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REFORMING OF THE LOCAL GOVERNMENT IN UKRAINE: PRACTICAL ASPECTS

Abstract. The practical aspects of the reform of local government in Ukraine at the present stage of decentralization of power are highlighted, namely: in the conditions of voluntary association of territorial communities on the example of Koropsky district of Chernihiv region. It is proved that the administrative and territorial reform of the territorial formation of the administrative unit, which will carry the name of the rayon and which will unite several united territorial communities, should be a logical continuation of the process of completion of the association of territorial communities. This should depend on the geographical location, the availability of infrastructure, the road transport network, the availability of medical services, and other factors.

It was noted that in order to ensure the implementation of the provisions of the Concept for the reform of local self-government and the territorial organization of power in Ukraine, a district council of representatives of OTG should be formed in such a structural unit, which will provide the main powers of local government bodies at the district level. The district council should establish its own executive body, which should be under its control and accountable. The system of central executive authorities in the newly created administrative unit (rayon) may be represented by the relevant body set up by the Cabinet of Ministers of Ukraine, whose functions should include the coordination of the activities of the territorial units of the executive power on the ground and control over the targeted and effective use of the State budget funds that will be received on the development of the respective territories.

It has been determined that local authorities, which are one of the main subjects of public administration at the local level and, in particular, the development of territories, most in their activity take into account the traditions of the people, their mentality, the level of development of civil society and its ability.

Keywords: local government, reform, decentralization, territorial communities (OTG).

РЕФОРМУВАННЯ МІСЦЕВОЇ ВЛАДИ В УКРАЇНІ: ПРАКТИЧНІ АСПЕКТИ

Анотація. Висвітлено практичні аспекти реформування місцевої влади в Україні на сучасному етапі децентралізації влади, а саме: в умовах добровільного об'єднання територіальних громад на прикладі Коропського району

Чернігівської області. Доведено, що логічним продовженням процесу завершення об'єднання територіальних громад має стати адміністративно-територіальна реформа з територіального формування адміністративної одиниці, яка носитиме назву району та яка об'єднуватиме кілька ОТГ. Це має залежати від географічного розташування, наявності інфраструктури, дорожньо-транспортної мережі, доступності надання медичних послуг, інших чинників.

Відмічено, що з метою забезпечення реалізації положень Концепції реформування місцевого самоврядування та територіальної організації влади в Україні у такій структурній одиниці має бути сформована районна рада з представників ОТГ, що забезпечуватиме основні повноваження органів місцевого самоврядування районного рівня. Районна рада має утворити власний виконавчий орган, який повинен бути їй підконтрольним та підзвітним. Систему органів центральної виконавчої влади у новоствореній адміністративній одиниці (районі) може представляти відповідний орган, утворений Кабінетом Міністрів України, до функцій якого має бути віднесено координацію діяльності територіальних підрозділів органів виконавчої влади на місцях та контроль за цільовим та ефективним використанням коштів Державного бюджету, що надходять на розвиток відповідних територій.

Визначено, що саме місцева влада, яка є одним із основних суб'єктів публічного управління на місцевому рівні та, зокрема, розвитку територій, у своїй діяльності найбільш враховує традиції народу, його ментальність, рівень розвитку громадянського суспільства та його спроможність.

Ключові слова: місцева влада, реформування, децентралізація, об'єднання територіальних громад (ОТГ).

РЕФОРМИРОВАНИЕ МЕСТНОЙ ВЛАСТИ В УКРАИНЕ: ПРАКТИЧЕСКИЕ АСПЕКТЫ

Аннотация. Освещены практические аспекты реформирования местной власти в Украине на современном этапе децентрализации власти, а именно: в условиях добровольного объединения территориальных общин на примере Коропского района Черниговской области. Доказано, что логическим продолжением процесса завершения объединения территориальных общин должна стать административно-территориальная реформа по территориальному формированию административной единицы, которая будет носить название района и объединять несколько объединенных территориальных общин. Это зависит от географического расположения, наличия инфраструктуры, дорожно-транспортной сети, доступности предоставления медицинских услуг, других факторов.

Отмечено, что в целях обеспечения реализации положений Концепции реформирования местного самоуправления и территориальной организации власти в Украине в такой структурной единице должен быть сформирован районный совет из представителей ОТО, обеспечивающий основные полномочия органов местного самоуправления районного уровня. Районный совет должен создать собственный исполнительный орган, который должен быть

ему подконтрольным и подотчетным. Систему органов центральной исполнительной власти во вновь созданной административной единице (районе) может представлять соответствующий орган, образованный Кабинетом Министров Украины, к функции которого должны быть отнесены координация деятельности территориальных подразделений органов исполнительной власти на местах и контроль за целевым и эффективным использованием средств Государственного бюджета, поступающие на развитие соответствующих территорий.

Определено, что именно местные власти, которая является одним из основных субъектов публичного управления на местном уровне и, в частности, развития территорий, в своей деятельности наиболее учитывает традиции народа, его ментальность, уровень развития гражданского общества и его способность.

Ключевые слова: местная власть, реформирование, децентрализация, объединение территориальных общин (ОТО).

Formulation of the problem. Local authorities, which are one of the main subjects of public administration at the local level and, in particular, the development of territories, take into account the traditions of the folk, their mentality, the level of development of civil society and its ability in their activity.

The development of Ukraine as a democratic, social and legal state is directly linked to the establishment of an effective local government.

The Concept for the Reforming of Local Self-Government and Territorial Organization of Power in Ukraine (hereinafter – the Concept), adopted on April 1, 2014, defines the main ways of the solving of the problems of local self-government. The key issues that determine the essence of change are: the definition of a sound territorial basis for the activities of local self-government bodies and executive authorities; the creation of proper material, financial and organizational conditions for

ensuring the implementation of own and delegated powers by local self-government bodies; the division of powers between local self-government bodies and executive authorities at different levels of the administrative-territorial structure on the principles of subsidiarity and decentralization; maximum involvement of the population in the adoption of managerial decisions, the promotion of the development of forms of direct democracy [1].

The Strategy for Sustainable Development “Ukraine 2020”, approved by the Decree of the President of Ukraine dated January 12, 2015 № 5/2015 [2], which defines the purpose, the vectors of the movement, the roadmap, the top priorities and indicators of the proper conditions for the formation and development of Ukraine, defines decentralization and public administration reform according to the responsibility vector among the main reforms and programs of state development. It is stated [2] that territorial communities

have to solve issues of local importance, their well-being independently and bear responsibility for the development of the entire country.

The analysis of recent publications has shown that the issues of the effective functioning of local authorities, the formation of representative bodies of power, in particular on the local level, the growth of the role of territorial communities in the solution of local affairs, are grounded in scientific works by V. Bordeniuk, V. Vakulenko, P. Vorona, V. Goshovska, T. Ivanova, V. Kuybida, O. Pukhkal, I. Rozputenko, V. Tolkovanov and others.

Despite the considerable interest of domestic and foreign researchers in the issues of the functioning of local authorities, the issue of the reforming of local government in the conditions of voluntary association of territorial communities (hereinafter – ATC), in particular, the practical aspects of this process, have not yet become the subject of special scientific research.

That is why the **purpose** of this **article** is to highlight the practical aspects of the reforming of local government in Ukraine at the present stage of decentralization of power (in the conditions of voluntary association of territorial communities on the example of Koropskyi district of Chernihiv region).

The main material. The concept provides the decentralization of power and the construction of such a system of local self-government, which is fully consistent with the principles of the European Charter of Local Self-Government and the provisions of other international treaties, recommendations of the Council of Europe in the field of local and regional democracy.

The Concept takes into account the recommendations of the Congress of Local and Regional Authorities of the Council of Europe, adopted at its session on October 31, 2013, as well as the provisions of the Declaration of Congress of March 25, 2014.

The concept [1] defines a three-tier system of organization of local self-government and clearly defines the areas of competence of each level of local self-government. The main areas of responsibility of local self-government bodies are concentrated at the basic level, and their number is much higher than at other levels.

Understanding the importance and necessity of reforming the outdated and ineffective in nowadays' reality system of administrative-territorial structure in the country, and local authorities as one of its derivatives, the Koropskyi district council began to study the *main provisions* of the draft Law of Ukraine "On voluntary association of territorial communities" in 2014 yet, since its appearance on the website of the Verkhovna Rada of Ukraine, and the Concept of the Reforming of Local Self-Government and Territorial Organization of Power in Ukraine [1].

It should be noted that from March 2015 the Law of Ukraine "On voluntary association of territorial communities" [3] stipulates: the basic conditions for the voluntary association of territorial communities; the procedure for voluntary association, in particular, the formation of a united territorial community and the reorganization of local self-government bodies; the procedure for voluntary adherence to the united territorial communities; state support for voluntary association of territorial

communities and voluntary adherence; forms of such support, in particular financial support by the state and a perspective plan for the formation of community territories.

The *analysis* carried out by the executive body of the Koropyskyi District Council showed that over the last 25 years the number of residents in the district has decreased by 11.3 thousand, and the number of village councils has increased by 9. There has become a situation where the largest village council accounted for more than 2 thousand inhabitants and the smallest one had not even 200 with the same number of staff units in the local councils, ie, the load per one employee of the executive board of one council was 10 times more than of the other one, with the same financial costs for the maintenance of the apparatus. It has become obvious that the reform of the grassroots, basic, composition would entail the association of communities into new units at the level of the newly formed regions, as well as the introduction of certain changes at the regional level. That is, this component of the formation of a new administrative-territorial structure has become almost the most controversial part in the decentralization reform. A simple change in the boundaries of the councils without the transfer of power and financial flows to the locations was, in our opinion, the main reason for the failure of the attempt to conduct administrative and territorial reform in 2005. *Taking into account* these factors, the *work on realization* on the territory of the district of a project on decentralization of power through the voluntary association of territorial communities began in the district.

As part of the *information and communication campaign* and clarification of the main provisions, organizational and legal support for the implementation of the Concept [1], the implementation of the legislation on cooperation and association of territorial communities [3, 4], the district council and district state administration have developed a number of appropriate measures for implementation. In particular: workshops with village, town heads; training directly in village, town councils with deputies, members of executive committees, community assets; discussion of the issue of the association of territorial communities for discussion at general meetings in settlements of the district; "Round tables" with village, town chairmen, heads of institutions, organizations of the district, heads of structural units of the district council, district state administration, with participation of mass media representatives on implementation of legislation on the cooperation and association of territorial communities in the district. During the discussions the question of possible risks has arisen: financial risks; preventing of the reduction of provision of services to the population of future communities; the resistance of leaders of self-sufficient territorial communities against voluntary association. After a considerable amount of the preparatory work, explanatory work, taking into account the requirements of the territorial communities of the district as a whole to ensure their further independent functioning, several variants of the association have been worked out.

When considering the options for a possible association it was considered that Koropyskyi district has one of the

lowest population density, high population aging, negative population growth, and a remified network of budget institutions. One of the defining principles of the association was the availability of public services, territorial location and transport links. The possibility of self-financing of united territorial communities has been also taken into account.

After the long discussions and analysis by of village, town leaders, it has been offered to choose a baseline model – the creation in the district of two united territorial communities. This option provided the creation of the Koropskyi ATC, consisting of 19 village, town councils and Ponorntskyi ATC, consisting of 8 local councils, and fully met the Methodology for the formation of capable territorial communities [5].

The decision of the round table was submitted to the consideration and approval of the *working group* for the processing of the proposals of the territorial communities of the district regarding their voluntary association, approved by the joint decree by the acting head of the district state administration and the chairman of the district council from February 20, 2015, № 3. The working group included the representatives of the district state administration and district council, deputies of the district council, village and town heads of the district. The working group approved the proposals for the voluntary association of the territorial communities of the Koropskyi district, with the subsequent provision of them to the regional state administration and regional council for the generalization and informing of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine.

After the decision was made by the Chernihiv Oblast Council on the *approval of the Perspective Plan for the Formation of Territories of the Chernihiv Oblast Communities* and its approval by the Cabinet of Ministers of Ukraine [6] (with the formation in the district of two ATCs (see Figure), *direct work on the creation of united territorial communities* has started.

However, it must be admitted that 2015 was lost in relation to the formation of communities. This was caused by a number of objective and subjective factors:

- the resistance of the leaders of self-sufficient territorial communities against voluntary association (due to “budget decentralization” with changes to the Budget and Tax Codes);
- In local communities there was a demand for land plots that over the past decades have been overgrown with weeds, woods, have not been used for their intended purpose. The arrival of investors on the territory of the relevant councils has multiplied the incomes to the local budgets from the payment of land taxes. The community leaders received self-sufficient budgets, that in turn gave the opportunity not only to invest in the development of the respective territories, but also to increase spending on the maintenance of the apparatus by raising salaries. In a part of village councils, due to the additional funds received, wages of executive officers were 4–5 times higher than the salaries of employees of the executive branch of the district council and district state administration. Such village councils were 30–40 %, and they understood that, in the event of association, their funds would be centralized



The boundaries of the ATC of the Koropskiy district according to [6]

into one, general budget of the united territorial community, and, accordingly, induced the deputies of local councils, heads of budgetary institutions against the process of association.

In addition, in 2015, village and town leaders were fully absorbed in the election race (local elections), as the competition in connection with the activation of political parties on the eve of the election had grown significantly. The events in the state of 2013–2014 have changed the political mood of people. In each village, 4 to 7 candidates claimed the position of village chairmen, and the existing village leaders were not concerned about the process of decentralization.

The fuzzy position of the executive branch of government significantly influenced the impossibility of creating an ATC in the district, in 2015. With the appointment of a new leadership in the oblast and district state administrations, a new trend has emerged in the approach to the formation of an ATC: “one district – one community”. In open meetings, the mass media declared the support for decentralization processes in a manner determined by the law – on the principles of voluntariness, in accordance with the requirements of the Perspective Plan, sticking to the requirements of the Methodology for the formation of capable territorial communities, and in fact insisted

that the village heads should unite only in one community, and that this community is headed only by the head of the district state administration, and at the same time ignoring the abovementioned normative-legal acts. That is, as a result of such a “reform” a so-called community should be formed, which would be controlled and influenced by the executive branch itself, would have the same geographical boundaries as the district. At the same time, in the presence of village and town councils, people received administrative services directly on the locations, and when creating a single community, when most administrative and regulatory functions would go directly to the community, villagers would have to go to the community center for services, in our case this is 60–70 km from the uttermost villages of the district.

Unfortunately, these factors, combined with others, did not allow us to start work on the creation of an ATC in the Koropskyi district in 2015. The time for local self-governance reform among the pioneers was lost. But in the region the classic situation was already brewing, when “the lower classes did not have the desire and the upper ones did not have the possibility”.

The results of the local elections in October 2015 slightly changed the configuration of the deputy corps and village heads. One third of the leaders of territorial communities was not re-elected to positions held, they were mainly those people who were the biggest opponents of the reform of local self-government. At the level of the district council, with the active support of the newly elected village head Korop, the *work on the forming of public opi-*

nion about the necessity and expediency of reforms has been started again. The *representatives of the Office of Reforms* in the oblast, *civil society organizations*, which introduced decentralization into a practical plane, were *involved* in the cooperation. The first five ATCs that came to direct intergovernmental relations began to operate in the oblast. With the delegations of village and town leaders, with the active support of the Association of Local Councils of Koropskyi region, the experience of the Kiptivska, Vertiivska, Desnianska ATCs of the Chernihiv region, Shishatska ATC of the Poltava region, which was the most territorially and financially consistent with the approved Perspective Plan of the Koropskyi ATC, *was studied*.

In March 2016, at a joint meeting with village and town leaders, *an algorithm* for association in the Koropskyi ATC *was developed* and the *process of reforming the local self-government* of Koropskyi region was initiated. The initiator of the association was the Koropskyi village council. Having passed all procedures provided by the legislation, which included sessions of village and town councils, public discussions, formation of joint working groups, development of draft decisions, making conclusions on the conformity of draft decisions in September 2016, a decision “On voluntary association of territorial communities in the Koropskyi united territorial community” was made.

The ATC included 16 village and one town council (63 % of the total), the population was 15,7 thousand people (67 % of the total), the area of ATC is 907,4 km². (69 % of the total), 45 settlements in the community (69 % of the

total). Two village councils that according to the Perspective Plan were to be part of the Koropyskyi ATC, did not wish to associate at this stage and now operate independently.

According to the appeal of the regional state administration, the Central Election Commission appointed on December 18, 2016, the first elections in the united territorial community, which resulted in the convincing victory (on the post of the village head) of the initiator of the association, the village head Zhuravel V., acting on that time, and the election of 26 deputies of the village council. At the first session of the village council on December 30, 2016, the powers of the village head and deputies of the village council were recognized. In May 2017, the first election of a village elder in 16 eldership of Koropyskyi ATC was held. With the conduction of the election of the elder, the organizational process for the formation of the Koropyskyi ATC can be considered as completed, but *the whole process of reforming of the local authorities*, which has become new form, *has not been completed yet*, new problems, requiring the prompt and effective resolution and a clear distinction between the defined legislative framework.

Conclusions of the study. We believe that the logical continuation of the process of completing the association of territorial communities should be the administrative-territorial reform of the territorial formation of the administrative unit, bearing the name of the district and uniting several ATCs. It should depend on the geographical location, the availability of infrastructure, the transport network, the availability of medical services, and other factors.

In order to ensure the implementation of the provisions of the Concept of the Reform of Local Self-Government and the Territorial Organization of Power in Ukraine in such a structural unit, a district council of representatives of the ATC, providing the main powers of the local self-government bodies at the district level, should be formed. The district council should establish its own executive body, which should be under its control and accountable to it. The system of central executive authorities in the newly created administrative unit (district) may be represented by the relevant body set up by the Cabinet of Ministers of Ukraine, the functions of which should include the coordination of activities of territorial units of executive power on locations and control over the targeted and effective use of the State budget funds that will be received for the development of the respective territories.

In perspective, further researches in this area should relate to scientifically grounded offers for further steps in reforming local government.

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