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PECULIARITIES OF PUBLIC ADMINISTRATION OF NATIONAL MEMORY POLICY ON THE EXAMPLE OF THE MONUMENT TO CATHERINE II IN ODESA

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Abstract. Given the revision of the approach to assessing national memory policy and its consideration as a component of national security, an important task for the state is to rethink approaches to shaping the public space of Ukrainian cities. This requires analyzing the entire existing structure of governing bodies, the legislative framework, and specific cases related to the symbols of Russian imperial policy. This is especially true in cities that are the subject of increased attention from Russia. In particular, in Odesa, the example of the monument to Catherine II is one of the most striking in highlighting the problematic issues of Ukraine's approach to public administration in the field of national memory policy.

While studying the issues of public administration in the field of national memory in Ukraine on the example of the monument to Catherine II in Odesa, the author gained access to archival documents of local self-government bodies, studied open and news data, as well as existing case law and legislation of Ukraine, current and past, which allows systematizing the identified shortcomings and suggesting ways to address them at the legislative level.

Key words: national memory, Odesa, public administration, legislation, court decision, public space, memory war.

Introduction. Since the restoration of Ukraine's independence in 1991 and until the beginning of the Russian-Ukrainian war in 2014, Russia has actively continued the assimilationist processes started during the Soviet era by destroying and blurring specific structures of national memory: denial of the crimes of the Russian Empire against Ukrainians, falsification of historical data on the existence of cities and settlements on the territory of Ukraine before their annexation or occupation by the empire's troops, glorification of the imperial and Soviet occupation and the fight against resistance movements and marginalization of fighters for Ukrainian independence in the twentieth century or for other forms of Ukrainian statehood, political efforts to oust the Ukrainian language from the public and educational space, etc.

At the same time, after 2004, in addition to imposing public discourse, Russia began a «monumental occupation» of southern Ukraine, including Odesa, appealing to certain pages of the history of the region's occupation. This policy was aimed, among other things, at supporting historical myths that «tied» Odesa to Russia and the Russian version of history.

Such actions of Russia can already be seen in the context of «memory wars» [Kovalska-Pavelko, 2022:16-20, Shevel, 2017, Kulyk, 2013:63-81, Yang, 2023] which is increasingly used in scientific terminology.

An analysis of recent research and publications related to the topic of national memory policy shows that researchers' attention is mainly focused on the historiographical context (L. Nahorna, Andrii Mahaletskii), political science context (Yaroslav Motenko, Yevheniia Shyshkina, Natalia Dichuk). At the same time, the issue of public administration in the field of national memory policy implementation is only briefly touched upon in the Ukrainian academic literature (Iryna Kovalska-

Pavelko, Tetiana Vasylevska, Tetiana Bevz), and is almost never reflected in the international literature (foreign scholars, focus more on the cultural aspect. on defining definitions and their disclosure and do not touch upon public administration issues).

The research methodology is interdisciplinary, combining methods of historical, political, public administration and legal sciences.

The purpose of the article is to analyze the public administration decisions made by state and local authorities regarding the installation and dismantling of the monument to Catherine II in Odesa, the case law and legislation on this issue, and the history of this monument in order to understand the purpose of its installation and its role in the Russian-Ukrainian information war and its place in the field of national memory in Ukraine, as well as to identify problems in public administration and law enforcement and to find and develop proposals for their solution in the public administration aspect.

Main part. The Russian-Ukrainian war has necessitated a complete revision of the assessment and role of public administration in the field of national memory policy, as Russia uses mythmaking and its own interpretation of historical events to justify its military aggression and territorial claims, including to exert information and psychological influence on Ukrainians. In this context, the policy of national memory is already considered a component of national security, so it is important to rethink approaches to shaping the public space of Ukrainian cities, as well as to analyze the entire existing structure of governing bodies and specific cases related to the symbolism of Russian imperial policy. This is especially true in cities that are the object of increased attention of the Russian Federation, in particular in Odesa, where the process of shaping public space is one of the most striking in terms of highlighting the problematic issues of Ukraine's approach to public administration in the field of national memory policy.

In particular, the monument to Catherine II in Odesa is a vivid example of such Russian influence in Odesa. Thus, the installation on 27.10.2007 of a monument to Empress Catherine II (who played an extremely negative role in the history of Ukraine (Istorychna Pravda, 2022; Palamarchukm Yu. & Mielekestsev, K., 2023), partially recreated on the model of a similar monument unveiled by the administration of the Russian Empire on 06.05.1900 (Protokol zasidannia komisii, 1917), was supposed to complete the myth spread in Soviet times about the «foundation of the city of Odesa by Empress Catherine II» (Long, 2021) which in certain historical periods was supported by representatives of local self-government (Honcharuk, 1999: 27), although the first mention of a town called Kochubiyiv dates back to 1415 (Dlugosz, 1711). Even the name of the monument, «Founders of Odesa» was not authentic (Protokol zasidannia komisii, 1917), but a successful lexical device to continue the myth that the city was founded by the empire.

The appearance of the monument in Odesa dates back to around September 1890, when, in order to imprint the myth of the «100th anniversary of Odesa» in the public consciousness, the City Duma announced a competition for a monument to the Empress, which was to be created and installed by 1894. However, the process was delayed, and only in September 1892 was the project by Odesa architect Yurii Dmytrenko entitled «Monument to Empress Catherine II in Odesa» (Bohdanovych, 2018) approved with a cost of 57 thousand rubles: the sculpture models were designed by Mikhail Popov, an academician of the Imperial Academy of Arts in St. Petersburg, and the bronze figures were made by sculptor Borys Eduards and Leopold Mencione, a foreman of the marble shop of the Odesa General Crafts Council, who also cast the pedestal's foundation (Artymyshyn, 2022). The construction was not completed by the planned date of the centennial of the «foundation of Odesa» so on September 3, 1894, they limited themselves to laying the foundation stone, and the monument was unveiled only in May 1900 on Katerynynska Square in the center of Odesa, from which the city's first fountain was moved to the city garden (Artymyshyn, 2022).

However, on 20.04.1917, a meeting of the «Commission on the Removal of the Monument to Catherine II without Damage» was held with the participation of the creators of the pedestal, Yurii Dmytrenko and Borys Eduards.

The testimony of the latter, set forth in the minutes of the commission's meeting, gives an understanding of the monument's construction: «the main figure of Catherine II the Great consists of 4 parts, hollow inside and connected by metal fittings, and of these, the lower part is mounted on an iron pin 5 inches in diameter and filled with cement; 4 figures below: Zubov, Potemkin, de Ribas, and de Volan, are cast in one piece, with a hollow inside, and held on a pedestal by rods pressed into the granite. All the figures are cast in bronze» (Protokol zasidannia komisii, 1917).

As a result, the commission decided to remove the figure of Catherine II in parts and transport it to the museum. Ukrainian architect F.P. Nestrakh was instructed to find out the cost of scaffolding and accessories, and the cost of removing the figures was to be determined together with the master who had installed the monument (Protokol zasidannia komisii, 1917).

During the years of the Ukrainian liberation struggle, when Odesa was under the rule of the Ukrainian People's Republic and then the Bolsheviks, the monument was covered with tarpaulin. When the city was under the control of the Hetmanate troops, the sculptural composition was reopened to the public (Artymyshyn, 2022).

According to the testimony of I. Bunin «Catherine's monument is wrapped from head to toe, bandaged with dirty, wet rags, wrapped in ropes and covered with red wooden stars» (Artymyshyn, 2022).

Eventually, after Odesa finally came under Bolshevik rule on May 1, 1920, the monument was finally dismantled during a Soviet «clean-up day». Sculptures of the empress's companions were kept in the local history museum. The head of Catherine II was also there, and it was all that remained of her figure.

The only thing left of the monument on the square was a pedestal, which first became a short-term «refuge» for the bust of Adam Mickiewicz, and then Karl Marx. However, after one of the storms in the 1920s, the statue fell down, and an empty pedestal stood in its place for more than a decade. After the capture of Odesa by Romanian and Nazi troops in 1941, it was planned to erect a monument to Adolf Hitler (the square was also named after him). But by the end of the war, they did not have time (Artymyshyn, 2022).

Already on October 28, 1965, on the 60th anniversary of the uprising at the Potemkin Panzer Company, the square was renamed Potemkinska, and a monument «Descendants to the «Potemkin» ship's crew» was erected on the site of the former monument, which, according to the Resolution of the Council of Ministers of the Ukrainian SSR of 21.07.1965, № 711, received the status of a republican monument, and then by the decisions of the Odesa Regional Executive Committee of the Council of People's Deputies of 27.07.1971, № 381, and 27.12.1991, № 580 was placed under state protection as a monument of cultural heritage (decision of the District Administrative Court of Kyiv in the case No. 3/92, 2008).

After the restoration of Ukraine's independence, Russia tried to consolidate its soft influence in urban space – by the decision of the Odesa City Council of People's Deputies of June 02. 1995, № 204 «On the return of some streets, lanes, squares, parks and squares of the city of Odesa to their historical names», the square was returned to the name of Kateryninska (Odeska miskrada, 1995), and pro-Russian politicians initiated the restoration of the monument: the Odesa City Council of People's Deputies even voted for the decision «On approval of measures to restore the historical appearance of the city of Odesa» of 02.06.1995, № 205 (Pro vidtvorennia istorychnoho oblychchia m. Odesy, 1995). However, the process was suspended by the then President of Ukraine (Honcharuk, 1999: 27).

The local authorities returned to this issue after 2004, and in the media and official decisions they used not the authentic name «Catherine II» but a name with a deeper connotation – «Founders of Odesa» (for example, in the decision of the City Council of 04.07.2007, No. 1401-V «On the comprehensive restoration and improvement of Catherine Square in Odesa with the reproduction of its historical appearance» (Pro restavratsiui ta blahoustrii Katerynyns'koi ploshchi..., 2007), of

10.07.2007, No. 2918-V «On granting consent to accept as a gift to the municipal property of the territorial community of Odesa the reconstructed monument to the Founders of Odesa, except for museum exhibits: sculptures by G.O. Potemkin-Tavriysky, J.M. de Ribas, P.O. Zubov, F.P. de Volan» (On granting consent to accept as a gift to the municipal property, 2007), etc.).

At the same time, as noted above, official documents that accompanied the process of designing, installing, and dismantling the monument in the 19th and 20th centuries indicate that the monument was named «Catherine II» not «the founders of Odesa» as is used in 21st-century documents and Russian scientific sources.

To lay the monument, based on the decision of the City Council No. 97-V of 27.06.2006 and the Order of the State Service for National Cultural Heritage of the Ministry of Culture and Tourism of Ukraine No. 9 of 17.04.2007 and Permit No. 9/24 of 18.04.2007, the «Descendants to the «Potemkin» ship's crew» monument was moved to Mytna Square (Most of the fragments of the monument (primarily sculptures of Catherine II's associates) are originals. But the figure of the empress was made entirely, because the head preserved in the Museum of Local Lore could not be combined with the newly created part of the rest of the figure (Postanova u spravi № 3/92..., 2008).

The then President of Ukraine, Viktor Yushchenko, opposed the erection of the monument (UNIAN, 2007), but no public legal decisions were made on this matter, so on 27.10.2007, a festive opening ceremony took place, which practically reproduced the 1900 ceremony, appealing to Russian imperial historical narratives (Korrespondent.net, 2007, Ivasi.news, 2019). Russia's interest and the very purpose of the monument's erection is evidenced by the concept of the event: it was based on a similar one in the Russian Empire, with appropriate costumes and symbols and the participation of a representative of the royal family, and the supporters of the monument used the flags of Russia and the Russian Empire (UNIAN, 2007; Ivasi.news, 2019).

At the same time, the aforementioned Order of the State Service and the permit issued on its basis to move the «Descendants to the «Potemkin» ship's crew» monument, public administration decisions which essentially made it possible to move one monument and install another, were canceled by the decision of the District Administrative Court of Kyiv of 20.05.2008, No. 3/92, following a claim by the Association of Cossack Societies «Sich» (decision of the District Administrative Court of Kyiv in the case No. 3/92, 2008).

On the basis of this decision, on July 27, 2017, after ten years of litigation, the courts delivered their verdict in case No. 2a-549/11: «To declare invalid the decision of the Odesa City Council of 27.06.2006 No. 97-V and the decision of the Odesa City Council of 04.07.2007 No. 1401-V in the part concerning the reconstruction of the monument to the Founders of Odesa». The Supreme Court later confirmed this verdict (Decision of the Supreme Court in the case No. 2a-549/11, 2019).

Later, after the formal completion of the decommunization legislation, the Ukrainian Institute of National Memory launched a professional scientific discussion on the deconstruction of the imperial heritage, during which the monument to Catherine II was mentioned (Ukrainian institute of national memory, 2017). This provoked a sharp negative reaction from pro-Russian political forces and politicians (Enigma.ua, 2017), but no public administration decisions were made, so the monument remained in the public space.

The topic of dismantling the monument was raised again after Russia's full-scale invasion on February 24, 2022, when civil society used the public administration mechanisms available at the time. On June 28, 2022, petitions to dismantle the monument appeared on the website of the President of Ukraine (which quickly gained the 25 thousand votes necessary for consideration) (The official online representation on the President of Ukraine, 2022), and on August 1, 2022, the President appealed to the Odesa City Council to consider the proposal to demolish the monument (The official online representation on the President of Ukraine, 2022), but the Odesa City Council did not support the decision (Protocol of the 15th session of the Odesa City Council, 8th Convocation, 2022). At the same time,

peaceful assemblies were held with the participation of historians, lawyers, and the public, calling for the monument to be dismantled, and the monument was also doused with red paint, drawing historical parallels between the policies of the Russian Empire and the Russian Federation towards Ukraine (USI, 2022; Dumskaya.net, 2022; Suspilne Odesa, 2022; TSN, 2022).

Initially, city officials led by Mayor Hennadii Trukhanov spoke out against the «destruction of history» and spoke of the possible «barbaric destruction» of the monument (Corriere della sera, 2022), but then the city council nevertheless launched an electronic public discussion, which ended on October 20, 2022, with the largest number of votes – 3914 – for the option to «dismantle the monument completely» against 2816 votes for «preserving the monument in its place, supplemented with historical information about the activities of Catherine II» (Odesa City Council, 2022).

Based on the results of the discussion, on November 30, 2022, the Odesa City Council adopted decision No. 1044-VIII «On the Dismantling and Relocation of the Monument to Catherine II» (Decision of the Odesa City Council «On the Dismantling and Relocation of the Monument», 2022) and on December 29, 2022, the monument was dismantled and moved to the Odesa Art Museum at night (Deutsche Welle, 2022).

Conclusion. As we can see in this case, the monument, which became the subject of destabilization of the situation in the city and politicization of the issue of public space formation, despite the illegality of the local government's administrative decisions that became the basis for its installation, stood for another 15 years and was dismantled only in 2022, and the trials that lasted almost a decade did not end with effective judicial control, since the satisfaction of the claims only in part did not oblige the local government to dismantle the illegally installed monument.

It follows that the public administration system has demonstrated its ineffectiveness in countering political and legal decisions on the erection of monuments on the territory of territorial communities, since the legislation in force at the time and the current one does not contain any levers of restraint or counterbalance to the decisions of local self-government. This led to the possibility of erecting a monument to Catherine II on the basis of illegal decisions that could not be canceled except in court.

The Laws of Ukraine «On the Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and the Prohibition of Propaganda of Their Symbols» No. 317-VIII and «On the Condemnation and Prohibition of Propaganda of Russian Imperial Policy in Ukraine and Decolonization of Toponymy» No. 3005-IX, adopted during the Russian-Ukrainian war and full-scale invasion, contain a similar gap, which, on the one hand, imposes on the heads of regional state (military) administrations the obligation to issue an order to dismantle monuments, but does not provide any mechanisms for its practical implementation by the administrations themselves in case of failure to comply with their orders by local self-government bodies.

The Ministry of Culture and Strategic Communications (Postanova «On Amendments Concerning the Activities of the Ministry of Culture and Strategic Communications», 2024) (formerly the Ministry of Culture of Ukraine (Postanova «On the Approval of the Regulation on the Ministry of Culture and Tourism of Ukraine», 2006, Postanova «On the Regulation of the Ministry of Culture of Ukraine», 2011, Postanova «On Approval of the Regulation on the Ministry of Culture of Ukraine», 2014) and the Ministry of Culture and Information Policy) (On Amendments to Some Acts of the Cabinet of Ministers of Ukraine on the Activities of the Ministry of Culture and Information Policy, 2020) or any other central executive body (such as the Ukrainian Institute of National Memory (Postanova «Some Issues of the Ukrainian Institute of National Memory», 2014) has no leverage over local governments, even at the level of legislation regulating relations regarding the improvement of settlements (Law of Ukraine «On the Improvement of Settlements», 2014).

Similarly, the law does not oblige municipal authorities to engage in professional scientific or public discussion when deciding on the erection of monuments and memorials, which creates an imbalance in the implementation of national memory policy at the community level and leads to

unlimited politicization of this process, the consequences of which can be eliminated in decades, when the monument, erected to confirm a certain historical myth, has already largely fulfilled its main function – to consolidate certain narratives in the public consciousness and begin the process of blurring national identity (Law of Ukraine «On Naming Legal Entities and Objects of Property Rights after Individuals...», 2012).

Public consultations provided for by law are only advisory in nature, meaning that their initiator is required to formally conduct them, without the need to have a scientific basis, the position of public authorities, educational or cultural institutions (Law of Ukraine «On Naming Legal Entities and Objects of Property Rights after Individuals...», 2012).

At the same time, legislative acts that formally contain provisions on the illegality of denying the crimes of totalitarian regimes, such as the Law of Ukraine «On the Holodomor of 1932–1933 in Ukraine» (Law of Ukraine «On the Holodomor of 1932–1933 in Ukraine», 2006), or the existence of prohibited symbols in public space, for example, the Law of Ukraine «On the Legal Status and Commemoration of Fighters for the Independence of Ukraine in the Twentieth Century» (Law of Ukraine «On the Legal Status and Honoring of Fighters for Ukraine's Independence in the 20th Century», 2015), or the aforementioned acts on decommunization (Law of Ukraine «On the Condemnation of Communist and National-Socialist (Nazi) Totalitarian Regimes», 2015) and decolonization (Law of Ukraine «On the Condemnation and Prohibition of Propaganda of Russian Imperial Policy», 2023), are not provided with any sanctions or powers of public authorities to take measures to eliminate the identified violations.

In this regard, it seems necessary to amend the current legislation of Law No. 3005-IX by supplementing the final and transitional provisions, setting a new deadline for the heads of regional state (military) administrations to adopt orders to dismantle (move) monuments and memorials from public space and provide a mechanism for their practical implementation through executive bodies and structural units, as well as to strengthen the capacity of the Ministry of Culture to further shape public space.

In addition, it is necessary to regulate the procedure for erecting monuments and memorials, as well as to improve the existing procedure for renaming place names so that both the state and local governments participate in these processes on an equal footing. Moreover, the procedure for holding public discussions on the formation of public space should be improved so that the voice of scholars and scientific research on a particular figure, anniversary date, or historical event would have mandatory weight and/or be published in the process of public consultation.

Moreover, the length of the litigation over the monument to Catherine 2 and the ineffectiveness of the court decisions necessitate changes to the procedural law. Such changes may include the introduction of a separate category of cases on the installation and/or dismantling of monuments and memorials or the naming/renaming of place names, which would be considered within a shorter timeframe (for example, the current procedural law provides for such a procedure for disputes related to the right to information or citizens' appeals).

In general, the problems identified during the study, given the active phase of the Russian-Ukrainian war, as well as Russia's use of place names and monumentalism as an instrument of information aggression, prompt further interest in the study of this issue and the need for a prompt response to the shortcomings of public administration in the implementation of the national memory policy in Ukraine.

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