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PROBLEMS OF TERRITORIAL COMMUNITIES' FORMATION IN UKRAINE

The article analyzes the implementation of the first stage of administrative and territorial structure of Ukraine, which began with the formation of communities, which should be the main link of the new system of the country. A characteristic feature of this phase is to achieve decentralization of power optimizations powers between the state and local governments. Building of new local communities should be based on the widest range of transfer of powers to the grassroots level management system that is based on the principle of subsidiarity.

Forming such communities, according to scientists, should be aimed at providing citizens with the maximum number of quality services. It will be in the community pre-school education and children's education, primary health care, culture and leisure residents, domestic supply (water, electricity, heating, sanitation), land use and environmental protection, transport, etc. These and other problems can be prevented in the process of formation of prospective communities. In addition, it is necessary to pay more attention to the creation of new communities, combination of settlements in them, adhere to the principles of formation of communities. Decentralization of powers must be accompanied by budgetary decentralization. The process of formation of new territorial communities should not be delayed, as it leads to loss of public confidence in the authorities, to the so-called "privatization" of communities by the oligarchs.

Key words: administrative-territorial division, local community, decentralization, subsidiarity, the area population.

Леся Заставецька. ПРОБЛЕМИ ФОРМУВАННЯ ТЕРИТОРІАЛЬНИХ ГРОМАД В УКРАЇНІ

В Україні розпочався перший етап реформування адміністративно-територіального устрою із формування територіальних громад, які повинні стати основними ланками нового устрою країни. Характерною рисою цього етапу є досягнення децентралізації влади, оптимізація повноважень між органами державної влади і місцевого самоврядування. У статті головна увага приділена саме особливостям формування нових територіальних громад в усіх регіонах нашої країни: детально проаналізовано їх кількість, відмінності і площі і людності, виділено головні проблеми формування таких громад на сучасному етапі.

Ключові слова: адміністративно-територіальний поділ, територіальна громада, децентралізація, субсидіарність, територія, населення.

Леся Заставецкая. ПРОБЛЕМЫ ФОРМИРОВАНИЯ ТЕРРИТОРИАЛЬНЫХ ОБЩИН В УКРАИНЕ

В Украине начался первый этап реформирования административно-территориального устройства по формированию территориальных общин, которые должны стать основными звеньями нового устройства страны. Характерной чертой этого этапа является достижение децентрализации власти, оптимизации полномочий между органами государственной власти и местного самоуправления. В статье основное внимание уделено именно особенностям формирования новых территориальных общин во всех регионах нашей страны: подробно проанализированы их количество, различия и площадях и населении, выделены основные проблемы формирования таких общин на современном этапе.

Ключевые слова: административно-территориальное деление, территориальная громада, децентрализация, субсидиарность, территория, население.

Introduction. One of the most important areas of system social transformations in Ukraine is the improvement of the territorial organization of its economy. It is possible only on the basis of the reform of the system of administrative-territorial structure of the state, the primary stage of which is the decentralization of territorial administration. This phase has already started in Ukraine with the formation of territorial communities, which are the basic units of the new administrative-territorial structure. This process is accompanied by a number of problems that can be solved in compliance with scientific approaches to the formation and functioning of territorial communities. This makes it necessary to examine the issues of communities' formation and to identify problems of their territorial organization.

Scientific background. The need for scientific justification of the administrative-territorial reform in Ukraine is emphasized in the studies of V. Dzhaman, M. Dnistrianskyi, M. Dolishnii, A. Dotsenko, V. Yevtukh, O. Kuchabskyi, V. Lazhnik, P. Lutsyshyn, P. Nadolishnii, V. Nudelman, Ya. Oliinyk, A. Stepanenko, O. Shablii, L. Shevchuk and others.

Problem statement. The change of social relations in Ukraine, its transition to market economy requires changes in the administrative-territorial system, which now has become an obstacle for the effective regional policy and needs to be reformed. In this regard in 2014 the first stage of such a reform began, it provides the decentralization of power, optimization of powers between the state authorities and local self-government. Decentralization of power is an important objective, stated in the Decree of the President of Ukraine "On the Strategy for Sustainable Development "Ukraine-2020", dated January 12, 2015, "State strategy of regional development for the period till 2020" (2014) and "The Concept of reforming the local self-government and territorial organization of power in Ukraine" (decree of the Cabinet of Ministers of Ukraine dated April 01, 2014). Its aim is determined by the laws of Ukraine "On Cooperation between Territorial Communities" (2014) and "On a voluntary merging of territorial communities" (2015), as well as other regulations regarding the amendments to the Tax and Budget Codes, strengthening

of the role of local authorities and self-government. Main objectives of the politics in the field of decentralization include moving away from the centralized model of management in the country, ensuring the ability of local government to build a system of effective territorial organization of society. The first stage of the decentralization process in the country is the formation of viable territorial communities that would provide favorable conditions for living, ensure comprehensive economic and social development on their territory. Due to the absence of the law "On administrative-territorial system of Ukraine" there is no single approach to the definition of the concept of "territorial community" (M. Dnistrianskyi, 2000; M. Baimuratov, 2002; O. Shablii, 2003; O. Batanov, 2008; O. Moroz, 2008; V. Kravchenko, 2008; O. Kuchabskyi, 2010; L. Murkovych, 2010; L. Zastavetska, 2015).

The law "On local self-government in Ukraine" (2014) contains the following definition: territorial community – residents, united by a permanent residence within the limits of the village, settlement, city as independent administrative-territorial units, or a voluntary association of residents of several villages with a single administrative center.

According to the present-day regulations, the powers of the territorial community should be expanded and the amendments to the Constitution of Ukraine are necessary, because it does not take into account the needs of a modern society.

Such powers are determined by the Article 143 of the Constitution of Ukraine, these include – "management of municipal property; approval of programs of socio-economic and cultural development and control of their implementation; approval of the budgets of the respective administrative-territorial units and control of their implementation; carrying out local referendums and implementation of their results; establishment, reorganization and liquidation of municipal enterprises, organizations and institutions, as well as control over their activities; solution of other problems of local importance, assigned to their jurisdiction by law" [3].

Formation of new territorial communities should be based on the transfer of a wide range of powers to the grassroots level of system management, which is based on the principle of subsidiarity.

According to scientists, the formation of such communities should be aimed at providing citizens with the maximum number of quality services. Preschool and children's education, basic health care, culture and leisure of the citizens, domestic services (water, electricity, heating and sanitation), land use and environmental protection, transport and communications, and etc. will be carried out within the community.

Scientists consider common interest to be one of the attributes of the community (V. Navruzov, 2000; O. Kuchabskyi, 2010 and others). The term "territorial interests" means "the dependence between the necessity and the importance of meeting the needs of local community through its direct or indirect activities aimed at ensuring the conditions for the existence and development of this society and a specific region" (Кучабський, 2010). In order to implement this interest, it is necessary

to ensure a certain resource provision (natural, financial, economic resources). The socio-economic potential of the community is one of the preconditions of its partial managerial autonomy. Such interest is a part of the public interest, but takes into account the local properties of the so-called a territorial conscience, similarity of the belonging to the territory, the unity of traditions and culture, and etc. The local self-government authorities are created on the basis of the territorial community, which together with the government and other entities of society establish the necessary balance of its interests.

The justification for geospatial organization territorial communities is considered to be an important issue. It is necessary to proceed from the following principles [2]:

- 1) settlemental, i.e. community area should be based on already existing settlement systems, at the same time functions should be expanded, communication between settlements must be taken into account in establishing the boundaries of the communities;

- 2) territorial, i.e. community must cover a compact territory, all items of which have a high level of transport accessibility;

- 3) demographic, i.e. take into account the tendencies of population reproduction, the change in its age structure, migration flows;

- 4) socio-economic, i.e. community must engage in economic activities with the effective use of local resources, it should sustain the daily needs of people;

- 5) self-governing, that is to represent the interests of the community, to ensure their right to self-government.

These principles also form the basis of the spatial organization of the local settlement systems, which will be established in the process of administrative-territorial reform. The voluntary principle should also be added to them, the observance this principle is mandatory in the process of merging settlements into society.

In this case the settlements in this community will develop in close relation with each other. Unlike modern village councils that have low economic potential, insufficiently developed production and social infrastructure, having in their structure several settlements, large territory and population, such communities must ensure the integrated development of the territory. The optimization of the geospatial organization of the region's population resettlement will be carried out, the new systems of the so-called network organization with the extensive development of horizontal braces will be established on their basis.

Settlements, which will be included in the community, will develop according to their place and role in the community. Of course, the greatest socio-economic development should be provided for the community centers, i.e. large villages and urban settlements. They should have important industrial and social facilities that will provide the population with jobs and various services. These centres should have good transport connections with all the villages of the community and the regional center. They will be kind of "growth poles", which will become new centers of settlement systems and the sphere of territorial administration.

Other settlements of the community must also get social and economic impulse, as they should not become literally "peripheral". In case of lack of development in non-agricultural activities, low transport accessibility, such villages can become uninhabited and gradually liquidated. Therefore villages in each community should be developed according to the established functions and socio-economic potential.

Introduction of cluster model of the territorial community will become an additional mechanism for improving the system of management for the effective use of investments from the state and local budgets, provided for the demographic development, financial and social development of rural areas, poverty reduction, education and health of the peasants, living conditions, cultural and public services.

The cluster approach to the new geospatial organization of production and resettlement will become an important condition for the optimization of geospatial organization of society, improvement of the efficiency of its management.

Thus, the cluster model of territorial communities will be formed due to the increased production, information, social relations between the individual settlements, establishment of close managerial contacts. Collaborative work of people on strengthening local economy, attracting resources of the territory into production, infrastructure development – these are the advantages of cluster organization of life of the designated area population. Due to the fact that the cluster members do not depend on each other, it gives them the opportunity to use their potential and attract investments according to the designated purpose. Based on the voluntary cooperation of cluster members and their cooperation with authorities, the effective use of investments from state and local budgets for the revival of rural areas can be achieved.

Transformation of territorial communities into clusters has many advantages, in particular, the ability to provide a certain territory with integrated and socio-economic development, ensure social comfort of the population through the same level and quality of life in all the settlements of the territorial community, to reduce disparities between the development of the central and peripheral settlements of the community. It will facilitate the transformation of territorial communities into unique clusters and implementation of cluster model of economic development – such combination of business organizations that work closely with other institutions and bodies of self-government in certain area with the purpose of organizing competitiveness and investment attractiveness of the economy, which provides a high level and quality of life of population. Cluster model in terms of innovation-oriented economy will provide the same standards of living in hierarchically different territorial entities.

When reforming the administrative-territorial division it is also necessary to follow the principles laid in the foundation of the development strategy of the EU member countries, namely (Європейська хартія місцевого самоврядування, 1985):

➤ development of civil society – the implementation of new management levels, which should bring every citizen to management process, stimulate further for-

mation of the communities, while making them responsible for the results of their activity;

➤ subsidiarity – a fundamental principle of functioning of the European Union. By means of deconcentration central government transfers a number of functions, which can be effectively performed at the lower level, closer to the citizens, local authorities, or delegates them to territorial community, at the same time leaving some of them in the area of its competence;

➤ efficiency – is the effective use of the skills of citizens and the ability of local and regional communities to successfully use their capabilities for their own development;

➤ transparency, openness and accountability – is the elimination of unnecessary administrative and bureaucratic structures, a radical reform of the public finance system, the delegation of new, broader powers to democratically elected local authorities;

➤ flexibility – the ability to quickly respond to changes in the external and internal factors, increase of the flexibility level and establishment of effective feedback from the public authorities.

Such principles should be laid down in the reform of our country's system of administrative-territorial division, where both the reform of the territorial division and local self-government are to be essential.

The process of territorial communities' formation already takes place in Ukraine, it is carried out according to the specific procedure. According to it high-income territorial communities – are the communities of villages (towns and cities), which, as a result of voluntary merging, are able independently or through local governments to provide an adequate level of services, in particular in the field of education, culture, medical care, social protection, housing and public services, taking into account human resources, financial support and infrastructure development of the respective administrative-territorial unit [7].

As of end of December, 2016, there are 366 territorial communities in Ukraine (Table 1). However, the process of territorial communities' formation occurs uniformly in all the regions. In separate regions (Vinnytsia, Lviv, Khmelnytskyi, etc.) it is almost finished, and in such regions as Kyiv, Luhansk, Kharkiv only 2-4 communities have been established. There are significant differences in area and population size of such communities in the various regions, and also in the number of their member-settlements. In particular, the largest community by population size has more than 33 thousand inhabitants (Odesa Region). There are several communities with the area of over 1,200 km² (Donetsk, Zhytomyr, Zaporizhia Region), in certain regions the area of new territorial communities does not exceed 200 km² (Kirovohrad, Cherkasy, Chernivtsi Region). Generally, in average from 5 to 18 settlements in Ukraine are united into communities. The communities, established in Zhytomyr (65), Poltava (63), Chernihiv (57), Khmelnytskyi (53) Regions have the largest number of settlements. Usually the union of large number of settlements into community increases the distance between the community settlements and the center. Thus, the longest distance is recorded in Zhytomyr (53 km), Rivne (46 km), Donetsk, Dnipropetrovsk (40-41 km) Regions [6].

Conclusions. Upon further establishment of territorial communities a number of problems, that have emerged, must taken into consideration, namely:

- 1) failure to comply with the principles of establishment of local communities in some cases;
- 2) unequal intensity of the reforms in various regions of Ukraine;
- 3) the need to change the boundaries of the administrative-territorial division, as communities may cover the territory of the neighboring districts. Therefore the regional level of territory management is leveled out;
- 4) territorial organization of communities in different regions of Ukraine is not the same, the communities are very different in size of territory and population, the number of settlements and the distance between

them, the economic activities and social conditions of life of people;

- 5) territorial communities are deprived of influence on the use of land of state ownership outside the populated areas;
- 6) union of a large number of settlements causes a considerable distance between the central and peripheral settlements, the uneven distribution of funds between the settlements will lead to increased repression of rural settlements, which are not community centers;
- 7) optimization of social infrastructure in territorial communities often turns into a conventional closure of its facilities, the functions of the settlements in the communities are not clearly defined, there are problems of cooperation of territorial communities.

Table 1

*United territorial communities in the regions of Ukraine (01.01.2017)**

Name of the region	Before the reform			After the reform		
	total number of councils	municipal	settlement	rural	number of united communities	perspective plans
Vinnitsia	707	18	28	661	21	20
Volyn	412	11	22	379	15	40
Dnipropetrovsk	348	20	40	288	34	48
Donetsk ***	386	52	81	253	6	33
Zhytomyr	631	12	40	579	32	19
Zakarpattia	337	11	19	307	3	**
Zaporizhia	299	14	22	263	16	42
Ivano-Frankivsk	516	15	24	477	11	45
Kirovohrad	415	12	27	376	5	16
Kyiv	661	26	30	605	2	27
Lviv	711	44	34	633	22	**
Luhansk ***	194	10	25	159	3	22
Mykolaiv	314	10	17	287	19	19
Odesa	490	19	32	439	11	14
Poltava	503	15	21	467	18	28
Rivne	365	11	16	338	18	27
Sumy		15	20	376	14	41
Ternopil	615	18	17	580	26	10
Kharkiv	458	17	60	381	4	51
Kherson	298	9	30	259	12	35
Khmelnyskyi	605	13	24	568	26	23
Cherkasy	556	16	15	524	6	39
Chernivtsi	271	11	8	252	16	12
Chernihiv	569	16	28	525	16	34

*according to the information from the Official Ukrainian State site "Decentralization of power"

**information is not available

*** in areas controlled by Ukraine

These and other problems can be prevented in the process of formation of prospective communities. In addition, it is necessary to pay more attention to the creation of new communities, combination of settlements in them, adhere to the principles of formation of communities. Decentralization of powers must be accompanied by

budgetary decentralization. The process of formation of new territorial communities should not be delayed, as it leads to loss of public confidence in the authorities, to the so-called "privatization" of communities by the oligarchs.

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