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## **INSTITUTIONAL DEVELOPMENT OF LOCAL SELF-GOVERNMENT IN CIVIL DEFENSE UNDER PUBLIC MANAGEMENT REFORMS IN UKRAINE**

This article describes real and potential threats to national security of Ukraine in the field of civil defense at the level of local communities. The problem of public administration in the sphere of civil defense and rural settlements of technogenic emergencies and natural disasters was actualized. It considers of a legal framework, which is the legal basis for functioning of local civil defense subsystems and their links. The paper analyzes functions and powers of local authorities in Ukraine to implement state policy in the field of civil protection and compliance to current challenges and needs of the population.

Problems and the measures taken by State Service for Emergencies of Ukraine jointly with regional administrations to assist in the organization of civil protection with newly established communities. The basic position of the local government and the prospects for improving protection of residents of local communities, territories and the environment from emergencies was revealed in the context of its implementation.

**Key words:** emergency, civil defense, reform, local self-government, local community, decentralization, public administration

**Statement of the problem.** Ensuring safety and protection of people, economic facilities and national heritage of the country in general from negative effects of technogenic emergencies and natural disasters is an integral part of national security policy and state building of Ukraine and most important function of the executive authorities, local government, enterprises, institutions and organizations.

Recently, the number of natural-technogenic and environmental threats in Ukraine is growing rapidly, creating immediate and potential threat to national security. The nature and scale of threats demonstrates inefficiency of government agencies to minimize and response that emergencies. Understanding of this fact necessitates the adoption of adequate measures by the state, which essence is to create an integrated system of defense of population and territories from emergency situations, conducting a balanced policy on these issues at all levels of government.

Practical implementation of state policy in the field of civil defense (CD), which quintessence is to prevent and respond to emergencies, should be based on totality of adequate legislation and public administration, institutionally able to implement such policies.

However, modern Ukrainian society requires high-quality, deep and systemic changes that should contribute to achieving goals specified in the current Ukrainian Constitution (art. 3, 16, ch. I; art. 50 ch. II)<sup>1</sup> on guaranteeing human safety and protection of health, life and activity.

One of these problems is to reform the profile service and system of defense of population, territory, property and environment from various kinds of emergencies according to European safety standards.

Thus, at present stage of state-management democratic transformation of decentralization of power and political course of European integration of Ukraine CD requires institutional development of public administration at local level that actually emphasizes the relevance of this study.

**Analysis of recent research and publications.** The problem of improving public administration in the safety of human life is always in the focus of scientific community due to its social significance.

An important contribution to science of public administration in this area have modern Ukrainian scientists O. Barylo, V. Bohdanovich, S. Vovchenko, O. Melnychenko, P. Volanskyi, A. Vlasiuk, O. Trush,

<sup>1</sup> Конституція України, ст. 3, 16, гл. I; 50, гл. II (1996) (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon2.rada.gov.ua/laws/show/586-14>>.

E. Havrylko, L. Zhukova, I. Krynychna<sup>1</sup>, N. Klymenko, V. Predborskyi, V. Kosevtsov, O. Koshkin, V. Sadkovyi, Yu. Soha, V. Tyshchenko, R. Pryhodko, I. Chuban, O. Honcharenko, V. Horbulin, A. Kachynskiy, V. Kostenko<sup>2</sup>, and others who offered important conceptual and theoretical approaches to solving urgent and complex issues of human safety, protection of areas of the environment from emergencies and development of state CD system and its components. However, at the present stage of the constitutional reform and decentralization of power in Ukraine there is a need to further address important scientific task to strengthen the role of local authorities on united reliable protection of local communities in the event of a threat or occurrence of emergency. Consequently, research and development in this area is timely and relevant.

**The purpose of the study** is to investigate the prospects for institutional development of CD in local communities in the context of European integration and implementation of public administrative reform in Ukraine.

**Presentation of the basic material.** In terms of proclaimed course of European Union integration particularly important are problems of regional development, establishment of local government, improving relations between the center and the regions.

Relevance of the study of this issue is determined by weak sophistication in of state institutions capable to coordinate and cooperate to make effective implementation of tasks of local and regional development in the implementation of systemic reforms in the country. In this context, an important factor to change the situation for the better should be effective institutional support for the process of local government reform, taking into account the best international and European experience, a clear division of roles and coordination of public administration in territorial development.

The strategic objective of the future development of Ukraine is to build a strong and modern European democratic state with high living standards and security of every citizen. After the path of reform Ukraine will become one of the leading European countries, where the issue of quality of life and health is a fundamental social values and policy priorities.

The purpose of local self-government reform in Ukraine is to improve the quality of human life by creating appropriate conditions for development of local communities as independent and self-sufficient social communities capable under its responsibility to provide quality services of public nature directly to citizens in the territory, and to ensure effective defense of community members, their rights and interests through active participation in solving local problems.

An important activity of local authorities in the field of safe residence of population, protection of communal and private property is providing of technogenic and fire safety, prevention and response to emergencies occurring in a particular area. Given the above, these problems are reflected in the current Law of Ukraine "On local state administrations"<sup>3</sup> and "On local self-government in Ukraine"<sup>4</sup>. However, analysis of practical implementation of these powers by local authorities in the CD shows current mismatch of expectations and needs of society as well as declarativeness and absence of real mechanism for implementation.

Among the challenges facing local self-government today and requiring urgent attention is the lack of clear division of powers in the CD sphere between executive powers and local self-government, and between levels, bodies and officials of local self-government. In this regard, with current territorial and legal basis it is not possible to improve the quality of state-guaranteed services in the field of safety of life

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<sup>1</sup> Кринична, І.П. (2015). *Державне управління процесами радіаційно безпечної життєдіяльності населення*. Дніпропетровськ: РоялПринт; Кринична, І.П. (2013). Регіональне управління процесами радіаційно безпечної життєдіяльності населення. Харків: *Публічне управління: теорія та практика*, 3 (15), 157-161; Костенко, В.О. Діяльність місцевих органів виконавчої влади та органів місцевого самоврядування щодо захисту населення і територій у разі загрози або виникнення надзвичайних ситуацій. *Грані*. <<http://grani.org.ua/ua/graniarchive.html>>.

<sup>2</sup> Костенко, В.О. (2013). Реформа місцевого самоврядування – як ефективний механізм для підвищення рівня цивільного захисту територіальних громад. Дніпропетровськ. *Аспекти публічного управління*, 3, 119-126; Костенко, В.О. (2014). Діяльність місцевої влади у сфері цивільного захисту і надзвичайних ситуацій в контексті реформи місцевого самоврядування в Україні. Харків. *Теорія та практика державного управління*, 2 (45), 158-166.

<sup>3</sup> *Закон про місцеві державні адміністрації 1999* (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon2.rada.gov.ua/laws/show/586-14>>.

<sup>4</sup> *Закон про місцеве самоврядування 1999* (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon2.rada.gov.ua/laws/show/586-14>>

for members of local communities, especially rural and township. The local council of small territorial community may not actually realize provided authority in the sphere of CD primarily due to lack of budget. Functioning of local government in the majority of communities do not provide adequate protection of population and territories from emergencies<sup>1</sup>. In fact, human right to protection of health, safety and life enshrined in the Constitution of Ukraine<sup>2</sup> is not fully realized in majority of communities.

Partly, in the context of law optimization and definition of tasks of local authorities in the CD sphere, this problem was resolved by adoption of CD Code, approved by the Decree of the President of Ukraine on October 2, 2012 № 5403-VI and entered into force on 1 July 2013<sup>3</sup>. This document defined and strengthened role of local authorities in implementation of CD measures and counteraction to emergencies (art. 6, 10, ch. I; art. 19, ch. II). However, the mechanism of their implementation needs a clear legislative regulation today. However, Cabinet of Ministers by its decree on April 18, 2012 № 606 "On Approval of recommendation lists of structural subdivisions of local state administrations"<sup>4</sup> excluded CD units from organizational structure of local state administration, which actually denies their opportunity to implement government policies in this area. In this case, we see the absolute contradiction and inconsistency in the actions of legislative and executive branches of government decision-making.

Among the complex problems of CD in local communities particular concern is the poor state of fire protection in rural areas, where on average there is more than 35% of all fires every year, which killed about 50% of people, and losses reach hundreds of millions. To correct this situation local bodies need to create units of local fire protection and ensure their proper maintenance.

Typical environmental problem for most villages in Ukraine is the cleanup of unusable pesticides and toxic chemicals. Due to lack of budget funds the issue of continuous cleaning of land of former military ranges on explosive remnants of war is slowly solved, the construction and strengthening of dams not carried out, leading to significant flooding areas, so as not other problems that local authorities cannot cope alone<sup>5</sup>.

Only during 2014 143 emergencies was registered in Ukraine (national level – 5, regional - 9, local – 59, at facilities - 70), which resulted in 287 people killed and 680 were injured. Comparing to 2013 number of victims of emergencies has increased by 13.4%<sup>6</sup>. Only since the beginning of 2016 the fires have killed 460 people and injured 249<sup>7</sup>. From these data we can see that over 90% of the emergencies have local or facility (which, in fact, is local) level; that underlines the primary role of the local self-government on response and liquidation of its consequences. Therefore, on institutional capacity of local authorities and coherence with subordinate capabilities will depend when and with what consequences any emergency will be eliminated.

The urgent need for institutional changes in public administration and local self-government in Ukraine is demonstrated by launched administrative reform<sup>8</sup>.

According to the Law of July 1, 2010 № 2411 - VI "On Foundations of Domestic and Foreign

<sup>1</sup> Кринична, І.П. (2013). Регіональне управління процесами радіаційно безпечної життєдіяльності населення. Харків: Публічне управління: теорія та практика, 3 (15), 157-161.

<sup>2</sup> Конституція України, ст. 3, 16, гл. I; 50, гл. II (1996) (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon2.rada.gov.ua/laws/show/586-14>>.

<sup>3</sup> Цивільний кодекс, ст. 9, 10, гл. I; 19, гл. II (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<http://zakon2.rada.gov.ua/laws/show/586-14>>.

<sup>4</sup> *Постанова про затвердження рекомендаційних переліків структурних підрозділів обласної, Київської та Севастопольської міської, районної, районної в м. Києві та Севастополі державних адміністрацій 2012* (Кабінет Міністрів України). *Офіційний сайт Кабінету Міністрів України*. <<http://www.kmu.gov.ua/control/npd/list>>.

<sup>5</sup> Кринична, І.П. (2013). Регіональне управління процесами радіаційно безпечної життєдіяльності населення. Харків: Публічне управління: теорія та практика, 3 (15), 157-161.

<sup>6</sup> *Національна доповідь про стан техногенної та природної безпеки в Україні* (2014). *Офіційний сайт Державної служби надзвичайних ситуацій України*. <[http://www.mns.gov.ua/files/prognoz/report/2014/ND\\_2014.pdf](http://www.mns.gov.ua/files/prognoz/report/2014/ND_2014.pdf)>.

<sup>7</sup> *Офіційний сайт ДСНС України*. <[http://www.kmu.gov.ua/control/en/publish/article?art\\_id=248730690&cat\\_id=244277212](http://www.kmu.gov.ua/control/en/publish/article?art_id=248730690&cat_id=244277212)> Як об'єднані громади протидіятимуть надзвичайним ситуаціям, обговорили під час вебінару. *Децентралізація влади*. <<http://decentralization.gov.ua/news/item/id/1310>>.

<sup>8</sup> Наукова розробка (2012). *Інституційний розвиток місцевого самоврядування в умовах державно-управлінських реформ*. <[http://www.academy.gov.ua/%5CNCMKD%5Clibrary\\_nadu%5CNavch\\_Posybniky%5C98a824fa-7df2-46a4-9494-cb6f9feef4e.pdf](http://www.academy.gov.ua/%5CNCMKD%5Clibrary_nadu%5CNavch_Posybniky%5C98a824fa-7df2-46a4-9494-cb6f9feef4e.pdf)>.

Policy<sup>1</sup> vector of foreign policy of the state is to integrate Ukraine into the European space for the purpose of gaining membership in the European Union (EU) (Art. 11). Realizing this course Verkhovna Rada adopted the Law on September 16, 2014 № 1678-VII, which ratified the Association Agreement between Ukraine and the EU, having a tool and a guide for planned transformations<sup>2</sup>. Subsequently, by the decision of August 31, 2015 № 656 VIII the Parliament preapproved a bill to amend the Constitution of Ukraine concerning decentralization of power<sup>3</sup>. In the case, continues the process of harmonization of political positions on the final approval of these changes.

Association of Ukraine with the EU involves the Ukrainian government to implement tasks defined in the principles of domestic policy, particularly in the field of local government (Art. 4), in the environmental field and the field of technological security (art. 9)<sup>4</sup>.

The annual analysis of technogenic and natural security in Ukraine and implementation of complex preventive measures shows that each year the key problems in CD are the same, namely the high rate of depreciation of fixed assets in facilities management; deliberate ignoring of human safety requirements; insufficient organization and prevention; discrepancy of financial and logistical support to real need for implementation of CD measures; exhaustion and lack of technical equipment of CD forces; insufficient training of management staff and specialists, whose activities in government agencies associated with the organization and implementation of CD measures.

The real mechanism for comprehensive solving of problems of local communities in CD sphere is the mechanism of decentralization of power and the implementation of local government reform, which is currently being implemented in Ukraine.

Thus, at the initiative of the President of Ukraine, to meet the requirements of the European Charter of Local self-government<sup>5</sup> the Government developed the Concept of reform of local self-government and territorial organization of power in Ukraine<sup>6</sup>, with the purpose of quality increase the capacity of local self-government to manage public affairs under own jurisdiction.

That is why the President of Ukraine by the Decree of January 12, 2015 № 5 approved Strategy for Sustainable Development "Ukraine - 2020"<sup>7</sup>, which provides implementation of constitutional reforms in decentralization.

The aim of the Strategy is to introduce European standards of living in Ukraine and access to Ukraine's leading position in the world. A key strategy vector is security, which must provide guarantees of security. Defining basis of security has also become an effective system of CD at all levels and ensuring implementation of effective mechanisms for combating emergencies. Particular attention should be paid to safety of human life and health, which is impossible without effective protection of population, environment and safe access to clean drinking water, safe food and industrial goods.

As stated in the Strategy, the aim of decentralization policy is a withdrawal from centralized model of governance in the country, ensuring the capacity of local government and an effective system of territorial organization of power in Ukraine, the implementation of the full provisions of the Charter, the principles of subsidiarity, universality and financial self-sufficiency of local government.

The bill to amend the Constitution of Ukraine proposed changes about decentralization of state power in Ukraine and strengthening constitutional and legal status of local self-government.

<sup>1</sup> Закон про засади внутрішньої і зовнішньої політики 2010 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon4.rada.gov.ua/laws/show/2411-17>>.

<sup>2</sup> Закон про ратифікацію Угоди про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони 2014 (Верховна Рада України). Офіційний сайт Верховної Ради України. <[http://zakon5.rada.gov.ua/laws/show/984\\_011](http://zakon5.rada.gov.ua/laws/show/984_011)>.

<sup>3</sup> Постанова про попереднє схвалення законопроекту про внесення змін до Конституції України щодо децентралізації влади 2015 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon5.rada.gov.ua/laws/show/656-19>>.

<sup>4</sup> Закон про засади внутрішньої і зовнішньої політики 2010 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon4.rada.gov.ua/laws/show/2411-17>>.

<sup>5</sup> Закон про ратифікацію Європейської хартії місцевого самоврядування 1997 (Верховна Рада України). Офіційний сайт Верховної Ради України. <[http://zakon4.rada.gov.ua/laws/show/994\\_036](http://zakon4.rada.gov.ua/laws/show/994_036)>.

<sup>6</sup> Концепція реформи місцевого самоврядування та територіальної організації влади в Україні. <<http://civil-rada.in.ua/?p=477>>

<sup>7</sup> Указ про Стратегію сталого розвитку «Україна – 2020» 2015 (Президент України). Офіційний сайт Верховної Ради України. <<http://zakon2.rada.gov.ua/laws/show/5/2015>>

It also provides that separation of powers in local self-government system and their executive bodies at various levels follows the principle of subsidiarity, which corresponds to the European Charter of Local self-government<sup>1</sup>. Considering the above, the amendments exclude local administrations from the constitutional regulation of and cancel Institute of heads of local state administrations. Instead, the main powers are focused on the basic level in the community. Formation of executive bodies of self-government controlled and accountable to community is assumed.

Material and financial basis of local government is fixed. The process of decentralization involves independent budgeting of local self-government and relevant powers are applied to all cities and villages. The principle of financial independence is crucial for local self-government to solve immediate needs of communities, including CD.

Today the issues of CD and fire safety as part of decentralization and community associations are very sharp. Firstly, there is the question of how united communities will counteract emergencies. In this context the issue of interoperability of operational-rescue service and CD units of local fire protection in the territory of the future united communities must be first resolved.

In this regard, State Service on Emergencies of Ukraine primarily has methodological problem to help communities to organize local volunteer fire department, to develop optimum number of CD service, which should be set at the level of each united community on the basis of technogenic impact, and organization of learning for leaders of local governments and population about behavior during emergencies.

Currently, gradual implementation of pilot projects on development of an effective system of CD in restructuring local self-government has continued. Thus, the first Pilot project implemented under the Memorandum of Cooperation between State Service on Emergencies of Ukraine and the Donetsk Regional State Administration, which was signed in September 2015. In February 2016 was signed a similar memorandum between Ternopil Regional State Administration and State Service on Emergencies of Ukraine. Currently in Ternopil there are 26 local communities and the outcome of the Pilot project will be economically justified and efficient model of CD, which operates within a particular local community. For effective implementation of the Pilot project in each of the newly established local community the analysis of natural and technogenic threats will be conducted, on the basis of which a range of CD measures will be introduced, including the firefighting, formation of local fire protection, their interaction with units of Rescue Service of CD, organizations of warning of population, sheltering and evacuation during emergencies, and so on. In addition, these Memorandums on cooperation have been signed with Dnipropetrovsk and Vinnytsya State Administrations<sup>2</sup>. Work in this area continues in all regions of Ukraine.

**Conclusion.** For implementation of quality CD management and rapid response to emergencies local governments of regional, district and local levels must have clear legally separated and balanced management functions, simple and clear mechanisms for their implementation, sufficient financial resources with modern rescue equipment and other specialized utilities, qualified and well trained staff. All this will certainly lay the new foundations of security and development for residents of local communities; will enable local authorities to more effectively address local issues.

The final result of this reform should be a transfer of functions from local executive authorities to local self-government authorities, which are closest to citizens; the establishment of adequate material, financial and organizational conditions for tasks of local self-government in CD sphere; the adoption of Law on Local self-government (revised) with new definitions of full and comprehensive powers of basic, district and regional local self-government bodies; amendments to the budgetary and tax legislation in order to empower own base of local budgets for effective response to emergencies; other legislative acts in CD sphere, environment and other important for communities issues of life safety.

<sup>1</sup> Закон про ратифікацію Європейської хартії місцевого самоврядування 1997 (Верховна Рада України). Офіційний сайт Верховної Ради України. <[http://zakon4.rada.gov.ua/laws/show/994\\_036](http://zakon4.rada.gov.ua/laws/show/994_036)>.

<sup>2</sup> Офіційний сайт ДСНС України. <[http://www.kmu.gov.ua/control/en/publish/article?art\\_id=248730690&cat\\_id=244277212](http://www.kmu.gov.ua/control/en/publish/article?art_id=248730690&cat_id=244277212)>; Як об'єднані громади протидіятимуть надзвичайним ситуаціям, обговорили під час вебінару. Децентралізація влади. <<http://decentralization.gov.ua/news/item/id/1310>>.

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