



ORGANIZATIONAL AND LEGAL ASPECTS OF ELABORATION OF AMALGAMATED TERRITORIAL COMMUNITIES SUSTAINABLE DEVELOPMENT STRATEGIES

Iryna A. Chykarenko

Doctor, Management and Project Management Department, Public Management and Administration Faculty, Dnipropetrovsk Regional Institute for Public Administration, National Academy for Public Administration under the President of Ukraine, Dnipro, Ukraine

Tetiana V. Mamatova

Professor, Management and Project Management Department, Public Management and Administration Faculty, Dnipropetrovsk Regional Institute for Public Administration, National Academy for Public Administration under the President of Ukraine, Dnipro, Ukraine

Oleksii O. Chykarenko

Associate Professor, Information Technologies and Informative Systems Department, Public Management and Administration Faculty, Dnipropetrovsk Regional Institute for Public Administration, National Academy for Public Administration under the President of Ukraine, Dnipro, Ukraine

Ella O. Sergienko

Associate Professor, Management and Project Management Department, Public Management and Administration Faculty, Dnipropetrovsk Regional Institute for Public Administration, National Academy for Public Administration under the President of Ukraine, Dnipro, Ukraine

Olena O. Martseniuk

Head of the Educational and Scientific Center, University of Customs and Finance, Dnipro, Ukraine

ABSTRACT

The article has analyzed the legal review of regulatory documents of elaboration of Amalgamated Territorial Communities (ATCs) sustainable development strategies. It has been determined that ATCs' strategies are developed taking into account national legal acts on the basis of the principles of integration and complexity, taking into consideration the environmental component of development. Regional strategies of regions' development for the period up to 2027 (Ministry of Communities and

Territories Development, 2020) are the basis for strategic planning for ATCs' sustainable development. Organizational support of strategic planning processes affects the quality and adequacy of the implementation processes, monitoring and control of measures. At the stage of organization, a central strategic planning body is formed - the Working Group, to which the community delegates the right and which is endowed with responsibility for creation, formulation and acceptance of strategic decisions concerning the future development. In the process of planning the sustainable development of ATCs, they are guided by the legally established uniform requirements for the formation and implementation of projected and policy documents of the social-economic development of the amalgamated territorial community. Plans are developed by executive committees of city, town, village councils of the amalgamated territorial communities (hereinafter – executive committee) after acceptance of the corresponding decisions by councils. Organizational and administrative measures of the Plan include consistent actions of executive bodies of city, town, village council of the amalgamated territorial community, which are aimed at achieving development priorities and fulfillment of certain tasks for the development of the amalgamated territorial community by using funds, allocated or involved for this purpose. It is recommended to provide information and data on the content and methods of implementation for each event, as well as deadlines (in general and according to stages), to determine the performers, the amount and sources of funding by years, performance indicators (indices) and expected results from their implementation.

Key words: Sustainable development strategies, Amalgamated territorial communities, Organizational support of ATCs, Legal support of ATCs

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1. INTRODUCTION

Decentralization is rooted on a strategic approach based on the principle of complexity and project implementation of the reform. Sustainable development of amalgamated territorial communities (ATCs) depends on the ability to strategically plan social-economic development. The regions determine strategic goals and objectives for the development of economic activities based on the smart specialization approach to ensure the development of innovative potential, taking into account the competitive advantages of the region and contribute to the transformation of economic sectors into more efficient ones. The development of regional strategies and plans of measures based on smart specialization involves compliance with the principles of parity, openness, coordination, complementarity, diversification, focused specialization. The order of the Ministry of Regional Development No. 75 is the basis for monitoring the social-economic development of ATCs on an annual basis [1]. The data of the Ministry of Communities and Territories Development [2] indicate an increase of the main indicators, characterizing the economic, social financial efficiency of their development due to the reform of decentralization and the implementation of new tools to support the development of territories in most ATCs by the end of 2019. The above mentioned requires a study of the organizational and legal aspects of elaboration of ATCs' sustainable development strategies.

2. LITERATURE REVIEW

The scientific literature has systematized the experience of elaboration of ATCs' sustainable development strategies based on laws and methodological recommendations of the Verkhovna Rada of Ukraine, the Ministry of Communities and Territories Development. The organization of information collection and public opinion research procedures for the creation of ATCs' strategies [3]. However, there is no analysis of the legal support of elaboration of ATCs' sustainable development strategies. The theoretical principles of sustainable development in a decentralized environment and notes changes in the legal framework for ATCs' development are investigated in the literature [4, 5]. ATCs' medium-term planning is a response to the challenges of the external environment in accordance with European practice, where the analytical and applied aspects are important organizational elements of the Strategies [4].

Researchers in [6] have defined the sustainable development structure on the basis of reform and formation components of ATCs' sustainable development. According to the results of the study [6], was formed the term "concept of social responsibility" and "social responsibility of ATCs", which provides an empirical approach in the search for ways to successful implementation sustainable development objectives.

Authors in [7] focuses on gross product, high-technology exports in regional and local development.

A system of program actions in functional, territorial, temporal aspects, which can be implemented in an effective mechanism of sustainable development strategy is proposed in the literature [8]. The basic strategic documents of sustainable development planning at the state level was analysed [8]. There is no analysis of the legal aspects of creating ATCs' sustainable development strategies.

The ATCs formation should be based on the complex potential of territorial development: natural, social-economic potentials. That is the territorially determined set of opportunities for complex development potential that will form the administrative delimitation of ATCs [9].

The importance of regional features of the elaboration of ATCs' sustainable development strategies in terms of rural development was poved in the literature [10]. The elaboration of ATCs' sustainable development will ensure the formation of the middle class in Ukraine, because sustainable development and strategies take into account the regional characteristics of territories [11]. The study [12] is also important, where the authors have identified the importance of different concepts of governance, which are the basis for the organization of sustainable development strategies.

In ATCs' sustainable development strategies, special emphasis should be placed on the development of Agroindustrial Complex. The development of the agricultural sector contributes to sustainable development, Ukrainian territories have significant agricultural potential [13].

3. DATA AND METHODS

General theoretical and special research methods have been used in the article; in particular, the dialectical method of scientific cognition made it possible to trace current trends in the development of legislation for the elaboration of ATCs' sustainable development strategies; the epistemological method has laid the foundation for the formulation of key terms and characteristics related to the subject of research.

The legal analysis of regulatory documents concerning the elaboration of ATCs' sustainable development strategies has been conducted in the study. The principle of historicism has been used to study the elaboration of the legal framework concerning the

creation of ATCs' sustainable development strategies. The secondary analysis of research for the period of 2009-2019 has been conducted to determine the organizational and legal aspects of strategy elaboration and the sequence of stages of strategy creation. The basic features of elaboration of sustainable development strategies have been determined by applying the method of comparative analysis. The analytical method has been used to formulate generalized and detailed conclusions based on the results of the investigation, when comparing the elaboration stages of ATCs' strategies, which are contained in the legislative acts of Ukraine.

4. RESULTS AND DISCUSSION

The strategic planning of ATCs' sustainable development until 2020 is created in accordance with the adopted Methodology of strategic planning of amalgamated territorial communities' development in Ukraine, the Laws of Ukraine [14, 15], taking into account the State Strategy for Regional Development of Ukraine until 2020 [16], Strategies for regional development of regions for the period up to 2027 [2] and based on other laws and regulations of Ukraine [17-20]. When developing the Strategic Plan, political decisions of the Government on reforming regional development were also taken into account.

Currently, communities are actively using a strategic, comprehensive, integrated approach to smart specialization in the creation process of sustainable development strategies. An integrated approach is an approach that is used to develop a draft Strategy and Action Plan based on a combination of branch (sectoral), spatial (territorial) and management components of state regional policy (Procedure 931). Subjects of regional development include: central and local executive bodies, local governments and their officials, regional development agencies, associations of local governments, representatives of business entities, higher educational institutions, research institutions (Procedure 931).

The process of strategic planning of community development can be presented as a series of several successive stages:

1. organization of work;
2. conducting of strategic analysis;
3. forecasting, scenarios modeling and making strategic choices;
4. development of an action plan (goals, objectives);
5. public discussion and adoption of the Strategy;
6. monitoring and implementation of the strategic plan.

The stage of organizational support in the process of strategic planning is important, due to the fact that the quality and adequacy of other processes depend on it. The central body of strategic planning - the working group is formed at the stage of organization, to which the community delegates the right and which is endowed with responsibility for creation, formulation and acceptance of strategic decisions concerning the future development. The working group is a legitimate working body whose activities are extended to the entire planning period. The working group functions in a certain composition and monitors the implementation of strategic plans in general and individual tasks (projects) in particular. It has the authority to initiate the exclusion from the plan of certain tasks that, for some reason, have lost relevance, and / or to make proposals to the council to supplement the strategic plan with other tasks for the implementation of a society-defined vision, when necessary.

Methodology of ATCs' Strategies formation considers sustainable development and social integration as the basic principles of local development. The Ministry of Communities and Territories Development of Ukraine has developed and implements, monitors the

effectiveness of regulations on organizational aspects of the elaboration of ATCs' sustainable development strategies. The basic document is the Law of Ukraine 157-VIII [15] (hereinafter referred to as the Law 157-VIII), where it has been determined that a long-term plan for the formation of community territories is created by the relevant regional state administration in accordance with the methodology for the formation of capable territorial communities and covers the entire territory of the region.

The elaboration of ATCs' sustainable development strategies is also based on normative documents that regulate strategic environmental assessment: Strategic environmental assessment of state planning documents, Methodology for conducting SEA of regional development strategies, Methodical recommendations for the implementation of strategic environmental assessment of state planning documents. On March 20, 2018, the Law of Ukraine 2354-VIII [14] was adopted. Strategic Environmental Assessment (SEA) is a procedure for identifying, assessing and describing the consequences of the implementation of state planning documents concerning the environment, including public health, possible alternatives and developing measures to prevent, reduce and compensate for possible negative environmental consequences.

According to Article 9 of the Law, the basic stages of SEA implementation include: determination of SEA scope; preparation of a report on CEA; conducting public discussions and consultations, including cross-border consultations; consideration of the SEA report, results of public discussion and consultations; informing about the approval of the state planning documents (SPD); monitoring the consequences of the implementation of the SPD for the environment, including public health.

Regional strategies for development of regions for the period up to 2027 [2] are the basis for strategic planning for ATC sustainable development, whereas ATCs' strategies must be integrated according to regional and national strategies, taking into account spatial development.

The order of the Ministry of Regional Development No. 75 [1] establishes uniform requirements for the formation and implementation of projected and policy documents of the social-economic development of the amalgamated territorial community. According to [1], the system of forecast and policy documents of social-economic development of the amalgamated territorial community includes:

- strategies for the development of the amalgamated territorial community;
- plans (programs) of social-economic development of the amalgamated territorial community;
- other long-term, medium-term and short-term forecast and policy documents, where, respectively, social-economic and social-political processes are taking place at the regional and state level, considering the influence of external and internal factors and expected development trends, set goals and priorities of social-economic development of the amalgamated territorial community and the measures, necessary for implementation in order to achieve them.

The development strategy of the amalgamated territorial community is a document that determines the long-term period (7 years) of strategic and operational goals, indicators (indices) of their achievement, priorities and objectives for sustainable economic and social development of the amalgamated territorial community. This strategy is created taking into account the provisions of the Resolution of the Cabinet of Ministers of Ukraine No. 932 [19].

Plans are developed by the executive committees of the city, town, village councils of the amalgamated territorial communities (hereinafter - the executive committee) after the adoption of relevant decisions by the councils.

To develop the Plan, the executive committee:

- determines the responsible structural subdivision for the elaboration of the Plan (hereinafter - the responsible developer);
- informs through the regional media about the initial stages of work on the draft Plan, determines the terms and forms for submitting proposals to it;
- organizes public discussions of the draft Plan;
- if necessary, forms a working group, which may include representatives of associations or other formations of local governments, NGOs, other legal entities and individuals (by consent).

The elaboration of the Plan begins not later than one month after the state registration of the legal entity - city, town, village council, elected by the amalgamated territorial community, and its executive committee. It is recommended to work out plans for the medium term (not less than three years), taking into account strategic goals and priorities, tasks, planned activities, projects and deadlines of existing regional strategies and action plans for their implementation, and / or development strategies of the amalgamated territorial community, in the case of its elaboration.

Organizational and administrative measures of the Plan include consistent actions of executive bodies of city, town, village council of the amalgamated territorial community, which are aimed at achieving development priorities and fulfillment of certain development tasks of the amalgamated territorial community by using funds, allocated or involved for this purpose. It is recommended to provide information and data on the content and methods of implementation for each event, as well deadlines (in general and according to stages), to determine the performers, the volumes and sources of funding by years, performance indicators (indices) and expected results from their implementation.

The draft Plan is submitted to the Executive Committee of the Regional State Administration not later than after 15 working days from the date of receipt of information on the project's compliance with strategic priorities, objectives and measures of the current regional strategy, action plan for its implementation and / or development strategy of the amalgamated territorial community, in case of its elaboration (hereinafter - the strategic priorities). It is recommended for the executive committee to carry out direct control over the status and deadlines for the implementation of the Plan's tasks and activities, and the main fund managers should control the targeted and effective use of funds. According to recommendation, the executive committee should monitor and assess the implementation of the Plan annually by defined monitoring indicators (Table 1). Indicators of ATCs' social-economic development in 2019 indicate a low degree of effectiveness of the implementation of ATCs' sustainable development strategy in Ukraine. For instance, indicators of Vinnytsia region point to such problematic elements of ATCs' sustainable development, as: the number of employed population, capital investments, development of small and medium enterprises, development of ATCs' transport infrastructure, implementation of ATCs' regional development projects, financing of regional development projects, capital expenditures of ATCs' budgets, cultural development. In terms of tax payments, an improvement is observed in most ATCs, however these indicators do not indicate the effectiveness of the implementation of sustainable development strategies; these are the indicators of community management.

Table 1 Indicators of ATCs' social-economic development in 2019, determined to monitor the implementation state of Strategies for sustainable development of ATCs (Vinnytsia region) [2]

Indicators of social-economic development of amalgamated territorial communities	The number of communities with an increase in the indicator in 2019 (compared to 2018)	% in the total number of communities	The number of communities in which there is a decrease in the indicator in 2019 (compared to 2018)	% in the total number of communities
The number of permanently settled population	8,00	22,80	21,00	60,00
Demographic burden per 1000 people of working age	16,00	45,70	13,00	37,10
The number of employed (working) population	16,00	45,70	11,00	31,50
Volume of capital investments per 1 person	12,00	34,30	10,00	28,60
The number of small and medium enterprises per 1000 population	9,00	25,70	9,00	25,70
The total length of paved roads	11,00	31,40	–	–
The number of regional development projects implemented on the territory of the amalgamated community	2,00	5,70	12,00	34,30
The amount of funding for regional development projects implemented in the amalgamated community	7,00	20,00	15,00	42,90
Capital expenditures of the budget of the amalgamated territorial community (excluding transfers) per 1 person	19,00	54,30	16,00	45,70
The amount of revenues to the budget of the amalgamated territorial community from the payment of personal income tax per 1 person	27,00	77,10	8,00	22,90
The amount of revenues to the budget of the amalgamated territorial community from the payment of a single tax per 1 person	31,00	88,60	4,00	11,40
Share of households with access to a fixed broadband Internet in the total number of households of the amalgamated territorial community	19,00	54,30	4,00	11,40
The number of individual entrepreneurs per 1000 population	13,00	37,10	7,00	20,00
The number of cultural institutions (libraries, clubs, cinemas, etc.) per 1000 population	6,00	17,10	–	–

The order of the Ministry of Regional Development No. 79 [20] establishes uniform requirements for the elaboration of regional development strategies and action plans with a view to their implementation, determines the organizational mechanism for monitoring and assessing the implementation of tasks and achieving indicators, established in regional strategies, action plans for their implementation. Therefore, the specified indicators of monitoring the implementation of sustainable development strategies make it possible to identify the state of achievement of regions' social-economic development and to form their competitive advantages. The analysis of the average indicators of ATCs' social-economic development in 2019 in terms of regions shows similar trends in the implementation of

strategies. The problem areas include: the provision of employment, the growth of strategic sectors, industry, agriculture and the solution of environmental problems due to the lack of systematic implementation of strategies, non-compliance with action plans within the framework of strategies, financing of current expenses for the development of the ATCs' infrastructure.

5. CONCLUSION

The conducted study provides the basis for a generalization of the main organizational and legal aspects of elaboration of ATCs' sustainable development strategies. ATCs' strategies are created taking into account national legal acts on the basis of the principles of integration and complexity, considering the environmental component of development. Regional strategies for development of regions for the period up to 2027 are the basis for strategic planning for ATCs' sustainable development. Organizational support of strategic planning processes affects the quality and adequacy of the implementation processes, monitoring and control of measures. The working group - the central body of strategic planning is formed at the stage of organization, to which the community delegates the right and which is endowed with responsibility for creation, formulation and acceptance of strategic decisions concerning the future development. In the process of planning the sustainable development, ATCs are guided by the statutory uniform requirements for the formation and implementation of projected and policy documents of social-economic development of the amalgamated territorial community. Plans are worked out by the executive committees of the city, town, village councils of the amalgamated territorial communities (hereinafter - the executive committee) after the adoption of relevant decisions by the councils. Organizational and administrative measures of the Plan include consistent actions of executive bodies of city, town, village council of the amalgamated territorial community, which are aimed at achieving development priorities and fulfillment of certain development tasks of the amalgamated territorial community by using funds allocated or involved for this purpose. It is recommended to provide information and data on the content and methods of implementation for each event, as well deadlines (in general and according to stages), to determine the performers, the volumes and sources of funding by years, performance indicators (indices) and expected results from their implementation.

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