

THE FORMATION OF INSTITUTIONAL FOUNDATIONS OF LOCAL SELF-GOVERNMENT AUTHORITIES FUNCTIONING IN UKRAINE AS THE ENTITIES OF CIVIL PROTECTION¹ IMPLEMENTATION

Sergey Andreev

The National Academy for Public Administration
Under the President of Ukraine, Kyiv, Ukraine
andreyev.s@mail.ru

Abstract: *Based on the analysis of the fundamental special laws and regulations that govern the issues of civil defense, protection of population and territories as well as other objects from emergencies, and also local self-government, which were adopted throughout the period of Ukraine's independence, the article explores the process of formation of the institutional foundations of local self-government authorities functioning in Ukraine as the entities of civil protection implementation. The article focuses on the peculiarities, inconsistencies and trends in the development of the regulatory framework for the local self-governments activity and their capacity as local civil protection authorities, their functions and responsibilities.*

Keywords: *civil protection; civil defense; the unified state system of civil protection of Ukraine; protection of population and territories from emergency situations; local self-government authorities; village, township, city councils and their executive bodies, an emergency situation.*

INTRODUCTION

Generalization and analysis of the experience of the developed foreign countries in formation and functioning of national systems for counteraction to emergency situations of man-caused, natural and the other character show that local self-governments (further – LSG) in the democratic states with high level of social, economic, political, scientific, and technical development play an increasingly important role in planning and implementation of civil defense and civil protection measures.

Thus, the model at which the most effective way of integration of local self-governments in the state systems of ensuring civil protection, definition of their functions and responsibilities in the sphere of protection of the population, territories and other objects from emergency situations, implementation of mechanisms of interaction and

¹ Definition of the term “civil protection” appeared for the first time in the Ukrainian legislation in 2004 with adoption of law Ukraine “On Legal Foundations of Civil Protection” of 6/24/2004 No. 1859-IV [1, Art. 1]. Today the statutory definition of the term “civil protection” appears in Art. 4 of the Code of Civil Protection of Ukraine, which came into force on 7/1/2013 where the said notion is interpreted as the function of the state directed at protection of the population, territories, environment, and property from emergency situations through prevention of such situations, elimination of their consequences and assistance to their victims in a peace time and during special period [2]. In turn, the term “subject of ensuring civil protection” is used in a number of articles of the Code of Civil Protection of Ukraine, but its meaning is not defined.

coordination of activity of municipal bodies with public authorities of the national and regional level is provided, each country chooses independently depending on various internal and external factors (in more detail see, e.g.: [3, page 276-295; 4, page 63-100; 5, page 538-561]).

Behind the ongoing military conflict that is taking place in the East of Ukraine, and also unsatisfactory social and economic situation as a whole, in our state the processes of the European integration, reforming of executive authorities and LSG, and also search of optimum model of the territorial organization of the state power became more active.

In the light of the above, and also that institutional bases of the unified state system of civil protection of Ukraine (further – USSR CP) functioning are not still created finally, the research of the questions connected with features of formation of LSG as the entities of civil protection implementation is actual both with scientific-theoretical, and from the practical point of view.

Consideration of the matters can be of interest for the foreign experts who are engaged in comparative researches on a perspective of civil defense and ensuring of civil protection within sciences of public administration, jurisprudence, political science, sociology, and also at carrying out interdisciplinary researches.

In the former Soviet Union the perspective directions of development of the state systems of civil defense and the guarantee of civil protection, questions of improvement of their tasks, functions, forms and methods of work, transformation of organizational structures, etc. constantly stay in sight of scientists, such as V. Akimov, V. Vladimirov, Y. Vorobyov, N. Dolgin, S. Dombrovskaya, L. Zhukova, N. Klimenko, S. Kuznichenko, S. Mosov, O. Ostroverkh, V. Petkov, B. Porfiryev, A. Romin, V. Tishchenko, A. Trush, M. Faleev, V. Fedorenko, G. Fedulov, A. Filipenko, R. Tsalikov, L. Shevchenko, Y. Shpakovskiy) and others.

Dynamic processes of the state construction, social, economic, scientific, technical and political development, and also comprehensive processes of globalization and increase of natural man-caused, military, social and other threats demand continuous search of effective models of creation of national systems for counteraction to emergency situations and the organization of effective interaction between public authorities, local governments and other institutions during completing the tasks of civil protection.

INSTITUTIONALIZATION OF THE LOCAL SELF-GOVERNMENT AUTHORITIES IN UKRAINE AS THE ENTITIES OF CIVIL PROTECTION IMPLEMENTATION

The examination of the question that was initiated in the article is expedient for beginning with ascertaining of that fact that else since Soviet period, LSG of Ukrainian Soviet Socialist Republic (village, settlement, city, district and regional councils of people's deputies, their executive committees), no less than other former Soviet republics, were actively involved in the solution of problems of civil defense, carrying out the essential volume of functions and responsibilities in this direction.

However, despite the domination of a territorial and production principle of the organization and implementation of civil defense and, as a result, its universal character, the system of civil defense in essence was the centralized militarized interdepartmental state system, but the state and imperious functions in this sphere were concentrated mainly in the system of state authorities and, first of all, at the Headquarter of civil defense of Ukrainian Soviet Socialist Republic and its territorial bodies (headquarters of civil defense of districts, regions, cities, up to the city carried to category on civil defense) which acted as the key entities of management in this sphere at the appropriate administrative-territorial levels.

It should be noted that at the beginning of the 90th of the 20th century the term “civil protection did not receive such wide circulation yet as it occurred at a boundary of 20-21 centuries and later therefore in the majority foreign, in particular the European countries, for designation of a complex of actions for protection of the population, territories, material, cultural values and other objects from emergency situations of peace and a wartime, the unified term “civil defense used in the Additional protocol No. 1 from 08.06.1977 to the Geneva conventions from 12.08.1949 [6, page 382] was traditionally used.

After disintegration of the USSR, the independent states formed in its territory, along with formation of institutional, legal, economic and other bases of the statehood, started to create own national systems of civil defense which continued to function as a subsystem of civil defense of the USSR at legislative level, being guided by acts of the international humanitarian law (The Geneva conventions) and the relevant allied legislation.

Not casually that the first fundamental acts concerning the civil defense, accepted by the sovereign states formed on the former Soviet Union, became by a principle of analogy to the legislation of the USSR and, in particular, kept the approaches extended before to scoping and character of tasks in the sphere of civil defense of public authorities and LSG.

These approaches are connected, first of all, with well-known to experts shortcomings of the state systems of civil defense as a whole, namely their functional limitation in view of orientation exclusively on realization of actions for protection of the population, territories and other objects from the emergency situations of a war character connected with a use of weapons of mass defeat, and also insufficiency of the measures directed on prevention of emergency situations of a man-made and natural origin.

In spite of the fact that in the Soviet Union in April, 1986 there was a Chernobyl accident, and in expert community of countries of Western Europe and the USA in ten years prior to it, after accident in 1975 on a nuclear power plant in Browns Ferry (the USA, the State of California) (more detailed see [7, pp. 64-66]) actively started talking about need of reconsideration of a role and problems of civil defense towards wide introduction of the preventive actions directed on safety of the person and the state from emergency situations of a peace time (man-made and natural character), active use of methods of management by risks in natural and man-made spheres, systems of civil defense of the majority of the post-soviet countries, in particular Ukraine, unfortunately, still a long time kept the shortcomings mentioned above.

In the contemporary history of our state which has begun, as we know, 24.08.1991 with the adoption of the declaration of independence of Ukraine, the Law of Ukrainian Soviet Socialist Republic “About local Councils of People's Deputies of Ukrainian Soviet Socialist Republic and local self-government” since 07.12.1990 No. 533-XII [8] was the first status law defining organizational and legal bases of activity of LSG.

The system of local government in Ukraine at that time included, in particular, rural, settlement, regional, city, regional in the cities, regional councils of People's Deputies and their bodies which were called as “state authorities of local government”. Thus Councils of People's Deputies were allocated with the right of creation of the executive, administrative and other bodies [7, Art. 21].

In Art. 32 of the mentioned law “Responsibilities in the sphere of defensive work” situation that the city council directs civil defense in the city imperatively was fixed.

The system analysis of other standards of the Law of Ukrainian Soviet Socialist Republic “About local Councils of People's Deputies of Ukrainian Soviet Socialist Republic and local government” shows that this act carried the solution of the single questions which are functionally relating to subject domain of civil protection to responsibilities of the LSG insurances, but these responsibilities were formulated is incomplete and is fragmentary among other, larger blocks of branch competence of appropriate bodies.

For example, such function belonged to responsibilities of executive committee of village, settlement, city council of People's Deputies as implementation in cases of natural disaster, ecological accidents, epidemics, epizooties, fires, violations of a public order of the special measures provided by the law connected with rescue of life of people, protection of their health and the rights, preservation of material values, order maintenance; organization of carrying out fire-prevention actions [8, Art. 30 item 3].

That in the aforementioned law of responsibilities of LSG in the sphere of civil defense not only were not allocated in separate category of branch responsibilities, but also such terms as “civil protection”, “protection against emergency situations” is remarkable, “emergency situation” in the relevant normative legal act were not used.

In turn, the Law of Ukraine “About Civil defense of Ukraine” from 03.02.1993 No. of the 2974-XII (further – the Law No. 2974-XII) in which civil defense of Ukraine was defined as state system of governing bodies, forces and the means, created for the organization and guarantying the protection of the population from consequences of emergency situations of man-caused, ecological, natural and military character was the first special act adopted in independent Ukraine concerning civil defense.

Actions of civil defense extended on all territory of Ukraine, all segments of the population, and distribution on volume and responsibility for their performance was carried out by a territorial and production principle.

The chief of Civil defense of Ukraine was the Prime-minister of Ukraine or other official; at other administrative-territorial levels of function of chiefs of civil defense heads of appropriate bodies of executive power carried out; in the ministries, other state bodies and on objects of a national economy chiefs of civil defense were their heads.

It should be noted that the Law № 2974-XII did not carry compulsory LSG to governing bodies civil defense as the system of civil defense included, in particular, the central and local executive authorities [9].

However, in a year after adoption of law No. 2974-XII the Cabinet of ministers of Ukraine the resolution № 299 from 10.05.1994 “About the adoption of Provision on Civil defense of Ukraine” which, first, allocated the heads of executive committees of Councils of People's Deputies with the status of the chief of civil defense at the appropriate administrative-territorial level was accepted, and, secondly, fixed norm that in the cities, areas in the cities (except Kiev and Sevastopol), settlements and villages the management of civil defense is carried out by executive committees of the relevant Councils of People's Deputies [10].

In the 28th of June, 1996 the Constitution of Ukraine was adopted, and its chapter XI is devoted to questions of local government. That is, at level of the main law of the state legal bases of local government in Ukraine were fixed, in particular, is defined that to such bodies village, settlement, city councils and their executive bodies, and treat the LSG representing common interest of villages, settlements and the cities, – regional and regional councils [11, Art. 140].

In a context of a subject of this scientific article it is necessary to pay attention to a number of the constitutional provisions concerning organizational, legal and financial bases of activity of LSG.

So, in parts 3, 4 of the Art.143 of the Constitution it is defined that LSG can be conferred by the law separate powers of executive authorities. The state finances implementation of these powers in full at the expense of means of the State budget of Ukraine or by reference in the local budget in the order of separate nation-wide taxes established by the law, transfers to LSG the corresponding objects of state ownership.

LSG concerning implementation of powers of executive authorities by them are under control to appropriate bodies of executive power.

According to the Art.146 of the Constitution of Ukraine other questions of the organization of local government, formation, activity and responsibility of LSG are defined by the law [10].

In the 21th of May, 1997 in Ukraine for No. 280/97-VR the status law “About local government in Ukraine” (further – the Law No. 280/97-VR) was passed which defined the system and the guarantees of local government in Ukraine, bases of the organization and activity, legal status and responsibility of bodies and officials of local government.

The specified law, in particular, fixed some powers of LSG on protection of the population and territories against emergency situations which were fragmentary stated in some articles devoted to determination of delegated powers of executive bodies of village, settlement, city councils in different branches: ground relations and protection of surrounding environment; defensive work; law enforcement, law and order, protection of the rights, freedoms and legitimate interests of citizens.

So, competence of executive bodies of village, settlement, city councils treats:

– implementation of necessary actions for elimination of consequences of ecological accidents, natural disaster, epidemics, epizooties, other emergency situations,

informing about them of the population, attraction in the order established by the law to these works of the enterprises, establishments and the organizations, and also the population;

- the organization and participation in implementation of the actions connected with mobilization preparation and civil defense, in the respective territory;
- acceptance of necessary actions for providing the state and public order, activity of the enterprises, establishments and the organizations, rescue of life of people, protection of their health, preservation of material assets in case of natural disaster, ecological accidents, epidemics, epizooties, fires, other emergency situations [12, Art. 33, 36, 38].

During the period since 1997 till 2015 the responsibilities of LSG established by the Law No. 280/97-VR in the sphere of the citizen protection practically did not change, except that with adoption of the Code of civil protection of Ukraine changes in item 3 of Art. 36 of this law were made and is fixed that such delegated power belongs to maintaining executive bodies of village, settlement, city councils as the organization and participation in implementation of the actions connected with civil protection in the respective territory (before as we noted, it was used the term “civil defense” – *author’s note*).

Due to the adoption of law of Ukraine “About rescue services” from 14.12.1999 No. 1281-XIV (further – the Law No. 1281-XIV) to number of the delegated responsibilities of LSG was added a number of the responsibilities connected, including, with activity of rescue services, namely:

- creation in accordance with the established procedure municipal rescue services;
- creation of reserve fund for elimination of emergency situations of man-made and natural character;
- development and implementation of actions for material support of activity of municipal rescue services;
- organization in accordance with the established procedure training of staff of municipal rescue services and rescue services of public organizations [13, Art. 38].

The very important guarantee of independence of compulsory health insurance is the standard of Art. 67 of the Law No. 280/97-BP according to which, the state financially provides implementation of compulsory health insurance of the powers of executive authorities provided by the law in full, and decisions of public authorities which lead to additional expenses of LSG, are surely accompanied by transfer of necessary financial resources by it. The specified decisions are carried out by LSG within the financial resources transferred to them [12].

The following stage on the way of formation of institutional bases of LSG functioning in Ukraine as the entities of civil protection implementation should be connected with adoption of the law of Ukraine “About protection of the population and territories against emergency situations of man-caused and natural character” from 08.06.2000 No. 1809-III (further – the Law No. 1809-III) [14] and the resolutions of the Cabinet of Ministers of Ukraine “About the adoption of Provision on unified state system

of the prevention and emergency response of man-caused and natural character” from 03.08.1998 No. 1198 [15].

So, according to the specified resolution of the Cabinet of Ministers of Ukraine for the purpose of ensuring realization of a state policy in the sphere of prevention and emergency response, civil protection of the population in our country the unified state system of the prevention and emergency response of man-caused and natural character (further – single state system) was created.

This system represented the set of the central and local executive authorities, executive bodies of councils, the state enterprises, establishments and the organizations with the corresponding forces and the means, carrying out supervision of ensuring man-caused and natural safety, organizing work according to the prevention of emergency situations of a man-made and natural origin and reaction in case of their emergence for the purpose of protection of the population and environment, reduction of material losses.

The permanent bodies of management of the unified state system at local level were the executive bodies of councils, and coordinating bodies – the commissions of the relevant councils on questions of man-caused and ecological safety and emergency situations [15, pars. 2, 3, 10, 13] acted.

The Law No. 1809-III passed through two years carried LSG within the responsibilities defined by the law, to category of state authorities of management in the field of protection of the population and territories against emergency situations of man-made and natural character, and also more fully and specifically defined responsibilities of LSG in this sphere, namely:

- participate in implementation of realization of the state’s policy in the field of protection of the population and territories against emergency situations of man-caused and natural character;
- exercise administration through the corresponding territorial subsystems of the unified state system;
- guarantee the realization of evacuation actions in case of emergency situations of man-caused and natural character;
- carry out preparation of the population for actions in emergency situations of man-made and natural character according to the powers;
- carry out collection of information and an exchange of it in the sphere of protection of the population and territories from emergency situations of man-made and natural character, provide the timely notification and informing of the population on threat of emergence or emergence of emergency situations of man-made and natural character;
- create financial and material reserves for elimination of emergency situations of man-made and natural character and their consequences according to the legislation;
- provide the organization and carrying out rescue and other urgent works, and also maintenance of a public order during their carrying out;
- promote steady functioning of objects of managing in a zone of emergence of emergency situations of man-made and natural character;

– carry out other responsibilities defined by laws of Ukraine, acts of the President of Ukraine [14, Art. 32].

It is necessary to pay attention to that fact that formulations of responsibilities of LSG in the field of protection of the population and territories against emergency situations of the man-made and natural character, fixed in Law No. 1809-III Art. 32, were identical competences of local public administrations (that is, local bodies of the state executive power – *author's note*) that created legal preconditions for duplication of responsibilities between the mentioned bodies.

In the 24th of June, 2004 the Law of Ukraine No. 1859-IV “About the legal basis of civil protection” (further – the Law No. 1859-IV) [1] was passed, which defined legal and organizational basis in the sphere of civil protection of the population and territories from emergency situations of man-caused, natural and military character, responsibility of executive authorities and other governing bodies, an order of creation and use of forces, their acquisition, service, and also a guarantee of social and legal protection of staff of bodies and divisions of civil protection.

The mentioned law entered for the first time into a national legal framework the term “civil protection” and its normative definition as “system of organizational, technical, sanitary-and-hygienic, antiepidemic and other actions which are carried out by the central and local executive authorities, *local government authorities* (our italics – *author's note*), the forces subordinated to them and means, the enterprises, establishments and the organizations irrespective of form of ownership, voluntary saving formations which implement the realization of these actions on the purpose of prevention and elimination of emergency situations which menacing to life and human health, Art. 4] cause a material damage in a peace time and during the special period” [1, Art. 4].

Besides, the Law № 1859-IV fixed the creation of one more unified system in Ukraine intended for counteraction to emergency situations, namely the unified state system of civil protection of the population and territories as sets of governing bodies, forces and means of the central and local executive authorities, *local government authorities* (our italics – *author's note*) to which realization of a state policy in the sphere of civil protection [1, by Art. 1] is assigned.

Besides, this normative legal act carried local government authorities to the category of local governing bodies of civil protection [1, Art. 35].

THE CURRENT STATE OF ORGANIZATIONAL AND LEGAL BASIS OF LOCAL SELF-GOVERNMENT AUTHORITIES FUNCTIONING IN UKRAINE AS THE ENTITIES OF CIVIL PROTECTION IMPLEMENTATION

The most important milestone on a way of formation of the Ukrainian state system of counteraction to emergency situations was acceptance 02.10.2012 the Code of civil protection of Ukraine (further – CP Code) [2].

The Code of CP included the most necessary and actual provisions of all main industry special laws existing before making a legal basis of civil protection, in particular laws No. 2974-XII, 1809-III, 1281-XIV, the 2974-XII which terminated since 01.07.2013 in connection with coming into effect of the relevant code.

As a result of the introduction in action of the CP Code juridical were abolished: the system of civil defense of Ukraine, the unified state system of the prevention and emergency response of man-caused and natural character, the unified state system of civil protection of the population and territories, and on their base is legally created by USS CP.

USS CP represents the set of governing bodies, forces and means of the central and local executive authorities, Council of ministers of the Autonomous Republic Crimea, executive bodies of councils (our italics – an author comment), the enterprises, establishments and the organizations which provide realization of a state policy in the sphere of civil protection [16, par. 2].

Ensuring realization of a state policy in the sphere of civil protection is carried out by USS PC which consists of functional and territorial subsystems and their links [2, pt. 1, Art. 8].

By the Code of CP it is also established that links of territorial subsystems are created, in particular, by LSG, – in the regional centers, in the cities of regional and regional value [2, pt. 3, Art. 10].

It should be noted that with adoption of the Code of CP the LSG received the responsibilities concentrated in one act in the sphere of civil protection, and after acceptance of the resolution from 09.01.2014 No. 11 “About the adoption of Provision on the unified state system of civil protection” [16] were legislatively integrated by the Cabinet of Ministers of Ukraine into USS PC as its components.

Part 2 of the Art.19 of the Code of CP “Responsibilities of Council of Ministers of the Autonomous Republic Crimea, local public administrations, and local governments in the sphere of civil protection” contain 30 positions of responsibilities of LSG in the sphere of civil protection [2]. Besides, this list is not exhaustive, as in par. 3, pt. 2, Art. 19 of the Code of CP need of providing LSG of implementation of other responsibilities for the sphere of the civil protection, provided by the present Code and other acts [2] is fixed.

Concerning civil protection it is possible to illustrate the character and competence of LSG volume with some responsibilities, namely:

- implementation of civil protection in the respective territory;
- development and ensuring implementation of programs and the plans of measures in the sphere of civil protection, including directed on protection of the population and territories against emergency situations and prevention of their emergence, man-made and fire safety;
- the organization of works on elimination of consequences of emergency situations in the respective territory of the cities, settlements and villages, and also radiating, chemical, biological, medical protection of the population and engineering protection of territories against consequences of such situations;
- organization and guide of carrying out recovery operations to elimination of consequences of emergency situations;
- ensuring performance of tasks with the links of territorial subsystems of SSS CP created by them;

- the organization and implementation of evacuation of the population, property to safe areas, their placements and population life support;
- control of a condition of surrounding environment, sanitary-and-hygienic and epidemic situation;
- creation and use of material reserves for prevention and elimination of consequences of emergency situations;
- preliminary accumulation and maintenance in constant readiness of means of individual protection for the population living in predicted zones of chemical pollution and zones of supervision of subjects of managing of radiating danger of I and II categories, and formations of civil protection, and also devices of radiation and chemical control and investigation;
- the organization and ensuring activity of victims of emergency situations, and also when conducting military (fighting) actions or owing to such actions;
- the organization of implementation of requirements of the legislation on creation, operation, maintenance and reconstruction of fund of protective constructions of civil protection [2, pt. 2, Art. 19].

The analysis of functions and responsibilities in the sphere of the civil protection, legislatively assigned today on LSG, shows that they act at the appropriate administrative-territorial levels as the main entities of public administration in the specified sphere.

However, hardly such approaches used in the Code of CP, will be coordinated with standard of par. 3 of the Art. 36 of the Law of Ukraine “About local government in Ukraine” according to which executive bodies of village, settlement, city councils will organize and participate in implementation of the actions connected with civil protection in the respective territory [12].

On discrepancy of volume and nature of powers of LSG in the sphere of the civil protection, defined, on the one hand, in the Law No. 280/97-VR, and with another, in CP Code attention experts of Public service of Ukraine in emergency situations [17, p. 386] fairly focus.

Moreover, the approaches used by the legislator to scoping of responsibilities of LSG in the sphere of civil protection implementation, in our opinion, break one of the main the management law – “The law of proportionality of an object and entity of management” which as Mamonova V. V. notes, reflects the need of a certain compliance of the managing director and operated subsystems and their elements, the entity providing ability to carry out administrative impacts on the object [18, p. 37]. Also, in our opinion, one more of fundamental laws of management – “The law of association of centralization and decentralization” (in more detail about this law see, e.g. [18, pp. 38-39]) is not observed.

It is worth to remember that civil protection, as well as civil defense is the especially state tasks which performance substantially is not peculiar to the nature of local government. Besides, in our country two central bodies of the state executive power, urged to implement the formation and realization of a state policy in the sphere of

civil protection – the Ministry of Internal Affairs of Ukraine and Public service of Ukraine on emergency situations respectively now are formed.

So, for example, one of the main objectives of Public service of Ukraine on emergency situations is realization of a state policy in spheres of civil protection, protection of the population and territories from emergency situations and prevention of their emergence, elimination of emergency situations, saving business, suppression of fires, fire and man-made safety, and the service carries out the responsibilities as directly, and through the territorial bodies created in areas, areas, areas in the cities, the cities of regional value [19, par. 3].

Stated, of course, at all does not mean that LSG should not be involved in questions of realization of a state policy in the sphere of civil protection at territorial level at all as at existing system of the territorial organization of the power in country, and also territorial and functional principle of creation of USS CP, without participation of LSG effectively to solve questions of ensuring civil protection at level of areas, areas, areas in the cities, the cities, villages, settlements is not obviously possible.

In this context it is impossible to avoid that fact that in the Concept of reforming of local government and the territorial organization of the power in Ukraine (No. 333-r) approved by the order of the Cabinet of Ministers of Ukraine on 01.04.2014, among the main responsibilities of LSG performance of tasks in the sphere of ensuring civil protection is not mentioned at all. At the same time, (which village, settlement, city councils and their executive bodies treat – author's note) is offered to refer suppression of fires and ensuring public safety to powers of LSG on a basic level [20].

CONCLUSIONS

Summing up the national features of formation of institutional basis of LSG functioning as the entities of civil protection implementation, it is necessary to ascertain the following.

Throughout the contemporary history of the independent Ukrainian state (1991-2015) the steady tendency to decentralization of public administration in the sphere of civil protection implementation that proves to be true successful legislative attempts of gradual, methodical delegation by the state to LSG with the increasing responsibilities in the specified sphere is observed.

At the same time, these processes, as a rule, are not accompanied by necessary financial support that will not be coordinated with par. 2 of the Art. 9 of the European Charter of local government [21] (according to this point the volume of financial resources of local authorities corresponds to the functions provided by the constitution or the law – author's comment), the Art. 67 of the Law No. 280/97-VR [12] and, finally, leads to essential decrease in efficiency of public administration in the sphere of civil protection implementation, both at territorial level, and in the country as a whole.

Similar domestic administrative practice, in the conditions of extreme limitation of resources at LSG and their wide general competence, eventually, leads to that in the sphere of civil protection are carried out by some such bodies of function by a residual principle (it is indicative practice of financing of expenses on creation of material

reserves for prevention and elimination of consequences of emergency situations) confirms, or are carried out formally (as, for example, such a fundamental task as ensuring civil protection in the respective territory), or not carried out at all (the direction of civil protection as preliminary accumulation and maintenance in constant readiness of means of individual protection for the population living in predicted zones of chemical pollution, and also devices of radiation and chemical control and investigation can be an example of that such problem in scales of all country).

Today Ukraine is in process of formation of effective institutional model of functioning of the state system of counteraction to emergency situations, in particular in the course of search of effective mechanisms of differentiation of functions and powers, the rights and duties in the sphere of civil protection between the central and local executive authorities and LSG.

In this regard, for Ukraine real scientific and practical interest represents studying and the analysis of progressive experience of formation and ensuring effective functioning of the state systems of civil defense and analogues in the developed foreign countries, including the countries of Western and Eastern Europe on what it is necessary to concentrate attention at carrying out further scientific researches in this area.

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