



The ideology of decentralization in Ukraine and the impact of the war on its implementation

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Introduction

Decentralization in Ukraine as one of the main democratic reforms began to be actively implemented in 2014 with the adoption of the the Concept of reforming local self-government and territorial organization of power at the legislative level. The developed Concept and implementation of the ideology of decentralization in Ukraine were carried out in accordance with European standards, namely in accordance with the provisions of the European Charter of Local Self-Government. It is a legal instrument that defines and protects the rights of local self-government and was used by all the leading countries that successfully implemented the decentralization reform.

The main aspects of the Concept of reforming local self-government and territorial organization of power relate to:

1. A clear territorial basis for the activities of local self-government bodies and executive authorities
2. Adequate conditions (financial, material, etc.) to ensure the performance of all functions by local self-government bodies
3. Separation of powers in the system of local self-government bodies and executive bodies at different levels according to the principle of subsidiarity and on the basis of decentralization of power
4. Introduction of a mechanism of state control over the legality of decisions of local self-government

bodies and the quality of providing public services to the population

5. Involvement of the population in making administrative decisions, promoting the development of forms of direct people's power

6. Improvement of the mechanism of coordination of activities of local executive bodies.

The subjects of policy-making in Ukraine have demonstrated the political will to implement decentralization. The next logical step was to establish a legal basis for the implementation of the Concept's measures. For this purpose, a number of legislative acts are adopted in the state policy or amendments are made to the existing ones, which relate to local self-government.

An important stage in the implementation of the reform was the holding of local elections in 2020. After them, as of today, there are 1,469 communities in Ukraine, formed by merging villages, towns, and cities. Also, with the change in the administrative-territorial structure, the number of districts decreased (from 490 to 136), the names of some settlements, streets, etc. changed.

Since 2014, support for decentralization among Ukrainian citizens has gradually increased, because the "rules of the game" have changed in communities, and processes in financial, social, administrative, infrastructural and other contexts have improved. If in 2015 59% of Ukrainian citizens considered the reform of local self-government necessary (Council of

Europe, 2015), then in 2022 76.5% of Ukrainians believe that the reform of local self-government and territorial organization of power (decentralization) should be continued and that the reform played a positive role in resisting large-scale Russian invasion (Council of Europe, 2022). The legally established goal of decentralization is the optimization of regional development through quick response to citizens' requests, solving local problems. This is due to the fact that all necessary services (medical, educational, social, administrative, etc.) are at the basic level - in the community.

Decentralization as an ideological construct

Ideology is a part of the social reality constructed by collective or individual subjects, which expresses their interests and goals, directed either to the maintenance of the existing state, or to a radical change in the existing situation. It represents a wide range of mental constructions and meanings ranging from political programs and manifestos to the implicit attitudes of the everyday life of its subjects and is therefore characterized by a variable combination of rational and irrational components. Therefore, one of the tasks of sociology is the study of the relationship between the mental justification of value beliefs (as the core of ideology), on the one hand, and semiotic means designed for feelings and imagination, through ideologemes, metaphors, symbols, myths, rituals, and even the subconscious as a whole, on the other hand. The dominant varieties/forms of ideology are political and economic ideological complexes of conceptually designed ideas that express the interests and plans of various social groups, as well as ideologically colored attitudes of small groups and individuals. Also, legal and social ideology are often added to the list of these varieties, and recently - a set of ideas and value beliefs regarding the role and importance of ideology in the field of culture.

Since ideology is constructed and transformed according to the conditions of time, the theories and concepts of the paradigm of social constructivism are relevant for delineating the state of the ideological

space. It is within this theoretical-practical complex that maximum consideration is given to the relationship between macro- and micro-sociology, between objective conditions and the subjective factor, when extremes are overcome between them, between ideological constructs and their targeting of everyday practices of an ideological variety. This was expressed in the titles and content of the chapters of the main work of the founders of constructivism P. Berger and T. Lukman: "Society as an objective reality" and "Society as a subjective reality". It can be added that it is precisely this vision of society and person that, half a century later, became the basis of P. Sztompka's principle of duality.

Among the main theoretical propositions that make up the general axiomatic core of social constructivism and which should be applied to the study of ideology are the following:

1. Reality is socially constructed - accordingly, ideology as a component of reality is also socially constructed.
2. Social reality is the result of everyday communication processes and the continuous construction of meanings and symbols that underlie human activity. The same can be said about ideology in its ceaseless movement of renewal and production of a new ideological product, new meanings within the framework of one or another ideological discourse.
3. Socially constructed reality is a dynamic process of constant development, because reality is reproduced by people under the influence of its interpretation, meanings and knowledge about it. The reality socially constructed in ideology has a tendency to continuous change and interactions of various configurations of the components of the ideological field in accordance with a certain stage of social development and the preferences of the subjects. That is, the very practice of creating ideology constructs is dynamic.
4. In the process of scientific knowledge, social reality is modeled or constructed. And also determine attitudes to action, with the help of which individuals participate in the creation of reality, which is directly perceived by them. In ideology, subjects model and

construct their vision of certain components of their social reality and means aimed either at maintaining the status quo or at socio-cultural changes, give them their subjective meaning, project their ideological practices and their results.

5. An individual or a group constantly creates its vision of the social world, assimilates experience and passes objective reality through itself, and at the same time constructs its own vision of the surrounding life, forms corresponding pictures of the world. With regard to ideology, its subjects each create their own understanding of social reality, accumulate the experience of living in certain smaller-scale ideological formations, and construct a vision of the world in accordance with the interests of the state, or of various social groups and communities, or of an individual.

Thus, ideology as such, in the broadest possible sense, consists not only of the varieties highlighted above (political, legal, etc.), but also smaller-scale ideologies, such as the ideology of decentralization. It occupies a unique position in the structure of ideology because all the main components and varieties of the main ideologies of a larger scale find manifestation in it. Therefore, the uniqueness of the ideology of decentralization lies in the fact that, firstly, it is smaller in scale than the above varieties and the least sociologically reflected, but, secondly, it has its own representation in each of them.

More specifically, the ideology of decentralization primarily includes ideologically based ideas from political ideology regarding the ratio of central and local authorities, determining the primacy of national or local political priorities, etc. Economic ideology justifies the selection of priorities for the economic development of local (territorial) communities, the main directions of their economic policy in accordance with the political model. Legal ideology supplies normative acts and legislative initiatives to the ideology of decentralization, defines the rights and obligations of local/territorial communities, etc. Social ideology offers such communities ways to consider the social needs of local residents, including measures to provide for persons with disabilities, etc. Culturally oriented ideology offers a number of measures

regarding the selection of a certain educational model at the preschool and primary level, as well as compulsory secondary education, the expediency of opening special secondary and higher education institutions, the most necessary for the training of specialists specifically for the needs of the community. It is also possible to add here ideologically oriented proposals regarding the support of a certain religious denomination in local areas, the resolution of tensions and conflicts between representatives of religious communities, their property disputes, the construction of new churches, etc.

Therefore, structurally, the ideology of decentralization is included in the subject fields of these main ideologies in its part, which is related to the main spheres of the life of society. In other words, the ideology of decentralization has its political, economic, legal, social and cultural components, which until recently were not considered by many of analysts. Moreover, in the ideology of decentralization, political and economic aspects took a dominant position, less often - legal, sometimes - social and almost never - cultural components.

In the broadest sense, the very concept of «decentralization» refers to the process of redistribution of powers and partly has a political connotation. *Decentralization is generally defined as the transfer or distribution of decision-making authority from a central authority to lower-level units or end-users. Decentralization usually refers to the top-down distribution of authority in any type of organizational hierarchy, such as a political, educational, or economic system.*

The most common typology of decentralization in a political and practical sense is the following:

- Administrative decentralization - a wider distribution of operational powers between levels of government (for example, national, regional and municipal).
- Fiscal - distribution of powers regarding taxation and other forms of revenue collection between levels and branches of government.
- Political - distributes decision-making authority between levels of government (Schneider, 2019).

Thus, the ideology of decentralization occupies an important and ever-increasing importance both in the world as a whole and in our Ukraine. But the present requires not only and not so many different ideological ideas about certain components of social reality, not only guidelines and attitudes, but also an understanding of how ideologies influence and determine the real behavior of broad masses of people, social groups and individual individuals. Therefore, in this context, the ideology of decentralization should be analyzed not only as a complex of ideas, provisions and values, but also as a spectrum of ideological practices related to the implementation of the principles of decentralization. Since a number of plans that were laid at the national level regarding decentralization changed in connection with the full-scale invasion of Russia in Ukraine, I will try to outline the challenges and changes in communities which arose because of the war and affect decentralization.

The ideology of decentralization in the conditions of the Russian-Ukrainian war

Before the full-scale invasion of Russia into Ukraine, the decentralization reform continued to move actively, communities improved their capacity, social services, international projects were developed, investments were attracted, the level of public participation in community life increased, etc. However, the conditions of the war changed the “rules of the game”, which affected the implementation of the ideology of decentralization. There were also unresolved issues in the field of local self-government, which were planned to be legislated in 2022. However, the Russian aggression postponed the adoption of these issues. In particular, the following issues were and remain relevant for the continuation of decentralization:

- distribution of powers between regional and district state administrations
- administrative supervision to ensure the legality of local decisions. This necessity is consistent with the

provision of the European Charter of Local Self-Government, which states that any administrative supervision of local self-government bodies can be carried out only in accordance with the procedures provided for by the constitution or the law

- service in local self-government bodies
- consolidation of powers of local self-government bodies. This is necessary in order to finally approve the administrative-territorial system. Draft laws 6281 and 6282 propose amendments to separate legislative acts with the aim of delimiting the powers of village, settlement, city councils and their executive bodies, district and regional councils according to the principle of subsidiarity in connection with changes in the administrative and territorial system of Ukraine and bringing them into line with budget legislation, which will allow to ensure availability and improve the quality of services provided to community residents
- improving the tools of local democracy
- prefectural powers of local state administrations. These changes relate to the distribution of authority between local self-government bodies at different levels, the creation of legal prerequisites for the functioning of prefecture-type state administrations, and the introduction of relevant amendments to the Constitution of Ukraine
- amendments to the Constitution regarding decentralization. First, these changes are necessary for the full implementation of the provisions of the European Charter of Local Self-Government. Secondly, they are necessary for the final consolidation of legal innovations that took place during the decentralization reform at all its stages. However, in the conditions of martial law in Ukraine, changes to the Constitution cannot be considered/adopted.

Regarding the new social realities of the period of the acute phase of the Russian-Ukrainian war, the following can be noted. Before the beginning of this phase, the ideology of decentralization in Ukraine had much more supporters than opponents. Instead, the Russian aggression, which began on February 24, 2022, had an unexpected response in the domestic discussion field with a noticeable decrease in the

number of scientists and politicians, public figures and activists of various network publics, who promote the idea of the harmfulness of even discussing the processes of decentralization, because, they say, it is not in time, as the war requires consolidation of resistance to the enemy and unification of all efforts around the state. **However, even war should not devalue the ideas and principles of decentralization and testify to its (that is, decentralization) situational nature.** Hence decentralization is one of the forms of democratic governance, which allows, while preserving the main functions of state bodies, to expand the powers of local self-government, to promote the involvement of the population in participation in public administration and the realization of their own interests, to activate market and financial mechanisms as an effective strategy for management, which will ensure the effective development of territorial communities **either in peacetime or in wartime.**

With the beginning of the full-scale Russian invasion to Ukraine, Ukrainian communities faced new challenges. On the first day of the full-scale invasion, Russian troops tried to launch an attack on Kyiv through small towns and villages in the north-eastern direction of Ukraine. Therefore, the communities, together with the Armed Forces of Ukraine, from the first day cooperated with their forces at the local level and fought to prevent the Russian troops from reaching Kyiv. Russia was not ready for such resistance from the Ukrainians, because both military formations and civilians and volunteers joined the defense of their territories.

In the conditions of large-scale Russian aggression, decentralization contributed to increasing the resilience and resistance of communities. However, there were new, unexpected challenges faced by the system of local self-government. In May 2022, a draft law on amendments to the Law of Ukraine “On the Legal Regime of Martial Law” regarding the functioning of local self-government during the period of martial law was adopted. Local officials received more responsibility and resources; some decisions can be made by the heads of communities individually, and communities can implement new

functions for them to provide supplies for the Armed Forces of Ukraine and accommodate internally displaced persons, as well as continue providing basic services to the population, even in those communities that have been heavily affected by the war.

Legislative changes in connection with martial law changed both the management line in communities and the priority of local problems. Outlined aspects of decentralization during martial law are based on an empirical research conducted by the method of semi-structured in-depth interviews among heads of Ukrainian communities:

- 1) The management structure of the regions has changed. Military administrations were established in the regions as temporary bodies during the martial law period, which coordinate martial law measures on the ground, budget distribution processes, provision of humanitarian aid, restoration of necessary infrastructure, and provision of basic services in territories affected by hostilities. Military administrations are also formed where local self-government bodies are unable to perform the functions assigned to them – to manage property, approve and control the budget and programmes, as well as to solve other urgent issues of local importance. The proposal to create a military administration for a specific settlement (community) is submitted by the head of the regional military administration, who is aware of all the nuances in the region or the military command. Importantly the law “On the legal regime of martial law” does not prohibit the appointment of a village, settlement, or city head as the head of the military administration of a settlement. However, the functions of the head of the community in normal times and the head of the military administration in wartime are significantly different. The authority of the head of the military administration is much broader than that of the head of the community (Agency for legislative initiatives, 2022).
- 2) The horizontal management line has strengthened. Intermunicipal cooperation between communities became more active, and community associations

became more institutionally capable. Communities jointly solve problems of local importance: infrastructure restoration, provision of services to internally displaced persons, provision of materials for the restoration of affected areas, etc.

- 3) International cooperation has strengthened. This concerns the direct cooperation of Ukrainian cities and towns with sister cities. Communication takes place directly between cities without the involvement of central authorities. Communities more actively, directly through their own contacts and connections, conduct international activities, attend forums, promote decisions that are important for Ukraine.
- 4) Creation and staffing of resistance forces in communities. This concerns the formation of territorial defense, volunteer battalions. These communities were formed to protect cities, towns, and villages, and in the first days of the invasion of the Russian Federation, together with the forces of the Armed Forces of Ukraine, they prevented the enemy from advancing further through the territory of Ukraine.
- 5) Prompt creation of volunteer headquarters. Volunteers provide all necessary assistance to both civilians and military personnel. They were active in providing territorial defense with everything necessary: food, medical supplies, body armor, etc. In addition, volunteers are involved in the delivery of humanitarian aid with their vehicles to war zones.
- 6) Provision of necessary services to internally displaced people. According to official data of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine, about 7 million people are internally displaced persons. Only in October 2022, about 18,000 Ukrainians were evacuated from dangerous regions, temporarily occupied and de-occupied territories. Evacuation rates were especially high on the eve of winter. Mandatory evacuation continues in some regions, in particular the Donetsk region. In total, about 1.1 million civilians were evacuated from this territory. In this regard, processes of displacement of people affect both host communities and

communities from which people leave. For the host communities, the challenge is primarily related to the fact that it is necessary to provide services not only to the residents of the communities, but also to internally displaced persons, which requires additional resources (financial, human, infrastructural) and coordination.

Conclusion

The conditions of the war constantly change the situation in the communities and in the localities. But all challenges and problems were solved promptly by all actors - both state authorities and local authorities, residents. It was thanks to the synergy of efforts that it was possible to repulse the enemy in the first days of a full-scale invasion.

In addition to the continuation of the reform and its implementation in communities, on the one hand, there is the question of restoring local self-government in communities liberated from occupation. On the other hand, it is the reconstruction of the destroyed infrastructure in most of the territory of Ukraine. The challenge is that different communities have been occupied for different periods of time, requiring adaptation of recovery approaches to suit each case. In order to restore public power and local self-government, the Coordination Headquarters for De-occupied Territories has started drafting a special law on de-occupied territories. With the amendments to the Law of Ukraine "On the Basics of State Regional Policy", 4 types of territories have been allocated, according to which the restoration of de-occupied territories will take place: areas of recovery, areas with special conditions for development, areas of sustainable development, poles of economic growth. But it is important to note that one of the main components of the ideology of decentralization - bringing services closer to people - has been preserved even in the conditions of war. And today, return of Ukrainians who were forcibly left abroad, and ensuring the viability of communities remain relevant for Ukrainian society. The economic component, the influx of investors and external resources, the employment of the population, the availability of the

infrastructure, and the functioning of business also depend on this. And it is the capable communities in cooperation with the state authorities that will be able to continue the implementation of the ideology of decentralization and the restoration of the territories affected by Russian aggression.

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