

Problems of dependence of local self-government bodies on territorial administration in the RA

Mkrtchyan Lilit D.

PhD student of ASUE Management Department (Yerevan, RA)

lilityan95@gmail.com

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Տարածքային կառավարման մարմիններից տեղական ինքնակառավարման մարմինների կախվածության հիմնախնդիրները ՀՀ-ում

Մկրտչյան Լիլիթ Դ.

ՀՊՏՀ Կառավարման ամբիոնի ասպիրանտ (Երևան, ՀՀ)

Ամփոփագիր. Կարևոր հիմնախնդիր է փոխհարաբերությունների հստակեցումը կառավարման տարբեր մակարդակների միջև: Կենտրոնական մարմինների և տեղական ինքնակառավարման մարմինների փոխհարաբերությունների բնույթը հիմնականում հանգում է վերահսկողականի և գործընկերայինի: Սակայն փաստացի սրանք կրում են վերադաս – ստորադաս փոխհարաբերությունների բնույթ: Գործընկերային փոխհարաբերությունները դեռևս շատ թույլ են: Հոդվածի շրջանակներում քննարկել ենք տարածքային կառավարման մարմիններից տեղական ինքնակառավարման մարմինների կախվածության հիմնական պատճառները և դրանց լուծման ուղիները:

Հանգուցաբառեր՝ Տարածքային կառավարում, տեղական ինքնակառավարում, մարզեր, մարզպետարան, տեղական ինքնակառավարման մարմիններ

Проблемы зависимости органов местного самоуправления от региональных органов власти в РА

Мкртчян Лилит Д.

аспирант кафедры менеджмента АГЭУ (Ереван, РА)

Аннотация. Важным вопросом является выяснение взаимоотношений между различными уровнями управления. Характер взаимоотношений центральной власти и органов местного самоуправления в основном сводится к контрольно-партнерскому. Однако на самом деле они имеют характер отношений начальник-подчиненный. Партнерские отношения пока очень слабы. В рамках статьи мы обсудили основные причины зависимости органов местного самоуправления от региональных органов власти и пути их решения.

Ключевые слова: территориальное управление, местное самоуправление, органы местного самоуправления, регионы, региональная администрация

There are a number of problems in the field of relations between territorial administration and local self-government, among which the problems of intervention of territorial administration bodies in local self-government and dependence of local governments on central administration and territorial administration bodies have a large place.

In modern conditions in the RA, in many cases, the separate powers assigned to the local self-government bodies are implemented with the significant intervention of the territorial government bodies, and as a result, the fundamental principles of the existence of the local self-government system are violated.

Let's try to understand what are the main reasons for creating such a situation and how to solve these problems.

One of the most important problems in the process of increasing the effectiveness of local government activities are the central government – community and regional administration – community relationships.

In general, territorial administration bodies interfere quite a lot in the activities of local governments, which lowers the level of efficiency of their activities, in consequence of which local governments become more of an executive than an independent body. As for decision-making, the degree of autonomy of local governments is also very low here. Still, many local government representatives believe that the territorial governor approves the municipal budget, which is one of the main decisions of the local government. There are some cases when the budgets of the communities

were drawn up in the territorial administration themselves and presented to the local governments.

The reason for this, of course, is the insufficient knowledge of local governments, as well as the traditions left over from the former Soviet system. To avoid this problem, it is necessary that local government bodies have sufficient knowledge and know their rights well.

Although a new system of public administration has been formed in Armenia, some traditions of the Soviet years are still preserved. Thus, the governor of the region seems to have replaced the district secretary of the Communist Party at that time, who was endowed with exclusive powers. The regional governor, not having such powers, nevertheless has full control over the local governments of the given region. Citizens and local self-government bodies continue to perceive the governance system as centralized and authoritarian instead of decentralized and democratic. In relations with local governments, the governor often uses the administrative method of control.

One of the main reasons for the dependence of local governments on central and regional government bodies is the lack of financial resources of the community. In other words, the financial problems directly determine the nature of the

relationship between local governments and the bodies of the territorial administration. The majority of communities in Armenia do not have sufficient financial capacity, as a result of which the budgets of the communities are mostly administrative in nature, with which it is not possible to implement the solution of most of the problems of community importance. In the event that the community is unable to solve the problems of local importance, the state directly participates in their solution within the framework of targeted allocations or joint projects with international organizations. In such conditions, in order to win the "favor" of the state, local governments become directly dependent on central and regional government bodies. In practice, there are not a few cases when the relationship between the governor of the region and the head of the community has the nature of a leader-subordinate relationship. In other words, the low degree of independence, which is primarily caused by the insufficient level of financial resources, forces local governments to come under the direct leadership of the regional governor.

The most important indicator of financial decentralization is the share of municipal budgets in the consolidated budget (chart 1).

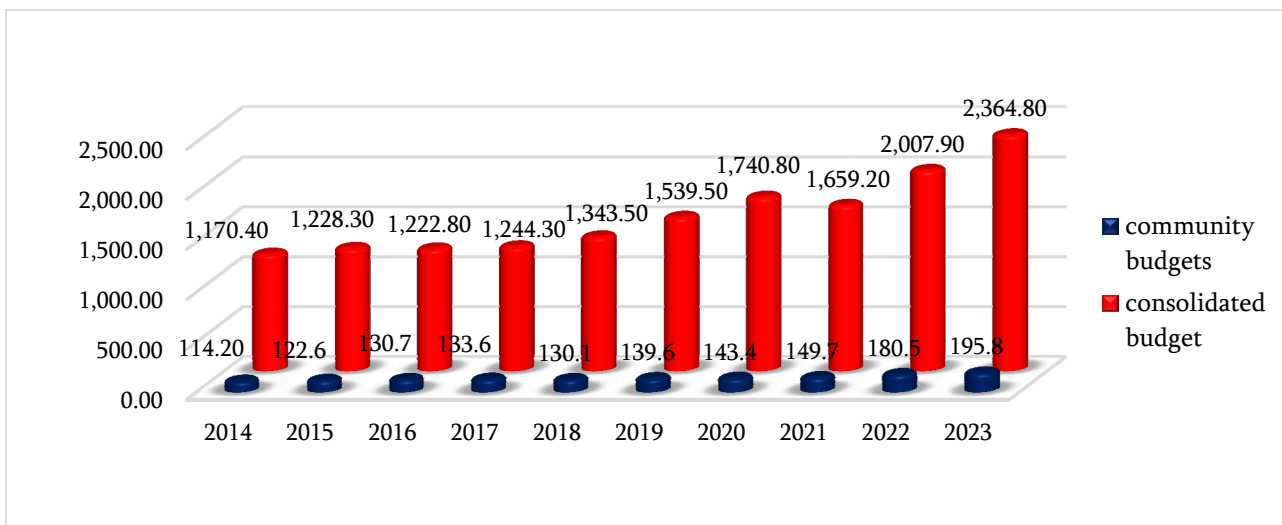


Chart 1. Budgets of the RA communities in the RA consolidated budget, 2014-2023. (billion AMD) [1-10]
Compiled by the author based on the data reflected in RA 2014-2023 laws on state budgets for the RA.

As we can see from the chart, the budgets of the RA communities are a small part of the consolidated budget of the RA, so it becomes clear that the degree of financial decentralization in RA is still quite low.

The relationship between the central government and local governments is directly determined by the degree of establishment and independence of local governments. In modern conditions, when municipal budgets are notable for their small volumes and low level of collection, dependence of

local government on central government bodies arises. The main way to alleviate the mentioned dependence is to increase the budget revenues of the communities, that is, to increase the level of financial decentralization. The RA Law "On Local Self-Government" provides for deductions from certain types of taxes. According to the law, deductions from income tax, profit tax and environmental fees must be made to municipal budgets. Despite this, since 2002, when this provision was included in the RA Law "On Local

Self-Government", deductions from income tax and profit tax have not been implemented. The representatives of the government explain and justify this phenomenon by the lack of effective and fair mechanisms for the implementation of separations, which is opposed not only by local governments, but also by non-governmental organizations dealing with local self-government issues and independent experts, who cite as a counter-argument the rich experience of foreign countries related to the mentioned relations and already and the systems used.

We believe that it is necessary to carry out the deductions for the specified types of taxes, as this will ensure for the communities not only certain flows of financial resources, but also an opportunity and real interest to participate in the active economic processes carried out in the territory of the community.

The role of territorial management bodies is quite large in the process of providing targeted allocations (subventions) provided by the state to communities. In order to receive subsidies from the state budget, local self-government bodies submit program applications for receiving subventions to the respective regional governor, and these applications are submitted to relevant sectoral state government bodies and the RA Ministry of Territorial Administration and Development for consideration only after being discussed and summarized in the regional governor's office. In other words, there is a high probability of subjective attitude in this process. Governors can be biased towards communities and submit only the applications they want to the relevant authorities.

Local governors can use close relations with local governments of certain communities, friendly ties, pursuit of a certain interest, etc. as selection criteria. Therefore, it is necessary to develop such mechanisms that will exclude the arbitrary attitude of the regional governors and will clearly define the appropriate criteria, only if they are met, the program applications for receiving subventions will be submitted by the regional governors to the relevant sectoral state administration bodies and the RA Ministry of Territorial Administration and Infrastructure.

As a result of the enlargement of the communities, it is expected that the above-mentioned problems will be solved in the future. The point is that enlarged municipalities should have more financial means and resources, which will give an opportunity to independently and more efficiently implement the powers assigned to local governments. In such conditions, the regional administrations will be limited to the powers reserved to them by the RA Constitution and laws.

As part of the process of enlargement the communities, the issue is emphasized that currently in many regions there are a comparatively smaller number of communities, which means that the work of the territorial administrations in terms of relations with the communities, both in technical and professional matters, has decreased considerably. For example, there were 117 communities in Syunik region before enlargement, and after enlargement only 7 remained. The number of communities in Vayots dzor region was 44 before enlargement, and 5 after enlargement.

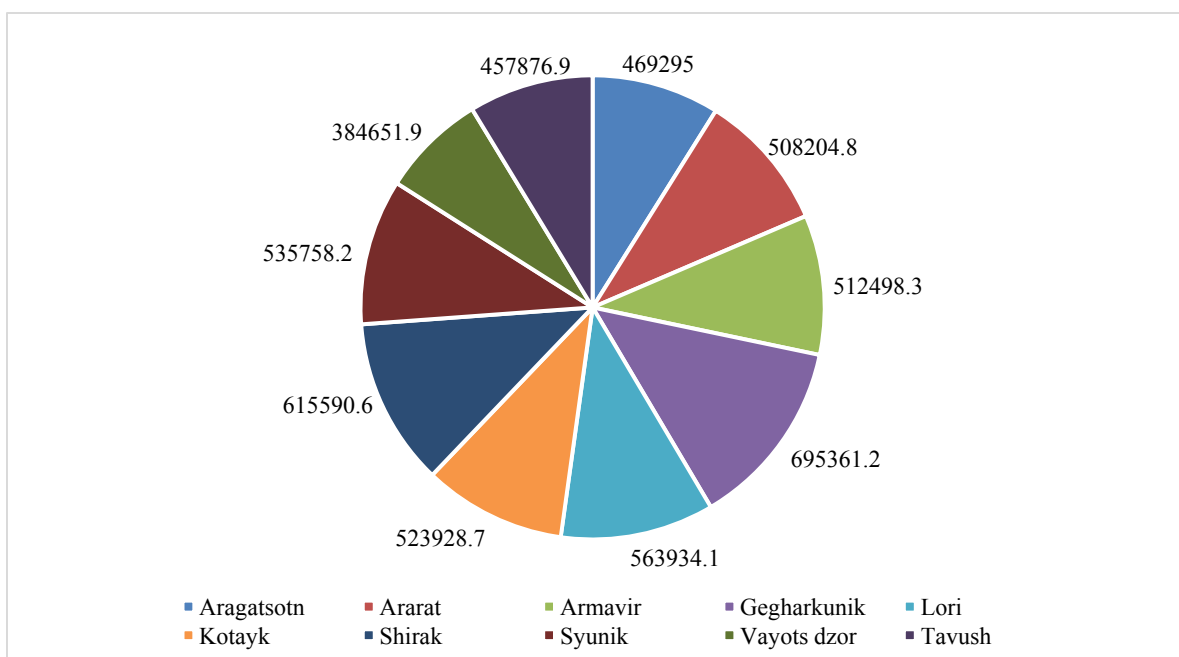


Chart 2. Funds provided from the RA state budget to regional administrations in the direction of labor remuneration in 2021 (thousand dram). [8]

Of course, it is clear that along with the enlargement of the communities, there is also the need for the enlargement of regions or the optimization of their number. This issue is highlighted, first of all, by the fact that the maintenance costs of regional offices are not small amounts, so reducing their number will lead to the release of additional financial resources, which can be used for the development of communities.

Below we will present the funds allocated from the state budget for the purpose of remuneration to the 10 territorial administrations of the RA in 2021.

As we can see from the chart, the funds provided to Syunik and Vayots dzor regions are AMD 535,758,200 and AMD 384,651,900, respectively. If we also take into account that in addition to labor costs, other funds are also provided to the regions in order to cover the maintenance costs, then we can understand that quite a lot of funds are spent on the regions.

If previously the employees of the Syunik regional administration carried out legal and professional supervision in about 40 communities per year (for example, 36 communities in 2015), after the enlargement of communities, no more than 5 communities are under supervision per year (4 communities in 2022), which means that the works carried out have decreased considerably, and similar issues for the communities of Syunik and Vayots dzor can be solved through one regional administration.

In general, the enlargement of communities and the formation of strong communities is the basis for the abolition of the territorial administration system and the redistribution of their functions between central and local government bodies. We believe that a phased, non-shock version of changes is acceptable for our country, therefore, with the above-mentioned option of associations, 4-5 territorial administrations can be formed in RA, each of which will exercise its powers in relations with the communities of approximately 2 regions. Then, after providing more powers to the communities and, in parallel, financial resources, the issue of abolishing territorial administration bodies can be discussed. Taking into account the international experience of the mentioned field, the supervisory and advisory powers of territorial administrations can be effectively implemented through the Ministry of Territorial Administration and Infrastructure of the RA.

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