territory of the community.

So, the administrative and territorial division of Ukraine and Poland is similar in structure and consist of three levels, with the communities: “hromadas” in Ukraine and “gminas” in Poland being the basic level of local self-government.

In 2014 the formation of the legislative framework to cover the activities of local self-government bodies and executive authorities on a new territorial basis was completed. Adopted by the Cabinet of Ministers of Ukraine on April 1, 2014 the concept of the reform of local self-government and territorial organisation of power in Ukraine defines that the essence of change are: determination based on a territorial basis for the activities of local self-government bodies and executive bodies; creation of appropriate material, financial and organisational conditions to ensure the implementation of local governments own and delegated powers; distribution of powers between the local governments and authorities at various levels of administrative-territorial system on the principles of subsidiarity and decentralisation; maximum involvement of the population to management decision-making, promotion of the development of the forms of direct democracy [Pro skhvalennia Kontseptsii 2014].

The main problem when conducting reforms, as Yu. Kregul and V. Batrimenko mention, is not to make a choice between decentralisation and centralisation, but to provide the required and appropriate balance between them, which would prove adequate to meet the real socio-economic and political conditions of a particular country. By adopting the Law on Voluntary Association Local Communities from 5 February 2015, parliament opened the way for the beginning of the consolidation of communities capable through their own taxes and fees of ensuring the provision of public and administrative services, which are required by residents of the communities, and to qualitatively perform the delegated state authority with public funds [Kregul and Batrimenko 2016: 20-21].

During 2015–2017, it was envisaged to carry out the public service delivery unification and standardisation, institutional reorganisation of local self-government bodies and local executive authorities on a new territorial basis, holding local elections, improving the community planning system and other contingencies.

During the first period, a package of decentralisation laws were introduced. Law on Local Self-Government in Ukraine (2014), Law on Cooperation of Territorial Communities (2014), Law on Voluntary Association of Territorial Communities (2015), Law on Principles of State Regional politics (2015) and others were adopted. The Sustain-

able Development Strategy “Ukraine 2020” (2015) became the legal framework for reforms. Its main objective on the issue of decentralisation is *“moving away from the centralised model of government in the country, ensuring the capacity of local self-government and creation an effective system of territorial organisation of government in Ukraine, fully implementing the provisions of the European Charter of Local Self-Government, the principles of subsidiarity, ubiquity and financial self-sufficiency of the local level of power”* [Stratehiia staloho rozvytku 2015].

In 2015 the state power decentralisation and the united territorial community formation through the integration of basic territorial communities (cities, villages, towns) on a voluntary basis began. But at the end of the second period scholars (P. Zhuk, V. Kravtsiv, T. Kuzhda, T. Kulyk, O. Mosiy, O. Novikov, L. Simkov, O. Sorokivska, I. Storonyanska, etc.), Ukrainian and Polish experts (L. Balcerovich, Y. Havrylechko, M. Krat, M. Latsyba, I. Lukerya, M. Svenchitsky, O. Sophia, K. Stanovsky, A. Tkachuk) and Ukrainian citizens as well had recognised the fact that this process had not provided the results of the expected changes. The comparative analysis of the Polish and Ukrainian models of decentralisation conducted by M. Krat and O. Sophia, identified factors that hinder the effective use of the Polish reform experience in Ukraine, namely:

- the principle of voluntariness, which underlies the administrative-territorial reform in Ukraine, does not allow for simultaneous changes (as happened in Poland), which delay the process of decentralisation and cause some disappointment in society and strengthen its opponents;
- there are a significant number of reform management centres at the central level and insufficient management at the regional level (unlike Poland, where the single “reform headquarters” operated), which dramatically reduces the efficiency of the process, the inconsistency of decentralisation reform and sectoral reforms;
- the low efficiency of the Verkhovna Rada of Ukraine activities towards the adoption of legislative acts on decentralisation;
- a more complicated situation in Ukraine, where two reforms began at the same time
- reform of the administrative-territorial system and reform of local self-government at the basic level (community association) - unlike Poland, where the administrative-territorial reform at the gmina level took place in 1970, and local self-government reform in 1990 [Krat M. & Sofia O. 2017: 224–25].

Considering these facts Ukrainian experts have resorted to adjusting the reform policy, drafting new bills, amending the existing legal acts and the Basic Law of Ukraine in particular, but the consideration and adoption of a large part of them by the Verkhovna Rada of Ukraine is rather slow.

In this context it should be noted that a significant problem behind the effective implementation of decentralisation reforms remained “the adoption of bills that regulate the principles of the administrative and territorial structure of Ukraine and establish a subject that will have the authority to make decisions on the level of territorial com-

munities of villages, towns, cities” [Minrehion ta Rada 2019].

In 2019 the newly elected Parliament and the Government have stepped up work to complete the process of creating a new administrative and territorial structure in the country. Thus, in August 2019 the parliamentary committees drafted the bill No. 1187 “On the principles of administrative and territorial organisation” and sent it to the Verkhovna Rada of Ukraine, which was recalled for revision in a week.

In October 2019 the Verkhovna Rada Committee on the Organisation of State Power, Local Self-Government, Regional and Urban Development presented the Concept of Amending the Constitution of Ukraine regarding Decentralisation [Bez raioniv i derzhadministratsii 2019].

These changes imply the introduction of a three-tier system of administrative and territorial structure - community (primary link), district (sub-regional level), region (existing regions and the Autonomous Republic of Crimea). Proposed changes include: local administrations will be eliminated; consolidating an effective local government system by giving local governments broader powers; introduction of the Institute of Prefects in the system of executive power, which will be representatives of state power on the local level; state guarantee of material and financial basis of local self-government. So, similar to Poland, Ukraine is due to introduce a three-tiered administrative-territorial division of the country. Based on the proposals outlined in the Concept the main idea of the constitutional changes is to give local governments broader powers and to bring the controlling role to the state, but not for the sake of control, but for coordination and adjustment.

However, the new Concept does not solve all problems in the modern system of power and local self-government in Ukraine. The position of the Ukrainian Association of Local Self-Government Bodies is that *“we consider the decentralisation as irreversible thing, but we do not see any feasible proposals for how to provide it. We also do not see an exclusive self-governmental competence in managing local affairs in different spheres of public life, as well as real and not declaratory provisions regarding local government financial resources. It is necessary to optimise the public authorities supervisory of the local self-government delegated responsibilities under Article 8 of the European Charter of Local Self-Government, and refuse to introduce additional control institutes like prefects”* [AMU vyslovyła svoiu pozytsiiu 2019].

Started in 2015, the process of territorial communities’ unification (UGCs) has received a positive dynamic in Ukraine. According to the Monitoring, in 2015 without taking into account the temporarily occupied territories, Crimea and Sevastopol, 159 UGCs were formed; in 2016 - 366; in 2017 – 665. In October 2019, there were already 975 united communities - out of 1,356 UGCs added to existing forward-looking plans [Monitorynh protsesu detsentralizatsii 2019a].

The territory of the formed UGS is more than one third (41.8%) of the total area of Ukraine. Such communities are home to more than 10.4 million people (29.5% of the total population of Ukraine). The average number of territorial communities united

into one UGS is 4.6, and the average population of one UGS is about 10 650 people. The largest share of UGS residents is in Zhytomyr (69% of the total population of the region), Sumy (66.33%) and Ternopil (61.36%) regions [Monitorynh protsesu detsentralizatsii 2019b].

A big challenge in the unification and functioning of territorial communities is the lack of proper support and sometimes even local administrative and political elite's resistance due to fears of authority loss as well as their ability to regulate financial flows and influence on the community in decision-making. On the other hand, recognising the need to integrate with cities, the territorial communities of villages have expressed reasonable fears that they cannot have their own budget and big urban municipalities will not pay attention to their problems [Stvorennia obiednanykh terytorialnykh hromad 2018: 10].

There is one more challenge for some territories - the natural-geographical particularities and the character of permanent residence of the active part of this territory's population, who are the main initiators of voluntary association. For example, Transcarpathia, which is an area combining mountainous and flat terrain thus making it difficult to clearly define the criteria for community unification. Furthermore, it borders with Poland, Slovakia, Hungary and Romania, which are EU members.

The sustainable economic development of these countries, the new job opportunities and, at the same time, their vacancies because of the citizens' migration into Western European countries with advanced economic development, have become attractive to Ukrainians due to the prospective labour market. Vyshlinsky mentions that the unmet demand caused the opening of the Polish labour market to Ukrainians [Ukrainska pravda 2019].

According to the Ministry of Social Policy of Ukraine, as of the end of 2018, there are 3,200,000 Ukrainian migrant workers permanently abroad. At the same time, this figure is not constant, because there are those who live there permanently and those who come and go. And on average, 7 to 9 million people a year are involved in this moving migration process [Do uvahy ZMI 2018]. Polish experience on attracting foreign labour migrants to the place of those who have left the country can be the way to solve this problem in Ukraine. But the next problem is appearing. Ukraine must offer them favourable conditions, create more productive jobs and be competitive by infusing domestic and foreign investment into the country's infrastructure. However, there are several risks for investors in the country: inefficient public administration, imperfect legal framework, incomplete nature of reforms, "shadowing" of the national economy, corruption, business and politics spillovers, conflict in the East, etc.

On the other hand, the Polish experience can exacerbate an already existing tendency in Ukrainian society, namely, to bring about the consequences of modern Poland - the integration of citizens into countries with advanced economic development. It is necessary to develop the country's infrastructure for its citizens first, to motivate and involve them in the process of reforming local self-government and decentralisation.

The issue of local identity in the context of community unification deserves special attention. Among the important factors influencing the local identity formation it is worthwhile mentioning a stable balanced economy with high productivity, high standard of living, balanced relations between the state and civil society, social consolidation and more.

To form a new basis for the united community's identity the decentralisation reform in Ukraine should ensure the following main tasks:

- to achieve cohesion of communities around the territorial development priority goals;
- to build the "institutional ecosystems of communities" as a basis for social capital revival;
- to optimise and diversify the structure of community economies;
- to deep the capitalisation of community potentials;
- to introduce an adaptive strategic planning model with the key community stakeholders' involvement;
- to realise the potential of inter-territorial cooperation;
- to correlate the community development with national sectoral and regional development strategies [Zhalilo 2019: 77].

The further success of identity formation processes will largely depend on the establishment of partnerships between voluntary associations and between them and public authorities on the principles of mutual trust and responsibility; human rights; support and protection of territorial communities' rights and interests; enhancing the welfare of their members to European development standards.

CONCLUSIONS

The analysis of the Polish and Ukrainian experience of decentralisation and reform of the institution of local self-government makes it possible to conclude that there are certain general trends, as well as some discrepancies in implementing reforms in every country.

First, it is necessary to point out the commonality of the starting positions for local self-government reforms in Ukraine and Poland. Their political and legal basis were the European Charter of Local Self-Government provisions and the desire of both states to democratise the country by giving the right of self-government to local communities. Each country has achieved this goal in several stages, gradually deepening decentralisation and financially strengthening local communities and their authorities. But the results are different.

The main reason for the differences between the reform results is the political will of the authorities, politicians and the entire population to democratise the political process and follow European standards of governance. The presence of political will fueled by the European Union membership at the start of reforms in Poland made it possible to create a new three-tier administrative-territorial structure and sufficient local self-government system that meets the European Union requirements and al-

lowed us to speak about the Polish experience of reforms as one of the most revealing and successful in Europe. The lack of political will to develop local self-government has also determined the main reason for reforms stalling in Ukraine. Only after the Revolution of Dignity and the coming to power of the new leadership team did the process shift. At present, the success of further reforms and the autonomy of local self-government depends on the political will of politicians and locals. For Ukraine a combined political will is necessary for the creation of local self-government institutions, but for Poland it is urgent to preserve the results of decentralisation and not allow the rollback back to centralisation.

Guided by the results obtained during the study, we consider it appropriate to formulate the following recommendations to accelerate the process of decentralisation in Ukraine:

- to adopt the Law on the administrative-territorial administration;
- to carry out budgetary decentralisation, in which local governments should be provided with sufficient financial resources and adjust the tax system by increasing the share of tax revenues in local budgets;
- complete the process of creating united territorial communities and establish a new administrative and territorial structure of Ukraine, etc.

Based on common values and the interests of both countries Ukraine looks to further cooperation with its Polish counterparts in the exchange of experience in decentralisation and reforms of local self-government, and to establish partnerships as well as to develop mutually beneficial relations with other countries.

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