



Patterns of decentralization in unitary states

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ABSTRACT

The central research question is what Kyrgyzstan might learn from decentralization dynamics of Sweden and France? Decentralization became one of the most popular agendas in the political life of Kyrgyzstan. Almost in each presidential and parliamentary elections, decentralization considered as an effective instrument to strengthen urban and regional development, to increase political responsibility of local authorities by delegating them more power in administrative, economic and social domains.

Three jurisdictions France, Sweden and Kyrgyzstan considered as unitary republics. Despite the central commonality, Sweden and France have significant experience in the administrative decentralization.

INTRODUCTION

On October 4th 2018, leader of “Bir Bol” parliamentary faction Mr. Altynbek Sulaimanov criticized existing level of the state public administration and claimed the urgent necessity to dissolve intermediate *oblast* and *raion* levels. According to Mr. Sulaimanov, introduction of only two levels of state public administration, namely *national (the parliament and the executive)* and *local self-governing municipality* is the most appropriate approach to strength regional development which consequently will positively affect on socio-economic development of the country. Thus, Sulaimanov’s claim summarizes the broad trend in public opinion that decentralization should be implemented as soon as possible in Kyrgyzstan. But how relations between the central and local governments should be restructured? To what extent local units should be granted autonomy and what is the content of power that should be transferred from the central government to the subsidiary local?

As indicated in abstract **the central research question** is what Kyrgyzstan might learn from administrative decentralization dynamics of Sweden and France? But first, regarding the definition of word “decentralization”, the French Philosopher Alexis de Tocqueville described it as a process which:

“has not only and administrative value, but also a civic dimension, since it increases the opportunities for citizens to take interest in public affairs; it makes them accustomed to using freedom. And from the accumulation of these local, active freedoms is born the most efficient counterweight against the claims of the central government, even if it were

supported by an impersonal, collective will” (Association des Administrateurs Territoriaux de France, 2016, p.3)

The paper starts with overview of the motivations of Sweden and French on decentralization. Namely, constitutional articles on decentralization of France and Sweden covered. Further the relevant Swedish and French laws on decentralization will be compared in order to answer to the question what Kyrgyzstan might learn from the Swedish and French decentralization dimension. Constitutions and organic laws, judgement of constitutional courts, acts of parliaments on decentralization of the chosen three states considered as a main primary source to research. For instance, decentralization process in France required constitutional amendments, therefore two sub articles in Article 72 was inserted. Article 72, 72-1 and 72-1 called as articles on decentralization as part of decentralized reform.

Local Government Act of Sweden adopted in 1991 contains division and membership of local governments; powers, organizational structure, forms of activity of municipalities and county councils; powers of local legislative and executive branches and auditing.

Despite the common tendency, each country has its own reasons, motivations, explanations, forms and effects of decentralization. Nature and evolution of the central-local relations unique in every respective country, especially basic social principles like “civil society” in the United Kingdom, “statehood” in Germany and “citizenship” in France (Trofimova, 2014, p.37).

Different time and different conditions of reforms in the central-local relations caused emergence of three models of decentralization: devolution in the United Kingdom, deconcentration in France and delegation in Germany (Trofimova, 2014, p.37).

1. What was the motivation of decentralization in France?

Vertical power sharing of public functions and competencies to the lower level of governments considered as the “most prominent trends in both new democracies and countries with longstanding democratic traditions” (Kuhlmann, 2011, p.312). Administrative and fiscal decentralization, based on division of power among local and regional governance on the ground of subsidiarity is characterized as one of the dominant tendencies in the European Union (Bogatyreva, 2017, p.100). Discussions on the French decentralization date back to the revolutionary period of 1789 and rooted substantially in the French constitutionalism (Loughlin, 1989). Centralism was an essential part for all stages of the French nation statehood, namely importance of the constitutional principle of territorial indivisibility (Article 1, French Constitution of 1958).

According to Sabine Kuhlmann, professor of Comparative Public Administration in German University of Administrative Science Speyer, the decentralization process in France can be divided into two stages *Acte I* and *Acte II* (2011, p.316). Moreover, decentralization laws passed in 2013 and 2015 can be considered as the third stage (Bogatyreva, 2017, p. 105). *Acte I* started in the 1980s under the socialist government. The prominent figures of that process were regionalist politicians the President Francois Mitterrand, the Prime-minister Pierre Mauroy and the Ministry of Interior Gaston Defferre. Later the decentralization acts named after Ministry of Interior as *Lois Defferre*, former mayor of Marseilles (Loughlin, 2013, p.316). The second stage, so called *Acte II* started in the 1990s and completed by the constitutional reform of March 2003 (Kuhlmann, 2011, p.316).

During the *Acte I*, the Prefect's traditional powers transferred to newly created *regions*, and the *regions* and *departments* granted decision-making powers with ability to organize independently public and technical services, while the mayors of traditional *communes* gained more autonomy (Association des Administrateurs Territoriaux de France, 2016, p.4). However, the Prefect as a representative of the central government still appointed by the Prime-minister, despite during the *Acte I* reforms power lost of the Prefect's were dramatical (Loughlin, 2007).

The main result of *Acte II* was amended constitutional provisions. Namely, Article 72-2 covered financial and economic aspects. After amendments to the Code Général des Collectivités Territoriales, the *Regions* became responsible for regional economic planning and policy, industrial development, and professional education; the *Départements* are in charge of health and social services, construction and maintenance of public infrastructures, secondary education infrastructures and transportations; *Communes* are responsible for traditional duties regarding municipal services and primary education infrastructures, with the addition of land-use plans and issuing of building permits (Association des Administrateurs Territoriaux de France, 2016. p.5).

Merger of Regions came up as a result of the law on New Territorial Organization of the Republic (NOTRe) “LOI n° 2015-991 du 7 août 2015 portant nouvelle organisation territoriale de la République”. The law reduced number of regions from 22 to 13. Moreover, the law entrusts new powers to the regions and clearly redefines the competences attributed to each local authority (The French Government, 2015).

The map below shows merger of the French regions:

Figure 1. Maps of the French regions after decentralization reforms of 2013-2015



Source: The French Government official website www.government.fr

Regarding what was motivation of decentralization in France, this chapter focuses on three factors:

(1) First, the initial conditions before the reforms. It refers to the nature of the central state, rooted in the Jacobin-Napoleonic tradition of “executive centralism” started in the nineteenth century (Kuhlmann, 2011, p.315).

(2) The second step will look at the emergence of the ethnic, cultural and economic regionalism in France as an opposition to the centralism (Greilsammer, 1975).

Consequently, decisive role of regionalists in governing Socialist Party, like mayor of Lille Pierre Mauroy who became Prime-Minister, mayor of Marseilles Gaston Defferre who became Minister of the Interior and Decentralization will be considered (Loughlin,1989).

(3) In the third step, decentralization covered as a counterbalance to the powerful president and the role of the upper-house at the national legislature. Bicameralism might be considered as a constitutional option in empowering regions as a counterbalance to the powerful president of France.

Today France values local government, Article 1 of the French Constitution amended and proclaimed that state's organization is decentralized (Dorsen et Al., 2016). According to the French Constitution of 1958, both legal and political powers belong to the central government. Regions, departments and local communities as subnational units are truly administrative in nature, rather than political (Dorsen et al., 2016, p.470). Louis Favoreu explains that local unites in France are free in administration, but their autonomy from the center is limited by the constitutional principle of the indivisibility of the republic (Favoreu, 1998, p.459). Moreover, Louis Favoreu summarizes how “deconcentration” and “decentralization” moved France from centralization:

Deconcentration consists in the delegation of powers of decision residing in the national ministers to prefects or other agents named by such ministries. These agents remain, nonetheless, under the hierarchical powers of the ministries. Decentralization, on the other hand, involves a transfer of decision-making powers from the central government to other public entities, such as territorial collectives administered by locally elected officials and subjected to controls under law (Favoreu, 1998, p.459).

Today, the French decentralized administrative system sub-divided vertically between four levels:

- The Commune, with around 36 000 municipalities, for historical reasons.
- The Inter-communal structures where several Communes can unite to implement special fields of public policies.
- The Département, with 101 in mainland France and overseas.
- The Region, 27 until December 31st, 2015 and 18 after (Association des Administrateurs Territoriaux de France, 2016, p.3).

1.1. Ethnic and cultural regionalism in France

Before the decentralization, France was centralized state with hierarchical model of governance and regional governing exercised through a system of prefects. This strict hierarchical centralized system was imposed with an aim to control the whole territory, which consisted of provinces, for instance Brittany or Province, nobility of which was attempting to maintain autonomy from the monarchy (Loughlin, p.341). Such a dimension of centralized control was continued further after the revolution of 1789 and by Napoleon I.

The Constituent Assembly, by its decrees of 22 December 1789 and 15 January 1790 transformed “provinces, with their peculiarity strong personalities, into featureless departments” (Roberts, 2007, p.2). Initially, before the revolution of 1789, France was consisted of thirty-two provinces, later by the Constituent Assembly, provinces transformed into eighty-nine departments solely on the geographical basis. The main reason of founding such territorial governance design was to eliminate the “old system of provinces” or in other word, to “demolish regionalism and create centralized unitary state with strictly hierarchical governance”, later terminological approach named centralized France as ‘Jacobin’ (Greilsammer,1975, p.85).

Consequently, regionalist and ethnic movements emerged as an opposition to the centralization. Ian Greilsammer (1975) in his work “The ideological basis of French regionalism” gives an example of the French regionalist poet, Nobel Prize laureate Frederic Mistral who used to write in the Provincial language. The second example, Felibrige movement of writers, aim of which was to restore the Provencal language as a literary language. Generally, ethnic and cultural

regionalists' view was based on the various cultural communities of France, while economic regionalists united around redistribution of resources (Greilsammer, 1975, p.86).

Finally, Ian Greilsammer (1975) summarized main critical points of centralization presented by all regionalists:

- 1) Paris totally dominates the provinces, which must turn to the capital for advice in every even minimally important decision;
 - 2) the administrative divisions (departments, cantons and "arrondissements" do not correspond to any sociological reality;
 - 3) these districts themselves lack any efficient autonomous institutions;
 - 4) there is no intermediate regional unit between the department and the state
- (Greilsammer, 1975, p.85)

Until the 1980s centralized administrative governance was the “dominant force” in French public administration (Association des Administrateurs Territoriaux de France, 2016). In 1981 leader of the Socialist party Francois Mitterrand was elected as a President of France and few month later the Socialist party gained majority in the lower house of the parliament - the National Assembly. Regionalist politicians were dominant force in the Socialist Party at that period. For instance, mayor of Lille Pierre Mauroy became Prime-Minister, mayor of Marseilles Gaston Defferre became Minister of the Interior and Decentralization (Loughlin,1989). Consequently, under the left regionalist government first real attempts to change distribution of power among the central and local levels of governance in semi-presidential France was taken. Socialist majority in

the National Assembly passed first decentralization presented by cabinet of Pierre Mauroy in 1982. Implementation of 1982 Act by 1986 included 40 laws and 300 decrees (Association des Administrateurs Territoriaux de France, 2016). The laws of 1982 of Pierre Mauroy government introduced three major elements to the French administration system:

- the administrative stewardship of the Prefect was replaced by a legal checks and balances system exercised by the administrative courts and the Regional courts of audit with the help of the Prefects;
- Départemental executive power was transferred from the Prefect to the President of the Départemental elected Council;
- the creation of Regions with full powers and recognition as territorial Collectivities (Association des Administrateurs Territoriaux de France, 2016. p.4).

Introduction of these reforms by socialists might allow to note that purpose of the French decentralization was shift from “dirigisme” doctrine of De Gaulle. Decentralization was seeking industrial and urban development through making local government performance more effectively in political, administrative and economical domains (Association des Administrateurs Territoriaux de France, 2016). Significant autonomous from the central government results in increasing political responsibility of local authorities before the local communities.

Article 1 of the French Constitution of 1958 proclaims the territorial indivisibility of the republic. Article 72 listed the territorial entities of the republic (*communes, departments and regions*) and declared that they governed themselves freely by popularly elected assemblies. The purpose of the 1982 law passed by the socialist government of Pierre Mauroy was an establishment

of *regions* as “full territorial entities” and granting full executive power to the *departments* and *region* (Boyron, 2013, p. 206). Sophie Boyron argues that “the reform of 1982 had truly decentralized French territorial organization”. Further constitutional amendment of 2003 aimed to regulate more clearly “the transfer of powers from the state to territorial entities” and to “guarantee financial autonomy of them through taxation (Boyron, 2013, p. 206).

On the other hand, John Bell in *Devolution French Style* argues that:

France has***deep-seated difficulties with devolution*** Article 1 of the Constitution of the Fifth Republic 1958 states that France is indivisible... Republic' and Article 3 forbids any section of the people from arrogating to itself national sovereignty. These provisions have been interpreted in a fairly fundamentalist way by the Conseil constitutionnel and by the legislature. In Decision No. 91- 290 DC of 9 May 1991, the Conseil constitutionnel held that the recognition of a "Corsican people" in a law was unconstitutional. More recently, in Decision No. 99-412 DC of 15 June 1999, it held that France could not sign the European Charter on minority languages insofar as it conferred rights on 'groups' of speakers of minority languages and recognized the right to speak a language other than French in public life (including in court and in administrative and public services). Everyone French citizen and has to be treated as such, rather than as belonging to special minorities with particular interests (Bell, 2000, p.139).

It should be noticed that even nowadays ongoing decentralization process in France produces conflicts between the central government and regions, between regions themselves, which instantiate existence of some extreme ethnic and cultural difference between French regions.

Therefore, maybe statesmen of the French revolution of 1789 foreseen it and tried to eliminate regionalism based on cultural, ethnic and linguistic differences and built up a unitary state solely on geographical principle.

For instance, on January 1, 2016, a new territorial division of France came into force. 96 departments of the Metropolitan France met New Year of 2016 not as parts of 22 regions. Instead of 22 regions 13 regions emerged due to the processes of the regional mergers and redrawing of regional boundaries. This law of 2015 on “New territorial organization of the French Republic” is considered as a culmination of the recent stage of the French decentralization and regionalism (Bogatyreva, 2017, p.100). The ongoing territorial reform and decentralization of France have the main goal to balance regions and transfer the administrative competencies of the state to the local authorities.

Under this territorial reform, the French Government issued Decree No. 2016-1264 of 28 September 2016 determining the name and capital of the Occitanie region, formed by the merger of the Languedoc-Roussillon and Midi-Pyrenees regions (Figure 1). The French Decree determining the name and capital of the new region is implementation of the French Act of 16 January 2015 relating to the redrawing of regional boundaries and regional, departmental elections and amending the electoral code. The Decree consists of 3 articles, first determining the name and capital of the Occitanie region, formed by the merger of the Languedoc-Roussillon and Midi-Pyrenees regions; second, Toulouse determined as a capital of the new region; and third, implementation and entry into force of the decree. This Decree led to public debate, several civic organizations formed on the regional and ethnic basis such the “Pour Occitanie Pays Catalan” civic association and “Comite pour L’Autodetermination de la Catalogne Nord” association asked

the Conseil d'Etat to annul the French Decree no. 2016-1264 of 28 September 2016 determining the name and capital of the Occitanie region signed by the Prime-minister Manuel Valls. Applicants challenge only Article I of the decree, the new name of region "Occitanie". The issue was debate about the new name of the merged region, including proposed names like "Occitanie", "Languedoc-Pyrénées", "Pyrénées-Méditerranée", "Occitanie-Pays Catalan" and "Languedoc".

1.2. Economic regionalism

During the 1980s decentralization reforms, Defferre laws passed (named after the Ministry of Interior), which became the first stage of decentralization reforms in France (Bogatyreva, 2017, p.103). These acts established regions as an essential territorial part of the Republic as well as traditional departments and communes. Legislative power in newly established regions was granted to the regional councils, members of which elect executives. Despite the fact that these reforms of 1980s were fundamental in transition from simple deconcentration to real decentralization and regionalization of governance, the process was more administrative rather than political, however it led to economic strengthen of the regions and departments (Table 1).

The second phase of decentralization reforms related with adoption of the loi constitutionnelle “L’organisation décentralisée de la République” in 2003. The 1st Article of the Constitution was amended: “France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. **It shall be organized on a decentralized basis**” (Article 1).

The 2003 decentralization reforms have more economic reasoning. First, territorial communities granted to take decisions in all matters arising under powers that can best be exercised at their level (Article 72). Significant increase of local resources expenditures resulted from the increase of local authorities’ responsibilities considered as an “easily observable” effects of decentralization (Kuhlmann, 2011, p.318). Consequently, the revenue of local governments increased by six, from 32 billion euro in 1980 to 186 million euro in 2005 (INSEE, 2005). Another example is land-use plan by municipal governments, which increased more than double since the

1980s from 6,764 to 15,500 (Jacquot and Priet, 2004). Article 72-2 enumerated power of the territorial communities in economic sphere:

Territorial communities shall enjoy revenue of which they may dispose freely in the conditions determined by statute. They may receive all or part of the proceeds of taxes of all kinds. They may be authorized by statute to determine the basis of assessment and the rates thereof, within the limits set by such statutes. Tax revenue and other own revenue of territorial communities shall, for each category of territorial community, represent a decisive share of their revenue. The conditions for the implementation of this rule shall be determined by an Institutional Act. Whenever powers are transferred between central government and the territorial communities, revenue equivalent to that given over to the exercise of those powers shall also be transferred. Whenever the effect of newly created or extended powers is to increase the expenditure to be borne by territorial communities, revenue as determined by statute shall be allocated to said communities. Equalization mechanisms intended to promote equality between territorial communities shall be provided for by statute.

One of the essential laws passed during the third stage of the French decentralization reforms “Loi de modernisation de l'action publique territoriale et d'affirmation des métropoles” has primary mission to strengthen effectiveness and quality of public services. Moreover, this law clarified competences of the territorial communities primarily in economic dimension such business innovations, transportation, international trade and sustainable development (Bogatyreva, 2017, p.106). The table below shows comparative total expenditure and total revenue of the local governments and the central government in France during *Acte I*, *Acte II* and third wave.

Table 1. Total expenditure and total revenue of the local governments and the central government in France

Periods	Years	Local government		Central government	
		Total revenue (billions euros)	Total expenditure (billions euros)	Total revenue (billions euros)	Total expenditure (billions euros)
Acte I	1982	41.9	49.7	141.5	149.8
	2002	157.6	156.2	334.1	388.9
Acte II	2003	165.5	165.2	330.5	391.8
	2012	240.8	244.5	404.9	492.6
Third wave	2013	244.2	252.8	423.7	492.6
	2017	256.2	255.4	463.8	532.3

Source: The National Institute of Statistics and Economic Studies, France, www.insee.fr

In 2017, 143.6 billions euros of the total local government expenditure of 255.4 covered by taxes raised locally; 51.3 billion euros were the central Government transfers to the local governments, 65.8 billion euros indicated as “other transfers” (The National Institute of Statistics and Economic Studies, 2019). Huge amount of grants from the central governments aimed to cover responsibilities granted to the local governments as a result of decentralization reforms.

The main taxes raised locally are:

- Property tax and Land tax (24%)
- Business tax (20%)
- Local amenities tax (16%)
- Insurance and gasoline tax (14%)

- Property transaction tax (8%)

There other smaller taxes (for 18%) :

- public transport contribution
- tourist tax
- advertising tax
- gambling tax
- Other taxes (Association des Administrateurs Territoriaux de France, 2016, p.6).

Further reforms, formulated by the President Francois Hollande and the Prime-Minister Valles had two aims: unify regions to more bigger entities, decrease number of communes and clarify powers and duties of the communes. Under the new law on territorial organization of the Republic passed in 2015, regions granted new tasks in economic development, innovations, support of small and medium enterprises. The primary purpose of the third stage of the decentralization dimension is economic development of regions, effective allocation of resources and achievement of adequate public services to local population (Bogatyreva, 2017, p. 107).

1.3. Bicameralism and Decentralization as a counterbalance to the powerful president

In practical term claims of ethnic, cultural and economic regionalism might work through constitutional options empowering regions as a counterbalance to the powerful President and the Executive. In 1968, manager of L'Express Jean-Jacques Servan-Schreiber published articles claiming that regions must preserve freedom and limit the central power:

1. France must immediately provide herself with sufficiently large regions on the geographic and demographic level, in order to ensure that they have the force to deal usefully with the national authorities.
2. Each region is to be administered by an assembly elected by a universal direct vote. This assembly is to elect the President of the region.
3. Each is to enjoy its own financial resources (taxes, loans, etc.), allowing it to undertake essential duties, particularly in matters of equipment and economic, social, and cultural development, as well as education.
4. Parallel to the establishment of the regions, all the other decentralized collectivities (townships, departments) are to be "decolonized" (Greilsammer, 1975, p.93).

Semi-presidential constitution of France introduced dual government of the executive branch by the president and prime-minister. In France president can take full control over the government if he has majority in the National Assembly and consequently, he can appoint prime-minister from his party. In other situation, if the prime-minister from the oppositional majority to the president,

Articles 20 and 21 of the French Constitution allow the prime-minister to maintain independent policy from the president.

Regarding the role of parliament and accountability of government, the prime-minister rely on parliamentary majority. In practice, the French President appoints as the prime-minister a person who has support of the majority party because according to the Article 20 of the French Constitution, the government is accountable to the parliament. Provision in the same article which states that the Government determines and conducts the state policy and Article 21 which gives power to the prime-minister to direct governmental actions and to ensure implementation of legislation makes the prime-minister independent from the president. Despite that the President shall preside over the Council of Ministers (Article 9), the prime-minister can deputize for the president as chairman of a meeting of the Council of Ministers in exceptional cases (Article 21). The prime-minister can also deputize for the president as chairman of the national defense council, despite that the president is Commander-in-Chief of the Armed Forces (Article 21). These constitutional provisions may lead to potential tensions between the president and the prime-minister, especially if they are from the different political parties. But in practice French constitution works in a such situation, for instance Socialist president Francois Mitterrand and republican prime-minister Jacques Chirac or republican president Jacques Chirac and socialist prime-minister Lionel Jospin. Under the French Constitution terms of the prime-minister is not limited while the president can be reelected only once.

Establishment of the semi-presidentialism in France might be determined by the conflict between the legislative and executive branches under the 1946 Constitution, where the executives tried to increase their constitutional powers. Second reason might be to avoid fusion between the

legislative and executive branches which could be possible under the parliamentary constitution of 1946.

Bicameralism considered as constitutional option in empowering regions as a counterbalance to the powerful president of France. Generally, bicameralism adopted in almost 80 countries. In federal countries states have legal and political autonomy, they have almost all statehood attributes such constitution, legislative, executive and judicial branches and representation in the upper-house of the federal parliament. However, legal and political autonomy is not characteristic in only federal states. Decentralization and subsidiarity principle led to formation of subnational legislative branch in unitary states like Finland, Italy, Portugal, Spain (Bogatyreva, 2017, p.100). Scholars emphasize that these kind of unitary but decentralized countries belongs new model of neo-federalism (Bogatyreva, 2017, p.100).

In these countries, upper-house formed by the regions and entitled to represent regional units and protect their interest at the national level. According to the French Constitution, the French parliament comprises lower house the National Assembly and the upper house the Senate (Article 24). Number of facts prove that the Senate granted by the Constitution to be counterbalance to the powerful dual-executive president of the Republic and the government.

First, if the National Assembly elected directly by the population, the Senate “shall ensure the representation of the territorial communities of the Republic” (Article 24). This constitutional provision entrusts the Senate with the mission to represent and protect interests of the local unites of the Fifth Republic, municipalities, departments and regions. Additionally, the Senate entrusted by the constitution to be representative of the French nationals living abroad. The importance of

the Senate that it represents oversea territories, additionally to Metropolitan France. The 348 Senators are elected for 6 years through indirect and universal suffrage by 162,000 officials, among which municipal, departmental and regional delegates.

Second, unlike the National Assembly, the president cannot dissolve the Senate. Additionally, according to the Article 7, if the President of the Republic is incapacitated, “the duties of the President of the Republic shall be temporarily exercised by the President of the Senate”. By granting to the Senate such power, the French Constitution encouraging the upper house a mission of institutional stability guarantee.

Third, any amendments to the Constitution and organic law shall be passed by both houses and both the Senate and the National Assembly must adopt an identical text on amendments (Article 89).

Therefore, local elections strategically important in the French politics. The Senate as an institution, elected by the municipal, departmental and regional officials tend to be conservative in nature. For instance, despite that two major classical political parties been dominated in French political system for several decades Socialists and The Republicans, catastrophically defeated in the National Assembly elections of 2017 by newly established En Marche of President Emmanuel Macron, the Senate still controlled by the Socialist Party and The Republicans. Concretely, in 2017 elections, Socialist Party lost 286 seats in the National Assembly out of 577, the republicans lost 93 seats (Ministry of Interior, 2017). But after renewal of 170 seats of the Senate out of 348, which held the same of 2017, Les Republicans have 144 seats and 111 seats Socialist Party accordingly, while En Marche lost 8 seats of previous 29.

In sum, there are not yet unanimous answer to the question whether decentralization changed the system in France. Some reports state that France could transform its traditional centralized system, which had been defined specifics of the French political and administrative condition “over the past 20 years France has moved from one of the most centralized systems in Europe to one of the most decentralized” (OECD, 2003, p.71)

In terms of institutional perspective, Bannik and Ossewaarde (2012) describe decentralization in France as “incomplete” and suggest that “incomplete decentralization” paired with the remaining centralized mode of governance produces the following paradox:

Centrally located capacity seems to produce an unambiguous responsibility constellation but leads to lack in responsiveness of government to local conditions. Decentralized responsibility as task may lead to increased information and commitment from the decentralized level of a governance constellation but may engender a self-regulation paradox. Decentralized actors primarily address local issues while downplaying central-level concerns. Decentralized responsibility as accountability may lead to an increased emphasis on the performance of the decentralized actors of a governance system but may engender a performance paradox. Decentralized actors concentrate on rewarded performance while downplaying the overall aims of the policy. Decentralized responsibility as virtue creates a subsidiary governance relation that may lead to decentralized actors being strongly responsive to local social conditions and available policy resources, but it may result in the replacement of central-level conflict to the decentralized level (Bannink & Ossewaarde, 2012, p.618).

Even though currently France has decentralized form of territorial organization of the republic, form of the state is still unitary, as mentioned in the Constitution. Hoffman-Martinot argues that “in administrative terms, French model remains one of the most centralized in the world” (2003, p.159). However, the institutional changes going on, which have leading tendency in the French political life. Law on “new territorial organization of the Republic”, essentially reorganized system and clarified competencies of the territorial communities led to enlargement of regions according to the European trends. Consequently, new territorial configuration of the new 13 big regions might need more complicated division of power between the state and regions, because regions not granted political and legal autonomy like France’s neighbor countries.

2. What was the motivation of decentralization in Sweden?

Some centralized European states like France, discussed in previous chapter, trying to decentralize its strongly unified system. Niklas Eklund argues that federal ideas in some unitary countries in Europe emanate from European integration process. Regarding Sweden, after the World War II, so called Nordic model of welfare state was established by the Swedish social democrats (Ekland, 2017, p.303). The main characteristics of this model is “expansive state, comprehensive social citizenship and universal, egalitarian and impartial welfare institutions”, where policy “formulated at the national level through negotiation between leading politicians and representatives of major organized interests, implemented by neutral, rule-following civil servants and carried out by local authorities and professionals in the municipalities” (Ekland, 2017, p.303). Starting from the 1920s two-tier constitutional format of state governance with a strong central government was predominant in Sweden, however, since the 1990s federal ideas found support among several political parties (Eklund, 2017, p.302).

Loughlin (2017) states that decentralization reforms in Sweden has led to hybridization of unitary state structure. In theory there should be “a fundamental choice between federal and unitary state principle, since the federation represents an actual division of powers whereas the unitary state may favor decentralization, but always within the confines of central control” (Loughlin, 2017, p.303). Today the local governments in Sweden have significant self-government, but anyway within limits set by the central government (Eklund, 2017, p.304).

As the main reason for the decentralization in Sweden, local governments considered as “local states” who can “better carry out welfare services and promote local economic growth” (Ekland,

2017, p.303). However, central government still controls local governments actions to ensure economic efficiency (Hudson, 2005).

Unitary state format of Sweden might be predisposed by its ambitious plan to introduce national policies to build welfare state with strong social care, health care, hospital care and higher education. Therefore, these ambitious plans were easier to be achieved by the strong unitary state, respectively with the strong centralized government (Eklund, 2017, p.304).

Surprisingly, bicameral parliament, the upper house of which represented by local governments was changed to unicameral by the constitutional reform of the 1970s, despite that the local governments have significant self-government, but anyway within limits set by the central government (Eklund, 2017, p.304). As an alternative connection between politics on the central and local levels instead of upper-house was introduction of elections for both central and local governments on the same day (Eklund, 2017, p.304).

However even nowadays, Berggren and Nergelius in the City University research project on democracy and constitutionalism suggest a two-chambered parliament with strong regional representation and they additionally advocate for establishment of the Constitutional Court (2001). Political scientists Olof Petersson also argues that Sweden can learn a lot from the federal states, he emphasizes division of power between the central and local levels, where local government has significant autonomy; moreover, he also supports establishment of the Constitutional Court with constitutional functions of monitoring central-local relations (Eklund, 2017, p.304).

Today, Sweden is still unitary state, under the Constitution, parliament of Sweden (Riksdag) has huge power including the forming of the executive branch by parliamentary majority. But

Riksdag delegated extensive powers to the regional-level county councils and the local-level municipalities (Levin, 2009). According to the Swedish Constitution regional and local level representatives are elected by direct universal suffrage (Constitution of Sweden). Paul T. Levin (2009) argues that “there are certain features of Swedish public administration that, taken together, make for quite a unique arrangement: openness, dualism, and what we might term unitary decentralization and the main characteristics of the decentralized public administration of Sweden are the division of competences and their right to levy taxes. In a sense, they constitute a peculiar attempt to regulate the distribution of political-legal-economic power between major political, administrative, and societal actors (Levin, 2009). Local Government Act of Sweden of 1991 determines municipal responsibilities, including for example basic schooling, child care, caring services for the elderly, recreational and cultural activities. Public transportation, public health and medical services, regional cultural institutions considered as tasks of county councils (Local Government Act of Sweden, 1991).

In brief regarding political system of Sweden, unicameral Parliament or Riksdag consists of 349 seats; 310 members directly elected in multi-seat constituencies by closed, party-list proportional representation vote and 39 members in "at-large" seats directly elected by proportional representation vote; members serve 4-year terms (Instrument of Government, chapter 3). Interestingly, female members of the Riksdag are 161 or 46.1% (CIA, 2019). Sweden is constitutional monarchy and the monarchy is hereditary. The leader of the majority party or majority coalition usually becomes the prime minister and prime minister appoints the cabinet. There is no Constitutional Court in Sweden, the Supreme Court of Sweden consists of 16 justices,

including the court chairman and Supreme Administrative Court consists of 18 justices, including the court president.

2.1. Role of the strong central government in modernization of Sweden

Comparatively with France, Sweden did not face domestic revolution or foreign invasion, at the beginning of 20th century it was agrarian country with oligarchical government, later Sweden evolved as an industrialized pluralistic democracy (Hancock, 1972. p.13). Dankwart Rustow (1956) characterized Swedish political stability as a national characteristic deriving from the concepts of 'politics of compromise' and 'working multiparty system'.

The main motivation to establish the strong central government was modernization of Swedish economy, which was predominantly agrarian in the late 19th century; modernization aim was industrialization of Sweden, which resources are rich of iron and other minerals, forest, water energy and deep-sea fishing (Hancock, 1972. p.16). Combination of factors like geographic insularity, social, cultural and ethnic homogeneity were in favor to establish strong central government. The second important factor of centralization was control of abundant natural resources (Hancock, 1972. p.16).

Modernization of the Swedish economy started in the 1870s and fundamentally transformed it. As indicated in Table 2, the percentage of the Swedish population engaged in agriculture declined from 72 percent to 44 percent in the 1920s. The people working in industry and commerce increased from 20 in 1870 to 50 percent in 1920 (Stockholm, Statistiska Centralyrn, 1968).

Table 2. Transformation of Swedish Economy, 1870-1920

Workers in occupation categories (numbers in millions)

Year	Total population	Agriculture		Industry and handicrafts	
		Number	Percent	Number	Percent
1870	4,169	3,017	72.4	610	14.6
1900	5,136	2,828	55.1	1,426	27.8
1910	5,552	2,697	48.8	1,766	32.0
1920	5,905	2,596	44.0	2,066	35.0
Year	Total population	Commerce and Transportation		Services and Free Professions	
		Number	Percent	Number	Percent
1870	4,169	217	5.2	325	7.8
1900	5,136	535	10.4	347	6.7
1910	5,552	741	13.4	318	5.8
1920	5,905	898	15.2	344	5.8

Source: Hancock, 1972, Stockholm, Statistiska Centralbyran, 1968,

Professor of the University of Texas Donald Hancock (1972) in his work “The politics of postindustrial change in Sweden” argues that industrialization significantly affected as well on Sweden’s political and social modernization. Urbanization, educational reform, other social changes and creation of the welfare state was implemented under the strong central government (Hancock, 1972. p.16).

As mentioned above social, cultural and ethnic homogeneity, absence of domestic revolution or foreign invasion might be considered as other source of political stability and establishment of the strong centralized government. Regarding the role of the local levels of government municipal and county units, constitutional authority was concentrated in the hands of the Riksdag and the executive. Nevertheless, especially after the new Local Government Act came into force in 1992, local governments continue to perform important function in daily policy administration, namely implementing domestic policies, despite the fact that most of policies adopted at the national level and send to the local governments for the implementation.

2.2. Federalist ideas in unitary hybrid Sweden

Regarding the question whether there are prerequisites to move from hybrid unitary state to federalism Niklas Eklund gives as an example several structural factors which discuss probability of federalism in its classic form in Sweden.

First, *in terms of the state size in numbers of population area* suggested that establishment of autonomous regions became practical if the territory of nation so large (Eklund, 2017, p.305). Despite that population of Sweden is 10 million, its territory one of the biggest in Europe after 65 million France and 46 million Spain, from this point of view Niklas Eklund suggests that the vast area of Sweden might be an argument for federal arrangement.

Regarding the second factor, *territorially based ethnic and religious diversity*, Sweden is considered as predominantly homogenous nation. Approximately 20,000 Sami live in Sweden, which consist 0.2 percent of 10 million Swedish population (Official website of Sweden, 2019). Language barriers even minimal between Sweden and its Scandinavian neighbors like Norway and Denmark (Hancock, 1972, p.14). Approximately 50 percent of Sweden's population concentrated in the city of Stockholm, Gotland and Skåne regions which are located in the southern part of the country.

The third factor *regional identity* which is supposed to be motivated through linguistic, ethnic or religious criteria "are weak throughout of Sweden" (Eklund, 2017, p.305). According to Gallup International's Voice of the People 2015, only 19 percent of Swedes claim to be religious, compared with 63 percent globally, these figures rank Sweden as one of the least religious countries in the world (Gallup International, 2015).

The fourth factor in favor of federalism is *the weak legitimacy of the central political power*. As mentioned above conditions of all three important factors in Sweden such as the state size in numbers of population area, territorially based ethnic and religious diversity and regional identity predominantly suitable to the unitary state rather than federal. One of the indicators of the weak or strong legitimacy might be turnout in the national elections (Eklund, 2017, p.306). According to the Swedish governmental agency on statistics turnout in General elections held on 9 September 2018 in Sweden reported that there were 7 495 936 eligible voters in the Riksdag election, 7 814 197 eligible voters in the county council election, and 7 861 590 eligible voters in the municipal council election. In the Riksdag election, 6 535 271 persons voted, representing 87.2 percent in voter turnout, the highest turnout since the 1985 general elections and turnout in the county council and municipal council elections was 83.7 percent and 84.1 percent respectively, which is the highest voter turnout in both elections since 1994 (Statistics Sweden, 2018). In comparison, there is a slow decrease of participation in local elections of France (Administrateurs Territoriaux, 2016). Niklas Eklund (2017) argues that the “structural prerequisites for federalism in Sweden are weak” (p.308).

In fine, as a result of centrally guided decentralization, Sweden has system of combination of federal ideas within its unitary state framework. It could be seen how the local governments in Sweden have significant self-government, but within limits set by the central government (Eklund, 2017, p.304).

2.3. Delegation of administrative responsibility

One of the main features of the Swedish hybrid state framework is how policy capacity shared between the central government and local and regional levels. According to the Local Government Act Sweden divided into municipalities and counties. Consequently, policy capacity sharing between the central government and municipalities & county councils encompasses shared policy formation, its implementation and most important of responsibility (Bannink, Ossewaarde, 2012). But as indicated above, local governments in Sweden have significant self-government, but within limits set by the central government (Eklund, 2017, p.304).

According to the powers, organizational structure and forms of activity of the municipalities and county councils stated in the Local Government Act of Sweden, decentralization might be seen motivated from four types administrative responsibility sharing (Bovens, 2008).

The first, responsibility as a capacity of the municipalities and county councils to carry out their duties, effectuate welfare services and promote local economic growth (Bannink, Ossewaarde, 2012). Referring to capacity, hence, municipalities and county councils considered as Eklund suggests as “local states” holding sovereign power. According to the section 1, chapter 3 of the Local Government Act the Assembly of municipality and county council is decision-making body which appoint executives’ committees. Moreover, the Assembly can establish other committees in addition to the executive committee. The section 9 of the 3rd Chapter enumerates important matters of the municipal and the county Assemblies’ duties:

1. goals and guidelines of activities,
2. budget, taxation and other important financial questions,

3. the organization and procedures of committees,
4. the election of committee and drafting committee members and alternates,
5. the election of auditors and their alternates,
6. the basis of financial benefits for elected representatives,
7. the annual report and discharge from liability, and
8. referendum in the municipality or county council.

The second responsibility type is accountability. Accountability of municipalities and county councils can be considered as responsibility before the central government, contained in the Instrument of Government Act and the Local Government Act. Hence, the central government acting as “service purchaser” and consequently as a “monitoring actor” (Bannink, Ossewaarde, 2012, p.601). Secondly, municipalities and county councils are accountable before the citizens who consume public services provided by the local authorities. Citizens can estimate public service quality through economic voting. Hence, in terms of electoral accountability which can be equated with retrospective economic voting, local citizens as “voters punish incumbents when the economy is doing poorly and reward them when the economy is doing well” (Roberts, 2007, p.534).

The delegation of responsibility considered as a task, which refers to the duties and obligations of the municipalities and county councils indicated in the Instrument of Government Act and the Local Government Act (Bannink, Ossewaarde, 2012, p.601). The duties and obligations integrally attached to the autonomy and partial sovereignty, municipalities and county councils granted. The fact that the national parliament Riksdag and the Executive have power to determine to what

extend municipalities and county councils can have power and autonomy shows that if the local governments fail to implement tasks properly, then the central government can deny them the legal right by appropriate amendments and laws.

However, the Local Government Act grants significant autonomy to the municipalities and the counties:

“Municipalities and county councils may, by assembly decision, transfer the management of a local government concern, for the conduct of which no special procedure has been prescribed, to a limited company, a trading partnership, an incorporated association, a non-profit association, a foundation or a private individual” (Section 16, Chapter 3).

Another important right of the municipalities and the counties is to form local federations. Moreover, the municipalities and the counties can transfer to the local federation the management of the local government concern (Section 20). Thereafter, the federation members’ assemblies elect a federation assembly or federation directorate as a decision-making body, the local federation Assembly or Directorate appoints a federation executive committee. Such rights to form local federations granted to the municipalities and the counties seems as an alternative to bicameral parliament. As mentioned previously, two-chambered parliament of Sweden, the upper house of which represented by local governments was changed to unicameral by the constitutional reform of the 1970s. (Eklund, 2017, p.304). Another alternative connection between politics on the central and local levels became introduction of elections for both central and local governments on the same day (Eklund, 2017, p.304).

In comparison, merger of different regions in France started in 2013 was centrally implemented and guided. As a result of the constitutional reforms 22 regions merged to 13 regions due to the processes of the regional mergers and redrawing of regional boundaries. Another important difference between Sweden and France, that the French upper-house the Senate, which represented by the territorial communities of the Republic, is counterbalance option to the powerful dual-executive system of the president and the government. In Sweden, the right of the municipalities and the counties is to form local federations and holding elections for both central and local governments on the same day might be considered as constitutional option to protect local interest, but it cannot help to avoid complete fusion of the parliament and the cabinet at the national level. In comparison, Article 72 of the French Constitution states that “no territorial community may exercise authority over another. However, where the exercising of a power requires the combined action of several territorial communities, one of those communities or one of their associations may be authorized by statute to organize such combined action”. Additionally, the French Senate is guarantee of institutional stability, because if the President of the Republic is incapacitated, the duties of the President of the Republic exercised temporarily by the head of the Senate. Moreover, the French unlike the lower-house the National Assembly, cannot dissolve the Senate, while in Sweden regional interests are not constitutionally safeguarded like in France.

The fourth mode of responsibility full transfer of policy capacity to the decentralized level suggested by Bovens (1998), cannot be implied to Sweden decentralization dimension. In this type of responsibility, the central government is not sovereign power but a higher authority to the local governments assisting and supporting self-government of the local actors (Bannink, Ossewaarde, 2012, p.601). In Swedish decentralization model, municipalities and county councils responsible

for the implementation of policies formulated and adopted by the central authority, or in other words by the higher actor. Regarding resources for the implementation of the centrally formulated policy goals, according to the Instrument of Government, resources adequately provided by the central government through adopting the national budget by the Riksdag (Article 9). Comparatively, full transfer of policy capacity to the decentralized level suggested that there must be the transferal of both resource risks and policy-making autonomy to the local levels of governance (Bannink, Ossewaarde, 2012, p.601).

3. Do the French and Swedish motivations match with decentralization ideas of Kyrgyzstan?

Three jurisdictions France, Sweden and Kyrgyzstan considered as unitary republics. Despite the central commonality, Sweden and France have significant experience in the administrative decentralization. For instance, according to the Institute of Turkish Studies of the Stockholm University “proportion of staff managed at the national and sub-national levels of government is 15% against 85% in Sweden and 47% against 53% in France” (Levin, 2013). The 1991 Local Government Act of Sweden defines competency of the Sweden municipalities and counties, which “revenue is composed of 68.5% of autonomous taxation, 21.6% of grants and 9.9% of others” (The 1991 Local Government Act of Sweden). According to the Budget Code of Kyrgyzstan, municipalities allowed to collect only land and property tax and 17 types of non-tax revenue (Budget Code of Kyrgyzstan, 2016).

Kyrgyzstan considered as a state which has the centralized form of public administration and fiscal policy. According to the Kyrgyz Constitution there are four levels:

- 1) National - the president, the government, the parliament;*
- 2) Oblast (regions) - 7 state administration (intermediate);*
- 3) Raion - local state administration/ sub-regional district (intermediate);*
- 4) “self-governing” municipalities including 31 cities and 453 villages.*

The 4th clause of Article 3 of the Constitution of Kyrgyzstan states “separation of functions and powers of state authorities and self-governance bodies” as one of the principles of the state

power (Constitution of the Kyrgyz Republic). Similar constitutional provision discussed above, namely revised Article 1 of the French Constitution which proclaims that state's organization decentralized.

In terms of territorial organization between the central and local governments in Kyrgyzstan, there are two intermediate levels. According to traditional idea, the local authorities within a country are usually organized into two levels – a local council and a higher intermediate level. Powers and responsibilities are usually divided between these two levels according to functional criteria (Marcou, Verebelyi, 1993; Norton, 1993). In Sweden, communes and cities are municipalities, where countries considered as intermediate level. France has complicated vertically sub-divided territorial system which consist of communes, inter-communal structures, departments and regions. The Communes, departments and regions are governed by democratically elected bodies. In Kyrgyzstan “self-governing” municipalities including 31 cities and 453 villages are governed by democratically elected assemblies, while heads of two intermediate levels appointed by the prime-minister.

In practice, in Kyrgyzstan all decision-making and planning power in fiscal policy, public health, public transportation, national and local roads, social welfare and services, education, environmental, water and sewage, emergency services centralized in the competency of the national government. In terms of the fiscal policy only 2 types of taxes and 17 types of revenue out of 60 raised by the local authorities and consequently all regional districts and municipalities are dependent from the centralized budget planning of the National government. All the regional governments and municipalities suffer from lack of administrative power and lack of autonomous financing.

Former Member of Parliament of the Kyrgyz Republic, former Deputy head of the Parliamentary Constitutional Committee Mr. Abdymanap Kutushev suggests the following vision of administrative-territorial structure of the Kyrgyz Republic. Currently, the republic composed of 7 oblasts and 2 cities which have status of the national level. Each oblast composed from regions, there are 40 regions in 7 oblasts. Heads of oblasts and regions appointed by the prime-minister. They are responsible for the implementation of central government policy. But in terms of vertical hierarchy self-governing municipalities independent from oblasts and regions. There are 484 local self-governing municipalities, including 2 cities at the national level, 12 cities at the oblast level, 17 cities at the raion level and 453 villages. All together 484 self-governing municipalities. According to the law, heads of the executives of municipalities elected by the local parliaments. The current practice shows that existing 453 self-governing municipalities based on villages is too broad for the 6 million population and territorially small country like the Kyrgyz Republic and therefore considered as an ineffective. Taking into consideration that the Kyrgyz Republic is 6 million population and most of public services provided in centers of regions (each region has the biggest village or city as a center, where the main hospitals, schools located and generally most of public services provided for region inhabitants), it would be optimum if all municipalities based on villages united at the regional level. There would be 40 municipalities based on existed region boundaries and 14 city municipalities. Institutionally, region and city parliaments might be composed of 45-50 members electing the executives of the municipalities. After such reform current number of local MPs can be reduced from 8038 to 2430. Today approximately 10 000 public officers work in 484 local municipalities.

Large-scale reforms in public policy dimension have been implemented in many countries for the last several decades. Today, countries try to emphasize effectiveness of public policy, strengthen political pluralism in decision-making process, delegate powers and responsibility to local governments. Balanced division of power, responsibility and accountability, enlarged civic participation are importance of current public administration.

Vertical division of powers have two dimensions, first through federalism (federation or confederation) and second, through decentralization (Dorsen et al., 2016). If in federations and confederations, sovereignty is allocated among federated states, in decentralized unitary states, sovereignty remains to the central national authority and some powers delegated to local units (Dorsen et al., 2016, p.470).

Regarding what Kyrgyzstan might learn from the French and Swedish decentralization, it should be taken into consideration that the main task of the central governments is to create conditions where local governments can solve local issues and implement national policies. It should be clarified that local units in both France and Sweden not granted full political and legal autonomy, it is limited, or nature of their autonomy is administrative rather than political. However, the central government in France and Sweden might achieved other tasks of decentralization, effective public service by local governments and local democracy. Local democracy and effectiveness of the public services is crucial since the local governments are the closest to the local population. Moreover, the central government may delegate providing of public services to non-governmental agencies. Hence, the central government function is to determine common strategy and control with monitoring. Participation of non-governmental actors in decentralization stimulate competition between providers of public services and active political

participation of local people. For instance, according to the Local Government Act of Sweden municipalities and county councils may “by assembly decision, transfer the management of a local government concern, for the conduct of which no special procedure has been prescribed, to a limited company, a trading partnership, an incorporated association, a non-profit association, a foundation or a private individual” (Local Government Act, p.18).

Generally, institutional motivations of France and Sweden for decentralization match with ideas in Kyrgyzstan. Namely, delegation of power and responsibility from the central level to local, where decision-making in the most important social issues become close to citizens. Moreover, Kyrgyzstan as a part of globalization faces technological innovations encompassing the world and global integration. These world tendencies have impact on perception about boundaries of governing and self-governing. This process and complexity of the central governance might motivate both central and local governments the need of broad participation of local units in political and economic process.

However, it is difficult to determine to what extent local units in Kyrgyzstan should have autonomy. Both French and Swedish experiences in decentralization show that local bodies’ autonomy within the limits set by the central government. There are no cultural, ethnic, linguistic or economic regionalism in Kyrgyzstan like in France. Like Sweden, Kyrgyzstan homogenic nation.

Regarding the French experience, decentralization in France has complicated specifics. Administrative territorial structure of the republic considered one of the complicated systems in Europe. Decentralization dimension in France did not have aim to introduce market-oriented

mechanism leading to more effective bureaucracy and cheaper public services (Trofimova, 2011). Local democracy and active civic participation have been an essential goal of the French decentralization, which were important instrument for regionalists in the Socialist Party of the 1980s. Moreover, through local elections became strategically important for the national politics. Through importance of local elections, result of which determine composition of the Senate, regionalist politicians could create counterbalance mechanism to the strong French president.

The main match between French decentralization dimension and ideas in Kyrgyzstan might be empowering local units in Kyrgyzstan as a counterbalance to powerful president. After revolutions of 2005 and 2010 Kyrgyzstan has been gradually moving to parliamentary form of government. However, Kyrgyzstan is still semi-presidential country, because the President popularly elected, appoints ministry of Interior, head of national security committee, head of Accounting chamber, who controls the cabinet spending. President is Commander-in-Chief, appoints head of military forces and presides over the National Security Council. These constitutional powers granted to president with aim to avoid complete fusion of the cabinet and the parliament. However due to these constitutional powers the president still dominant political figure in determining the candidature of prime-minister and members of the cabinet. Introduction of the bicameral parliament upper-house of which represented by the local unites and transfer of the constitutional powers of the president to the upper-house might be better option to avoid usurpation of power by the president and complete fusion of the cabinet and the parliament. Veto power over governmental bills, appointment of head of the Accounting Chamber, appointment of the Prosecutor general, partial appointment of the judges of the Supreme Court and the Constitutional Palate might be granted to the upper-house.

Additionally, the French Territorial Administrators Association (AATF) in its report suggest that the French experiment of decentralization may be interesting for developing countries:

- The slow evolution makes it easier to imitate.
- The role of the Prefect kept a possibility of central oversight of the local political evolutions.
- The Regional court of accounts and the various budgetary limits and regulations provide
- limitations to the financial risks for the whole country.
- By preserving the power and the oversight of the central State, on the opposite of the more developed systems of federations, the French model of decentralization can insure a great stability and a more sustainable and safer path for democratization at the local level (Association des Administrateurs Territoriaux de France, 2016, p.27).

Regarding the Swedish experience, the main characteristic of Swedish decentralization dimension is combination of the strong central government, weak counties and relatively autonomous municipalities. As described in previous chapters, the strong central governance was predisposed by factors like the need to transform the Swedish economy, namely industrial modernization and control of rich natural resources. Therefore, central-local relations built on basis of agency rather than partnership like in the UK (Chandler, 1993, p. 122). As an alternative to bicameral parliament, upper-house of which protects interest of the local and regional communities at the national legislature, the Swedish model suggest more functional representation style like holding of elections for both central and local governments on the same day. The main factor of

the Swedish administrative and politically limited decentralization was the role of the local municipalities as a main actor in implementing and providing basic public services of the welfare state. As mentioned former MP Abdymanap Kutushev, the main hospitals, schools located and generally most of public services provided in the biggest village or cities. From this point of view, there is a match between the Kyrgyz and Swedish decentralization aims.

The main match between the Swedish decentralization dimension could be freedom of local municipalities to form local federations and power to transfer the management of a local government concern as indicated in the Swedish Local Government Act “to a limited company, a trading partnership, an incorporated association, a non-profit association, a foundation or a private individual”. But important financial matters like budget, taxation or political questions like the election of local executives, auditors, referendums should not be delegated to the local federations or to third actors.

In terms of balance between interests of the central government retaining an integral nation through controlling regions local bodies and interests of locals trying to maintain autonomy, France, Sweden and Kyrgyzstan might have the same position in favor of the central strong government.

However, possible paradoxes and conflicts which could arise during the decentralization in Kyrgyzstan must be additionally researched. Namely, policy implementation control mechanisms and levels of the control by the central government, for instance too weak or too strong control and their consequences; administrative responsibility of the local governments as accountability; levels of policy-making autonomy as a policy content granted to the local governments and

financial risk of policy failure or success as a policy resources provided by the central government (Bannink & Ossewaarde,2012).

From institutional perspective, Walker (2003) in “Sovereignties in transition” discusses relations between centralized and decentralized levels of government, how states transfer responsibilities to decentralized actors. As Baanik and Ossewaarde suggest (2012) decentralization covers:

- The transferal of policy content, that is, the transferal of policy-making autonomy and implementation discretion from central to geographically or functionally decentralized levels of administration;
- The transferal of policy resources, the financial and other risks of policy failure and success, from the central to decentralized levels of administration;
- or the transferal of both substantial and resource competencies.
- In a fully centralized constellation, substance and resources are situated at the central level (p.602).

In France and Sweden as a result of decentralization, policy capacity and responsibility shifting between the central and decentralized level, but the central government in both countries have been decentralized partially the resource and financial risks of policy failure and success and partially policy-making autonomy (Robinson, 2008). Consequently, such incomplete decentralization may lead to “performance paradoxes” which can blocks intended objectives or may lead to unclear central-local responsibility and capacity relations (Van Thiel & Leeuw, 2002).

CONCLUSION

Several essential elements of the decentralization dimensions in France and Sweden respectively reflect decentralization ideas currently evolving in the Kyrgyz Republic. Namely, empowering local units in Kyrgyzstan as a counterbalance to powerful president and freedom of local communities in horizontal dimension. However, the central-local relations have been evolutionary in different historical and political circumstances and conditions in France and Sweden.

The big pictures behind the decentralization like empowering the local communities as a counterbalance to the powerful president and the cabinet in France show that that delegation of powers, even limited, to the lower level of the governance is more than just administrative technique. It has crucial political and constitutional essential in the system of the division of powers.

From a prism of decision-making autonomy, independence in forming local governmental bodies and ability of local authorities to influence decisions of the central government, France and Sweden remain strong centralized system. However, these three components of the decentralization mentioned above apportioned differently in respective countries.

It is difficult to formulate common vision on ideally balanced model of the central-local relations. The main task in decentralization might be determination of the design in which balanced cooperation between actors prevail over domination of the center or pure distribution of responsibilities and capacities.

BIBLIOGRAPHY

Books and articles

- Association des Administrateurs Territoriaux de France (2016), *The French Experience of Decentralization*.
- Bannik, A., & Ossewaarde, R. (2012) *Decentralization: New Modes of Governance and Administrative Responsibility* [Administration & Society]. SAGE Publications.
- Bell, J. (2000) *Devolution French Style*, 6 Eur.Pub.L. p.139.
- Berggren, N., Nergelius J., Karlson, N. (2001) *Den Konstitutionella revolution*. Stockholm, City University Press.
- Bilouseac, I. (2015) *Specific Elements of Administrative Decentralization*. European Journal of Law and Public Administration, Volume 2, Issue 2, pp. 5-13.
- Bogatyreva, O. (2015) *Decentralization and regionalization in France: Basic stages*. Ekaterinburg.
- Boyron, S. (2013) *The Constitution of France*, Oxford/Portland, Hart.
- Bovens, M. (1998) *The quest for responsibility: Accountability and citizenship in complex organizations*. Cambridge, UK: Cambridge University Press.
- Cohen, j., Peterson, S. *Administrative decentralization : a new framework for improved governance, accountability, and performance*.
- Chandler, J. (2001) *Local government today*. Manchester: Manchester University Press
- Dorsen, N., Rosenfeld, M., Sajo, A., Baer, S., Mancini, S. (2016) *Comparative Constitutionalism: Cases and Materials*, 3rd Edition, West Academic Publishing.
- Ekland, N. (2013) *Sweden: Federalism in the land of centrally guided regionalization*. Routledge handbook of regionalism and federalism / [ed] John Loughlin, John Kincaid & Wilfried Swenden, Abingdon & New York: Routledge, 2013, 1, p. 318-332.
- Favoreu, L. (1998) *Droit constitutionnel*, p.459

- Greilsammer, I. (1975) *The Ideological Basis of French Regionalism*. Vol.5, No.3, Oxford University Press, pp. 83-100.
- Hancock, D. (1972) *Sweden: The politics of postindustrial change* [Modern comparative politics], Illinois, The Dryden Press Inc.
- Hoffman-Martinot, V., Gabriel, O., Savith, H. (2003) *Urban Democracy*. Opladen.
- Hoffman-Martinot, V., (2003) *The French Republic, One yet Divisible?* Opladen, pp.157-182
- Hudson, C. (2005) 'Regional Development Partnership in Sweden: Putting the Government back in Governance?' *Regional and Federal Studies*. 15, No. 3 pp. 311-327.
- Jacquot, H., Priet, F., (2004) *Urbanism*, Paris: Le Seuil.
- Kuhlmann, S. (2011) *Decentralization in France: The 'Jacobin' State Stuck between Continuity and Transformation* [11 Croat. & Comp. Pub. Admin].
- Levin, P. (2009) *The Swedish Model of Public Administration: Separation of Powers – The Swedish Style*, JOAAG, Vol. 4. No. 1.
- Libman, A. (2010) *Empirical Research on Determinants of Decentralization: A Literature Survey*.
- Loughlin, J. (2013) *France: From the 'one and indivisible republic' to the decentralized unitary state*. Routledge handbook of regionalism and federalism / [ed] John Loughlin, John Kincaid & Wilfried Swenden, Abingdon & New York: Routledge, 2013, 1, p. 341-348.
- Loughlin, M. (1996) *Legality and locality: the role of law in central-local government relations*. Oxford: Oxford University Press.
- Loughlin, J. (1995) *The end of the French unitary state? Ten years of regionalization in France (1982-1992)* / edited by John Loughlin and Sonia Mazey. London.
- Marcou, G., Verebelyi, I (1993) *New Trend in Local-Government in Western and Eastern Europe*. Brussels. International Institute of Administrative Sciences.
- Marrani, D. (2013) *Principle of indivisibility of the French Republic and the people's right to self-determination*, Abingdon, Routledge.
- Marrani, D. (2013) *Dynamics in the French Constitution*. Abingdon, Routledge, pp. 87-107.
- Norton, A. (1994) *International Handbook of Local and Regional Government*.

- Parker, Andrew N., (1995) *Decentralization: the way forward for rural development* Washington, DC: World Bank, p. 52.
- Rojas, M. (1998) *The rise and fall of the Swedish model*, Centre for Post-Collectivist Studies, The Social Market Foundation.
- Robinson, M. (2008) *Hybrid states: Globalization and the politics of state capacity*. Political Studies, 56, 566-583.
- Rustow, A., (1967) *World of Nations*. Washington D.C., Brookings Institution.
- Schmidt, A. (1990) *Unblocking Society by Decree: The Impact of Governmental Decentralization in France*, Comparative Politics Vol. 22, No. 4, pp. 459-481.
- The National Institute of Statistics and Economic Studies, (2019) *The revenue and expenditure of the central government*. NSEE.
- The National Institute of Statistics and Economic Studies, (2019) *The revenue and expenditure of the local government*. NSEE.
- The Organization for Economic Co-operation and Development (OECD). *OECD Fiscal Decentralization Database*.
- Trofimova, A. (2011) *Decentralization of Public Administration and Specifics of Central-Local Relations in European Countries*.
- Van Thiel, S., & Leeuw, F. (2002) *Productivity in review: The performance paradox in the public sector*. Public Performance & Management Review, 25, 267-281.
- Walker, N. (2003). *Sovereignties in transition*. Oxford, UK: Hart.

Statutes and statutory instruments

Constitution of the Kyrgyz Republic 2016

Constitution of the French Republic 1958

Conseil Constitutionnel, decision no. 91-290 DC, 9 May 1991 [Corsica decision]

Conseil constitutionnel, decision no. 99-412 DC, 15 June 1999 [European Minority Language Charter decision]

Law on local self-government and local state administration of Kyrgyzstan

Law on the statues of Members of local parliaments of Kyrgyzstan

Local Government Act 1991

Loi de modernisation de l'action publique territoriale et d'affirmation des métropoles 2013

Loi constitutionnelle L'organisation décentralisée de la République 2003

The Instrument of Government 1975

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