

## FEATURES OF CIVIL PROTECTION IMPLEMENTATION IN THE CONTEXT OF THE LOCAL SELF-GOVERNMENT REFORMING IN UKRAINE

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Мета статті полягає у дослідженні теоретичних та законодавчо-нормативних засад забезпечення цивільного захисту в умовах реформування місцевого самоврядування в Україні. Аналізуючи й узагальнюючи наукові праці багатьох учених, положення нормативно-правових актів, досліджено основні функції органів місцевого самоврядування в забезпеченні цивільного захисту населення. Проведено детальну оцінку нормативно-правової бази з цивільного захисту населення. Досліджено проблемні питання в системі державного управління цивільним захистом населення територіальних громад, а також визначено основні функціональні повноваження органів місцевого самоврядування.

На основі результатів дослідження запропоновано структуру територіальної підсистеми єдиної державної системи цивільного захисту, керівником якої є голова об'єднаної територіальної громади. Розроблено організаційну структуру цивільного захисту об'єднаної територіальної громади, до складу якої входять голова об'єднаної територіальної громади, структурний підрозділ з питань цивільного захисту, місцева пожежно-рятувальна частина, добровільні пожежні формування, спеціалізовані служби цивільного захисту.

Проведено порівняльний аналіз співвідношення кількості пожежних до кількості населення у країнах світу. В Україні кількість пожежних від загальної кількості населення складає 0,10% (для порівняння в Австрії – 3,96%, Чехії – 3,45%, Швеції – 2,81%). Розрахункова потреба у пожежних для України становить 300000 осіб, що обумовлює необхідність створення громадами місцевих пожежних команд (додаткова 1860 команд, 24 тис. осіб) та розвитку руху добровільних пожежних.

Перспективами подальших досліджень у даному напрямку є аналіз, систематизація та узагальнення інформаційних матеріалів щодо функціонування систем цивільного захисту на місцевому рівні у різних країнах світу.

**Ключові слова:** добровільні пожежні формування, надзвичайна ситуація, реформування місцевого самоврядування, об'єднана територіальна громада, цивільний захист.

**Problem setting.** In Ukraine, the local self-government and decentralization reforming of power, which prognosticates the transfer of greater powers and resources to the level of territorial communities, has being carried out nowadays. An important part for the implementation of this reform is protection of citizens. Governmental management in the field of prevention and liquidation of consequences of emergencies is a strategic component for development and guarantee of the national state security, as they are one of the main causes of destabilization of social and economic life of the Ukrainian society and violation of the normal functioning of objects of the national economic complex. According to the State Service of Ukraine for Emergencies, annually in our country about 2000 people die from fires, and the amount of damage from them is estimated at 5 billion UAH, in addition, the fire has a negative impact on the environment (loss of fields and forests, pollution of the atmosphere, etc.) [13].

According to objective indicators, the current functioning of local self-government in most of territorial communities does not provide an adequate level for civil protection of the population. The efficiency of practical activities in this area does not meet the expectations and current needs of the society. The local council of a small-scale territorial community cannot, in fact, implement the powers conferred upon it by law, primarily because of a limited or total lack of its own financial and material resources for the stated purposes. In fact, the human right to protect health, safety of life and activities in most of the territorial communities, as it is enshrined by the Constitution of Ukraine [1], remains incompletely implemented today.

The current situation requires a radical revision of the basic conditions for local self-government bodies functioning in the field of civil protection and counteraction to emergencies, the deep modernization of the state administrative system with a guaranteed expansion of their professional competence in the problems decision-making on the basis of new conceptual and legislative principles. To solve this problem, the unifying efforts of economic, political, scientific and social institutions are needed.

It is worth noting that the state authorities are focusing now on decision-making of some issues regarding the construction of an effective system for civil protection at the level of the united territorial communities. Thus, on January, 25' 2017, the Cabinet of Ministers of Ukraine with the Resolution No.-61-p approved the Strategy for the system reforming of the State Service of Ukraine for Emergencies, which foresees

a transfer of certain powers to organization and provision of firefighting as well as a response to emergencies from the state authorities to the local self-government bodies.

The experience of pilot projects implementation in organization of the civil protection system and provision of fire protection on the newly-created territories testifies also to the relevance of the study. For example, during 2016, an active work was undertaken in Vinnytsya (2 united territorial communities (UTC)), of Dnipropetrovsk (15 UTC), Donetsk (3 UTC), Lviv (16 UTC), and Ternopil (26 UTC) regions to create a civilian system for protection at the level of local self-government authorities, that provided an assistance in recruitment procedure of local and voluntary fire and rescue units, conducted training (retraining) of professionals in civil protection on the basis of the trained units of the State Service of Ukraine for Emergency Situations and fire brigade workers, as the assistance to projects (measures) implementation concerning the infrastructure development of the joint territorial communities in the field of civil protection financed by the state budget, etc. [13].

**Analysis of recent research and publications made.** The problem of civil protection implementation in the context of local self-government reforming in Ukraine has a great social significance and therefore becomes more and more relevant in the contemporary science. Various aspects of civil protection implementation in the context of local self-government reforming in Ukraine have been researched by leading Ukrainian scholars in their works: V.A. Andronov [6], S.Yu. Barvitsky [15], O.A. Batalov [15], P.B. Volyansky [16], O.P. Yevsyukov [10], V.O. Kostenko [12], O.Ya. Leshchenko [16], A.P. Pavlyuk [15], A.O. Rogul [17], O.M. Semkiv [6], O.O. Trush [19], etc.

For example, the paper [10] analyzes the system of public administration in the field of civil protection as a “mechanism” for life safety provision of the population. The main trends of public administration in the field of civil protection in Ukraine have been characterized and the mechanisms for improving its efficiency in this area have been determined. The aims and functions, the system and structure of the executive bodies in the field of civil protection in Ukraine have been researched.

The article [12] examines the basic codes of the current legislation system regulating activities of the local authorities in the field of civil protection, prevention and liquidation of the consequences of man-made and natural emergencies, as envisaged by the Civil Protection Code of Ukraine. The vistas for quality improvement of public administration in this area at the local level in the context of the reform implementation for local self-government and territorial organization of power in Ukraine have been determined.

According to Vice Prime Minister - Minister of Regional Policy, Construction, Housing and Communal Services G. Zubkov, today a network of fire brigade work at the level of the united territorial communities is very important. By the end of 2017, together with the State Emergency Service (SES), we plan to open over 120 fire and rescue units throughout Ukraine. This is the decentralization of powers of the SES and a new quality of security for citizens. In addition, together with the SES, we have offered the new approaches to creation of an effective network of citizen security systems. Due to creation of Citizen Security Centers in communities, that will include a fire department, a police district official cabinet, and, if necessary, a FAP. The SES together with the Ministry of Regional Development have already developed standard projects, methodological recommendations and estimates for establishment of such centers. An important area is involvement of these volunteer units. This will significantly reduce the time response to an emergency – up to 20 minutes. Such basic services will be accessible to citizens in small cities, villages and settlements, and they will increase a feeling for security of themselves and their families [7].

A significant contribution to the study of issues related to implementation of the basic civil protection measures at the level of local self-government bodies were made by foreign scholars such as D. Alexander [22], A. Kramplichovsky [23], G. Muradi [24], F. Schienman [25], M. Yanushkevich [23], etc.

Thus, in the work of Polish scientists [23] the main functions of local government bodies in organization of life safety and territorial communities in Poland have been investigated. A detailed assessment in the legal and regulatory framework for civil protection of the population has been carried out. The problem issues in the system of public safety management of territorial communities have been investigated, and the main functional authorities of local self-government bodies have been determined. Based on the results of the study, the methodology for function improvement of local self-government bodies in organization of security for territorial community vital activities has been proposed.

The article [24] analyzes the current situation of civil protection organization on objects of economy in European countries. On the basis of the current legal framework of the EU, the structure of the civil protection bodies and their main tasks have been considered. A number of problematic issues, that are faced during a recruitment procedure of employees for business entities to fulfill the tasks for civil protection, as well as it is concerned with elaboration of the main working documentation for civil protection issues. The necessity of consideration of these features for effective decision-making of tasks of civil protection has been

substantiated. Recommendations on improvement of regulatory and legal support for their decision-making, which will promote an increase of work efficiency of bodies and units of civil protection, have been offered.

However, the studies carried out do not fully take into account the actual problems for civil protection implementation in the context of local self-government reforming and the territorial organization of power in Ukraine. In this regard, the **article aims to study** theoretical, legislative and normative principles for civil protection implementation in the context of local self-government reforming in Ukraine.

**The main outcomes of the study.** The greatest value of the state is a man and his health, therefore the government should make great efforts, creating conditions for the safe human life both in a working environment and in a residential environment. The systemic structure of a human society on earth and the scientific and technological progress in the world has led to new problems. Nowadays, there is a rather high level of risk from injury and death of people while interacting with complex technical systems in production. According to the Ministry of Health, mortality caused by accidents nowadays occupies the third place after cardiovascular diseases and oncology [21].

Dangers, as a rule, are divided into permanent, potential and total, that is, they are present always and everywhere. On Earth there is no man who is not in danger. However, most of the society does not even think about it. Their consciousness is in a mode of alienation from the real world. In this regard, it is extremely important for the state to develop measures that would prevent an accident. And the lion's share in the decision-making of this issue should belong to local self-government bodies.

It is worth noting that emergency situations occur in various spheres of public life. Therefore, an important regulatory framework in such cases is a perfect regulatory framework of legislative and normative codes, which is designed to:

- to determine the bodies, content and functions of their activities in the field of life safety management;
- to ensure the rights of citizens of Ukraine for the priority of life and health.

A total number of normative legal acts depends on the specifics of life support on a separate territory in the context of an emergency. However, the most important and general are the Constitution of Ukraine [1], the Civil Protection Code of Ukraine [2], the Law on the Voluntary Association of Territorial Communities [3], and the Law on Local Self-Government in Ukraine [4].

According to clause 26 of Article 2 of the Code for the Civil Protection of Ukraine, an emergency situation is an environment on a separate territory or an object of management located on it or a water object that is characterized by violation of normal living conditions of the population, caused by a catastrophe, an accident, a fire, a natural disaster, an epidemic, epizootic, epiphytotic situation, use of lesion means or other dangerous event that has caused (may lead to) a threat to the life or health of the population, a large number of deaths and injuries, a considerable material damage, as well as inability of the population living on that territory or facility to proceed for economic activity on it [2].

According to Article 4 of the Civil Protection Code of Ukraine, the civil protection is a function of the state aimed at protecting the population, territories, the environment and property from emergency situations by prevention of such situations, elimination of their consequences and giving assistance to victims in peacetime and in a special period. Among the subjects of civil protection we can include: the Government of Ukraine, the local state authorities, the local self-government bodies and other bodies of executive power in the field of civil protection [2].

Nowadays, an effective public administration system is extremely important for prevention and elimination of the effects of emergencies. After all, emergency situations of any kind always have negative consequences for the whole socio-economic system of a country, and for everyone. And since they are spreading fairly quickly, it is important to respond urgently to them and to minimize their consequences. These tasks should be the priority tasks for the local self-government bodies.

The local self-government bodies must respond quickly and professionally to emergencies. However, the effectiveness of activities of the local self-government bodies is influenced by a mechanism of interaction between different levels of local self-government, as well as a sufficient amount of forces and means.

If we characterize current operation of local self-government in terms of security of life for the territorial communities, we note that the level of proper protection from emergency situations for the population and territory is extremely low. There are many problems in this plan, that need to be addressed, in particular, the local council of a territorial community being of a small size cannot exercise its powers due to the limited financial resources. That is, the human rights for safety of life, for protection of health guaranteed by the Constitution of Ukraine on most of the territorial communities cannot be provided.

Therefore, the current tasks for the local authorities in life safety for the territorial communities need to be improved. Namely: it is necessary to expand the functionality of local self-government bodies in the field of civil protection and counteraction to emergencies.

Today, in Ukraine, the risk for emergencies remains high enough, and the level of negative man-made and environmental factors is several times higher than the average in Europe. Among the wide range of problems in the field of civil protection of the territorial communities, the particular concern over a long span of time is an unsatisfactory situation in fire protection of the countryside, where more than 35% of the total number of fires occurs causing deaths of about 50% of people each year, and direct losses amount to hundreds of millions of hryvnia [6, p. 26].

For this purpose, it is necessary to create at least 500 units out of 2,377 units of local fire safety. In most settlements, the territory is not cleaned of pesticides, and this damages people's health, besides, they do not reinforce dams. And there are so many problems that can lead to emergency situations. Therefore, first of all, to resolve these problems, it is necessary to change the principles in the regional policy of the state, to expand the powers of local self-government through reforming of it.

A constructive direction for modernization of the system for civil protection of the population and territories to the requirements of the present has been set by the government of the state. From July, 1 2013, the Code for the Civil Protection of Ukraine made by the President of Ukraine came into force on October, 2 2012 No. 5403-VI. The main tasks faced by the newly-formed united territorial communities in reconstruction of brand new, effective and European-centered civil protection system standards are presented in Fig. 1

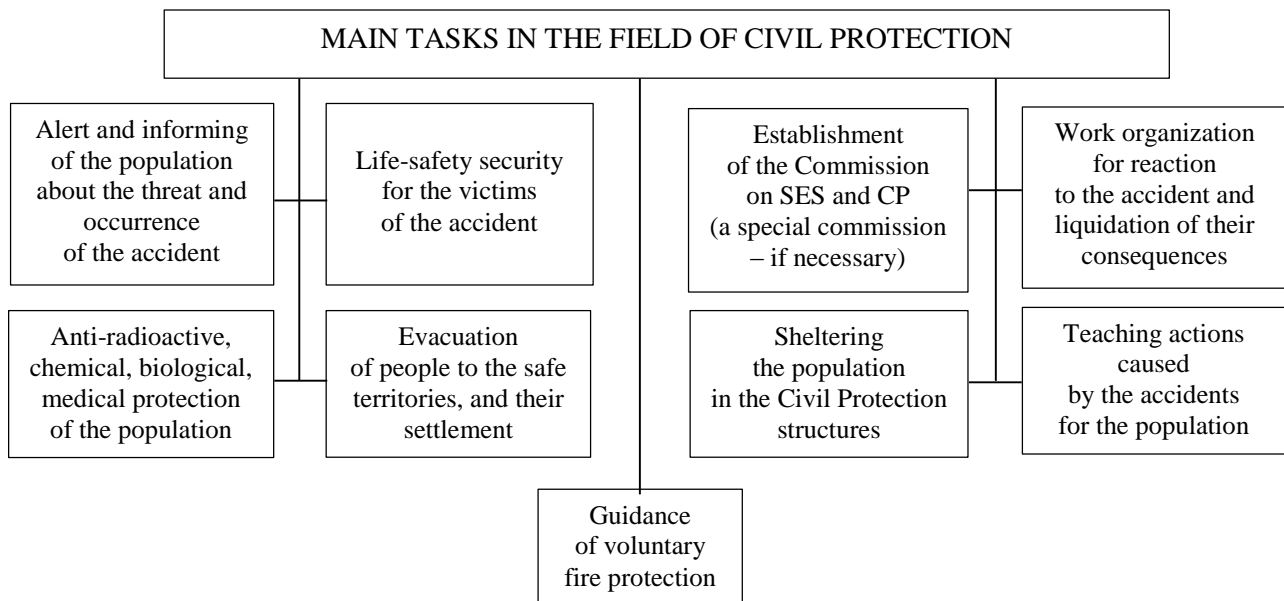


Figure 1 – The main tasks of the unified territorial communities for civil protection issues (compiled by the author in accordance with [2, 11])

State policy implementation in the field of the civil protection at the regional level is being carried out by a territorial subsystem of the unified state civil protection system, which includes the sections of the united territorial communities (Fig. 2).

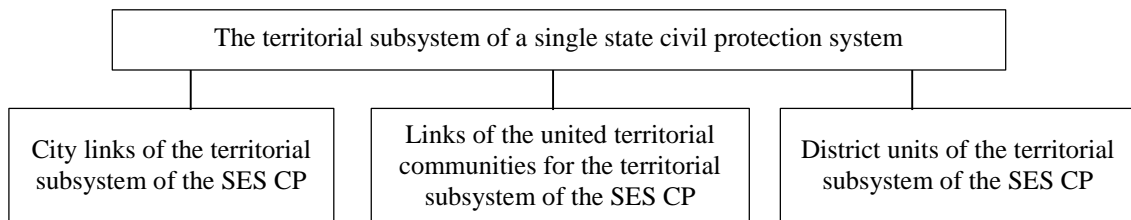


Figure 2 – The structure of the territorial subsystem of the unified state civil protection system (compiled by the author in accordance with [2, 16])

The link for the united territorial community to the territorial subsystem of the unified state system for civil protection, supervised by the head of the united territorial community, foresees the operation of the civil protection system and the civil protection authorities.

The organizational structure of the united territorial community civil defense is shown in Fig. 3.

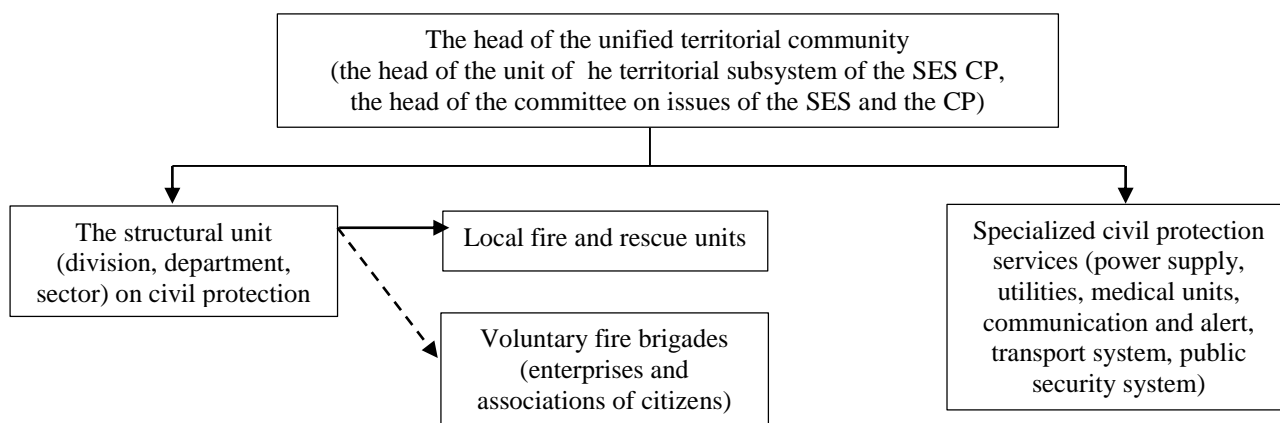


Figure 3 – Organizational structure of civil defense of the unified territorial community (compiled by the author in accordance with [2, 16])

The structural unit (division, management, department, sector, unit) of the civil protection issues (appointed official) carries out tasks to ensure the stable united territorial community functioning by the territorial subsystem of the unified state civil protection system.

The local fire brigade units are established to provide fire safety on the territory of the unified territorial community. Voluntary fire brigades perform work to prevent the occurrence of fires and their extinguishing on the territory of the unified territorial community.

It is worth noting that in most countries firefighting is mainly carried out by volunteers. For example, in Canada, along with professional firefighters, there are more than 127,000 volunteer fire fighters, and Chile only deals with firefighting volunteers. A similar system works in the European countries: Poland, Austria, Germany and Georgia [13].

Table 1 shows information about the proportion of firefighting to the population in the countries of the world.

Table 1 – The ratio of the number of firefighters to the population ratio in the world (compiled by the author in accordance with [13])

Country	The number of population, in thousands	The number of firefighters, in thousands	The ratio of the number of firefighters to the number of population, in per cent
Austria	8544	338,5	3,96
Greece	10788	15,5	0,14
Estonia	1313	3,1	0,24
Latvia	2001	2,8	0,13
The Netherlands	16829	25,2	0,14
Germany	80620	1090,0	1,35
Poland	37774	702,5	1,86
Romania	20121	141,7	0,70
The USA	318907	1148,8	0,36
<i>Ukraine</i>	<i>42760</i>	<i>42,7</i>	<i>0,10</i>
France	60876	296,0	0,48
Croatia	4290	60,5	1,41
The Czech Republic	10553	365,5	3,45
Sweden	9593	270,5	2,81
Japan	128130	1051,5	0,82

As it can be seen from Table. 1, in Ukraine the number of firefighters in 2016 amounted to 42700 people, of which 36800 people work in state fire and rescue units of the SES, and 5900 people in the local fire departments, which is 0.1% of the total population of the country. According to some expert estimates [9, 13], the estimated need for firefighters in Ukraine is 300,000 people, which can be achieved through creation of communities of local fire brigades (extra 1860 teams, 24 thousand people) and development of the movement of voluntary firefighters.

Specialized civil protection services perform tasks in the field of civil protection on the territory of the united territorial community in accordance with functional orientation of enterprises, institutions and organizations on the basis of which they were created.

In accordance with the Code for the Civil Protection of Ukraine and the Concept of Local Self-Government Reforming and Territorial Organization of Power in Ukraine, the following authorities are proposed to be assigned for the competence of the united territorial community in the field of civil protection [2, 11]:

a) Supply:

- civil protection on a respective territory;
- implementation of tasks by a created link of the united territorial community of the territorial subsystem of the unified state system of civil protection;
- implementation of requirements of techno-genic and fire safety by economic entities belonging to the sphere of their management and that can create a real threat of occurrence of an accident;
- alerting and informing the public about a threat and occurrence of an accident, including the one in the form accessible to persons with visual and hearing impairments;
- use of protective structures for civil protection of communal property;
- life activity of the injured as a result of an accident, as well as during the conduct of military (military) maneuvers or as a result of such actions;
- social protection of the injured as a result of an accident, in particular, redemption of material assistance.

b) Development and:

- implementation of programs and plans of measures in the field of civil protection, in particular aimed at protecting the population and the territories from an accident and prevention of its occurrence, ensuring techno-genic and fire safety;
- implementation of measures aimed at the stable functioning of economic entities belonging to the sphere of their management in a special period.

c) Organization:

- work on liquidation of consequences of an accident on the respective administrative territory, as well as anti-radioactive, chemical, biological, medical protection of the population and engineering protection of the territories from consequences of such situations;
- supervision for reconstruction works on liquidation of consequences of an accident;
- compliance with the requirements of legislation in creation, use, retention and reconstruction of the fund of protective structures for civil protection;
- conducting of technical inventory of protective structures for civil protection, excluding them from the fund of protective structures of civil defense in agreement with the DSNU of Ukraine.

d) Creation:

- in agreement with the DSNU of Ukraine and maintenance in constant readiness of the local system of centralized alert about the threat or occurrence of an accident, its maintenance in constant readiness and implementation of its modernization and their functioning support;
- use of material reserves to prevent and eliminate the consequences of an accident;
- Commissions on Technological and Environmental Safety and Accidents, and in case of occurrence of an accident – a special commission for its liquidation (if necessary), and their functioning support.

e) Implementation:

- control over the state of the environment, sanitary and hygienic and epidemiological situation;
- management of the established emergency rescue services;
- provision of activity of formations and specialized civil protection services, local and / or voluntary fire protection, control over their willingness to act as intended;
- evacuation of the population, property to the safe areas, their accommodation and life support of the population;
- control over the maintenance and state of readiness of protective structures for civil protection;
- interaction with subdivisions of the territorial branch of the DSNU of Ukraine in the field on realization of the tasks of civil protection.

f) The classification of economic entities belonging to the sphere of their management into categories of the civil protection in accordance with the main indicators and approval of their list.

g) The same definition for the need and accounting of the Fund of protective structures for civil protection.

As we can see, the legislative acts provide a very wide range of functions for the local self-government bodies in civil protection implementation for the population of the territorial community. With the processes of decentralization of power in Ukraine and giving broader powers to local authorities, the level of quality of implementation of the state policy in the field of civil protection, prevention and liquidation of consequences of an accident will improve with the time. And this, in turn, will create the real mechanisms for managing the local units of the Unified System of Civil Protection of Ukraine in order to ensure a reliable protection for the population and territories from the consequences of an accident.

**Conclusion.** The current situation of the local self-government system does not satisfy the urgent needs of a society today. In the majority of the territorial communities, provision is not being made for the population by local governments, institutions and organizations created by them, high-quality and accessible administrative, social and other services on the respective territory. It also concerns the provision of an adequate level for security and civil protection of citizens, which has one of the leading places in the state national security system.

The analysis of the regulatory framework in the field of civil protection, carried out in the course of study, proves the need for further improvement. Taking into account the processes of decentralization of power in the state and the transition to prevention of an accident using the risk-oriented approach, and with emergence of new challenges and threats, the Civil Protection Code and some normative legal acts of Ukraine issued to fulfill its requirements should be revised and adjusted for such trends: improvement of the existing legal and regulatory framework for functioning of executive bodies in the civil protection issues; implementation of the monitoring system and its operation implementation in order to prevent the emergence of man-made and natural disasters and increase the stability of the economic entities functioning; improvement of the system of management, information, communication and communication in the field of civil protection and preparation of the population for actions caused by the accident; formation of new approaches to relations between subjects of the unified state civil protection system.

Improvement of legislative provision for the sphere of civil protection will contribute to an adequate level of safety of life activity of the population, protection of economic entities and territories from threat or occurrence of an accident; creation of an effective modern system for prevention or occurrence of an accident and the prevention of fires; reduction of losses to the national economy and population in the event of fires, emergency, dangerous meteorological phenomena; creation of an optimal management system for the territorial subsystem of the single state civil protection system and an increase in the efficiency of its functioning.

Vistas for further research in this area are the analysis, systematization and generalization of information materials on the civil protection system functioning at the local level in different countries of the world.

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