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Article



Nana Tavdumadze

Caucasus International University

PhD in Political Science

FEATURES OF THE HISTORICAL DEVELOPMENT OF LOCAL SELF-GOVERNMENT FORMATION IN FRANCE, RETROSPECTIVE ANALYSIS, ACHIEVEMENTS AND CHALLENGES (LESSONS FOR GEORGIA)

Abstract: The paper discusses issues related to the decentralization of the French state administration, analyzes the current state of decentralization, and shows the process of decentralization from the Middle Ages to the present day, how historical cataclysms affected local self-government. The purpose of the study is to study and analyze the challenges and achievements in the process of decentralization experience of France as a unitary state, as an experience for the effective implementation of Georgia's decentralization strategy. With the retrospective analysis, historical and documentary research, analytical, qualitative, comparative and applied methods used in the paper, it is substantiated that the modern trend of the democratic development of the states is their full-fledged decentralization. Such a trend is related to the growing interest of both civil society and democratic government authorities to find a role of partnership between the population and the governments, which ensures the synergistic management of the country with the full use of local governance capabilities, increases local responsibility and more control over one's own destiny, which improves the social climate, strengthens trust in the government, will stop the separatist aspirations. However, at the same time, in order to form the local self-government system, taking into account the current international and domestic political-economic situation, we think it may be premature for the complete decentralization of Georgia, since there are no necessary and sufficient prerequisites for this, and at this stage it is more acceptable to establish a mixed horizontal-vertical management system according to the hybrid (French) model of local governance.

According to the conclusion of the paper, democratic governance cannot be achieved only by decentralization of management and full autonomy of the regions. On the contrary, in many highly developed democratic states, where state management is based on a centralized unitary system (France, Denmark, Sweden), the activity of local self-government is also at a high level, despite the fact that in some cases the regions here do not have substantial autonomy. At the time, Alexis de Tocqueville also noted that in the future, when democratic government, personal independence and freedoms (including at the local level) would be widespread, centralization would also be the usual, normal form of government. Obviously, in this case, the interests of the population and the interests of the state should be balanced.

Key words: Centralization, Decentralization, Local Self-Government, France, Georgia.

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Introduction

Decentralization is a centuries-old concept that was originally used to describe the limitation of the power of the central government. In practice,

decentralization is extremely difficult to achieve and can have many disadvantages compared to centralized systems. However, decentralization is also quite attractive in terms of modern democratic

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development, especially for so-called young democracies with transitional economies. In general, in terms of state governance, decentralization can be considered as the process of distributing functions, authority and power from a central government or governing body to local governments¹. Decentralization refers more to the criteria and procedures for decision-making at different levels of government, for example, "center - departments - communes", as in France, or "center - provinces - communities", as in England. The term "centralization" first appeared in France in 1794, after the French Revolution (1789), when the leaders of the French Directory created a new governmental structure. And the term "decentralization" was introduced in the 1820²s.

Alexis de Tocqueville wrote that the French Revolution began with "a desire for decentralization... [but] ultimately became an extended centralization."³ According to Tocqueville, "Decentralization has not only an administrative value but also a civic dimension, since it increases the ability of citizens to take an active interest in public affairs; it allows them to accustom themselves to the exercise of freedom. And from the accumulation of these local, active, intelligible freedoms is born the most effective counterbalance to the pretensions of central government, even if it is an impersonal, collective will."⁴ In the early 20th century, in response to the centralization of economic forces and political power, a decentralist movement emerged.⁵

He blamed large-scale industrial production for the destruction of medium-sized shops and small-scale production (manufacturing) and spread ideas about increasing the possibility of property ownership and restoring small-scale, local production⁶. According to the United Nations Development Program (1999) report:⁷ "A large number of developing countries and countries with economies in transition have begun decentralization programs. This trend is associated with a growing interest in the role of civil society and the private sector as partners of governments, which are looking for new ways to serve [citizens]." Thus, it can be said with certainty that a general consensus has been reached in political science - a prerequisite for the democratic

development of a country is a decentralized system of governance, which in turn is expressed in effective local governance and self-government.

The Georgian system of local self-government is far from perfect, and the degree of decentralization also requires improvement. This situation, which has its own subjective and objective reasons^{8,9}. In this regard, the experience of France is very interesting for Georgia. France is a unitary state, with a strictly centralized government until recently, just like Georgia. Both in France and in Georgia, the capital has a special political, social and economic importance.

Decentralization in France - General Picture

The analysis of the institutional arrangement of local self-government in France and the achievements and challenges of decentralization is very significant for clearly presenting the highlights and shadows of the decentralization process in general, as well as for developing the optimal option for municipal governance for Georgia. As noted, from the point of view of the decentralization strategy, Georgia can be considered a state similar to France. Before the Second World War (1939-45), the state administration of France, as well as before the restoration of independence in Georgia (1991), was carried out with a strictly centralized hierarchical-territorial system, despite the changes in the forms of state organization from monarchy to republic. The reform of the French administrative system began in France in the 50s of the 20th century, and gradually a relatively more decentralized, democratic governance was formed in some places.

Discussions on the need for decentralization began in France during the Vichy regime (Régime de Vichy – 1940-44). Charles de Gaulle also believed that centralized government was holding back France's development and that it was necessary to move to decentralized government. The move to decentralized government accelerated during the rule of François Mitterrand.¹⁰ Mitterrand's statement during the 1981 election campaign is noteworthy - "France needed a strong centralized government to survive. Today it needs decentralization to prevent it from falling apart."

¹ Definition of decentralization, TheFreeDictionary.com,

² Vivien A. Schmidt, *Democratizing France: The Political and Administrative History of Decentralization*, Cambridge University Press, 2007,

³ *ibid*

⁴ A History of Decentralization, Earth Institute of Columbia University website, accessed February 4, 2013.

⁵ Robert Leroux, *French Liberalism in the 19th Century: An Anthology*, Chapter 6: Maurice Block on «Decentralization», Routledge, 2012,

⁶ Craig R. Prentiss, *Debating God's Economy: Social Justice in America on the Eve of Vatican II*, Penn State Press, 2008, p. 43,

⁷ United Nations Development Programme

⁸ The European Perspective of Local Self-Government in Georgia (Political Economy Aspects) by Mikheil Jibuti and David Melua. BULLETIN OF THE GEORGIAN NATIONAL ACADEMY OF SCIENCES, vol. 17, no. 3, 2023

⁹ Local and regional democracy in Georgia. Monitoring Committee. Rapporteurs: Michail ANGELOPOULOS, Stewart DICKSON.. 7 November 2018. The Congress of Local and Regional Authorities.

¹⁰ The French Experience of Decentralization. The report has been coordinated for the French Territorial Administrators Association (AATF), by the group of authors: Jean-Louis Rocheron and others. 2016

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Finally, the peculiarity of the French model is expressed in the harmonious combination of centralized government with local self-government, which actually acts independently in most matters of local importance, although its actions are controlled by a system of supervision, as well as by the judiciary. Thus, in terms of democratic governance, France is one of the leading states, which at the same time maintains a fairly strict centralized vertical governance.

A strategic direction of Georgia declared decentralization of the country, although centralized governance is still strong for various reasons. Among the above-mentioned reasons is the economic component. Just like in France, in Georgia the capital (Tbilisi) is the main economic entity and generates the majority of the country's GDP, which greatly complicates the fiscal decentralization of the regions. In this regard, fiscal decentralization of local self-government in Georgia is an unrealistic task today. It is worth noting that society itself (including civil servants due to low competence) is not ready to actively participate in the process of decentralization of local self-government at this stage.

The historical experience of decentralization in France is unique. In many ways, the results achieved by French decentralization and the existing challenges are exemplary. It is noteworthy that among democratic countries, the role of civil servants in the governance of the country is much stronger in France. The traditions of civil service in France differ from the England. French civil servants have played an important role in the history of France over the past 250 years. The civil service here, along with Germany, has acquired a classical character for continental Europe. The term "bureaucracy" itself is of French origin (la bureaucratie). French officials have always stated that they are not so much hired servants of the state, but one of its embodiments, and that it is they who understand and defend national interests better than others. This is due to the peculiarities of the formation of the modern French state. The absolutist regimes of the Bourbons and Bonapartes relied on bureaucracy, but many revolutionary regimes also needed a functioning bureaucracy. Centralism became a stable administrative tradition. Civil servants did not lose their importance in the Fifth Republic; it was from their ranks that the highest government positions (including the presidency) were often held.

The modern policy of decentralization in France began in 1982 with the introduction of relevant laws. Until then, according to the laws of 1871 and 1884, French municipalities and departments had limited autonomy. Today, decentralization in France is

divided into three categories: organizational, territorial, and functional decentralization.

- Organizational decentralization refers to the process of transferring power to newly created institutions. It differs from the act of deconcentration of power in that the latter involves the transfer of power to already existing institutions. A manifestation of such decentralization is the decentralization of the Bank of France and other government institutions (French groupement d'intérêt public).

- Territorial decentralization. This aspect of decentralization aims to provide territorial units (in France - regions, departments, communes) with responsibilities and resources to ensure the election of representatives of the local population to government bodies. The difference from deconcentration in this case is that the central government does not seek to increase the efficiency of government by transferring powers to a centrally appointed representative (prefect).¹¹

- Functional decentralization. This aspect of decentralization is associated with the fact that the central or local government decides not to exercise any of its powers and transfers them to a public association or quasi-autonomous non-governmental organization - quango. In this case, the public association receives a clearly defined function and a budget for its implementation. Examples are universities or the Paris Autonomous Transport Agency.

Separation of local and regional government

Local government in medieval France was quite well developed, especially in cities. If in rural areas administrative-judicial power was for a long time in the hands of feudal landlords, cities achieved the right to self-government during the municipal revolution of the 11th-12th centuries. This privilege, obtained or acquired from feudal landowners, was fixed by charter. This gave the city's liberties a unique character. Each city had its own freedom, but the system of government in them had many common features. Citizens' assemblies formed a general assembly, where the most important issues were discussed and representatives of local government were elected. The latter constituted the city council, which carried out daily management. One of the members of the council was the mayor, who performed ceremonial functions.

With the strengthening of the king's power, the position of local territorial organizations underwent dramatic changes. The system of government in France at this time developed evolutionary, new structures merged with old ones without destroying them, and as a result, a rather complex, intricate

¹¹ Loi n° 82-213 du 2 mars 1982 relative aux droits et libertés des communes, des départements et des régions.
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administrative system was formed, which practically still relied on a certain autonomy of local units. In general, the actual structure of local government was not logical and harmonious. Along with the existing administrative units, there were financial, military, judicial and church districts, the authorities of which acted independently of each other. This created administrative chaos on the ground.

The revolution that began in 1789 completely changed the system of local government. It was necessary to overcome the existing chaos and create a unified, simple and rational system of local government. This intention was implemented by a series of laws in 1789 and 1790, which established a system of regional and local government, which, with its main features, is still in force today.

In order to strengthen the unity of the state, the ancient provinces were liquidated. Instead of historical territories, the country was divided into 83 artificial units - departments, which received names according to geographical location. Their territory was homogeneous. The borders were drawn in such a way that the local population could get to the administrative center and back during the day using a horse-drawn carriage (cart, stagecoach). The departments were governed by a General Council and a Directorate. The General Council, a local representative body, was elected on approximately the same principles as the National Assembly. The Council elected a Directory, in whose hands the executive power was.

However, the process of decentralization of power did not continue. Moreover, for a number of reasons, a reverse movement soon began. The traditions of centralized management formed under absolutism also had an impact. Various revolutionary governments, fearing the emergence of federalist tendencies among the population, viewed the activities of local authorities with suspicion. During the height of the revolution, the Convention took extreme measures and practically destroyed the electoral system of local officials. Article 41 of the then constitution stated: "The First Consul freely appoints and dismisses the members of the local administration." This provision became the guiding principle of French domestic policy for a long time.

The so-called "July Monarchy" attempted to revive the activities of local territorial groups. The government continued to appoint mayors and their assistants, but from among the members of the restored municipal councils elected by local taxpayers. A similar attempt was made after the Revolution of 1848 and during the Second Republic. Citizens, using practically universal suffrage, created a local council, which elected the mayor. However, the large communes were soon deprived of the right to elect a mayor, and the 1852 constitution restored the Napoleonic model of local government. The

appointment of officials began again. Paris and Lyon were also deprived of the right to elect city councils.

The Third Republic (1870-1940) retained the basic principles of the previously established model, which meant strict control of the government over territorial communities and direct management of the capital. This was partly due to the established administrative tradition, partly to the impression that was made on the ruling elite as a result of the struggle with the Paris Commune. Territorial administration during this period acquired the following contours. France was divided into departments, arrondissements, cantons and communes.

The departments were headed by prefects appointed by the government. In fact, the prefect was the governor of the government, who headed the local administration on its behalf. At the same time, the prefect had few discretionary powers. Thus, local government in France was built on a strict separation of administrative (mayor) and representative (council) powers. Its other distinguishing feature was strict government control,

During the existence of the Fifth Republic (from 1958 to the present), local power acquired the following contours. France has a three-level system of organizing local government: commune, department, region. At the same time, it has a five-level administrative and territorial division: commune, canton, district, department, region. Cantons and districts do not have their own government bodies and are mainly electoral districts. Common features of communes are the territory, name, main city, status of legal entity. Large urban communes are divided into districts. Small communes prevail, which often fail to effectively perform their functions. 22 thousand communes have fewer than 500 inhabitants, of which 4 thousand have less than 100. The authorities are trying to unite small communes, but it is impossible to radically change the situation. Communes have been formed historically, some have existed since the time of the Roman Empire. They have their own traditions, are held dear by the local population, and resist attempts at administrative rationalization.

Domestic policy. The growing scale and complexity of domestic policy problems led to the creation of large territorial units that would have the resources and other capabilities necessary to implement large government programs. Accordingly, regions were created. The administrative structure of the regions was determined in 1982, but the first attempts at regionalization date back to the 50s and 60s. It was this plan that de Gaulle tried to implement during the unsuccessful referendum of 1969. The head of the regional administration is the Commissar of the Republic; he is also the head of the department on whose territory the local capital is located. Currently, the main task of the Commissar is not leadership, but coordination of the activities of the prefectures in the implementation of regional programs. It is carried out

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through the Administrative Conference of the Region, which includes local prefects and other leaders. The region, administratively, has not become the head of the department, but its importance and powers are gradually increasing.

Local finances. In France, despite the centralist traditions, local territorial collectivities have significant financial resources. Their budget is 60% of the state budget. However, since the time of Napoleon I, the principle of a unified treasury has been in effect: local funds must be kept in the accounts of the state treasury, which is given to them monthly. Local governments form their budgets from 4 sources: - state subsidies; a general subsidy for operating expenses to help poor communities, regardless of their size; - local taxes, the most important of which are land, housing and the right to certain professional activities; Loans - income from property and services.

France, one of the most decentralized states, where vertical, centralized governance is also moderately strong, is characterized by:

- 4 levels of the government system: center, region, department, commune;
- sharply decentralized administrative autonomy of the territories, although not complete independence;
- a practically limited system of tax collection;
- financial dependence of the regions mainly on the center, which also determines the need for centralized governance.
- The country's mixed economy system, along with private property, the state's share in many sectors of the economy is of paramount importance.

Such a symbiosis of decentralized and centralized governance is also due to the fact that often excessive decentralization leads to a number of problems, which are manifested in unemployment, economic and financial crises, etc. Which cannot be overcome without direct and immediate intervention by the state.

Conclusion

The article analyzes the French model of decentralization and local self-government, which may be acceptable for the formation of the local self-government system of Georgia. Taking into account the current international and domestic political and economic situation, we believe that it may be premature to fully decentralize Georgia, since there are no necessary and sufficient prerequisites for this, and it may be more acceptable to establish a mixed horizontal-vertical system of management according to the hybrid (French) model of local government.

As experience shows, democratic governance is not achieved only through decentralization of

management and full autonomy of regions. On the contrary, in many highly developed democratic states, where state management is based on a centralized unitary system (France, Denmark, Sweden), local self-government activities are also at a high level, despite the fact that in some cases the regions here do not have substantial autonomy. Alexis de Tocqueville once noted that in the future, when democratic governance, individual independence and freedoms (including at the local level) would be widespread, centralization would also be a common, normal form of governance. Obviously, in this case, the interests of the population and the interests of the state should be balanced.

The process of decentralization in Georgia, despite many reforms, is still in the process of development. It is clear that in order to create a strong democratic state, local self-government needs greater independence and a certain degree of freedom, a clear separation of powers between the central government and local self-government. The most pressing issue is the financial independence of the regions, which is practically impossible today. This circumstance is mainly due to the radical changes in the authorities in Georgia and, accordingly, the inconsistency of the decentralization policy; the centralized (even partially authoritarian) style of management caused by the post-Soviet legacy. Finally, the most important obstacle is the dangerous political situation, both within the country and outside, as well as the threat of separatism.

At the same time, no single model of governance alone can ensure the sustainability of the state. Political stability, peacekeeping, and economic development are essential for the development of the country, without which it is impossible to ensure the fiscal independence of the regions necessary for decentralized governance. However, on the path to the development of democracy in Georgia, steps can be taken, such as ensuring political, administrative, and fiscal decentralization as much as possible, taking into account the above circumstances. In addition, it is necessary to implement such measures as establishing a democratic electoral system, raising the participatory culture of the population, involving them in the management process, clearly defining the powers of local self-government and freeing it from political influence. All this is possible even in the current situation.

Thus, at this stage and in the current situation, the optimal form of governance for Georgia appears to be the *French hybrid model*, where, along with the decentralization of local governance, a reasonable dose of centralized governance of the government vertical will be maintained, taking into account the French experience.

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