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SOME ISSUES OF IMPROVING THE ACTIVITIES OF LOCAL SELF-GOVERNMENT BODIES OF UKRAINE IN CRISIS CONDITIONS

Abstract

The article analyzes the main problems and risks that arise in the process of implementing the local self-government reform. In particular, considerable attention is paid to the following main problems: financial decentralization; insufficient level of communication between the authorities and citizens; inconsistency of powers between executive authorities and local self-government bodies, as well as councils of united territorial communities, district state administrations and district councils; issues of capacity of the formed communities; the need to improve the skills of local self-government personnel, and the efficiency of resource use. It was found that there are no and cannot be unified standards for the functioning of local self-government bodies. The experience of foreign countries is undoubtedly useful, but it is necessary to take into account national conditions and realities and to be constantly ready for changes.

It is substantiated that, taking into account the experience of European countries and Ukrainian realities, it is necessary to improve local self-government in Ukraine, which includes a number of measures to improve the efficiency, openness and democracy of the system. For example, it is necessary to expand the powers of local authorities by providing them with broader powers to address issues related to economic development, social policy, education, healthcare, etc. The next aspect is financial decentralization. Providing local governments with sufficient financial resources to perform their functions by revising the system of intergovernmental fiscal relations and increasing revenues from local taxes and fees. There have been significant developments in this area, but due to the military operations, this process has been adjusted in accordance with the requirements of the state.

It is proved that the decentralization reform is one of the most important for the development of both a separate territorial community and the state as a whole. The consequence of this reform is harmonization between the central government and local governments. Decentralization is a process that constantly needs to be improved, including appropriate levels and forms of interaction between the population and the authorities; consolidation of innovations in the Constitution of Ukraine and elimination of inconsistencies and discrepancies in the regulatory framework; overcoming contradictions between different levels of government; clear division of powers; and creation of conditions for further strengthening the capacities of local self-government bodies.

Keywords: local self-government, redorm, politics, democracy, civil society, political interest, society, crisis condition.

Introduction

The development of local self-government is an urgent need for the progress of the state, society and the individual in particular. On the way to building local self-government, Ukraine takes into account both the experience of other countries, since domestic legislation takes into account the basic principles of the European Charter of Local Self-Government, as well as local factors that significantly affect the realities of socio-economic and cultural development, overcoming the wartime crisis processes of our country, which will ultimately contribute to a significant improvement in the level and quality of life not only of individual territorial communities and regions, but also of most of Ukraine as a whole.

It is the change in approaches to state governance, the gradual implementation of reforms to develop local self-government, the territorial organisation of power in Ukraine, the improvement of the mechanisms of the existing local government system, and the expansion of the powers of local self-government bodies that will contribute to the development of local government on the principles of democracy.

Given the realities of today's development of the local self-government reform in Ukraine, a wide range of studies has been devoted to these issues. Particular attention should be paid to the publications of such authors as: V. Averyanov, M. Baimurotov, I. Balabanov, V. Batrymenko, V. Bondeniuk, Y. Zhalilo, V. Kravchenko, Y. Krehul, M. Pukhnytskyi, V. Romanova, S. Romaniuk, S. Seriojin, O. Shevchenko, P. Shlyakhtun, and others. However, a number of issues remain unresolved, and the areas of reform and continuous improvement of local self-government and territorial organisation of power to meet the needs and interests of citizens in all spheres of life require constant efforts by the state, society, communities, and each individual, as this is a time of accelerated dynamism, where technological progress is becoming a determining factor in the development of communities.

Methods

The methodological basis of the article is a system of general scientific, philosophical, special legal methods which allowed to achieve the goal. The key

methods that were used within the framework of the goal were comparative and dialectical. If we talk about the first, then his involvement was important for comparing different concepts related to the role and importance of local self-government, while the second helped to reveal weaknesses and strengths in the activity of local self-government bodies in our country.

The purpose of the article is to consider some issues of improving the activities of local self-government bodies in times of crisis.

Results

An important component of the political system of society is local self-government, the main purpose of which is to realise the interests of an individual and the State, and also to guarantee the protection of local and regional interests in society, and to develop territorial communities which are related to solving the problems of non-State provision of the population's vital activity. Local self-government is a system of governance at the level of local territories that enables citizens to make decisions on issues related to their place of residence. It includes elected authorities (e.g. city councils, rural communities) that are responsible for governance and decision-making in their administrative area.

Local governments can have different forms of organisation and operate at different levels, from village to city or regional. The functioning of local self-government is a direct implementation of democracy, good governance and consideration of the needs of specific communities.

Starting in 1997, the basic foundations for the development of local self-government were laid with the adoption of the Law on Local Self-Government in Ukraine of 21 May. This law enshrined the concept of a «local self-government system» and a list of its elements. The system of local self-government was represented by the following components: territorial community; village, settlement, city council; village, settlement, city mayor; rayon and oblast councils representing the interests of territorial communities of villages, settlements and cities; executive bodies of village, settlement and city councils; bodies of self-organisation of the population [1, p.27].

This structure of local self-government makes the mechanism of democracy in the organisation of governance at all territorial levels effective. As an independent tool, local self-government ensures sustainable development of communities and creates decent living conditions for citizens, as well as improves the level of administrative and social services.

The adoption of the law on local self-government was a progressive step in the development of communities, which were granted the right to manage local resources, elect local authorities and dispose of their territory, but these relations are constantly in need of change and improvement, so since 1997 its content has been amended to reflect the realities of today. For example, the creation of appropriate material and financial conditions to ensure that local governments

exercise both their own and delegated powers; the division of powers between local governments and executive authorities at different levels of the administrative-territorial structure on the principle of decentralisation and subsidiarity; maximum involvement of the population in making administrative decisions, which will contribute to the development of forms of direct democracy.

To this day, even during martial law, the Verkhovna Rada of Ukraine is amending the Law of Ukraine «On Local Self-Government» to take into account the expert opinion of the Council of Europe and its bodies on the rights of national minorities in certain areas, including education, culture, etc. One of the significant changes is the holding of regular information and cultural and educational events aimed at integrating national minorities (communities) into Ukrainian society. This is necessary and relevant to the intensification of Ukraine's European integration processes (No. 3504-IX of 08 December 2023).

In the process of de-Sovietisation, the Verkhovna Rada of Ukraine also submitted a draft law «On de-Sovietisation of the Procedure for Resolving Certain Issues of the Administrative and Territorial Structure of Ukraine», which cancels the name of a territorial unit as an «urban-type settlement». According to this document, all settlements with compact development and a population of more than 10,000 inhabitants will now have the status of a city. However, existing cities with a smaller population will not be downgraded. Settlements with manor buildings and a population of more than 5,000 will have the status of villages (Resolution of the Verkhovna Rada of Ukraine of 20.03.2023 No. 2984-IX) [2].

The very organisation and functioning of local self-government shows that complex tasks are effectively solved by structures that do not have monopoly authoritarianism, but rather by those with a polycentric distribution of powers. «Excessive centralisation, which is inherent in the power vertical, contradicts the modern social dynamics in general. The process of not only decision-making but also decision implementation becomes too cumbersome. While retaining the ability to solve routine problems, the system tends to react inadequately to new problems, and openly cower before them. The linear vertical gives rise to the absolute dependence of management structures on higher levels» [3, p. 19-20].

In such a model, the solution of existing community problems becomes secondary, and the primary is the way they are «presented» to the management, which minimises the importance of assessing the existing community problem and delays its solution. Therefore, it is decentralisation that significantly strengthens the self-organisational potential of citizens, which significantly speeds up the response to the needs of society. However, the positive aspects of centralisation of power should not be overlooked. First and foremost, its significant advantage is that it is a single authority that does not get involved in local political disputes. Coordination of local services is also another strong argument for the usefulness of centralisation of power.

Thus, when reforming public administration, one should not exclusively contrast centralisation and decentralisation. «The main problem in carrying out reforms is not to make a choice between decentralisation and centralisation, but to strike a necessary and appropriate balance between them that would adequately meet the real socio-economic and political conditions of a particular country» [3, p. 20]. In this respect, there is no universal approach for all countries and cannot be. For example, the experience of European countries is the consolidation of administrative-territorial units, which, accordingly, reduces the number of local authorities and the creation of various regional forms of governance.

This also has a constructive impact on the formation of the demographic, territorial, material and financial base for the maintenance and development of municipal services. For example, in Ukraine, with the adoption in 2015 of the Law «On Voluntary Amalgamation of Territorial Communities» of 5 February 2015 No. 157-VII [11], which made it possible to consolidate communities that, at the expense of their own taxes and fees, provided the provision of communal and administrative services needed by community residents; thus, they performed their powers delegated by the state with public funds. In the same year, during the local elections, the regions with the highest number of communities were recorded. In the Ternopil region - 26, in Khmelnytskyi - 22, in Lviv - 15, in Dnipro - 15 [4, p. 6].

The newly formed local self-government bodies have a number of tasks and obligations, among which the most important are: defining a community development strategy; providing new quality services, such as the establishment of ASCs (administrative service centres), using modern technical and technological achievements, which is extremely convenient for citizens. «The material and financial foundations of local self-government are changing. Each community has its own communal property, which is necessary for the functioning of vital public services. Municipalities widely use economic methods of management—local taxes, licensing, contracting for the use of municipal functions with private firms, etc.» [3, p. 21].

This is what allows communities to interact with each other using a cooperative approach by concluding agreements, providing services, and organising joint activities in relevant sectors between different bodies and levels of local government. This, in turn, increases the revenue side of local budgets, develops the municipal economy and encourages entrepreneurial activity. It is worth noting that these circumstances necessarily require changes in the executive apparatus, as the role of municipal officials is growing, and therefore the requirements for their professional competence and qualifications are increasing.

Taking into account this social demand, Ukrainian higher education institutions have created and implemented training programmes for civil service personnel. Among these training programmes are the following: «Public Management and Administration», «Civil Service», «Local Self-Government», «Parliamentarism and Parliamentary Activities», «Post-Conflict Governance»,

«Public Management and Administration: Integration into the EU», «Public Management and Administration (for civil servants commissioned by the National Agency of Ukraine on Civil Service)», «European Studies for Public Managers (for civil servants commissioned by the National Agency of Ukraine on Civil Service)», «Governance in the Post-War Territories (for civil servants commissioned by the National Agency of Ukraine on Civil Service)». On the other hand, effective local self-government involves the participation of citizens in public administration. In Ukraine, this process is envisaged by a number of separate regulatory documents that distinguish such forms of citizen activity as: public public discussion (direct form), study of public opinion of the territory's residents (indirect form).

Public discussion, as a direct form of citizen participation in public administration, includes public hearings, meetings with the public, conferences (using forms of remote communication), seminars, forums, round tables, meetings, activities of public reception offices, radio and television broadcasts, discussions, dialogues, etc.

The European experience of organising community involvement in the development of the territory widely uses public hearings. «They help to engage the general public and experts in discussing important issues of regional policy and solving the main problems of local self-government. This is how high-quality two-way communication between the authorities and the public is ensured and maintained, since the existing representation of the interests of all social groups of citizens significantly helps in the exercise of public control» [5, p. 495]. However, this format is rarely used in Ukraine. There are a number of reasons for this, in particular: insufficient material and technical base of villages and towns; insufficient public awareness, etc. However, according to scholars, this is not the whole list of reasons for the low level of citizen participation in local self-government.

Among the main reasons are the following: citizens' lack of confidence in their own abilities as a subject of cooperation with local self-government bodies, underestimation of public associations by the population, ignoring the opinion of the community by local government officials, inadequate quality of informing the population about the activities of local self-government bodies, in particular, about the spending of taxpayers' funds, passivity of citizens to information about the activities of local self-government bodies, distrust of the population in the competence of the level of staff. According to M. Horbatiuk, one of the key problems on the way to reforming local self-government bodies was «ineffective communication between the authorities and citizens, which caused an information vacuum on the ground» [1, p. 26]. Statistical data showed that Ukrainian citizens had a rather low awareness of the specifics of the decentralisation reform. The results of a survey conducted in 2014 on the government's decentralisation initiative, which envisaged the transfer of more powers to local governments, were as follows.

The answer «heard» was given by 68% of respondents. 15% of them were well aware of this initiative, 53% had «heard something», and 32% had «heard

nothing» [Year of decentralisation 2015]. Surveys conducted two years later also did not show a positive trend. One third of Ukrainians knew nothing about it, 12% knew it well, and 54% had heard something about it. A year later, in 2017, it was shown that only 20 per cent had good knowledge of the government's decentralisation initiatives, 62 per cent had heard something about them, and 18 per cent did not have this information at all. The following year (2018), the figures did not change significantly. According to I. Bekeshkina, the main reason why people were unaware of this issue was the policy of the media, namely their lack of attention to the reform process [6].

A study conducted by Swiss and Ukrainian researchers entitled «Support for Decentralisation in Ukraine» was divided into two stages: the first one was public awareness of decentralisation issues, and the second one was the mechanisms of decentralisation implementation [7]. According to the study, people only knew in general terms what decentralisation was, but did not properly understand the mechanisms of its implementation, which was the result of insufficient awareness-raising. «At the initial stage of the reform, misunderstanding of its basics and principles was widespread not only at the level of ordinary citizens. Representatives of local self-government noted that they had created amalgamated communities as a kind of start-up, and many did not understand the scope of powers and responsibilities that accompanied the reform. The lack of information, especially in 2015-2016, also contributed to the spread of negative myths about the reform» [8, p.18].

At the same time, an equally important issue was to ensure the capacity of the newly formed communities. The reform stipulated that the newly formed communities “are able to provide an adequate level of service provision, in particular, in the field of education, culture, healthcare, social protection, housing and communal services, taking into account human resources, financial support and infrastructure development of the relevant administrative-territorial unit, independently or through the relevant local self-government bodies” [5, p. 490]. In other words, the goal of the decentralisation reform was to create capable territorial communities that had to meet a number of criteria: geographical integrity of the community's territory; distance from the centre to the community with a population of more than 10% of the total population of the ATC should be no more than 20 km; at least 250 school-age children; a school of I-III level with a design capacity of at least 250 students; population of at least 3000 people, area of at least 200 square kilometres [9].

The implementation of the reform, with imperfect legislative norms, and state bodies taking into account only the interests of regional and local elites, led to the approval of the reform on the basis of the voluntary consent of communities, without taking into account the perspective plans of the regions and with violation of the methodology. “Perspective plans began to be “adjusted” to the already formed communities that were created without taking into account the perspective

plans. This led to the existence of ATCs that were not able to provide an appropriate level of services and their own economic development. In this regard, as of 2019, 73% of amalgamated communities in Ukraine had subsidised budgets.

In our opinion, these problems are due to the fact that Ukrainian society is still undergoing transformation processes in terms of territorial community management, the long-lasting economic crisis, martial law, etc. However, it was martial law that showed the mobilisation resource of the community itself, which did not wait for orders from above, but self-organised for its own protection. Yes, this is an extremely difficult and tragic stage in Ukrainian history, but it has shown the effectiveness of the community, which is able to become a powerful social force in solving the problems it faces.

Conclusions

The decentralisation reform is becoming one of the most important for the development of both the individual territorial community and the state as a whole. The consequence of this reform is harmonisation between the central government and local authorities. This is a key to addressing key issues of socio-economic development of communities and providing quality services to citizens, especially in wartime, when people face problems that they cannot solve on their own.

Decentralisation is a process that constantly needs to be improved, including appropriate levels and forms of interaction between the population and the authorities; enshrining innovations in the Constitution of Ukraine and eliminating inconsistencies and discrepancies in the regulatory framework; overcoming contradictions between different levels of government; clear division of powers; and creating conditions for further strengthening the capacity of local governments.

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ДЕЯКІ ПИТАННЯ ВДОСКОНАЛЕННЯ ДІЯЛЬНОСТІ ОРГАНІВ МІСЦЕВОГО САМОВРЯДУВАННЯ УКРАЇНИ В УМОВАХ КРИЗОВИХ СТАНІВ

Резюме

У статті проаналізовані основні проблеми і ризики, які виникають в процесі реалізації реформи місцевого самоврядування. Зокрема значна увага приділена таким основним проблемам як: фінансова децентралізація; недостатній рівень комунікації між владою та громадянами; неузгодженість повноважень між органами виконавчої влади та органами місцевого самоврядування, а також радами об'єднаних територіальних громад, районними державними адміністраціями та районними радами; питання спроможності утворених громад; потреба у підвищенні кваліфікації кадрів органів місцевого самоврядування, ефективність використання ресурсів. Виявлено, що не існує і не може існувати єдиних стандартів функціонування органів місцевого самоврядування. Так, безперечно, досвід зарубіжних країн є корисним, проте необхідно враховувати національні умови та реалії і постійно бути готовим до змін.

Обґрунтовано, що зважаючи на досвід європейських країн та українські реалії необхідно вдосконалювати місцеве самоврядування в Україні, яке включає низку заходів для покращення ефективності, відкритості та демократичності системи. Наприклад, розширювати повноваження, шляхом забезпечення місцевих органів влади більш широкими повноваженнями у розв'язанні питань, що стосуються економічного розвитку, соціальної політики, освіти, охорони здоров'я тощо. Наступним аспектом є фінансова децентралізація. Забезпечення місцевих органів влади достатніми фінансовими ресурсами для виконання їхніх функцій, шляхом перегляду системи міжбюджетних відносин та збільшення доходів з місцевих податків та зборів.

Відповідно до цього питання є істотні зрушення, проте у зв'язку з військовими діями цей процес скорегований відповідно до вимог держави.

Доведено, що реформа децентралізації постає однією із найважливіших для розвитку як окремої територіальної громади, так і держави в цілому. Наслідком цієї реформи є гармонізація між центральною владою та органами місцевого самоврядування. Децентралізація—це процес, який постійно потребує вдосконалення, включає відповідні рівні та форми взаємодії між населенням і владою; закріплення нововведень в Конституції України та усунення невідповідностей і розбіжностей у нормативно-правовій базі; подолання суперечностей між різними рівнями влади; чіткий розподіл повноважень; створення умов для подальшого посилення спроможностей органів місцевого самоврядування.

Ключові слова : місьцеве самоврядування, реформа, політика, демократія, громадянське суспільство, політичний інтерес, суспільство, кризовий стан.

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