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SOME ASPECTS OF INTERREGIONAL PUBLIC ADMINISTRATION IN MODERN RUSSIA: FROM THE SPECIAL TO THE GENERAL¹

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The lack in modern Russia of complete organizational and legal base of state territorial management, which would be adequate to modern tasks of state-building, as well as to challenges and threats to national security, is noted in the article.

Reviewing the activities of investment authorized representatives, the author expresses doubts about the necessity of existence of the very institute of investment authorized representatives, noting it as a duplicative state superstructure.

Seeing the “paralysis of the mechanism to ensure the passage of managerial decisions “from top to down”, the author summarizes the article by the need to structural adjustment of territorial public administration.

Keywords: public administration, inter-regional level of public administration, plenipotentiary representatives of the President, institute of investment authorized representatives, territorial public administration.

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A considerable unified level of interregional public administration in modern Russia began to take shape in 2000, when by the decree of the Head of State were established 7, and since 2010 – 8 federal districts and were appointed the respective plenipotentiaries of the President of the Russian Federation [1]. Today, you can definitely talk about the accomplished, but not yet fully completed regional reform of presidential and much of governmental structures of the Executive Branch. As a result was formed a kind of governments of federal districts, officially formed the interregional level public administration. Issues of further development of the latter are the focus of not only the scientific community, but also of the leadership of the country. Today, we can distinguish two main vectors in the development of interregional public administration.

First, the merging in 2010 and 2013 the powers of the plenipotentiary representative of the President of the RF in the federal district and the responsible official of the body of executive power – Deputy Chairman of the Government of the Russian Federation (in the North-Caucasus and the Far-Eastern Federal Districts) [2; 3; 7; 8]. Recall that in 2012 there was an attempt to merge the powers of the plenipotentiary representative of President of the RF in the Far-Eastern Federal District of the Russian Federation and the Minister of the RF for Development of the Far East. However, this attempt to improve the management of Far-Eastern territories of the country so far has actually been recognized by the leadership of the State as not entirely successful [4; 6; 9; 10].

Without going into particulars (for example, the plenipotentiary representative of the President of the RF in the North-Caucasus Federal District unlike its colleague has significant staff-institutional powers in relation to inter-regional executive bodies placed in the designated Federal District), we note that the merging of control and executive powers through combining the functions of the mentioned officials to some extent distorts the principle of separation of powers enshrined in the Basic Law and taking place in the practice of functioning of the state apparatus; there is a risk of bringing the President of Russia to responsibility for fulfilling of unusual for him executive and administrative functions, as well as caused by this serious abuses at the local level. Moreover, there is an obvious breach of normatively established personal subordination of plenipotentiaries of the President of the RF in the federal districts, which combine “government posts”, to the Head of State and emergence of the situation of their accountability both before the President and the Chairman of the Government of Russia. This situation of a potential conflict is also extremely dangerous in conditions of a potential political crisis.

New quality of the two of eight plenipotentiaries of the President of the Russian Federation in the federal districts lets us talk about factual vesting them a peculiar status of “federal managers” of territorial development of the country, which is due, undoubtedly, to the military-political and socio-economic peculiarities and problems of these regions, as well as to their special significance for the Russian statehood. We can assume that a similar trend in the field of state territorial management may eventually lead to the transformation of the plenipotentiaries of the President of the Russian Federation in the federal districts into persons appointed to positions not by the Head of State, but, by analogy with the prefects in France, by the government with granting them administrative jurisdiction. However, the reorganization of the institute of representatives of the Head of State at the local level into the institute of plenipotentiaries of the Government of the Russian Federation in the federal districts does not seem appropriate and likely will have a very illusive positive effect. The main reason for this lies in the limited competence of these officials and because of the nature of their legal status in their failure to ensure effective implementation of the competence of the Head of State in the territorial dimension through effective organization the work of territorial units of the federal bodies of executive power oriented on the President of the Russian Federation [19, 15-18; 18, 19-22].

Second, the vesting in 2011 the responsible officials of the apparatus of plenipotentiary representatives of the President of the RF in the federal districts – separate deputies plenipotentiary representatives of the President of the RF in the federal districts some additional functions – the rights of investment authorized representatives in the federal districts and the determination of the primary goal of their work – the creation of a favorable investment climate, as well as promoting to the implementation of investment projects [11: 12]. At that, in order to fulfill the order of the country’s leadership, federal bodies of executive power, the Interior Ministry and Federal Security Service, the heads of the supreme bodies of executive power of the constituent entities of the Russian Federation have defined officials responsible for coordination of activity and interaction with investment authorized representatives in the federal districts.

Appropriate acts, essentially specifying the main areas of work of investment authorized representatives in the federal districts, are taken by orders of plenipotentiaries of the President of the Russian Federation in the federal districts. The most amplitudinous act, which in fact comprehensively regulates the activity of investment authorized representative, is adopted in the North-West Federal District, where the order of the plenipotentiary representative of the President of

the RF No. 228 from May 10, 2012 approved "Regulations of the activity of the investment authorized representative in the North-West Federal District for interaction with the apparatus of the plenipotentiary representative of the President of the RF in the North-Western Federal District, federal bodies of executive power, bodies of State power of the constituent entities of the Russian Federation and bodies of local self-government within the North-Western Federal District, concerning the issues of promotion to implementation of private investment projects" [14].

Among the distinctive features of the considered document we should highlight the following: fixing the principles governing the activities of the investment authorized representative in the North-West Federal District, a clear formulation of its rights and expected results of its work, as well as the focus on the organization of its work – creation of the apparatus of the plenipotentiary representative composed of executive secretary, curators for work with the statements of investors (entrepreneurs) and experts. All of this once again raises the question of the possession of administrative jurisdiction (powers of authority) by the authorized representatives of the Head of State at the local level, a detailed study, which is few outside the scope of this article, has been previously held by the author [16, 66-70].

Along with investment authorized representatives in the Federal districts, as before, continue to operate federal government agencies with similar tasks and powers. We are talking about the Ministry of Economic Development of the Russian Federation, which, in particular, currently comprises the Department of Investment Policy and Development of Private-public Partnerships, which carries out functions of ensuring elaboration of public policy and normative-legal regulation in the sphere of investment activity. Similar apparatus' elements also operate in the structure of executive authorities of the constituent entities of the Russian Federation. The special position in the mechanism of public administration in the context of our study is occupied by the Commissioner of the President of the Russian Federation for the protection of the rights of entrepreneurs and its apparatus, as well as the commissioners for the protection of entrepreneurs' rights in the constituent entities of the Russian Federation [5]. Consideration of their, in our opinion, very ambiguous and contradictory legal status is beyond the scope of this work and is the subject of a separate scientific research.

Based on the foregoing, there are doubts about the necessity of existence of the very institute of investment authorized representatives in the federal districts as a duplicating state superstructure and even unnecessary bureaucratic element. So far it is very difficult to unambiguously answer to this question for a number of reasons, and primarily due to a short operation of investment authorized

representatives in the federal districts in the absence in most cases of clear and objective criteria (indicators) of their performance. On the one hand, by creating the institute of investment authorized representatives in the federal districts the country's leadership in the organizational-legal matters renounced the practice of institutionalization of new administrative-managerial structures, and limited to the assigning the functions to create a favorable investment climate on current officials. At that, the activity of each of the mentioned structures complements each other by providing comprehensive solution of a major national task of creating a favorable investment climate in Russia. Similar functions are exercised at different levels of public administration by bodies relating to the various levels and branches of public authority.

On the other hand, the regions are keenly interested in attracting investments in their own economy and creation of new industries, for that in the institutional aspect the constituent entities of the Russian Federation have actually created their structures. At the same time should not lose the sight of the fact that the formation of a favorable investment climate is the most important indicator of efficiency of both senior officials of the Russian Federation and the heads of federal executive bodies. However, as practice shows, the resolving of related problems leads to some duplication of powers of investment authorized representatives in the federal districts and commissioners for the protection of entrepreneurs' rights in the Russian Federation, which in recent times actively arrange interaction with the chief federal inspectors of the apparatus of plenipotentiary representatives of the President of the Russian Federation in the federal districts [15].

Moreover, the activities of investment authorized representatives in the federal districts is exclusively of sub-legislative nature and governed by corporate acts, while the work of executive authorities and some commissioners for the protection of entrepreneurs' rights in the Russian Federation is based on the legal acts of the highest legal force (decrees, orders, laws of the subjects of the Russian Federation). At that, the assignment of functions of investment authorized representative on one of the deputy plenipotentiary representative of the President of the RF in the federal district and the concentration of its powers on addressing relevant issues in practice creates the risk of moving a part of its apparatus out of regulation other areas and sectors of jurisdiction. While the functions of creation a favorable investment climate in the regions were also implemented by appropriate departments and officials of the apparatus of the plenipotentiary representatives of the President of the Russian Federation in the federal districts earlier, but alongside and in conjunction with others [13, 119-126].

Speaking in general about existing state territorial management, we consider it necessary to focus attention on the following moments. Today, many of the tasks of state territorial management have not only remained unresolved, but to a certain extent have been actualized. The basis of most changes in socio-economic sphere is an increase in the effectiveness of the controllability of the state territories and regional processes, what largely depends on the organizational-legal and institutional mechanisms for its implementation in the territorial and, including, in interregional context. Improving the management of territorial development of the country depends on the efficiency of the territorial bodies of federal public authorities. At the same time, one should recognize, that today the performance of federal territorial managerial structures is extremely low, what is mainly connected with the complexity of arrangement and structuring of the territorial federal state bodies.

Often territorial management bodies do not cope with their tasks and functions entrusted on them; prove to be incapable to function under the new conditions of development of the Russian society. At the same time there is duplication of their powers between themselves and regional bodies, inconsistency in management, insufficient mobility and degree of interaction of regional authorities between themselves and non-governmental organizations, formality of control and supervision in the entrusted field, weak executive discipline, and unfinished hierarchy line of executive power. Such state of affairs often causes various tragedies with human victims (air crashes, loss of ships, technogenic accidents, fires) [17, 14-17]. Largely namely these negative processes in the state territorial management had created conditions that seriously aggravated the consequences of the large-scale flooding in the Far East of the country. Still inflame local hotbeds of ethnic hatred, separatist tendencies are not fully terminated, what is extremely dangerous for a multinational state with different traditional religions from the perspective of ensuring its national security. So, one of the latest incidents, which has resulted from an explicit gap in work of relevant territorial bodies of public administration, has become the known throughout the country ethnic conflict in the Saratov region, the city of Pugachev.

The observed paralysis of the mechanism of ensuring the passage of managerial decisions “from top to bottom” does not allow the central government to fully exercise its decisions in strategic branches and the spheres of national economy, as well as to timely response to the needs of regions and its citizens, what entails the growth of social tension and discontent of the population, impedes economic development of Russia. In response, the central government is forced to create new and new state territorial structures, largely overlapping each other, increase

the staff of federal public servants and expenditures for maintaining state apparatus. However, this does not bring the desired result. Thus, obviously, there is a need to reconstruct the territorial public administration, what is beyond of the “simplified rationalisation activity”.

At the same time, there are serious gaps in the legal regulation of the issues of exercising federal powers at the local level. Many adopted to date normative legal acts regulating the functioning of territorial units of federal state bodies are not always properly coordinated, their content is weakly oriented on prospect. Certain provisions of normative legal acts are simply not reflected in the practical work of territorial management bodies, in some cases they are ignored because of their inconsistency and poor elaboration. Unfortunately, we have to recognize the absence in modern Russia of a full-fledged organizational-legal framework of the state territorial management, which would be adequate to modern tasks of state-building, as well as to challenges and threats to national security of the country. The formation of much needed today scientifically based and logically built concept of territorial development of Russia as part and parcel of the process of improving the state territorial management is moving very slowly, what in some cases does not allow the highest level of elaboration and implementation of measures that would be adequate to threats of the Russian statehood, extremely negatively affects the entire system of public administration.

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