

Pomaza-Ponomarenko A. L., PhD in public administration, senior scientific employee, NUCPU

GUIDELINES OF THE IMPROVEMENT OF THE STATE POLICY OF TERRITORIAL DEVELOPMENT

ОРІЄНТИРИ ВДОСКОНАЛЕННЯ ДЕРЖАВНОЇ ПОЛІТИКИ ЩОДО ТЕРИТОРІАЛЬНОГО РОЗВИТКУ

The analysis of legal support of the state regional policy, improving of local government and territorial organization of power is carried out. The basic directions and trends of said improving and development of territory are defined.

Keywords: *state policy, improving, state authorities, territory.*

Здійснено аналіз правового забезпечення державної регіональної політики, реформування місцевого самоврядування та територіальної організації влади. Визначено основні тенденції й орієнтири цього реформування та територіального розвитку.

Ключові слова: *державна політика, удосконалення, органи влади, територія.*

Problem setting. The processes of state building and formation of civil society cause the necessity to improve the state policy of the development of territories and regions. The achievement of this purpose requires the fundamental studies in the direction of the clarification of the essence of this policy and the guidelines of its modernization; in particular, the importance of the introduction of the principles of good governance in Ukraine.

Recent research and publications analysis. Among Ukrainian scientists paying attention to the solution of the problems of the territorial organization of power, to the definition of scientific and methodological, as well as conceptual principles of the state regional policy, the works by the following authors should be allocated: V. Bakumenko, S. Bila, O. Bobrovska, Z. Varnalii, I. Dehtiarova, T. Derun, A. Dehtiar, L. Didkivska, M. Dolishnii, S. Dombrovska, V. Dubnytskyi, Ya. Zhalilo, L. Zaitseva, O. Korotych, V. Kravtsiv, A. Kuznetsov, O. Lebedynska, S. Maistro, V. Malikov, V. Mamonova, N. Myrna, N. Tkachova, L. Khashyieva, V. Yablonskyi, etc.

The following foreign scientists researched the state and administration aspects of the territorial and regional development: M. Albert, P. Doyle, W. Isard, M. Mescon, M. Nekrasov, F. Khedouri, etc.

At the same time, the questions of the improvement of the state policy of regional development in the light of its renewal remain topical, as well as the legislative differentiation of territorial and regional administration.

Paper objective. The object of the article is the outlining of the guidelines of the improvement of the state policy of territorial development by means of the research of the existing legal groundwork for territorial administration, and its comparison with the priorities of the state regional policy.

Paper main body. The researcher A. Yehiozarian asserts that the transition at the local and regional level from the system of community administration to the system of the proper governance and effective provision of qualitative services is the all-European tendency [1, p. 240]. The similar position is defended by I. Chukhno stating that the world practice uses two main approaches to the administration of territories [5, p. 168]. The first approach stipulates the use of methods and instruments of the management of commercial area in the regional administration. The second one provides for the active involvement of the public to the latter process.

From the moment of the adoption of the Constitution of Ukraine and the fundamental statutory instruments on the questions of territorial and regional administration, the development of local self-government, as well as territorial communities was actually took place only at the level of the cities (oblast's centre) and towns (region's centre). The latter is stipulated by the fact that the overwhelming majority of territorial communities is excessively split and has a weak resource base. Due to this, they are not able to perform their duties.

In 2014, the Government approved the Concept of the Reform of Local Self-Government and Territorial Organization of Government in Ukraine (hereinafter referred to as the Concept), where it was fairly denoted that one of the main problems of the system of local self-government is that it does not meet public needs [3, Part I "Problems requiring solution" i Part II "Goal of the Concept"]. As the result, the functioning of the local self-government bodies on the territory of Ukraine does not ensure the creation and the support of favourable living environment necessary for the all-round development of human, his or her personal fulfilment, protection of the rights, provision of the population by the local authorities, established institutions and organizations with the high-quality and accessible administrative, social and other services on the relevant territories [ib.].

It is important that in addition to the Concept [3], in 2015, the Law of Ukraine "On fundamentals of state regional policy" (hereinafter referred to as the Law) [2] was adopted. It established the following priorities for the state regional policy:

1) stimulation and support of local initiatives concerning the effective use of the internal potential of regions for the creation and maintenance of full-fledged living environment, the growth of living standards;

2) decrease of the territorial differentiation according to the index of regional human development;

3) forming of competitiveness of regions by means of the development and the implementation of programmes and projects of the increase of competitiveness of territories;

4) stimulation of the interregional integration, the integration of regional economic, informational, educational areas into the single Ukraine-wide area, overcoming of interregional estrangement;

5) determination of problem territories in regions and implementation of state measures to solve the problems;

6) creation of the effective system of the environmental protection by means of the consideration of the ecological component in the strategies of regional development, evaluation, levelling and reduction of anthropogenic impact on the regions' environment;

7) introduction of the efficient instruments of the state support of the interregional integration, implementation of interregional programmes and projects;

8) forming of the state regional policy necessary for implementation, taking the document of the Council of Europe and regulatory and legal framework of EU

9) improvement of material, financial, informational, staff and other support of the development of regions, assistance in the exercise of powers of local authorities;

10) creation of effective mechanisms of the representation of interests of regions at the nationwide level, and interests of territorial communities at the regional level [ib. part 1 art.6].

Therefore, the goal of the Concept and the priorities of the state regional policy correlate with each other. However, this happens not with all provisions of the indicated legal documents. According to the analyzed Law, the objects of the indicated policy are the territory of regions, the territory of macro-regions and the territory of micro-regions [2, part 1, art. 4]. While the objects of the state regional policy may also be the groups of regions (or their parts), cities, villages, towns, which are united according to the criteria and order determined by the Cabinet of Ministers of Ukraine.

This at once poses the question, how a legislator correlates these provisions of the Law with the Concept, which in turn, stipulates that forming of the criteria for administrative and territorial units of different level of the administrative and territorial structure (hereinafter referred to as the ATS) of the state is carried out with consideration of its three-level nature. The latter provides for the following:

- the first level – the basic one, represented by communities;
- the second level – the regional one, represented by regions;
- the third level – the sub-central one, represented by the ARC, oblasts, the cities of Kyiv and Sevastopol (See Subsection “Identification of reasonable territorial foundation for activity of local self-government bodies and executive authorities in order to ensure accessibility and proper quality of public services provided by such bodies” of Part V of the Concept).

At each level of the ATS, the relevant local authorities and executive bodies function, in particular, at the basic level: village, town, and city councils and their executive bodies, representative offices of certain executive bodies; at the regional level: regional councils and their executive bodies, regional state administra-

tions, territorial bodies of the central executive authorities, etc.

Moreover, the Concept includes instructions that the territory of the administrative and territorial unit of the basic level is determined with consideration of the accessibility of the main public services provided at the territory of community (arrival time for provision of the emergency in urgent cases and fire assistance should not exceed 30 minutes) [3, Subsection “Ensuring accessibility and high quality of public services” of Part V of the Concept].

There is the range of remarks concerning the subject structure of the state regional policy. A legislator determines that associations and other unions of local authorities, public unions, legal entities and natural persons take part in the development and implementation of the state regional policy [2, paragraph 2 p. 2 Art. 4]. However, the Concept indicates that it is necessary to create the following organizational conditions to guarantee the execution of the powers of local self-government bodies:

1) the highest possible involvement of the population to the administrative decision making concerning the questions of local value and assistance in the development of the forms of the direct sovereignty of the people;

2) introduction of the effective mechanisms of the participation of the public in the process of making the important administrative decisions by local self-government bodies, in particular, approval of the charters of territorial communities, the projects of town planning documents (cities, towns, villages major development plans, etc.);

3) provision of the general meetings of citizens at the place of residence according to the law and in accordance with the charter of territorial community with the right to initiate the extraordinary reporting of local self-government officials to territorial community, as well as the establishment of the obligation for local self-government bodies and their officials to ground their own decisions concerning consideration or non-consideration of the decisions of general meetings of the community;

4) establishment of consultative and advisory bodies under the local self-government bodies in order to consult the public, assist in carrying out the public appraisal of draft decisions and adopted decisions of the local self-government bodies;

5) improvement of the procedure of the establishment of the population self-organization bodies [3].

It should be noted that according to the Concept [ib. Part V], the implementation of the powers delegated to the local self-government bodies provides for the creation of all necessary conditions (material, financial and organizational ones).

Allocation of these powers to one certain group looks inappropriate against a background of the current developments. The matter is in the fact that the status of local state administrations must be changed from the bodies of general competence to the control bodies, which on the one hand, control the compliance of the decisions of local self-government bodies and the provision of public services to the population with the Constitution and the laws of Ukraine. On the other hand,

in the system of executive power, they perform the function of coordination of the activity of territorial bodies of the central executive authorities on certain territory, and the performance of this function requires methodical grounds. By the way, the importance of cancellation of the powers in the context of the new model of the organization of power was emphasized by Ya. Zhalilo, V. Yablonskyi and other scientists [4, p. 76–77].

We consider that it is necessary to make possible the appearing of the situation when the local self-government bodies carry out territorial and regional administration and control themselves at the same time. Moreover, it is necessary to solve the questions concerning the optimal joining of territorial communities and ensuring of the distribution of powers among local state administrations and territorial executive bodies. Forming of competences must be carried out taking into consideration the possibility of the biggest efficiency of the execution of functions and tasks at the relevant level.

Conclusions of the research. Despite the range of steps initiated by the Ukrainian Government and the difficult social and political, as well as social and economic situation, it is necessary to continue the work on the improvement of the state policy with the purpose of ensuring of territorial and regional development. It should undergo several stages. It is reasonable to introduce the relevant legislative changes concerning the principles of reforming local self-government, the distribution and the specification of powers of its institutions and executive bodies, the forms of the implementation of state and public activity, the improvement of material and financial base of territorial communities, the directions of their self-sufficiency, the standardization of the provision of public services, the renewal of the system of the ATS, etc.

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