

DECENTRALISATION: DEVELOPMENT OF THE INSTITUTE OF STAROSTAS IN UKRAINE

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Abstract. The first stage of decentralisation in Ukraine was completed in 2020, when a new administrative and territorial structure was formed. However, the decentralisation reform will continue, as despite the achievements of the communities, the war has also exposed a number of problems that will need to be addressed at both the community and state levels. The starosta institute will play an important role in the continuation of decentralisation. One can learn a lot about the "starosta institute" from a number of publications of various kinds, from the opinions of Ukrainian MPs to the explanations of experts working in international technical assistance projects in Ukraine in the field of decentralisation. Today, there are enough works devoted to the formation and development of the new institute of starostas in Ukraine [13]. Oleksandr Vrublevskyi, a national expert on starostas' activities and cooperation of territorial communities, and other experts and scholars are actively researching the issues of formation and development of the starosta institute [4].

The relevance of studying the role of starosta for the sustainable development of territorial communities is undeniable, as evidenced by the results of the conference "Starosta in the Community. Ways to Strengthen Institutional Capacity", which took place on 02.11.2023 in Kyiv at the initiative of the Swedish-Ukrainian project PROSTO "Supporting Access to Services in Ukraine" [14].

The institute of starostas was first established in Ukraine in February 2015, when, in accordance with the final provisions of the Law of Ukraine "On Voluntary Amalgamation of Territorial Communities"

[11], the Law of Ukraine "On Local Self-Government in Ukraine" was supplemented by Article 14-1 [12].

In 2016, starostas were elected for the first time in the communities amalgamated in 2015.

Since then, there have been numerous changes that have affected the establishment of the starosta institute. For example, in 2017, in accordance with the Law of Ukraine "On Amendments to Certain Laws of Ukraine on the Status of Village and Settlement Starostas"[7], Article 14-1 of the Law of Ukraine "On Local Self-Government in Ukraine" was clarified. It was noted that "starosta is an elected official of local self-government", and the peculiarities of starosta elections, the beginning of his/her powers, and certain peculiarities of starosta service in local self-government bodies were outlined. At the same time, the Law of Ukraine "On Local Self-Government in Ukraine" was supplemented by Article 54-1 "Powers of Starosta", which outlines a non-exhaustive list of powers and reporting requirements for starostas, and Article 79-1 "Early Termination of Starosta's Powers". Regarding Article 79-1, it should be noted that in 2021, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on the Development of the Institute of Starostas" [9] excluded Article 79-1 and as of 2023, the grounds for early termination of starosta's powers must be sought outside the Law of Ukraine "On Local Self-Government in Ukraine". More details can be found in the publications [2; 3].

The following changes in the establishment of the starosta institute, in our opinion, are significant, but less transparent and undemocratic, took place in 2020 according to the Law of Ukraine "On Amendments to

Certain Legislative Acts of Ukraine on Improving Electoral Legislation" [8] and concerned the election of starostas - "The starosta is approved by the village, settlement, city council for the term of its authority upon the proposal of the relevant village, settlement, city mayor". The amendments reinforced the rejection of direct elections of starostas, which, on the one hand, allowed avoiding political conflicts in the community and allowing the community head to form his/her own management system; and, on the other hand, since the starosta represents the interests of a particular starosta district, the amendments, in our opinion, deprived the residents of the starosta district of the opportunity to influence the selection of the starosta, as they were completely excluded from the process of his/her election.

Naturally, this situation with the approval of the starosta prompted the following change to the formation of the starosta institute in 2021 "On Amendments to Certain Legislative Acts of Ukraine on the Development of the Institute of Starostas"[9] - "The starosta is approved by the village, settlement, city council for the term of its authority upon the proposal of the relevant village, settlement, city mayor, which is made on the basis of public discussion (public hearings, meetings of citizens, other forms of public consultation) held within the relevant starosta district. The candidacy of a starosta is submitted for public discussion (public hearings, public meetings, other forms of public consultations) by the village, settlement, city head and is considered to be agreed with the residents of the respective starosta district if, as a result of public discussion (public hearings, public meetings, other forms of public consultations), it received the following support in the starosta district: with the number of residents up to 1500 - more than 20 per cent of the votes of residents from the total number of residents of the respective starosta district, who are citizens of Ukraine and have the right to vote in the elections; with the number of inhabitants from 1500 to 10 thousand - more than 17 per cent of votes; with the number of inhabitants from 10 thousand to 20 thousand - more than 14 per

cent of votes; with the number of inhabitants from 20 thousand to 30 thousand - more than 10 per cent of votes; with the number of inhabitants over 30 thousand - more than 7 per cent of votes of the inhabitants of the total number of inhabitants of the relevant starosta district who are citizens of Ukraine and have the right to vote in the elections."

In accordance with the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving Electoral Legislation" [8], Article 14-1 was removed in 2020. The status and powers of the starosta have changed and are now finally defined in Article 54-1 of the Law of Ukraine "On Local Self-Government in Ukraine" [12], where the starosta "is approved by the village, settlement, city council for the term of its authority upon the proposal of the relevant village, settlement, city mayor, which is made on the basis of public discussion (public hearings, meetings of citizens, other forms of public consultation) held within the relevant starosta district".

During the period of existence of the starosta institute, a number of questions have arisen and continue to arise in communities regarding the role of the starosta in the community, regulation of its activities; it is relevant to discuss the improvement of the legislative regulation of the starosta institution and its activities under martial law. On 14.07.2023, the Verkhovna Rada Committee on the Organisation of State Power, Local Self-Government, Regional Development and Urban Planning presented draft amendments to the legislation on the institution of starostas, developed based on the results of a study of the practice of applying legislation regulating the activities of starostas by local governments [1].

After the draft law is adopted, we should expect the following changes: the head of the community will be able to appoint a starosta for 6 months alone if the sessions are not held for more than 6 months without a valid reason or the candidates supported by the public have been rejected three times in a row; the head of the community will be able to appoint an temporarily acting starosta in case of mobilisation of the starosta (with the preservation of the position for the military

serviceman); starosta reporting will be possible in an online format; in case of temporary occupation or encirclement of the starosta district, the starosta will be able to be dismissed by the head of the CMA; the head of the military administration of the settlement will be able to appoint a starosta without public discussion [10].

The large number of amendments to legal acts during the period of emerging and development of a new institute for Ukraine - the institute of starostas - is understandable and logical. In our opinion, it is also important to amend the legislation to secure the financial basis for starostas' activities - funds for the development of starosta districts, etc. - something like the "soltetstv funds" that exist in Poland.

To sum up, as of 01.10.2023, according to the Monitoring of the reform of local self-government and territorial organisation of power [5], conducted by the Ministry of Communities, Territories and Infrastructure of Ukraine, there are 7567 established starosta districts and 7482 approved starostas. Out of these, 10% are in starosta districts with a population of up to 500 people, 62% in districts with a population of 500 to 1500 people, 22% in districts with a population of 1500 to 3000 people, and 7% in districts with a population of over 3000 people.

Starostas, regardless of the size of the starosta district's population, are the persons to whom the community residents primarily turn. In the course of cooperation with the master's students of Public Administration and Management at Ivano-Frankivsk National Technical University of Oil and Gas, who are mainly civil servants and local government officials, the importance of the starosta's role in supporting community residents and establishing communication with the centre of the territorial community - the head, community council staff, and deputies - was emphasised.

Nevertheless, the master's students and residents of starosta districts emphasised the problems that actually exist in communities concerning starostas: not all starostas are aware of the list of powers they have to perform in accordance with the law and the duties assigned to them by the community council; not all starostas are proficient in ICT; starostas cannot always clearly identify areas for professional development, especially those directly related to community development, investment attraction, improved communication, etc.

The topics of beautification, lighting, and road repairs are among the priorities for starostas. Few starostas focus on what will improve the state of affairs in the community, such as establishing a cooperative/business, improving transparency and openness in activities, live communication with residents, attracting investments, etc.

Therefore, in our opinion, important topics for starostas' advanced training may include: improving the level of communication between starostas and local mayors, local deputies, and residents of the starosta district; improving leadership skills, advancing digital literacy, strategic management, project management, and others.

As for the forms of professional development, starostas, in addition to the traditional forms - expert consultations, meetings, Internet resources - should pay more attention to online courses on various learning platforms: Prometheus; Diia. Digital Education; VUM online [6].

These recommendations, as well as changes in legislation that will form the financial basis for starostas' activities, will improve starostas' understanding of their role in the sustainable development of starosta districts and communities, as well as contribute to their professional development and communication with all stakeholders.

Keywords: decentralisation; development; institute of Starostas.

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