

УДК 352.07:35.071.5](477)

Сергей Саханенко

*професор кафедри публічного управління та регіоналістики,
ОРИДУ НАДУ при Президентіві України, д.держ.упр., професор
ORCID 0000-0001-8376-0328*

Наталья Колісніченко

*завідувач кафедри української та іноземних мов,
ОРИДУ НАДУ при Президентіві України, к.держ.упр., доцент*

ЕКОЛОГІЯ МІСЦЕВОГО САМОВРЯДУВАННЯ В УМОВАХ ДЕЦЕНТРАЛІЗАЦІЇ ПУБЛІЧНОЇ ВЛАДИ

Аналізується поняття «екологія місцевого самоврядування» як прояв системного підходу у науці публічного управління. Досліджуються функціональні взаємозв'язки між інститутом місцевого самоврядування та іншими публічними інститутами, а також складовими елементами самої системи місцевого самоврядування: Верховною Радою України, Президентом України, органами виконавчої та судової влади, прокуратурою. Обґрунтовуються засоби цих взаємовідносин. Актуалізуються перспективи екології місцевого самоврядування, пов'язані із новітнім конституційним процесом.

Ключові слова: системний підхід; екологічний підхід до врядування; взаємодія; екологія публічного управління; екологія місцевого самоврядування.

Sierhiey Sakhanienko

*Professor of the Public Administration and Regional Studies Department,
ORIPA NAPA under the President of Ukraine,
Doctor of Sciences in Public Administration, Full Professor,*

Natalia Kolisnichenko

*Head of Ukrainian and Foreign Languages Department,
ORIPA NAPA under the President of Ukraine,
PhD in Public Administration, Docent*

ECOLOGY OF LOCAL SELF-GOVERNMENT UNDER DECENTRALIZATION OF PUBLIC AUTHORITY

The concept «ecology of local self-government» is analyzed as a manifestation of a systematic approach in the science of public administration. The functional interrelations between the institute of local self-government and other public institutions as well as the constituent elements of the system of local self-government itself are studied: the Verkhovna Rada of Ukraine, the President of Ukraine, executive and judicial authorities, and the prosecutor's office. The means of this relationship is revealed. The prospects of the ecology of local self-government, which are connected with the newest constitutional process, are revealed.

Key words: system approach; ecological approach to governance; interaction; ecology of public administration; ecology of local self-government.

Постановка проблеми. The ecological function of local self-government and authority of local self-government bodies in the field of environmental protection is a very important topic. Environmental issues are a relevant direction of the municipal policy both in general and at the level of specific local communities. However, the use of the notion «ecology of local self-government» may be confusing, perhaps, within the study devoted to the actual problems of institutional development of local self-government under decentralization.

Аналіз останніх досліджень і публікацій. In the science of public management and administration, the category of “ecology of public administration” is widely used by the Western scholars. First it was mentioned in 1947 by J. Gaus in the Chapter «*The Ecology of Government*» of his “*Reflections on Public Administration*” [29]. Later, the concept of «ecology of public administration» was used by Fred Riggs, the famous American scholar in comparative study of public institutions, who developed a model of interaction of public institutions with the environment - so called “Prismatic model”, known as “Riggs' approach to the administrative ecology” [33-34].

Within the ecological approach to governance, interaction within a particular public institution, as well as with the external environment - political, social, economic, etc. are explored [See, e.g.: 26, 28, 33, 35].

The scientific school that studies the ecology of public administration in Western science is closely linked to the scientific direction of intergovernmental relations [See, e.g.: 27, 30, 31, 36].

Виділення невирішених раніше частин загальної проблеми. However, the school of intergovernmental relations emphasizes mainly interconnections between public institutions, but the ecology of public administration reveals also the factors of the internal development of a public institution.

Мета статті. The objective of the paper is to analyse the category «ecology» in public administration.

Виклад основного матеріалу. The etymology of the word «ecology» comes from Greek «οἶκος», which means «house, home, place of residence, or environment». Literally, ecology is the science studying living beings «at home», in the environment of their own residence. The term «ecology» was firstly used in 1864 by the German biologist Ernst Haeckel to refer to the system of knowledge about the interaction of organisms and their communities (populations) between themselves and with the environment, to identify the mechanisms of their sustainability in space and time. Later this biological category was used by the representatives of various branches of knowledge. It became widely used in the scientific, industrial and every-day spheres. In the Ukrainian literature (sometimes within the legal thesaurus) the term «ecology» is often identified with the notion of «environment». That led to the derivation of strange word-combinations such as «bad ecology», «polluted ecology», etc. The tendencies to transfer the conceptual apparatus, the laws and rules of ecology from the biological to the humanitarian and social spheres are revealing: «ecology of spirit», «ecology of culture», «ecology of a person».

Consequently, due to the diversity of the phenomenon of ecology, it is currently considered as a complex of sciences and a scientific direction within which the functional interrelationships between organisms (including humans and their communities) and the environment surrounding them are studied [1].

In any case ecology of governance is a manifestation of a systematic approach in the science of public administration. According to the theory of systems, any system functions within the «system environment». To consider a system in isolation from the external environment and from the connections between the elements of the structure of the system is meaningless [24].

Therefore, as local self-government is one of the forms of realization of public authority, based on a specific social community, that is a territorial community, it is natural to raise the issue about the ecology of local self-government as a process of interaction first, between the institute of local self-government and other public institutions, and second, between the institute of local self-government and the constituent elements of the system of local self-government.

The subject area of the ecology of local self-government will include, in particular, the following vectors:

interaction of a local community with social communities of a higher level - sub-regional, regional, national and neighbouring local communities;

interaction of bodies and officials of a local community with bodies and officials of state and/or regional (in case of its consolidation), with corresponding structures of neighbouring local communities, as well as with international institutions;

interaction of the community with local self-government bodies and officials;
interaction between authorities and officials of local self-government.

The system of public authority, as it is in the current Constitution of Ukraine, includes three components: state power, local self-government and the institute of autonomy in the form of the Autonomous republic of Crimea. In addition, the system of local self-government itself includes the following elements:

territorial community;
village, township, city/town council (district council in a city in case of its creation);
village, township, city/town mayor;
executive bodies of village, township, city/town council (district council in a city in case of its creation);
starosta;
rayon and oblast councils representing the common interests of local communities of villages, townships, cities/towns;
neighbouring boards.

All mentioned above reveals the formation of a certain ecology system of local self-governance in Ukraine. This system is better to be considered through the mentioned types of managerial ties.

A large number of works is devoted to the issue of interaction between the institute of local self-government and the public authorities [See, e.g.: 2, 4, 5, 22].

The institute of local self-government (its bodies and officials) interact practically with every element of the state mechanism at both central and local levels and in every sphere of public authority.

From 2014, a parliamentary-presidential model of public authority is developing in Ukraine. It implies the domination of the Verkhovna Rada of Ukraine in the ecology of local self-government in cooperation with the public authorities [23, 25].

The Rules of Procedure of the Verkhovna Rada of Ukraine [16] define the following forms of its interaction with local self-government:

discussion of responses to the requests of people's deputies with the participation of heads and officials of local self-government bodies;

the submission by the Verkhovna Rada of Ukraine of the conclusions of the Temporary Investigative Commission to the relevant local self-government body or official;

the reporting of local self-government bodies, their officials about the compliance with the law;

a special Temporary Investigative Commission may request the necessary documents, materials and other information related to the investigation from the local self-government bodies;

to participate in parliamentary hearing of the Verkhovna Rada the representatives of local self-government bodies who are willing to take part in them and submit an application to the committee are invited;

local self-government bodies provide people's deputies with analytical and reference materials on the issues that will be considered at parliamentary hearings;

a people's deputy of Ukraine has the right to submit a request to the local self-government bodies at the session of the Verkhovna Rada of Ukraine (Article 86 of the Constitution of Ukraine);

In addition to interaction of local self-government bodies with people's deputies of Ukraine, with committees of the Verkhovna Rada of Ukraine, with the parliamentary factions (deputy groups) on the issues of drafting laws and on issues submitted to the Verkhovna Rada of Ukraine, the Verkhovna Rada of Ukraine provides organizational and methodological assistance to local self-government bodies in the implementation of measures for the preparation and conduct of elections of local councils' councillors and village, township, city/town mayors, referendums, and also provides methodological assistance to the local communities and local self-government bodies, organizes the registration of data regarding their number and composition [8].

The requirement to strengthen the interaction of the Ukrainian Parliament with local self-government bodies within the issues of decentralization led to the creation of a special Parliamentary Office of Local Self-Government within the structure of the Verkhovna Rada of Ukraine [19].

Within the coordination mechanism of the Verkhovna Rada of Ukraine's interaction with local self-government bodies, a permanent consultative and advisory collegial body - the Advisory Board on Local Self-Government, was created under the Chairman of the Verkhovna Rada of Ukraine [11].

Besides, control powers of the Verkhovna Rada regarding local self-government are of a particular importance. Thus, being based on the statements of the Law of Ukraine «On Local Self-Government in Ukraine», as well as on the decision of the court on the declaring the acts of the council, village, township, city/town mayor to be illegal, on the conclusions of the relevant committee of the Verkhovna Rada, the Verkhovna Rada of Ukraine may appoint an extraordinary election of the local council and village, township, city/town mayor.

In cooperation between the Verkhovna Rada of Ukraine and local self-government bodies, the Verkhovna Rada Ombudsman has a significant role [18]. Local self-government bodies should create the necessary conditions for the activities of the Ombudsman, his/her secretariat and representatives.

The Accounting Chamber of the Verkhovna Rada of Ukraine, formed by the Verkhovna Rada of Ukraine, is the highest body of state financial control, which enters into its own relations with local self-government bodies, in particular, it implements measures of state external financial control (audit) in relation to local budgets and activities of the entities according to the appeal of local self-government. The Accounting Chamber may provide consultations within its competence to local self-government bodies.

The President of Ukraine is connected with the local self-government institute by means of numerous organizational ties [3]. From the beginning, the President of Ukraine, in accordance with the legislation, actually established vertical relations with local government bodies and officials. In particular, the President had the right to cancel the acts of local self-government. However, in the later period, the subordinate ties were weakened and reduced to the responsibilities of local self-government bodies to implement the acts of the President of Ukraine.

The interaction of the President of Ukraine and the local self-government bodies is the main function of the President's Administrative Office [13], which has a separate department on local self-government and decentralization [6].

As regulatory acts do not define organizational frameworks for such relations, but they state coordination ties through the consultative agencies functioning under the President with the representation of the representatives of local self-government. The main among these bodies is the Board of regional development [15].

The most intense ties, covering almost all aspects of the institution of local self-government, are with the executive authorities. The main one belongs to the Cabinet of Ministers of Ukraine, which issues not only mandatory acts for local self-government bodies, but also exercises control functions over their implementation.

The Cabinet of Ministers of Ukraine directs activities of executive bodies to promote the effective functioning and development of local self-government.

It takes measures to familiarize local authorities with draft acts of the Cabinet of Ministers of Ukraine, which are directly related to the issues of the functioning of local self-government or the interests of local communities

It may submit draft laws providing local governments with separate powers of executive authorities for consideration by the Verkhovna Rada of Ukraine.

The Cabinet of Ministers of Ukraine, in accordance with the Constitution and laws of Ukraine, ensures control over the execution of executive powers by local self-government bodies [10].

The interaction between the Cabinet of Ministers of Ukraine in practical terms is entrusted to the Secretariat of the Cabinet of Ministers of Ukraine, in which the respective departments have been established.

Within the framework of its activities, the Cabinet of Ministers of Ukraine has made a decision to strengthen interaction between executive authorities and local self-government [See, e.g. 7], in particular, through:

the obligation to coordinate draft legal acts with the local self-government bodies on the issues related to the functioning of local self-government or the interests of local communities;

the provision of organizational and methodical assistance to local self-governments in solving strategic and current tasks defined by the acts of the Cabinet of Ministers of Ukraine.

The main link in coordination of activity between the Cabinet of Ministers of Ukraine and local self-governments is the Board on Regional Development and Local Self-Government, which includes the heads of central executive authorities, heads of oblast and rayon councils, city mayors (cities with population of more than 1 million), heads of registered associations of local self-government, village, township, and city/town mayors (according to quotas) [20].

The relationship between central executive authorities and their territorial divisions is characterized by technical nature in relation to a specific area of public administration. The content analysis of the Regulations of all central executive bodies (17 ministries, 26 public services, 12 state agencies, 5 state inspections, 2 state committees, 3 funds, 4 national commissions, 1 administration, 1 national board) conclude that all they contain the requirement for the organization of proper interaction with local self-government bodies.

The relationship between local self-government and local executive authorities is extremely wide. The territorial bodies of the Ministry of Justice of Ukraine carry out state registration of the charter of a local community, as well as associations of local self-government bodies.

On the other hand, the acts of a local council, a village, township, city/town mayor, a chairman of a district council in the city, an executive committee of the village, township, city/town, district in the city (in case of its creation), council taken within the authority granted to them are obligatory for execution by all executive agencies located on the respective territory.

The ties of local self-government with local state administrations are of most intense. The tasks of local administrations (in accordance with Art. 2 of the Law of Ukraine «On Local State Administrations») is to ensure cooperation with local self-government bodies [12].

Various consultative and advisory bodies may be set up under the head of the local state administration to facilitate better interaction between local state administrations and local self-government bodies. In particular, the representatives of local self-government bodies may be members of the boards of local state administrations in accordance with the current norms [9]. In 2010-2014 various boards on interaction with the local self-government bodies were widely represented at the local level [See, e.g: 21], which later made a lane for the so-called Offices of Reforms on Decentralization in the issues of implementation of reforms in local self-government.

Being an independent branch of state power, judicial authorities, nevertheless have a number of organizational ties with local self-government bodies in accordance with the Law of Ukraine «On the Judiciary and Status of Judges» [17].

Changes in the status of the prosecutor's office in Ukraine have led to some changes in its relationship with local self-government bodies. In accordance with the Law of Ukraine «On Prosecutor's Office» [14] the prosecutor exercises representation of the legitimate interests of local self-government bodies in the court.

Висновки. The ecology of local self-government is a rather dynamic phenomenon, which is associated with the changes in the organizational and other foundations of self-government, state policy towards local self-government as a whole. Significant changes in the ecology of local self-government are largely due to the latest constitutional process.

Література.

1. Ахатов, А. Г. Экология / Айдар Габдулхаевич Ахатов // Энциклопедический словарь [Текст] / Ecology. Encyclopaedic Dictionary. Казань=Kazan, ТКИ, Экополи, 1995. С. 286–287.
2. Гончарук Н. Взаємодія органів державної влади та органів місцевого самоврядування: правові та функціональні аспекти [Текст] / Н. Гончарук, Л. Прокопенко // Публічне управління: теорія та практика. 2011. №3. С. 31–38.
3. Гриневич В. В. Інститут президентства та органи місцевого самоврядування в Україні: досвід і перспективи взаємодії. *Актуальні проблеми державного управління*. 2014. № 1. С. 178–186.
4. Данильян О., Дзьобань О. П. Взаємодія органів державної влади й місцевого самоврядування: методологічні й управлінські аспекти. Гілея: наук. збір. URL: http://archive.nbuv.gov.ua/portal/Soc_Gum/Gileya/2012_59/Gileya59F17_doc.pdf/
5. Крусян А. Р. Взаємодія місцевих органів виконавчої влади і органів місцевого самоврядування в Україні: автореф. дис. ...к.ю.н. Одеська національна юридична академія. Одеса, 1999. 20 с.
6. Питання Адміністрації Президента України: Указ Президента України 14.07.2014 №592/2014.
7. Питання посилення взаємодії органів виконавчої влади та органів місцевого самоврядування з підготовки та прийняття нормативно-правових актів: Постанова Кабінету Міністрів України від 23.05.2009 № 531.
8. Про затвердження Положення про Апарат Верховної Ради України: Розпорядження Голови Верховної Ради України від 25.08.2011 №769.
9. Про затвердження Типового положення про колегію міністерства, іншого центрального органу виконавчої влади і місцевої державної адміністрації: Постанова Кабінету Міністрів України від 02.10.2003 №1569.
10. Про Кабінет Міністрів України: Закон України від 27.02.2014 №794-VII.
11. Про Консультативну раду з питань місцевого самоврядування: Розпорядження Голови Верховної Ради України від 27.03.2009 № 246.
12. Про місцеві державні адміністрації: Закон України від 09.04.1999 №586-XIV.
13. Про Положення про Адміністрацію Президента України: Указ Президента України від 02.04.2010 №504/2010.
14. Про прокуратуру: Закон України від 14.10.2014 № 1697-VII.
15. Про Раду регіонального розвитку: Указ Президента України від 21.04.2015 №224/2015.
16. Про Регламент Верховної Ради України: Закон України від 10.02.2010 №1861-VI.
17. Про судоустрій і статус суддів: Закон України від 07.07.2010 №2453-VI.
18. Про Уповноваженого Верховної Ради України з прав людини: Закон від 23.12.1997 №776/97-ВР.
19. Про утворення Парламентського офісу місцевого самоврядування: Розпорядження Голови Верховної Ради України від 02.12.2015 №1692.
20. Про утворення Ради з питань регіонального розвитку та місцевого самоврядування: Постанова Кабінету Міністрів України; від 02.04.2009 № 309.
21. Про утворення регіональної ради з питань взаємодії місцевих органів виконавчої влади та органів місцевого самоврядування: Розпорядження голови місцевої державної адміністрації від 06.02.2010 №241А-2010.
22. Токарчук, О. Взаємодія органів виконавчої влади та місцевого самоврядування – основа демократичного врядування. *Теоретичні та прикладні питання державотворення*. 2013. Вип. 13. С. 301–312.

23. Троян А. В. До питання про зміст категорії “взаємодія між Верховною Радою України та представницькими органами місцевого самоврядування”. *Ефективність державного управління*: зб. наук. праць. Львів: ЛРІДУ НАДУ, 2010. Вип. 25. С. 340–346.
24. Уёмов А. И. Системный подход и общая теория систем. Москва: Мысль, 1978. 272 с.
25. Черкасс О. Г. Законодавча регламентація взаємодії Верховної Ради України з органами місцевого самоврядування. *Теорія та практика державного управління*: зб. наук. праць. Харків: ХарРІДУ НАДУ, 2012. Вип. 2 (37). С. 354–362.
26. Amburgey T., Rao Nayagreeva. Organizational Ecology: Past, Present, and Future Directions. *Academy of Management Journal*. 1996. Vol. 39, №. 5 (Oct., 1996). P. 1265–1286.
27. Bolleyer N. Intergovernmental cooperation : rational choices in federal systems and beyond. Oxford; New York : Oxford University Press, 2009. 251 p.
28. Carroll G. Ecological Models of Organizations. Cambridge, MA: Ballinger, 1988.
29. Gaus J. The Ecology of government. *Reflections on Public Administration*. Alabama: University of Alabama Press, 1947. 153 p.
30. Governance and intergovernmental relations in the European Union and the United States : theoretical perspectives. edited by Edoardo Ongaro [and three others]. Cheltenham, UK: Edward Elgar, 2010. 207 p.
31. Grigorescu A. Democratic intergovernmental organizations? : normative pressures and decision-making rules. New York, NY : Cambridge University Press, 2015. 316 p.
32. Hannan M., Freeman John. Organizational Ecology. Cambridge, MA: Harvard University Press, 1989.
33. Riggs F. The Ecology and Context of Public Administration: A Comparative Perspective. *Public Administration Review*. 1980. № 2 (March/April). P. 107–115.
34. Riggs F. The Ecology of Public Administration [Text] / Fred W. Riggs. – Bombay: Asia Publishing House, 1961. – 152 p.
35. Singh J., Charles J. Lumsden. Theory and Research in Organizational Ecology. *Annual Review of Sociology*. 1990. №16. P. 161–195.
36. Zimmerman, J. State-local governmental interactions. Albany: State University of New York Press, 2012. 259 p.