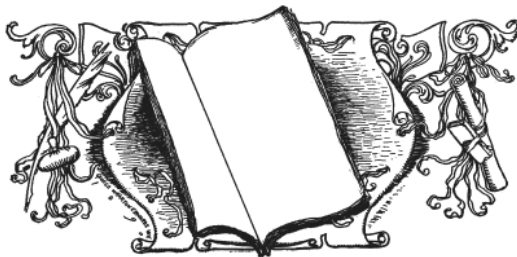


# ***PUBLIC POLICY AND ECONOMIC DEVELOPMENT***

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**Section 1.**  
**INTERNATIONAL COOPERATION**

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УДК 323.174:324(410.5)=111

Oliver Schmidtke,  
Professor in the Departments of Political Science and History,  
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CONTEMPORARY REGIONALISM AS A NEW FORM  
OF CIVIC NATIONALISM IN EUROPE?  
A CRITICAL EVALUATION OF THE SCOTTISH  
REFERENDUM ON INDEPENDENCE

~~~~~  
*Territorial politics and the prospect of minority nationalist secession have assumed renewed prominence in Europe in recent years. While Europe has moved towards shifting power from the nation-state to the European level, several movements in Europe have mobilized in the name of greater autonomy or independence for a subnational region. This article focusses on Scotland where a binding referendum on independence was held in September of 2014. It explores the recent push for independence in this context and seeks to understand the political nature of the regionalist-nationalist mobilization in contemporary Europe. The study of the Scottish case is based on a frame analysis designed to assess how the pro-independence movement in Scotland conceptualizes and articulates ideas of nationhood, collective identity and self-determination. The article specifically analyzes the various political cleavages that this movement draws on in promoting the goal of autonomy or independence, and how this movement has positioned itself within a changing European political environment. The argument is made that for this pro-independence movement, territorial politics and the idea of independence serve as a vehicle for articulating traditional centre-periphery grievances and promoting policies that reflect the needs and demands of the Scottish community. At the same time, the Scottish movement for independence has put forward a form of nationalist discourse that is civic in orientation and advocates democratic renewal and civic engagement.*

**Keywords:** regionalism, civil nationalism, Europe, Scotland, referendum, independence, the European Union

**Schmidtke A.** *Nowoczesny regionalizm jako nowa forma nacjonalizmu obywatelskiego w Europie? Krytyczna ocena Referendum niepodległościowe w Szkocji*

*Polityka terytorialna i perspektywa nacjonalistycznego działu mniejszości otrzymała szczególne znaczenie w Europie w ostatnich latach. Podczas gdy Europa przeszła przez przejście władzy z państw narodowych do państw na poziomie europejskim, kilka ruchów w Europie zostały zmobilizowane na rzecz większej autonomii i niezależności niektórych subregionów. Ten artykuł analizuje ten problem na przykładzie Szkocji, gdzie obowiązkowy referendum w sprawie niepodległości we wrześniu 2014 roku został przeprowadzony. Badanie szkockiego przykładu opiera się na metodzie analitycznej, która została zaprojektowana, aby ocenić, jak ruch o niepodległość Szkocji wyraża ideę narodowości, tożsamości zbiorowej i samostanowienia.*

**Słowa kluczowe:** regionalizm, nacjonalizm obywatelski, Europa, Szkocja, referendum, niezależność, Unia Europejska

**Шмідтке О. Сучасний регіоналізм як нова форма громадського націоналізму в Європі? Критична оцінка референдуму щодо незалежності Шотландії**

*Територіальні політика і перспектива націоналістичного відділення менишин отримала особливу значимість в Європі в останні роки. У той час як Європа пройшла через перехід влади від держав-нації до держави європейського рівня, кілька рухів у Європі мобілізувалися заради отримання більшої автономії або незалежності певних субнаціональних регіонів. Ця стаття аналізує приклад Шотландії, в якій був проведений обов'язковий референдум про незалежність у вересні 2014 року. Автор статті досліджує недавній поштовх до незалежності в цьому контексті і прагне зрозуміти політичний характер регіоналістсько-націоналістичної мобілізації у сучасній Європі. Вивчення шотландського випадку базується на основі аналітичного методу, що призначений для оцінки того, як рух за незалежність Шотландії концептуалізує і формулює ідеї державності, колективної ідентичності і самовизначення. У статті спеціально проаналізовано різні політичні розколи, на які спирається цей рух, просуваючи мету здобуття автономії або незалежності, а також як цей рух позиціонує себе в умовах мінливого європейського політичного середовища. Автором статті зроблений висновок, що для цього руху за незалежність територіальна політика і ідея незалежності служили як засіб для формулювання традиційних скарг центр-периферія та для заохочення вироблення та реалізації тієї політики, яка б відображала потреби і вимоги шотландського спільноти. У той же час, шотландський рух за незалежність уособлював собою і запропонував таку форму націоналістичного дискурсу, який є громадянський в своїй орієнтації і виступає за відновлення демократичної та громадянської активності.*



**Ключові слова:** регіоналізм, громадський націоналізм, Європа, Шотландія, референдум, незалежність, Європейський Союз

**Шмидтке О. Современный регионализм как новая форма гражданского национализма в Европе? Критическая оценка референдума о независимости Шотландии**

Территориальная политика и перспектива националистического отделения меньшинств получила особую значимость в Европе в последние годы. В то время как Европа прошла через переход власти от государства-нации к государству европейского уровня, несколько движений в Европе мобилизовались ради получения большей автономии или независимости определенных субнациональных регионов. Эта статья анализирует пример Шотландии, в которой был проведен обязательный референдум о независимости в сентябре 2014 года. Автор статьи исследует недавний толчок к независимости в этом контексте и стремится понять политический характер регионально-националистической мобилизации в современной Европе. Изучение шотландского случая базируется на основе аналитического метода, который предназначен для оценки того, как движение за независимость Шотландии концептуализирует и формулирует идеи государственности, коллективной идентичности и самоопределения. В статье специально проанализированы различные политические расколы, на которые опирается это движение, продвигая цель получения автономии или независимости, а также как это движение позиционирует себя в условиях меняющейся европейской политической среды. Автором статьи сделан вывод, что для этого движения за независимость территориальная политика и идея независимости служили как средство для формулировки традиционных жалоб центр-периферия и для поощрения выработки и реализации той политики, которая бы отражала потребности и требования шотландского сообщества. В то же время, шотландское движение за независимость олицетворяло собой и предложило такую форму националистического дискурса, который является гражданским в своей ориентации и выступает за восстановление демократической и гражданской активности.

**Ключевые слова:** регионализм, гражданский национализм, Европа, Шотландия, референдум, независимость, Европейский Союз

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## Introduction

Modern European nation-states have been heterogeneous almost without exception and the drive to ethno-cultural homogeneity, as part of the nation-state building process, has historically provoked different forms of regionalism

or minority nationalism [22].<sup>1</sup> These forms of political mobilization are directed against what is claimed to be an illegitimate domination by the nation-states centre and its political elites. At the basis of this type of political conflict and of the claims for regional-national autonomy lies the perceived denial of equal citizen rights, equal access to national economic resources and political power to those defined as regional or national minorities. Yet, the way in which this quest for regional-national self-determination has been articulated over the course of the 20<sup>th</sup> or early 21<sup>st</sup> century has changed substantially in nature. These regionalist-nationalist aspirations reflect specific political and socio-economic cleavages to which territorial politics responds with its plea for collective, spatially defined self-determination.

The latter half of 2014 saw the resurgence of a form of territorial politics that felt eerily familiar and yet new in its magnitude and political aspiration. In recent decades, Spain and the United Kingdom have undergone processes of political devolution designed to accommodate the self-government ambitions of their Catalan and Scottish minority nations, while also attempting to preserve the territorial integrity of the Spanish and British states. In spite of widely held expectations that devolution and self-government would satisfy the political ambitions of Scottish and Catalan nationalists, nationalist-led governments in Scotland and Catalonia have recently held votes on independence from the U.K. and Spain respectively. A binding referendum took place in Scotland on September 18, 2014, and a non-binding (and disputed) consultation vote took place in Catalonia on November 9, 2014.<sup>2</sup> The Scottish referendum resulted in a 55.3 per cent “No” victory for the unionist side in the referendum debate, while the Catalan vote resulted in a 80.8 per cent “Yes-Yes” victory for the pro-independence side. Both referendums sparked widespread public engagement, and in the Scottish case, encouraged a level of participation that is widely absent in regular electoral politics.<sup>3</sup> In addition, the dynamics created by the referendum in September 2014 seems to have transformed the political landscape in Scotland. In the 2015 UK elections the Scottish National Party won a landslide victory in Scotland that promises to shake up British politics and create a push for Scotland’s autonomy, if not independence well into the future.

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<sup>1</sup> In the literature these actors are also referred to as *nations without states* or *stateless nations* (Guibernau 1999; Keating 1996).

<sup>2</sup> Scots voted “yes” or “no” to the question “Should Scotland be an independent country?”, while their Catalan counterparts voted “yes” or “no” on a two-part question, “Do you want Catalonia to become a State?” as well as “Do you want this State to be independent?”

<sup>3</sup> The 84.5% voter turnout in the Scottish referendum set a record for voter turnout in any election held in the United Kingdom since 1918.

How are we to understand the renewed vigour with which key actors in party politics and civil society in Catalonia and Scotland have recently pushed for a referendum on independence? Are we witnessing yet another wave of political mobilization on behalf of ‘minority nations’ [24] whose claims for greater autonomy have historically been deeply engrained in the political fabric of many European nation-states? Can the push for independence in Catalonia and Scotland simply be interpreted as a momentary revival of long lasting centre-periphery conflicts or as a new dimension in how this form of territorial politics plays out in contemporary Europe?

### **Research goals**

In order to address these questions this article investigates how notions of nationhood and collective identity are portrayed in the Scottish context by the pro-independence movements. At the very core of any nationalist aspiration is the notion of a distinct political community defined by a shared sense of identity that is distinct from and in tension with those who are perceived to endanger the self-determination of this community. Here we are confronted with a somewhat paradoxical situation with a view to how the minority nationalist cause is promoted in contemporary Western European societies. For decades, scholars in the modernization theory tradition have told us that the traditional political cleavage driven by competing ethnic or cultural loyalties is losing its relevance in terms of how these loyalties shape modes of belonging and political preferences [9]. To remain socially and politically relevant, a collective identity is critically dependent on its continuous symbolic affirmation in public discourse in order to stay meaningful in how the assigned community members perceive social and political reality [12].

This perspective informs my second set of research questions: What kind of political cleavages do these movements respond to in promoting the idea of autonomy or independence? How do present-day minority nationalist movements situate themselves in the changing environment in which notions of nationhood and sovereignty are shaped against the background of the European integration process?

The recent referendum in Scotland provides an analytical focus to assess the aspirations and modes of reproducing a meaningful collective identity for minority nationalism in contemporary Europe. The independence campaigns in both regions allow us to shed light on the political cleavages articulated in this form of territorial politics. Based on a frame analysis of these campaigns in Scotland I intend to contribute to the debate on the changing nature of regionalism and minority nationalism in Europe. My working hypothesis is that traditional notions of minority nationalism in (Western) Europe possibly miss some of the key factors that are driving successful political mobilization on the ground.

The article begins with a discussion of territorial politics, its role as a conceptual framework for the analysis of the Scottish referendum, and its place within the wider academic literature. My particular interest is directed at the way in which minority nationalists advocate for greater autonomy, if not independence in light of the changing nature of borders and identities in Europe. In a second step, I situate the respective referendums in the wider political and institutional context in which they were organized. In the conclusion, I will come back to a broader assessment of the minority nationalism present in Scotland.

## **Results**

### **The persistence of territorial politics in the 21<sup>st</sup> century**

The resurgence of political movements such as the ones in Catalonia and Scotland represents a challenge when it comes to explaining the driving forces behind such regionalist or nationalist aspirations in contemporary Europe. This form of territorial politics advocating independence for a small nation seems to be at odds with the very way in which the European continent has developed over the past decades. The process of European integration has enhanced cross-border mobility and allowed for a transfer of policy responsibilities to the transnational level in a way that has undermined the notion of the nation-state as the sole territorial container for political authority and societal integration. National borders are decreasingly the only legitimate demarcations for political community and governance structures. In such a world, proponents of minority nationalism appear to reproduce the obsolete logic of the nation-state and its reliance on the congruence between (national) culture, territory and political representation [4]. In their political struggles, national minorities depend on the sovereigntist discourse and the related plea for self-governance. In this respect, the claims of national minorities replicate forms of political legitimacy and institutional practices that were historically established by traditional nation-states from whose dominance these same minorities claim to have suffered. Somewhat paradoxically then, the solutions promoted by national minorities are strongly committed to and conceptually molded by the logic of the Westphalian state system.

Another puzzle of regionalist or nationalist politics, as noted by Anderson [1], is that their claims portray the community in question as eternally given and equipped with incontestable rights. The quest for self-determination is justified by referring to this supposedly unchangeable 'essence' of a people or ethno-cultural group. The reference to the ethno-cultural core [8; 35] still constitutes much of the attraction of nationalist movements. It is against this background that regionalist claims have traditionally been dismissed from a modernist perspective. Most prominently, Karl Deutsch (1966) predicted that national states would invariably extend their control over their peripheries and gradually de-

prive regions of the socio-economic and political-cultural foundation of sovereignist claims. This statist teleology has instilled a considerable degree of – normatively driven – skepticism regarding the prospects and legitimacy of minority nationalism. Seymour Martin Lipset's dictum that such sub-state forms of territorial politics are indicative of vain 'revolts against modernity' still reverberates in scholarly and public discourse.

Yet minority nationalism has not withered away in the wake of 'modernization' [38]. Indeed the manifest persistence of territorial politics has produced competing scholarly approaches: instead of portraying such political movements as anomalies of modern society the resurgence of regionalist and minority nationalist aspirations are interpreted as an integral part of the territorial reconfiguration of Europe. Territoriality is a significant factor contributing to the crystallisation of collective identities in modern societies both regarding political resources for a sub-national agent as regarding processes of generating cultural bonds. Traditional notions of spatial-territorial scale are changing in profound ways [5] allowing the regions to play a more prominent role in generating meaning and loyalty at the sub-state level [19]. In the 1990s, scholars may have gone too far in predicting the end of the nation-state or the dawn of a post-Westphalian and post-national era [2; 37; 42]. Still these daring interpretations accurately indicated a shift in Europe's governance system that has had a profound effect on the context within which the concerns of regions are articulated.

The literature on the 'new regionalism' [23] for a good overview see Keating (2008) emerged in the 1990s, linking this form of territorial politics to the structural changes of the state and the changing nature of borders and modes of governance in Europe. In a nutshell, the emerging system of multi-level governance in Europe has created institutional spaces for regions both as administrative units and as entities that can sustain viable forms of collective identities [27]. One critical dimension in this respect has been to explore the link between the political aspirations of regions and the process of European integration [18; 20]. Although some of the far-reaching expectations associated with the establishment of the Committee of the Regions in 1994 have not materialized, European integration has opened opportunities for regions in terms of pursuing their territorially defined interests and cultivating their collective identities [16].

However, given the fact that the centre-periphery conflict has produced remarkably different outcomes across Europe such broad structural explanations need to be complemented with a more specific sense of the political dynamics involved in political mobilization on behalf of the region [16]. What are the particular circumstances under which this type of territorial politics is able to command such mobilizing force? Who are the actors that assign meaning to the

region and its identity as a primary reference point for defining loyalties and interests? This article focuses on the political dimension of the conflicts under investigation. I seek to shed light on the specific political opportunities<sup>4</sup> that the nationalist movement in Scotland have been able to exploit. Analytically I focus on the framing strategies of the main proponents of the independence campaign identifying the key arguments that have been put forward in support of the nationalist cause.<sup>5</sup> In a first step, I will develop a theoretical model for interpreting territorial politics with a view to the Scottish plea for independence and the formation of a collective identity as a its cultural justification. In a second step, I briefly describe the political-institutional context for the referendum and the main proponents involved before we come to the analysis of the dominant frames in their respective campaigns.

### **Coding a collective identity: the cultural base of territorial politics**

The social construction of boundaries is a decisive element in attributing identifiable features to the community. Assigning the features of the 'in-group' and its socio-political entitlements, the concept of community is built on a categorization of inclusion and exclusion which work simultaneously. By definition, collective identity is a relational concept. Commonness of a certain social group and its difference to others are two sides of the same classification effort. By means of these boundaries the community is equipped with an identity enabling the division of the population into discrete groups which are alleged to be natural and inevitably distinct. The more these dividing boundaries are naturalized and consecutively conflictualized in public discourse, the more the distinct community can become an object of political aspirations. It allows for processes of social inclusion and exclusion by which the constituency is assigned (see Eder, Giesen, Schmidtke and Tambini 2002).

There are, however, different procedures involved in setting the community apart from others and thus making it an object of legitimate rights. The specificity of a territorially based political entity consists in the nature of the collective identity by which the community is integrated and endowed with an inevitable sense of stability. This integration is secured by classifying codes which structure the perception of social reality assigning critical importance to the notion of contested sovereignty in salient political conflicts. The character of such a

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<sup>4</sup> We operate with the concept of political opportunity structures which, according to Tarrow (1998), can be understood as "consistent – but not necessarily formal or permanent – dimensions of the political struggle that encourage people to engage in contentious politics".

<sup>5</sup> Methodologically the analysis draws on discourse analysis in the tradition developed in social movement research: Gamson and Wolfsfeld (1993); Koopmans and Statham (1999).

self-ascribed defining identity - its rigidity or openness - sets the limits within which political projects are formulated. The particular codes upon which the collective identity is based provide the political movement or institution with critical resources in mobilizing their assigned constituency. These codes determine the range in which political goals can be conceived and issues politicized without contesting the overall integrating collective identity. Here it is again necessary to underline that the formation of a politicized collective identity is an explicit challenge to the dominant cultural order (in this case the established national ones). Hence, it determines how people locate their claims in an accordingly defined socio-cultural system as well as how they allocate their loyalties and resources.

In this respect it proves instructive to make use of Eisenstadt's basic distinction between universalistic and primordial forms of collective identity, each reflecting some principal features regarding its mechanisms of integration and its relation to the external environment<sup>6</sup>. The first of these ideal types is the primordial one [41]. It is based upon codes and rituals seeking to emphasize the supposedly 'natural givenness' of a territorial community<sup>7</sup> and demarcating an unalterable difference between 'Us' and 'Them'. The claimed uniqueness of its own collectivity defines its relationship with the outer world. Primordial codes obviously link the constitutive difference to "original" and unchangeable distinctions which are by social definition exempted from communication and exchange. In order to protect the internal stability of such an identity, the procedures of crossing the boundaries between the inner and outer dominion have to be strictly formulated and are normally characterized by insurmountable barriers. Primordial forms of collective identity seek to rigorously regulate contact with the outside world to protect the intrinsic value of their culture from pollution or dilution. The integration of the community is secured by exclusive practices built upon a rigid demarcation of 'Us' and 'Them'. This type of coding a collective identity tends to stress the 'ethnic' uniqueness of their respective community by historical narratives and symbolic practices. By doing so, they seek to underline the necessity that birth into their community and the 'natural' acquisition of the indigenous identity is the only valid prerequisite to belonging to the territorially demarcated collectivity.

At the level of the individual those features of belonging are perceived as natural and given by birth into the community. The self-presentation of the col-

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<sup>6</sup> The basic theoretical distinctions and related conceptual tool are developed in: Eisenstadt/ Giesen (1995) and Eder, Giesen, Tambini and Schmidtke (2002).

<sup>7</sup> Anderson also speaks of the critical undertaking of nationalist movements to portray their own community as rooted in a timeless and uncontested history, even if these communities are simply recent inventions.



lective identity refers to unique ethnically framed standards which are incompatible with those who did not go through the socializing 'rites de passage'. In fact, the 'foreigner' is considered to be a genuine threat to the community by his or her otherness. He is perceived as jeopardizing and 'spoiling' the purity of the primordial community. A critical integrative mechanism of this type of collective identity is the image of being under the constant peril of overpowering outside pressure.

The second type of collective identity is integrated by universalistic patterns of identification. The orientations of this way of demarcating the boundaries between the 'we' and the 'them' is potentially universalistic. The virtues that are said to be the defining criteria for belonging to the indigenous community are not bound to a strictly defined ethnic criteria or cultural endowments which are categorically given by descent. The boundaries between 'We' and 'Non-We' are crossable through adaptation and compliance to fluid cultural standards of inclusion. Based on a notion of superiority of the territorially defined community, the boundaries for foreigners are in principle open as long as he is willing to adapt to the mostly implicit rules of the game. This type of collective identity explicitly invites people to 'convert' by the help of education and cultural assimilation. Outsiders are considered as inferior beings requiring cultural formation and identity. It is in fact integral to this type of collective identity that it develops a sense of 'missionary attitude', presenting its own societal order as a superior, albeit universally applicable societal model.

The subsequent empirical analysis will investigate what form of collective identity is employed in the recent mobilization in favor of Scottish independence. The underlying theoretical assumption is that the mode to defining the regional-national identity of Scotland sets the framework within which political aspirations are developed and the nature of the Scottish political community is defined.

### **The political-institutional context for the referendum in Scotland**

The decision of certain political and civil society actors in Scotland in recent years to employ a referendum to secure independence is significant both in terms of the stability of the wider Spanish and British states and their success (or inability) at accommodating the ambitions of Scottish nationalism, as well as in terms of the political strategies of the Scottish pro-independence movements.

The first issue speaks to broader questions regarding strategies for maintaining the stability of multinational polities. Is it more effective to accede to the demands of minority nationalists for greater autonomy and political recognition in the interests of preserving the unity of the larger multinational polity (to the



point of accepting asymmetrical federal or confederal political arrangements) or is it better to refuse minority nationalist demands on the grounds that greater decentralization will only encourage aspirations for secession? This question has provoked considerable academic debate in recent years among scholars of multinational polities. Will Kymlicka [34, p. 138] describes this conundrum as the “paradox of multinational federalism”, in that the political autonomy available to national minorities under a federal system can have an unpredictable effect on their desire for secession.<sup>8</sup> He notes that on one hand, federalism “provides national minorities with a workable alternative to secession” by granting them a degree of self-government over their own affairs, but that on the other hand, the autonomy it bestows has the potential “to reinforce the belief that the group is able and rightfully entitled to secede and exercise full sovereignty” (ibid.). Wayne Norman (2001) articulates a similar point when he explains the unforeseen challenges of officially recognizing a minority nation within a larger multinational state (including the minority nation’s right to self-determination). He argues that recognizing of a minority nation “might make the members of the group feel more at home in a state that no longer pretends that they do not exist”, but that it also “might strengthen the national identity of the members of that group, and thereby weaken their attachment to the larger state” thus encouraging secession [36, p. 93]. Michael Keating (2001b) agrees that accommodating minority nationalist demands can have unforeseen consequences, but cautions that the prospect of it leading to secession is not as likely. Rather he contends that recognizing a minority nation’s right to self-determination will not necessarily lead to that nation seceding from its larger multinational polity, as “the costs of secession militate strongly against this”, and argues “that secession is more likely in conditions in which the right to self-determination is denied, thus forcing nationalists into more extreme postures” [26, p. 61].

This choice between accommodating or resisting the self-government and recognition demands of minority nationalists has underlined the British and Spanish debates surrounding political devolution in recent decades, and reappeared in discussions over granting the Scottish government the necessary powers to hold referendums on independence. The British strategy of agreeing to negotiate with the Scottish National Party through the Edinburgh Agreement over granting Scotland the authority to hold an independence referendum, agreeing to abide by the result of the vote, as well as promising the Scottish people greater devolution in return for voting “No” and remaining within the

<sup>8</sup> While Kymlicka referred to multinational federal states, his argument could also apply to multinational devolved unitary states such as the United Kingdom and Spain, in which opponents of political devolution have characterized greater autonomy for Scotland and Catalonia as merely a stepping-stone on the path to their eventual independence.

United Kingdom, appears to reflect a more open strategy to minority nationalist accommodation. The British government appears to recognize and affirm Scotland's national status and right of self-determination, and have attempted to prevent Scotland from declaring independence by granting it greater political autonomy within the British state. Indeed, it is a fascinating question (yet one beyond the scope of this article) to inquire whether since the initiation of devolution in the UK under the government of Tony Blair there has been a gradual build-up of Scottish government competence and institutional capacity that has allowed for a push for a referendum.<sup>9</sup> Keating, Cairney and Hepburn (2009) have portrayed Scotland as the most developed 'territorial policy community' in the United Kingdom with an expanding set of legislative powers addressed at the subnational level. This has created opportunities for interest formation and articulation that, as I will show in a moment, have contributed to the push for independence by the nationalists.

Supporters of independence consist of a broad coalition of political and civil society actors. Yet in drive for Scottish independence also relies on the leadership and organizational drive for the referendum came from the Scottish National Party (SNP) under the leadership of Alex Salmond. In the 2011 Scottish parliamentary election, the SNP gained a majority, which it interpreted as a mandate to hold an independence referendum. With Alex Salmond as the First Minister, the SNP launched a broad mobilizing campaign designed to engage civil society. In its efforts, the SNP found allies in other parties and non-party proponents of independence (most notable the Scottish Independence Convention, a broad-based centre-left umbrella organization promoting a referendum) and high-profile artists, actors and intellectuals. The organization that ran the campaign since 2012, 'Yes Scotland' was at its core an alliance of the governing SNP, the Scottish Green Party and the Scottish Socialist Party. Blair Jenkins, the former Director of Broadcasting at Scottish Television (STV) ran 'Yes Scotland' and served as its chief executive. Regardless of this broad coalition the SNP was clearly the driving force behind the referendum; its organizational (and ideological) commitment to independence put it into a widely accepted leadership role.

### **Framing the vision of an independent nation**

Independence and the referendum process for achieving independence have been framed and justified by Scottish actors in a multitude of ways, drawing on: 1) historic grievances, national identity, and the plea for independence;

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<sup>9</sup> Cairney (2014) describes the gradual territorialisation of interest representation in Scotland and how devolution has allowed distinct policy preferences to be nurtured.

2) democratic renewal and the right to national self-determination; 3) pursuing distinct policy priorities and preserving ‘national traits’ and ‘values’; 4) national unity and the internal diversity of the minority nation; and, 5) the relationship between the quest for independence and European integration. These diverse frames are not exclusive but repeatedly intersect and inform one-another creating an overall complex pro-independence/self-determination discourse that is both grounded in Scottish history and national distinctiveness, but coupled with a sense of the region’s growing diversity and its interconnected future with Europe and the wider world.

### **1) Historic grievances, national identity, and the plea for independence**

At the very core of the plea for independence is the notion that Scotland’s integration into the United Kingdom does not allow for a proper pursuit of what is deemed to be the – prospective – “great potential” of Scotland as an independent country. This point speaks to a historically rooted sense of inferiority of Scots towards Great Britain. Even in the speeches and declarations of pro-independence proponents there is a recognition of the historic achievements of Great Britain, some of which they promise to protect and nurture within an independent Scotland (indeed the ‘Better Together’ campaign mocked Scottish nationalists’ idea of combining the ‘best of two worlds’ and that relatively little would change in terms of some of the British traditions including allegiance to the Monarchy).<sup>10</sup>

Throughout the 1990s, Scotland benefited considerably from devolution that the Labour Party under Tony Blair initiated in order to address the sense of an inadequate representation of Scottish interests in the Westminster system. The rationale of transferring competence in key policy areas to the then newly established Scottish Parliament at Holyrood was to allow for a greater sense of political ownership over political decisions affecting the region. Yet, arguably, one can contend that, as some critics feared, devolution has fueled the appetite and provided resources to pursue an even greater degree of home-rule.

In his speeches, Alex Salmond repeatedly characterizes independence as ‘not just as an end in itself’. In the political framing strategy of the ‘Yes Campaign’ the goal of independence is intimately tied to the ‘aspirations’ of the Scottish people and the ‘unfulfilled potential’ of a truly self-ruling Scotland. The SNP 2011 election manifesto that put the plea for independence at its core provide a good sense of how the resulting campaign leading up to the 2014 vote is justified. The manifesto speaks of a: culture of independence, a culture of responsibility and confi-

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<sup>10</sup> Salmond spoke about six unions forming the UK of which an independent Scotland would keep five: the currency, monarchy, society, Europe and defence.

dence across our nation. In our approach to government this will see more power devolved to local communities and greater involvement for people in the decisions that most affect the place they live. This theme of empowerment for our communities runs like a thread through our policy platform. [40, p. 5]

The framing focuses on issues of ‘empowerment’ and ‘involvement of the people’ – thus on issues genuinely related to the current democratic decision-making process - rather than an explicitly declared Scottish collective identity and associated historic grievances. Commentators such as Charles King (2012) contrast the ‘kilt-and-bagpipes version of Scottishness’ with one that is essentially grounded in social and political values (see more on this point in the next section). The focus of the nationalist campaign is hardly on any ethno-cultural differences or even historic grievances<sup>11</sup>; even the collective memory of a supposedly glorious past as promoted by Scottish nationalists well into the 1970s has largely ended. In its place, the framing of the pro-independence cause is driven by the demand for proper political institutions and claims of self-governance. Scottish nationalists are extremely careful when it comes to exploiting the simple ‘Us’ versus ‘Them’ binary employed in traditional nationalist reasoning. Moreover, the rationale for doing so can be found in a peculiar social reality when it comes to defining modes of collective belonging and identity. According to a study conducted by Carman, Johns and Mitchell (2014), most voters in Scotland would describe their identity as a mix of Scottish and British elements. While there is a strong recognition of an independent sense of being Scottish, it is not primarily defined as non-British. Indeed the 2006 British and Scottish Social Attitudes Survey found that symbols of British culture are similarly endorsed in England and in Scotland (most prominently those of democracy, the monarchy, and a sense of fair play).

## **2) Democratic renewal and the right to national self-determination**

The ‘right to choose’ also plays a key role in the arguments mobilized by the Yes campaign in Scotland. The claim that Scotland is unable to articulate its interests and values is couched in two framing strategies. The first strategy links the issue of Scottish independence with a general feeling of disengagement from mainstream politics. The Yes campaign portrays people in Scotland as marginalized and voiceless; and it blames the UK Westminster system to be the root cause for this marginalization. With this strategy, the Yes campaign seeks to

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<sup>11</sup> In terms of references to history it is remarkable that historic grievances since the vote for merger between England and Scotland in 1707 do not figure prominently in the framing of the Yes campaign. Virtually no reference is made to the historic predecessors of the fight for independence such as the Highland clans, the Scottish Free Church Movement or the Glasgow dockworkers in the post-war period.

relate to a broader sense of alienation from mainstream politics and political institutions. In this narrative Scottish independence is depicted as a fundamental decision on the rules under which citizens engage politically and ‘have a say’ in the collective fate of the community.

The second framing strategy is more narrowly focused on the British political system. For Scottish nationalists, British politics suffers from a structural underrepresentation of Scottish interests in London. Repeatedly the Yes campaign pointed to the fact that in post-war Britain Scotland regularly lived under UK governments that it did not vote for, and the SNP could claim that it is highly unlikely that it will be able to represent Scottish interests in any future UK government. The current political configuration in Westminster, in which only one of the 304 Conservative MPs comes from Scotland, also served as an example of Scottish under-representation and disconnect from the U.K government. Again, the Yes campaign depicts London rule as a form of suffocating conservatism. The central reference point in the Yes campaign is Scotland’s alienation from Tory-governed England and the claim that only far-reaching self-government can put an end to ‘foreign rule’ resulting from Scotland’s peripheral role in the Westminster system.

### **3) Pursuing distinct policy priorities and preserving ‘national values and traits’**

The narrative that the SNP and the Yes campaign has embarked on focuses on the dynamic of electoral and party politics in Great Britain. According to their reading of recent British history, the legacy of Margaret Thatcher has pushed the UK’s major parties so far to the right that the more progressive Scottish society and political elite feel alienated from the rest of Britain. The Thatcher years are vividly depicted as an onslaught against the progressive values of Scotland and the achievements of the post-war British welfare state (pensions, medical care, public housing, higher education, etc.). The former Prime Minister has become the epitome of ‘non-Scottishness’. Again, Thatcher is not depicted as the ethno-cultural other but as the representative of a way of organizing the political community that is deemed alien to the values widely held in Scotland.

These sentiments are primarily directed at the British Conservatives but include the Labour Party. During the referendum campaign, Labour was depicted as a party firmly rooted in the Westminster system that translated British priorities into the Scottish context without proper sensitivities to regional needs. The fact that all three mainstream British parties joined in the Better Together campaign helped to paint a picture of British parties as being hostile to Scottish home-rule regardless of their ideological perspectives. In addition, the rise of UKIP (as a populist anti-immigration, anti-EU party) during the campaign gave

additional arguments to the pro-independence advocates to depict the goal of a 'fair and harmonious society' as being increasingly incompatible with the direction of British politics.

Scottish nationalists have made the protection of welfare state provisions the cornerstone of their campaigns. These frames resonated strongly with the Scottish electorate: they could vividly paint a contrast between Scotland and the rest of the UK (and in particular England). However, in its campaign the pro-independence camp faced the challenge of having to reconcile its commitment to expansive welfare state provisions with its separate commitment to keeping an independent Scotland economically competitive in a globalizing world. Clearly, the reliance on revenues from natural resource extraction (most notably North Sea oil) was a critical element in this regard. The Yes Scotland campaign claimed that an independent Scotland would be 'one of the wealthiest nations in Europe' due in part to oil revenue.

#### **4) National unity and the internal diversity of the minority nation**

In Scotland, the Yes campaign embarked on an approach to immigration and governing diversity that is explicitly open and multicultural in spirit. Again the SNP's and pro-independence advocates' pro-immigrant stance set it apart from the current government at Westminster. The British nationalist course of the Cameron government (driven by the rise of UKIP) and its increasingly exclusionary stance toward immigration has opened a political opportunity for Scottish nationalists to give substance to their claim to represent a more open, compassionate and fairer approach to social inclusion. This openness not only extended to EU and "Third country" nationals, but also to those who moved to Scotland from other parts of the United Kingdom, all of whom were encouraged to join the Scottish independence movement. The pro-independence campaign depicted itself as socially diverse, emphasizing shared values that bound its diverse supporters together and de-emphasizing exclusionary sentiments regarding Scottish national identity. On many of the pamphlets used in the campaign, immigrants and minorities of a non-European background are prominently featured. Similarly, regulated immigration was described as a key element of the economic policy for an independent Scotland.

#### **5) The relationship between the quest for independence and European integration.**

The Yes Campaign in Scotland portrays Scottish independence as fully compatible with and in harmony with the spirit of European integration. One of the major controversial issues of the British debate was whether Scotland would

be allowed to stay in the EU or, after independence, it would need to reapply and exist in an extended period of uncertainty regarding its status with the EU. The pro-independence movement countered this argument with a staunchly pro-European stand which, given the Euroscepticism of the British Conservative Party and the rise of UKIP, was meant to give further substance to the need for greater self-rule. Somewhat ironically, the pro-EU course of the SNP and most of the supporters of the pro-independence campaign was able to fuel the plea for national independence, with “Yes” campaigners arguing that independence offered the only way for Scotland to remain in the European Union in light of the British government’s recent commitment to hold a referendum on the UK’s membership.

### **Conclusions: towards a new form of territorial politics in Europe?**

The Scottish political discourse surrounding independence is multi-faceted, complex and occasionally contradictory as it tries to bridge a plurality of actors seeking independence as well as a plurality of motivations. On one level, it is more accurate to refer to this discourse as being motivated by the “right to decide” or the right to hold a referendum on independence rather than by independence itself. Nonetheless the prospect of independence underlies the entire discussion surrounding the “right to decide”, in particular, what independence may entail for Scotland in the future. The plea for self-governance itself, in which the quest for proper political institutions to reflect the interest of the Scottish people took precedence over detailed accounts of what independence would entail and how an independent Scotland would be different from the rest of the UK.

The SNP and Yes Scotland campaign embarked on a strategy of differentiating Scotland from the rest of the UK that downplayed a distinct culturally or ethnically coded identity and instead focused on civic and political values. In terms of Eisenstadt’s terminology we can speak of a universalistic collective identity that only marginally invokes exclusionary ethno-cultural boundary markers. The endorsement of immigrants, cultural diversity, and the European integration process are an indication of how the boundaries of the own community are marked as inclusionary and deprived of the primordial underpinning of traditional nationalism. The political cleavages that the Scottish pro-independence campaign mainly addressed were those related to the perceived lack of democratic self-governance and a vision of the Scottish national community that, with its focus on a fairer ecologically responsible society, were depicted in stark contrast to the current priorities of the British government.

Clearly, the overall political environment proved to be extremely receptive to such a framing strategy. British mainstream parties have moved to the (neo-



liberal) right over the past decades (including New Labour) and the austerity measures implemented in the wake of the financial-economic crisis threatened to compromise an agenda directed at social justice and equality (on the role of the recent economic crisis in this respect see: Gómez Fortes and Cabeza Pérez 2013). Along these lines King (2012) describes the SNP and pro-independence ideology as ‘a postmodern species of nationalism’ that is “multicultural, social-democratic and pro-European”. The attribution ‘post-modern’ refers to the fact that the party has dropped many of those ideological tools that in the past have been the bread and butter of nationalist movements namely the strong reliance on a culturally based collective identity and a resulting Us-versus-Them binary as its crucial mobilizing tool. While we also clearly witnessed forms of traditional nationalist rhetoric based on an exclusionary, identity-based approach, ultimately these voices were marginal in the public discourse leading up to the referendum.

The Scottish ‘nationalists’ have also been successful in repudiating the claim that regionalism or minority nationalism is a force that is historically obsolete in a Europeanizing or globalizing world. The campaign leading up to the referendum was critically fought with a view to whether an independent Scotland could effectively replace the institutional framework of the UK in critical policy areas such as the economy (the Euro), health care, education, or defense. The relative success of the Yes campaign can be significantly attributed to the fact that pro-independence forces succeeded in presenting minority nationalism compatible with the functional prerequisites of what a state ought to address at the beginning of the 20th century (admittedly this argument gained considerable credibility by the economic promise of Scotland North Sea oil). Indeed, one of the main discursive strategies of the pro-independence camp was to claim that the core idea of the sovereigntist reasoning – that state power should represent the collective will of the people – would be more effective and legitimate if exercised at the regional level.

The analysis of the framing strategies in the Scottish referendum campaign suggests that much of the political attraction and popularity of the pro-independence stand can be attributed to a civic vision of national community and a call for democratic governance. Territorial politics in these cases appear to be vehicles for articulating political grievances that are only partly caused by the traditional centre-periphery conflict. At the very core of the campaigns for national independence was the notion of territorial politics as an instrument for fostering democratic renewal and promoting policies that reflect more accurately the needs of the affected community (Schmidtke and Zaslove 2013). In this respect, the nationalist movement under investigation has been effective in



bringing the regionalist plea for independence into close alignment with broader issues of contemporary politics, most notably alienation from mainstream party politics, as well as concerns about democratic governance, civic engagement and social inequality (in this respect I concur with Cairney (2014) who speaks of a ‘territorialization of interest representation’). Keating and Harvey (2014) make a compelling argument that “globalization and European integration have encouraged the re-emergence of a new ‘civic’ nationalism within established nation-states”. What the campaign in Scotland surely has achieved is reinvigorating political debate and participation. In many respects, the referendum campaign has been an example of a fundamental debate about the nature of political community, its key values and its visions for the future.

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## THE RESEARCH OF INFLUENCE OF STATE REGULATION OF FOREIGN TRADE ACTIVITIES IN THE SPHERE OF ELECTRIC POWER INDUSTRY OF UKRAINE ON VOLUMES OF ELECTRIC ENERGY EXPORT

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*The article deals with the research of influence of state regulation of foreign trade activities in sphere of electric power industry of Ukraine. The foreign trade activities in electric power industry sphere play a key role nowadays for Ukraine, because Ukraine carries out export of electric energy to the countries Central and Eastern Europe, and also to the Commonwealth of Independent States countries.*

*The author emphasizes that the current problems of electric power industry are connected with the lacks of electric energy market functioning; imperfect system of tariffs' calculation (concerning granting of services in electric energy transfer and concerning the corresponding centralized dispatching regulation); excessive level of losses of electric energy owing to not developed infrastructure of electric power industry sphere and imperfect capacities of subjects of managing; non-observance of norms of the European Charter concerning realization of principles of liberalization and maintenance of not discrimination access to the main transmission lines.*

**Keywords:** electric power industry, electric energy export, state regulation, foreign trade, Ukraine

**Ulida V.Y. Badanie wpływu regulacji państwowej handlu zagranicznego w zakresie elektroenergetyki Ukrainy na przykładach eksportu energii elektrycznej**

*W pracy zbadano wpływ regulacji państwowej handlu zagranicznego w sektorze energii elektrycznej na Ukrainie na przykładach eksportu energii elektrycznej. Należy podkreślić, że energia elektryczna w nowoczesnych warunkach Ukrainy odgrywa kluczową rolę, ponieważ Ukraina eksportuje energię elektryczną do krajów Europy Środkowej i Wschodniej oraz do krajów Wspólnoty Państw Niepodległych.*



of foreign trade activities in electric power industry sphere taking into account current difficult social and economic situation in Ukraine.

### **Statement of research objectives**

The purpose of work is revealing of current problems of state administration of foreign trade activities in electric power industry sphere on the basis of electric energy export dynamics' analysis.

It is necessary to solve the following problems for achievement the given work purpose:

- to analyze the basic tendencies of dynamics of electric energy export from Ukraine during last five years;
- to reveal the current problems of state regulation of the electric power industry sphere foreign trade activities.

### **Results**

It is expedient to carry out the analysis of dynamics of electric energy export from Ukraine during last five years with the purpose of revealing of productivity of state regulation in electric power industry sphere.

The structure of electric energy export from Ukraine in 2010 is presented in tab. 1.

Table 1

**The structure of electric energy export from Ukraine in 2010**

<b>Direction of electric energy export</b>	<b>Countries</b>	<b>Volume of electric energy export, million Watts</b>	<b>Share in total export amount, %</b>
East and Central Europe	Hungary, Slovakia, Poland, Romania	1173,7	27,8
Commonwealth of Independent States (CIS)	Byelorussia, Moldova, Russia	3045,2	72,2
In total	-	4218,9	100,0

It is possible to see from tab. 1, that the prevailing part of electric energy export from Ukraine in 2010 is corresponded with the CIS countries and made 72,2 % from total amount of the electric energy realized abroad.

The volumes of electric energy export from Ukraine to the countries of East and Central Europe, and also to the CIS countries were approximately equiva-

lent during the following 2011. Thus the share of electric energy export to the countries of East and Central Europe increased twice that is shown in tab. 2.

Table 2

**The structure of electric energy export from Ukraine in 2011**

<b>Direction of electric energy export</b>	<b>Countries</b>	<b>Volume of electric energy export, million Watts</b>
East and Central Europe	4855,3	49,9
Commonwealth of Independent States	4870,9	50,1
In total	9726,2	100,0

The shares of electric energy export from Ukraine to the countries of East and Central Europe, and also to the CIS countries were identical too and have made, accordingly, 49,9 % and 50,1 % during 2012 that it is possible to see in tab. 3. Nevertheless, the volume of electric energy export to the countries of East and Central Europe reduced to 1784 million Watts, and electric energy export volume to the CIS countries reduced to 1607,8 million Watts.

Table 3

**The structure of electric energy export from Ukraine in 2012**

<b>Direction of electric energy export</b>	<b>Countries</b>	<b>Volume of electric energy export, million Watts</b>
East and Central Europe	3171,3	49,3
Commonwealth of Independent States	3263,1	50,7
In total	6434,4	100,0

The volumes of electric energy export to the countries of East and Central Europe increased to 2233,2 million Watts during 2013, and in percentage expression they increased by 5,7 % in total amount of export in comparison with the last 2012. Concerning volumes of electric energy export to the CIS countries in natural expression they increased to 1164,0 million Watts, and in percentage expression their part decreased by 5,7 in total of electric energy amount. The resulted information is displayed in tab. 4.

Table 4

**The structure of electric energy export from Ukraine in 2013**

<b>Direction of electric energy export</b>	<b>Countries</b>	<b>Volume of electric energy export, million Watts</b>
East and Central Europe	5404,5	55,0
Commonwealth of Independent States	4427,1	45,0
In total	9831,6	100,0

The decrease of volumes of electric energy export to the countries of East and Central Europe is observed near 483,8 million Watts during 2014. The corresponding share of electric energy export in its general volume during the given accounting period decreased by 9,9 %. As to volumes of electric energy export to the CIS countries it increased by 1559,4 %. Concerning corresponding share of electric energy export in its general volume it is necessary to notice, that it increased by 9,9 % in 2014. The specified data is displayed in tab. 5.

In total electric energy export volume to the countries of East and Central Europe has increased more than in 4 times during last five years by results of research of change of electric energy export volumes from Ukraine during 2010-2015.

Table 5

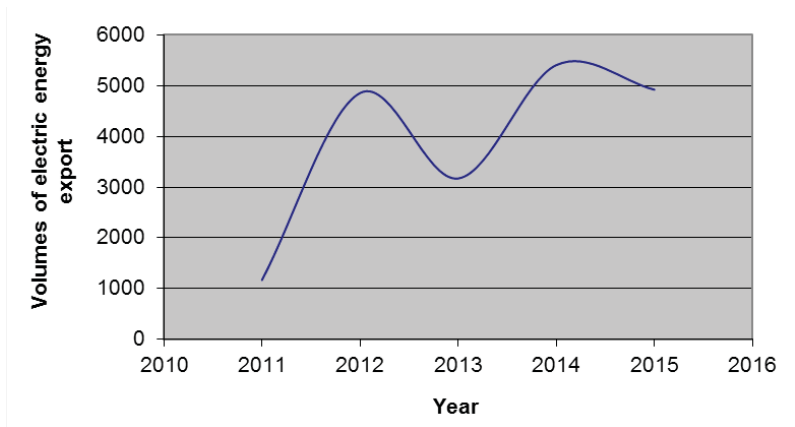
**The structure of electric energy export from Ukraine in 2014**

<b>Direction of electric energy export</b>	<b>Countries</b>	<b>Volume of electric energy export, million Watts</b>
East and Central Europe	4920,7	45,1
Commonwealth of Independent States	5986,5	54,9
In total	10907,2	100,0

Nevertheless, electric energy export volumes to the countries of Central and Eastern Europe decreased to 483,8 million Watts during last 2014 that is shown in tab. 4–5.

Besides, it is necessary to pay attention to instability of electric energy export volumes to the countries of East and Central Europe during 2010–2014 according to data presented in tab. 1–5 and fig. 1.





*Fig. 1. Dynamics of change of electric energy export volumes from Ukraine to the countries of Europe during 2010–2014, million Watts*

Concerning electric energy export volumes to the CIS countries it has increased almost in 2 times during last five years that is shown in tab. 5.

General dynamics of electric energy export from Ukraine during 2010–2014 is displayed in tab. 6.

Table 6

**Dynamics of the electric energy export from Ukraine during 2010-2014**

Year	Total export volume, million Watts	Absolute deviation, million Watts	Relative deviation, %
2010	4218,9	-	-
2011	6434,4	2215,5	52,5
2012	9726,2	3293,6	51,2
2013	9831,6	105,4	1,1
2014	10907,2	1075,6	10,9

It is possible to see from tab. 6, that during 2010-2012 rate of growth of electric energy export from Ukraine stably increased by 50 %, nevertheless, the tendency to sharp decrease in rate of electric energy export volumes' growth to

1 % is observed since 2013. The rate of electric energy export volumes' growth increased almost to 11 % in 2014, nevertheless it was in 5 times less, than in basic 2010. Is a whole, during 2010-2014 the total amount of electric energy export from Ukraine has increased in 2,5 times accordingly to data given in tab. 6. Nevertheless, it is necessary to note essential decrease in rates of growth of electric energy export volumes from Ukraine during last 2013-2014.

### **Conclusions**

Among the reasons of the given current situation it is necessary to pay attention to the following ones:

- High level of amortization of capacities and objects of electric power industry sphere infrastructure, corresponding requirement for carrying out of their technical and technological modernization according to modern requirements concerning productivity of manufacture, needed energy resources, ecological safety and absence of the corresponding financial resources;

- Absence of free competition in the markets of natural gas and coal as primary energy carriers;

- Insufficient integration into the Electric energy pool of the European Union;

- Presence of debts of subjects of economic activities in the electric power industry market;

- Practice of cross subsidizing between different categories of consumers (realization of subsidizing of household consumers due to enterprises);

- Dependence of activity of state regulation bodies in electric power industry sphere from influence of political factors, in particular, concerning establishment of tariffs and distribution of financial resources.

Accordingly, it is necessary to allocate the current problems of electric power industry state regulation:

- Lacks of electric energy market functioning (excessive intervention in activity of the market from the state; presence of natural monopolies; imperfection of contractual relations system; absence of the developed market of auxiliary services; insufficiency of organization of export and transit operations concerning electric energy, etc.);

- Imperfect system of tariffs' calculation (concerning granting of services in electric energy transfer and concerning the corresponding centralized dispatching regulation);

- Excessive level of losses of electric energy owing to not developed infrastructure of electric power industry sphere and imperfect capacities of subjects of managing;

- Non-observance of norms of the European Charter concerning realization of principles of liberalization and maintenance of not discrimination access to the main transmission lines.

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*World experience that shows the role of the state in tourism activity organization could be divided into three models of state participation in the regulation of this crucial part of the national economy within the context of new approaches search to development of national policy in tourism and resort fields.*

The second model is about existence of national central authority of tourism regulation. Such model type demands considerable financial investments into tourist infrastructure development, promotion of the national tourist product, etc. This model is used by the countries where tourism is a crucial field, that brings a significant return to the state budget.

Majority of EU countries pay immense attention to cooperation between state tourist authorities orientation with public institutions in the implementation of supervisory and regulatory functions. Although the forms of cooperation are slightly

different and there is no unified model, but the main principles of such work consist in creation of separate organizations that unite efforts of state authorities and public organizations, associations and other unions in tourism sector.

Intensification of priority development for inbound and outbound tourism of Ukraine in its regions is possible in case of implementation of additional stimulate tools for national tourism development and substantive progress of state policy determination.

**Key words:** state regulation, tourism activity, state authorities, local government, models development, European experience

***Volczetskij R.V. Europejskie doświadczenie regulacji stanu rozwoju turystyki oraz wprowadzenie jej modelu na Ukrainie***

W artykule omówiono osobliwości regulacji stanu sektora turystycznego w Unii Europejskiej dla modernizacji krajowego systemu rozwoju turystyki. Analizowane uprawnienia i funkcje władz państwowych i lokalnych w regulacji sektora turystyki oraz działalności kurortów na przykładzie krajów Wspólnoty Europejskiej.

Na podstawie europejskich modeli regulacji rozwoju turystyki zaproponowano podejścia do poprawy zarządzania turystyką na Ukrainie oraz rozwoju turystyki krajowej.

**Słowa kluczowe:** regulacja państwowa, działalność turystyczna, doświadczenie międzynarodowe.

***Волчецький Р.В. Європейський досвід державного регулювання розвитку сфери туризму та моделі його впровадження в Україні***

У статті розглядаються особливості державного регулювання туристичної сфери в країнах Європейського Союзу щодо модернізації національної системи розвитку туризму. Проаналізовано повноваження та особливості формування органів державної та місцевої влади в регулюванні туристичної сфери та діяльності курортів на прикладі країн Європейського співтовариства. На основі зарубіжних моделей державного регулювання розвитку туризму запропоновано впровадження підходів з удосконалення управління туризмом в Україні та активізації розвитку внутрішнього та в'їзного туризму.

**Ключові слова:** державне регулювання, туристична діяльність, державні органи, місцева влада, моделі розвитку, Європейський досвід.

***Волчецкий Р.В. Европейский опыт государственного регулирования развития сферы туризма и модели его внедрения в Украине***

В статье рассматриваются особенности государственного регулирования туристической сферы в странах Европейского Союза для модернизации национальной системы развития туризма. Проанализирова-

*ны полномочия и особенности формирования органов государственной и местной власти в регулировании туристической сферы и деятельности курортов на примере стран Европейского сообщества.*

На основе зарубежных моделей государственного регулирования развития туризма предложено внедрение подходов по совершенствованию управления туризмом в Украине и активизации развития внутреннего и въездного туризма.

**Ключевые слова:** государственное регулирование, туристическая деятельность, мировой опыт, модели развития, Европейский опыт.

## Introduction

In many countries of the world tourism is a priority direction of national economy development by its dynamism, profitability and immense socio-economic and cultural influence. However, tourism industry is a specific and very complex subject of state administration.

Most of European countries have proclaimed tourism industry as one of the promising directions of national economy and cultural development, that contributes to GDP growth, investments, modernization of infrastructure, currency earnings, development of trade and industry, promotes creation of new branches of economy.

Special attention in this process should be paid to the role of the state in the development of the tourist market, especially after successful holding of the championship Euro – 2012 that is extremely relevant to the development of the tourism industry in Ukraine. Considering the fact, that in Ukraine, being under conditions of unsolemn war with Russia, there are a discrepancy in the ratio «price-quality» within rendering tourist services, depreciation of fixed assets of tourism enterprises, development of the tendency of domination of outbound over inbound tourism, that attest to outflow of funds abroad and makes the need for government involvement in the development of the tourism industry with a set of tools based on international experience [1].

Growth of competition level on the global world market of tourist services and unsatisfactory indicators of tourism development are demanding from Ukraine – as concerning a new participant of the world tourist market – strengthening of its role in ensuring the development of the tourism industry. One of the directions of problem solving in tourism development is usage of European Union experience.

## Analysis of recent research

State management of tourism and usage of foreign experience in tourism and resort regulation in Ukraine have been examined by such experts as: Y. Alek-

seeva, N. Antonyuk, M. Boruschak, O. Guslyakova, A. Zakharova, I. Kravchuk, O. Kraevska, V. Kravtsiv, V. Matsola, O. Muzychenko-Kozlovska, S. Tsokhla.

### **Statement of research objectives**

The aim of the article is to determine the specifics of state regulation of tourism in the European Union, study of foreign models of development management of tourism and development of appropriate methodological approaches for improving of state regulation of tourism and resorts in Ukraine.

### **Results**

State regulation system of the tourism sector has significant differences depending on political and economic stability of the countries, the role of tourism in its economy, the level of tourism attraction, presence of unique natural and cultural resources, potential of domestic tourism market, availability of tourist resources for its own and foreign tourists investment, scales into tourism sector.

We suggest to consider some examples of EU implementation peculiarities of diverse state regulation options of tourism industry.

In Bulgaria, the issue of tourism and resorts refers to the authority of the Ministry of Tourism of Bulgaria. According to this point, all the acts of tourism and resorts have necessarily been agreed with tourist associations of the country. The main principles of laws and regulations basis development of tourism activities in Bulgaria are: compliance with the European Union standards; active dialogue between specialized central authorities – the Ministry of Tourism and leading tourism associations; public discussion of draft regulations [5].

In Great Britain, British Tourist Authority (BTA) is an authority that performing functions in creation of national tourist image. According to the law “On tourism development”, this authority has a status of non-departmental public body, that reports to Department for Culture, Media and Sport. Besides, British Tourist Authority has to encourage tourism economics development of the country.

Supervisory and regulatory functions on British Tourist Authority activities provide the Ministry of culture, mass media and sport within the limits of the competence and the Ministry of business, innovations and skills in economics within tourism industry.

Public institutions cooperate with British Tourist Authority on consultative and advisory basis. Supervising functions of these organizations are not effected this authority.

The main state institution in tourism regulation of in the country is Greek National Tourism Organization (EOT), which is under the charge of the Ministry of Culture and Tourism and has 27 offices in 21 countries. Mentioned institution performs in regulatory and supervisory functions by adopting regulations on

licensing tourist or hotel activities, sanitary requirements, employment, etc. [4].

Furthermore, Representative office of tourist labor unions (SETE) operates in Greece as well, is a national industry association of travel agencies. The main aim of this organization is quality and competitiveness improvement of tourism services, balanced development of tourism within preservation of cultural sights and environment, promotion of Greek culture.

SETE functions include presentation of economic, social and ecological interests of tourism industry in central and local government, public and private organizations; providing information to government, state authorities and business communities about international tourism market development; promotion of cooperation between public and private sectors and enforcement of business principles within national and international organizations; establishment of partnerships between different fields of tourism and between tourism and other sectors of the economy; creation and promotion of information about tourism development in Greece; cooperation with Greek and international research centers on tourism and the economy [3].

The tourist activity on the national level in Spain is regulated by the Law "On competitiveness in the tourism sector" and Decree «On the activities of private tourism enterprises» of January 14, 1965. Besides national law each of 17 autonomous regions has its own legislation in tourism industry, principal provisions of which correspond to the mentioned law.

Issues of tourism industry are regulated by State Secretariat for Tourism in Spain that is under the charge of the Ministry of Industry, Energy and Tourism. Except State Secretariat for Tourism, the other organizations are governed by the Ministry of Industry, Energy and Tourism, such as: Central Directorate of Tourism, deals with administrative issues and formulates general directions of state policy in tourism business; network of "Paradores" hotels, which consists of 83 hotels that represent historical heritage; two exhibition and congress centers that are located in Madrid and Malaga, and Spanish Institute of Tourism "Turespana", which is responsible for promotion of Spanish tourism product abroad.

Powers and authority of the Ministry are limited. Such important issues as services certification, licensing, strategy development of tourism industry are under the charge of local authorities, in order to coordinate the activities of these organizations, Council for Tourism Development was established in Spain in 2005, which consists of representatives from all levels of government and private business. In most cases the decisions of the Council are advisory rather than mandatory.

Department for the development and competitiveness of tourism in Italy (Dipartimento per lo Sviluppo e la Competitività del Turismo) is a state author-



ity, that is responsible for tourism issues, part of Prime Minister's Office and report to the Italian Ministry of Tourism.

The Department performs the following functions:

- developing and approving of national tourism policy in coordination with administrations of regions and autonomous provinces;
- conducting activities for tourism development, including planning performance and structural funds management;
- controlling of ENIT (Italian National Agency for Tourism), ACI (Italian Automobile Club) and CAI (Italian alpine club);
- assistance providing and taking the steps to stimulate various national tourism directions; investments promotion in Italian tourist projects as in Italy as abroad;
- issuing of certificates and permits for foreign enterprises and entrepreneurs that work in the field of tourism;
- ensuring of international relations in tourism field with international organizations and take part in development and adoption of adequate EU legislation [7].

ENIT (Ente Nazionale Italiano per il Turismo) works under above mentioned Department. Representatives of the regional authorities, including specialized agencies and associations are the members of the executive council of the Agency.

ENIT in coordination with regional agencies and specialized associations promote Italy as a tourist destination with its rich natural and cultural heritage, providing researches and publications, developing marketing and promotion strategy aimed to support Italian tourism industry.

Beyond that, interests of provinces and municipalities tourism industry are represented in ENIT by units of industrialists and entrepreneurs national unions – UPI (Unione delle Province Italiane) and ANCI (Associazione Nazionale dei Comuni Italiani), that involve in development of measures designing in quality of tourism services improvement and stimulating of tourists quantity growth to Italian regions.

Range of federations and associations also work within structure of tourism authorities on the national level, such as Federturismo (Confindustria), Confturismo (Confcommercio) and Assoturismo (Confesercenti). Main functions of these unions are: representing the interests of enterprises and entrepreneurs of the tourism industry, information promotion and communication of relevant issues, training and educational programs, promotion of cultural and business connections in the field of tourism, initiatives support to ensure sustainable development in tourism area.

There aren't any supervisory and regulatory authorities in the field of tourism and resorts common with public institutions in Denmark. Functions of state regulation of the sphere assigned to the Ministry of business and growth of Denmark. Instead, public supervision of government agencies, including the tourism sector, based on the principle of «open government», the foundations of which were laid in April 2009 with the adoption of a political agreement between the government and key countries with the political forces of the Parliament of Denmark.

In particular, the provisions of this agreement defines the obligations of heads of central executive bodies to publish information on a monthly basis (no later than 8 numbers) about the done work and financing expenses, the received gifts, held public events. In addition, 1 January 2014 the Danish act No. 606 «About open government» was adopted, it is designed to strengthen public awareness of the peculiarities of the state apparatus, as well as to ensure control over the legality and liability of such activity from the media and the public.

The law provides access to information on the characteristics of the document flow, archiving and review of specific Central Executive bodies of citizens and the press. In addition, the Law also specifies the kind of information that a specific authority is required to post on their web site [8].

The organization, which is responsible for the implementation of the national policy of Estonia in the field of tourism is the Center of tourism development (CTD).

It is a part of the network of the Foundation for Enterprise Development (FED), which develops business and regional policy in Estonia. It is one of the largest institutions of the state support. The main activities of the CTD are : the marketing of Estonia as a place for tourism; coordination of tourism development programs; coordination of studies and research on tourism; business consultation in the areas of research, marketing, development of products and services, staff training in the field of tourism; development and coordination of the system in the field of tourism information of Estonia; development of international cooperation.

CTD collaborates with businesses and NGOs, as well as a number of administrative agencies, funds and inspections to ensure an enabling environment for tourism development in Estonia. Tourism development at non-governmental organizations is engaged in Estonian Union of travel companies, Estonian Hotel and Restaurant Association Estonian Spa Association and Tourism Association. There is the Estonian Union of travel companies (EUTC) - a voluntary association of travel agencies, transport companies operating in tourism, hotels, insurance companies and foreign travel companies in the country.

EUTC is created for the purpose of improving the services of the tourist nature and increase the profits of all entrepreneurs operating in the tourist market of Estonia. The EUTC includes 72 members, of which 51 are full-fledged and 21 are associate members.

The main objectives and activities of EUTC is holding tourist exhibitions and fairs; developing a common position on tourism development; proposals for the development of public policy in this area; presenting and promoting the interests of their activities; protect the interests of member firms EUTC; facilitating new business contacts with Estonian and foreign partners; collecting and normalization of information in the field of tourism; assistance in shaping the reputation of the member firms EUTC. The highest body of EUTC is the Council. Each member of EUTC delegates to the Council one representative. The representatives elect a President and members of the Board of Directors every two years. Regular Council meetings are held twice a year.

Between the meetings of the Council the working of EUTC is governed by a board of directors which appoints the Secretary General. The Board of Directors decides EUTC current issues and problems that require a meeting of the Council. Secretary General organizes ongoing work of EUTC, represents ETFL relations with national and international organizations and companies [5].

After reformatted government approval on December 2014 in Romania, National Administration of Tourism became a part of the Ministry of Economy, which coordinates the full range of activities in the field of tourism, including promotion of tourism in Romania. For this purpose, at the cost of EU funds attraction it was launched operational regional program «Promotion of tourism potential and creation of the necessary infrastructure in order to increase the attractiveness of Romania», within this program having a EU membership (since 2007) was received 120 mln. Euro.

Law No.58 of August 21, 1998 “On organization and implementation of tourism in Romania” is a Framework Legislative Act in the field of tourism services (with further changes and additions).

It is permitted to found non-profit organizations and professional, scientific, cultural, religious or social associations. Mentioned associations and organizations can provide travel services to its members for their exclusive account [6].

### **Conclusions**

World experience that shows the role of the state in tourism activity organization could be divided into three models of state participation in the regulation of this crucial part of the national economy within the context of new approaches search to development of national policy in tourism and resort fields.

The first model assumes absence of the central governmental authority of tourism regulation, all issues are resolved at the local level by the principle of market self-regulation. This type of model is applied in the countries where tourism doesn't play an important role for national economy or vice versa - tourism reached the highest level of development, that doesn't demand the governmental interference.

The second model is about existence of national central authority of tourism regulation. For instance, the ministry for controlling the activities of the tourism entities of the country. Such model type demands considerable financial investments into tourist infrastructure development, promotion of the national tourist product, etc. This model is used by the countries where tourism is a crucial field, that brings a significant return to the state budget.

The third one provides functioning of specialized structure of tourism regulation as a part of the multispectral ministry. This model is used by the majority of the European countries [2].

Analyzing the above mentioned information concerning relevant European experience, we can put in a nutshell that the majority of EU countries pay immense attention to cooperation between state tourist authorities orientation with public institutions in the implementation of supervisory and regulatory functions. Although the forms of cooperation are slightly different and there is no unified model, but the main principles of such work consist in creation of separate organizations that unite efforts of state authorities and public organizations, associations and other unions in tourism sector.

By the example of world leading tourist countries, it is reasonable to consider the establishment of National Tourism Organization of Ukraine (hereinafter – NTO) as an organization that unites legal entities of public and private law, and will be functioning on the private-public partnership basis, as in Ukraine as abroad. Transport operators, exhibition and PR companies will be able to take part in NTO.

NTO provides the following tasks in Ukraine:

- formation and promotion of competitive national tourist product in target markets;
- creating a positive tourist image of Ukraine in the international tourism market as an attractive tourist destination;
- development and implementation of marketing policies of promoting national tourism product;
- creating an interactive database that includes information on tourist resources of the country (tourist facilities, historical and cultural heritage and natural areas, national network of hiking trails, etc.);

- organizing, conducting and participating in travel fairs and exhibitions, including abroad;
- organization and proper functioning of the national network of tourist information centers;
- providing opportunities to promote tourism in Ukraine Internet (travel portal);
- production and distribution in Ukraine and abroad informational materials about tourist opportunities of Ukraine (printing products, souvenirs, etc.).

It should be noted that currently under the Ministry of culture of Ukraine there are dozens of organizations working in the field of tourism:

- State Joint Stock Company “Ukraine travel”;
- State Enterprise “National Tourist Office”;
- State Enterprise “National Cultural Tourist Office”;
- State Enterprise “Training and Consulting Center of Tourism”;
- State Enterprise “Scientific and commercial center for tourism” “Ranis”;
- State Enterprise “Ukrainian tourist infrastructure”;
- State enterprise “Kherson tourism center”;
- State Enterprise “Cherkasky tourism center”;
- State Enterprise “Agency” “Intourist-Chernihiv”;
- State Enterprise “Intourist-Kirovohrad” [6].

Given the above, it is appropriate to consider deriving from the subordination of Ministry of culture of Ukraine of the mentioned state enterprises, the possibility of their merging or combining with self-regulatory organizations, which include subjects of various types of tourism business (hotel operation, resort activities, tour operator activities, and the like). The participants of transport, exhibition and advertising companies will also be able to join the NTOs.

Thus, separate parts of state regulation mechanisms for tourism world leading countries, their effectiveness has been tested and confirmed by results-based achievements in tourism development, that are necessary to use for tourism development in Ukraine because of its historical, judicial and cultural backgrounds.

Today, to reach European levels of development of the national tourism should:

- create a National Council for Tourism under the Cabinet of Ministers of Ukraine;
- develop a new version of the Ukrainian Law «About tourism»;
- to develop and approve the state program of tourism development until 2025 and provide for implementation mechanisms with appropriate financing;

- to develop and implement a mechanism for collecting and summarizing statistical reports of the tourism industry through the adoption of relevant normative-legal acts;
- develop and prepare the necessary technical regulations and national standards in accordance with European Union directives and the recommendations of the world tourism organization;
- to make an inventory and certification of monuments of cultural heritage;
- to determine the mechanism of cooperation and institutional architectural services for the conservation, restoration and exploitation of monuments of architecture;
- to simplify the issue of visas to citizens of countries not members of the European Union, with a high level of income per capita and to increase the maximum term of stay in Ukraine of citizens of other States from 90 to 360 days;
- implement changes to the tax code regarding preferential tax treatment of different types of tourist activity;
- approve and ensure the introduction of the National Standard GOST Ukraine «Tourism. Signs tourism active tourism. Classification, description and application of the rules»;
- promote the establishment of regional centers and tourist development aimed at developing tourist routes and provide them with qualified personnel support [8].

However, intensification of priority development for inbound and outbound tourism of Ukraine in its regions is possible in case of implementation of additional stimulate tools for national tourism development and substantive progress of state policy determination.

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**Section 2.**  
**INTERNAL POLITICS**

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## **THE DEVELOPMENT OF THE PROCESS OF CONVERGENCE IN AGRICULTURAL LAND UTILIZATION**

Land policy in Ukraine is one of the most important aspect in the context of the social and economic policy development, food security of the state, a multifunctional development of rural areas, where the land as a strategic resource, plays a crucial role. Under such circumstances it is necessary to choose the optimal strategy, aimed forming of competitive land utilization, that serves as the point of agriculture growth and is its main investment resource.

The main objective of research is to substantiate the competitive strategies of land utilization development as a condition of the growth of its socio-economic and environmental efficiency, enhance innovation and investment processes. The purpose of the study is a generalization and deepening of theoretical and methodological principles and development of recommendations regarding the formation of the competitive strategies of land utilization development.

The essence of the phenomenon of convergence of agricultural land utilization is grounded. Antagonistic pairs in agricultural land use are analyzed. It is proved that the strategic diagnosis of the elements of land use system lets them to be adapted to outer environment. The necessity of interaction between bodies of state authority and bodies of local authorities is explained.

To reach effectiveness in land utilization objective information on the basis of reliable planning-cartographical materials should be analyzed.

The information model of land utilization is to consider faithful data concerning determination of priority directions of activity provided rational land resources utilization and land resources conservation.

The methodological bases of research are fundamental statements of modern economic theory, up-to-date scientific achievements in the sphere of the agricultural economics on the whole and land utilization in particular. To achieve this purpose such methods as: morphological analysis, abstract, scientific summary were used.

Practical value of this research is that gained results and recommendations can be used by land arrangement and land evaluation organizations, agencies

*Lazareva E.V. Rozwój procesu konwergencji w użytkowanie gruntów rolnych*

**Słowa kluczowe:** konwergencja, użytkowania gruntów rolnych, środowisko instytucjonalne, innowacyjny model rozwoju, instytucje formalne i nieformalne.

*Лазарєва О.В. Розвиток процесу конвергенції у сільськогосподарському землекористуванні*

*В статті обґрунтовано сутність феномену конвергенції сільськогосподарського землекористування. Проаналізовані антагоністичні пари в сільськогосподарському землекористуванні. Доведено, що стратегічна діагностика елементів системи землекористування дозволить їх адаптувати до зовнішнього середовища. Висвітлено необхідність взаємодії органів державної влади та місцевого самоврядування.*

**Ключові слова:** конвергенція, сільськогосподарське землекористування, інституціональне середовище, інноваційна модель розвитку, формальні та неформальні інститути, модернізація сільськогосподарського виробництва.

*Лазарева Е.В. Развитие процесса конвергенции в сельскохозяйственном землепользовании*

*В статье раскрыта сущность феномена конвергенции сельскохозяйственного землепользования. Проанализированы антагонистические пары в сельскохозяйственном землепользовании. Обосновано, что стратегическая диагностика элементов системы землепользования позволит их адаптировать к внешней среде. Охарактеризована необходимость взаимодействия органов государственной власти и местного самоуправления.*

**Ключевые слова:** конвергенция, сельскохозяйственное землепользование, институциональная среда, инновационная модель развития, формальные и неформальные институты, модернизация сельскохозяйственного производства.

## **Introduction**

In the national practice of agricultural land utilization management the terms “system”, “system approach” which is defined as a set of interrelated elements of the phenomenon or process, combined into a single unit, that are capable to perform a specified function are often applied. The value of the system approach is that it helps to achieve the ultimate effect of land utilization excluding the situation of negative influences on it.

The first step in the direction of management on the basis of a system approach is the necessity to obtain reliable information about all the possible direct and indirect, close and distant in time consequences of management decisions connected with land use concerning the state of land use efficiency, soil fertility, environmental defense etc.

## **Analysis of recent research**

In addition, the effectiveness of a systematic approach is determined with rather characteristic of relations between the elements of the system than the degree of their integration. Pursuant to this, Mamikonov A.G. [1] notes that “the element that has not at least one connection with others is not a part of the system”. The point is that the effect of a systematic approach arises only on the basis of a principle of combination of two or more elements of the same nature.

## **Statement of research objectives**

However if traditional methods of decision-making can be applied to manage uncomplicated objects, because the consequences can be local, the management of agricultural land use, which differs in great complexity as it is closely linked with the biosphere with incomplete and inaccurate consideration of the factors of production and the environment, in the first place, land resources, can lead to unprecedented social, economic and ecological crisis. First signs of it are revealed already today, when with the crop capacity is twice lower than in developed countries of Europe and the world there is a clear downward trend in the natural fertility of the soil. Major part of the soil is under the influence of pollution of toxic for soil substances: lead, mercury, uranium, potassium, beryllium, chromium, nickel and cobalt. In addition, soil is contaminated with such ballast substances of fertilizers as fluorine, arsenic, cadmium, zinc and others.

## **Results**

In this case the point is about such a phenomenon as convergence that will bring nearer and combine elements of the systems of different nature, subordinating them to execute a general purpose designated by agent of management. The examples of this are the following antagonistic couples which are controversially accepted by the scientific community, practices of agricultural industry etc.:

- the use and protection of land;
- governmental regulation and market;
- the quantity and quality of natural resources, including land ones, manufactured agricultural products;
- the right of private property of land and the right to use;
- accretion of monopolization (agricultural holding companies) in agricultural land use and development of small and medium-sized enterprises (farm enterprises, LLC, agricultural cooperatives, individual households etc.);
- public and private interests;
- domestic and foreign markets;
- formal and informal institutions concerning land use and land protection;
- integration into the European Union and the international community etc.

The researches of above-mentioned pairs help to answer the question what the methodology of rational agricultural land utilization that would combine incongruous elements should be. Author scientific research led to the conclusion, the essence of which is as follows: since land utilization is an open system that exchanges energy and information with the environment (macroenvironment, mediated environment, internal environment), it has the ability to logical ordering, based on knowledge of internal characteristics of systems, laws of their development that direct the research to disclosure of complex relationships and possible consequences of management decisions.

Depending on the nature of the system elements of different origins their strategic diagnostics will let adapt elements of land use to the external environment.

This approach ensures a coordinated interaction concerning normalization of the system of crop rotation with respect to qualitative parameters of the soil, which will provide planned return on cost of cultivation of major crops, protection of the soil from erosion, quality of products and others, which will correspond to the principle of the priority of ecology over economy.

Consideration of the factors of water-air and temperature conditions, solar radiation, the territory and its relief, vegetation, slope direction is an essential organizational condition to establish the structure of land, system of development of agricultural sectors, land regulation. There is no doubt that the factor of the territory, which is the main condition that determines not only the degree of industrialization of agricultural production, organization and productivity of labour, but also can lead to danger of emergence of degradational processes of technological and natural origins in land utilization etc.

However, despite the importance of implementing of the convergent method of utilization, it is still not a complete theory with strict rules that would be

based on the single fundamental principles, apparatus and methodology.

Considering the above-mentioned information, the system of agricultural land use management should be directed to:

- significant philosophical and scientific support of efficient agricultural land use;
- target complex programs of social, economic and ecological development of the regions and local councils;
- economic mechanisms that ensure interest in stabilizing processes of management of nature, including land utilization;
- the ability to predict the consequences of management decisions and on this basis to take appropriate corrective actions based on the emerged situation;
- strategic planning, which ensures consensus of highly efficient utilization of agricultural lands with simultaneous preservation and reproduction of soil fertility, prevention of soil degradation (erosion, deflation, pollution etc.), attaining of optimum land structure, that ensure preservation of biodiversity and landscapes;
- strengthening of the responsibility of state and local authorities and businesses on the land for the violation of the law concerning land utilization regime;
- organizational mechanisms that include a set of measures for efficient land utilization: land reclamation organization of the territory, optimization of the structure of land and sowing areas; obtaining of the frequency of allocation of crops in the same field; relaxation of the humus mineralization processes; minimum tillage (zero tillage); improvement of irrigation systems designs and technologies of irrigation; development and application of the complex of agro-technical measures that ensure increase of the productivity of land utilization; creation of information and advisory service on management of soil fertility and irrigation; reasonable correlation between applying organic and mineral fertilizers; the introduction of long-term lease of land (land units) based on land consolidation; usage of permanent monitoring of the state of land and the availability of funding etc.

The above-mentioned information confirms that the convergence of the two antipodes “use-protection” puts trust in the cardinal solution of environmental protection, social and economic problems. In addition one should focus on control and inspection functions of state and local authorities aimed at the process of implementing the strategy of efficient agricultural land utilization.

One remarks that the overall efficiency of the system of management of agricultural land utilization is largely dependent on the governmental controlling influence on the economy of the land utilization. The more complete convergent processes will be in the context of market and state regulation, i.e. a combina-

tion of market processes and state regulation, the more effective the level of economy will be as a whole. In this regard, Soroka M.P. rightly noted that “it is not possible to influence economic unite administratively, one should influence their interests” [2, p. 204].

In addition convergence should be considered as the interaction of business and state regulation as a real opportunity of the transition to effective management. In a strategic context high recognition of the role of the state is not an end in itself of the influence on agents of management, but “in case of highly organized market system the work of state authorities should be improved” [3, p. 8], for the effective use of land resources, satisfaction of social needs etc.

Recently, more and more society shows reliance for development of such institution as self-government, the essence of which is that every village, town or other administrative and territorial entity will choose their power, give their tasks for implementation, handle the progress of economic, social and ecological processes, and generally have a positive effect on the economy of Ukraine.

To improve the efficiency of this institution, it will be vested with broad power, involving public organizations and associations, including regional associations of enterprises, public associations of consumers, chambers of commerce, associations of commercial banks etc., to participate in management and regulation.

The tendency of strengthening the interconnection between market mechanisms and economic role of the state is not only particularly necessary, but fits the current stage of development of agricultural land utilization adequately, that is an effective base of increasing the efficiency of land use, protection of economic competition, increasing the labour productivity .

In a strategic context convergence of market economy and state regulation is a theoretical and methodological basis of social and economic progress for achievement of specific goals by any economic agent on earth.

The process of convergence should be focused on finding ways that ensure harmonization of land use and the state of natural environment. The implementation of this strategic plan can be realized, first of all, due to optimization of the structure of land. Thus, it is proved with researches of L.Y. Nowakowski, M.A. Oleschenko [4, p. 127], that 70% of the arable land of the total area is sufficient to ensure scientifically sound rates of the present population consumption with a glance of export suggestions and capabilities of global food market. The rest of the arable land should be utilized in the alkaline system that will preserve and reproduce the fertility of the soil, stabilize agricultural landscapes, preserve biodiversity, which is closely correlated to factors such as stability and efficiency. However, there are other aspects of the problems of researching the efficiency of agricultural land utilization. Only on soils with deficit-free humus balance the

condition of agricultural production of food, which contains all the nutrition elements - minerals, vitamins, amino acids and fatty amino acids, which determine the health of people, animals and birds that can radically change the destiny of man - can be reached. It should be noted that scientists researching soil, see only part of it - as part of fertility. However this is not quite right, because the soil is the basis of life of biodiversity. The soil is a complex system.

An important practical step towards harmonization of quantitative and qualitative parameters of land utilization, application of an innovative model of development is a practical experience in the field of study of soil, agriculture, medicine, and land management, oriented on preservation of the wealth of land fund, preservation and reproduction of natural fertility of the soil. Concerning the latter, it "becomes an essential tool for managing interrelations between society and nature, which fully affects the components of agricultural landscapes, determines the form of land use and correlation of land, is the frame of the future agricultural landscapes, i.e. placing of road networks, irrigation network elements, hydraulic facilities, forest belts etc. The uniqueness of the land-utilization system is manifested in the fact that it reveals the content of utilization of each plot of land.

I. e. the point is that the area of agricultural land, including arable land, is not a significant factor of influence on the economic development of land utilization. Expansion of arable land does not give rise to placing all the listed crops that are cultivated in the region or a particular area on them.

Restrictions of the free choice of placement of various crops on the appropriate territory are to a large extent determined not only with a specialization of economy, but also a form of relief, agronomic characteristics of soil, water and air regime of soil etc. Thus, with deep crop pattern adaptation to soil and landscape factors one can reach the conditions:

- properly utilization of the potential of the soil;
- prevention of water erosion and soil deflation processes;
- ensuring of high-quality agricultural products.

With regard to the principle of convergence of agrobiological characteristics of crops and the environment of their placement, ensuring the viability of market competitive environment, one can judge it from payback index concerning expenses of the cultivation of major crops in certain groups of soils. This seems to be especially important because land evaluation score determines the cost recovery for growing crops. If cost recovery for growing crops in Ukrainian conditions on certain soils is below 1.35, than in practical terms this is a direct evidence of unprofitability of growing crops. If Payback's value is more than 1.35 it indicates a good level of efficiency of crops on certain land.

In this case, the need for: detailed diagnosis of the qualitative characteristics of the soil, identification and assessment of the influence on crop capacity, and most importantly the effectiveness of their production, that is a key condition in a market economy - is increasing. Properly "area of arable land - its quality" profile is required for the efficient management of agricultural land utilization.

This information timely received by the agent of management is an important methodological basis in the implementation of management activity concerning reaching the objectives of social and economic and social development of agricultural land utilization. It is mandatory for any specific relations of vital activity of society.

Unfortunately, one considers it is necessary to mention the completely undesirable fact that the information about accounting the quality of land ends in 1996, due to lack of funds for this type of work.

For these reasons, the basis of soil quality is outdated data of large-scale soil research done in 1957-1961, adjusted to data correction till 1992. A substantive aspect of these materials does not meet the needs of the time nowadays. Changes within all the previous period are not reflected in them, that make difficulties for implementation of the strategy of state land policy by management service.

Organizing the above-mentioned information, the whole range of social, economic and ecological problems in the agricultural land utilization, which should be taken into account in the process of management decision-making, the following priority actions should be implemented:

- reduction of the amount of land, which are subject to cultivation;
- ensuring non-deficit balance of humus in the soil with its subsequent accumulation;
- organizing the State Service of soil conservation at the National Security Council of Ukraine and information and advisory services on the management of soil fertility in the regions and in the field;
- continuation of inspection of the qualitative state of the soil;
- development of the projects of land-utilization system of all the economic agents on earth based on contour and reclamation organization of territory;
- implementation of the complex of measures on conservation of highly degraded and unproductive agricultural land;
- reinterpretation of the importance of production of organic agricultural products, which would ensure high standards of quality of life;
- ensuring the organization of creating irrigated cultured pastures in the steppe zone of Ukraine;
- designing of the plans of ecological corridors, regenerative areas and buf-



fer zones, which will be allocated on farmland in the structure of ecological network as the main condition of the organization of conservation of biological and landscape diversity.

One notes that these actions can be implemented with the active support of the state, its investment and structural policy. This objectivity cannot be ignored.

In Ukraine, the land issue can be resolved effectively provided the solution of other important issues (economic, logistical and social), because land relations exist in the system of agrarian relations in interaction and intersupport. This is especially important now, when the social and economic state in the country worsened and there is a shortage of initial capital for organization of business on the ground.

The destruction of the previous system of logistical support in the absence of market infrastructure complicated difficulties of a village even more, resulting in a defamation of land reform, establishment of new forms of economy. I.e. the point is that it is impossible to radically solve the land issue without creating standard conditions for the development of the agricultural sector as a whole.

These statements are the methodological basis of relationships of cause and effect between future land utilization and objective reasons that accompany the entire course of land reforms.

Under present-day conditions formation of a flexible system of land ownership and land utilization in the country is not possible without the development of land market and land lease because creating a system of land utilization based on a combination of small and large-scale production needs entering free sale of land and its rent into force. However this activity can be successful provided implementation of measures, directed at regulating the land shares market, ensuring the proper utilization of agricultural land.

The aspect of principle is that while solving the issue of land ownership it is important to find a “golden mean” in which the rights of landowners are not broken – on the one hand and the interests of other agents of society concerning preservation of the proper environment for them are followed – on the other.

Thus, one can confidently talk about convergence, which is an attribute of innovative development of land utilization, combining the action of two fundamentally different land user groups - land owners and land users with characteristic norms and rules of conduct in society. Convergence is considered as one of the most pressing issue, which can solve many problems existing in land relations.

Nowadays, during the “experiment” that began with the support of central state authorities and local authorities in Ukraine more than 20 agricultural hold-

ing companies, based on long-term leases of land shares of the size from 100 to 300 or more thousand hectares were established. In addition, it should be emphasized that in Ukraine as of the end of 2013 175 farm enterprises which used 3468.9 thousand hectares of farmland were established [5], i.e. at the average each household owned 19 830 hectares of land.

In such scenarios the expression, that ensuring success in life and well-being of the family depends primarily on the person, is brought to nothing. However real life practice is different - the success and well-being in the countryside is defined by one person of the agricultural holding company. The essence of such stating of the issue is that agricultural holding companies, equipped with modern facilities without involving rural population, accomplish a complete cycle of agricultural working: from sowing to care and harvesting, using only the work of several operators of technical means. I.e. it becomes apparent that the large-scale land utilization has more economic sense than social one.

Usually, agriculture is priority of development in agricultural holding companies, because livestock industry, especially breeding cattle, is characterized by a prolonged payback period.

At the same time, the development of farms is based on rational combination of elements of two branches - livestock raising and crop production. Tracing the indexes of economic activity of agricultural holding companies, one can conclude that the holding companies do not collect more grain than the farms.

However, convergence of already usual institutions (formal and informal) plays even greater role. Realizing the transformation processes in land utilization based on private ownership of land and property, the country has not achieved great results, qualitative indicators in agricultural production has not been reached, indexes of standards of quality of life has not improved. Ukraine, with its favorable geographical position, fertile land, being "one of the smartest nations in the world" [6, p. 257], unfortunately does not take the top spot in the global economy (excluding exports of raw materials), does not ensure an adequate level of welfare and social protection of citizens in terms of a democratic development.

All the attempts to make an economic breakthrough were found utopian and are illustrated, first of all, by immaturity of the processes of institutionalization of land and industrial relations, "the absence of radical changes in the system of political, legal, economic and social relations adjusted for stereotypes of human behavior according to market conditions, taking into account the traditions, culture, mentality, ethical standards and values etc." [7, p. 5-6], i.e., the point is about creating an institutional mechanism for achieving terms of

interconnection between formal and informal institutions that methodologically would be united with a common goal concerning reaching the goal.

This approach lets within the existing institutional environment consider the development of land utilization as a decisive factor of economic growth.

It should be noted that an important direction of convergent designing of innovative model of agricultural land utilization is the integration of Ukraine into the European Union and the international community, focused on the coordination of “mutual efforts and realization of concerted actions in different spheres of life... to accelerate the processes of equalization of quality of life, and to favor achieving free movement of goods, capital and people across the border” [8, p. 269].

### **Conclusions**

This is favoured with the Association Agreement between Ukraine and the European Union, adopted on September 16, 2014 № 1678-VII, which ensures a unique opportunity to live in the legal framework in a free democratic state. Its ratification lets commence the all-round formation of a country based on European standards and values. Association is a challenge to modernization, creating of free trade zone between Ukraine and the European Union, which will open both markets, where most of the duties will be repealed or minimized.

It is important to mention that 4.5 million euros are necessary for the modernization of agricultural production. Assessing wide opportunities of the association for both markets one pays attention that the association is a tool of social and economic development, which lets with creating of economic, social and humanitarian, environmental and other interrelations ... solve common interests of stakeholders.

Thus, solution of the issues of convergence, directed at the process of management and regulation of economic activity on earth is a factor of the formation of high-technology economy of agricultural land utilization, stimulation of the innovative development model and information support.

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## THE THEMES OF PUBLIC FAMILY POLICY IN THE RESEARCHES OF UKRAINIAN SCIENTISTS

*The article deals with the condition of research working out of family public policy problems in Ukraine. Importance and scientific significance of some appropriate works are recognized.*

*The author emphasizes that public family policy is an important subject in researches of native scholars. Many problems of family development are receiving increased attention, and family functioning in the modern conditions demands deep trying to understand and science research, the theoretical and methodological basing of state strategy in this sphere and forecasting its results.*

*The actuality of this work is determined by the necessity of realization and guaranteeing of constitutional statements about social state making in Ukraine, and its integral part is attention to family, well thought-out, considered family policy, maternity and childhood welfare services.*

*In spite of considerable attention to the public family policy themes, the state of its scientific readiness is considered insufficiently, only within more wide researches. Meanwhile this analysis has an important meaning for theoretical and methodological bases of public family policy, its scientific paradigm. This stipulated the topic choice of a given work.*

**Key words:** family policy; public family policy; security of childhood; family form of upbringing.

**Derega V.V. Tematyki polityki rodzinnej państwa w badaniach naukowców ukraińskich**

*W artykule analizuje się stopień opracowania problemów naukowych polityki rodzinnej państwa w Ukrainie. Uznając wagę i wartość szczególnych prac naukowych na ten temat, autor wskazuje na potrzebę kompleksowego badania powstawania i rozwoju polityki rodzinnej państwa w Ukrainie na obecnym etapie.*

**Słowa kluczowe:** polityka rodzinna, polityka rodzinna państwa, opieka nad dzieckiem, rodzinne formy edukacji.

**Дерега В.В. Тематика державної сімейної політики в дослідженнях українських вчених**

*В статті аналізується стан наукової розробки проблем державної сімейної політики в Україні. Визначаючи важливість та наукову цінність окремих робіт з даної тематики, автор констатує необхідність комплексного дослідження формування та розвитку державної сімейної політики в Україні на сучасному етапі.*

**Ключові слова:** сімейна політика; державна сімейна політика; охорона дитинства; сімейні форми виховання.

**Дерега В.В. Тематика государственной семейной политики в исследованиях украинских ученых**

*В статье анализируется степень научной разработанности проблем государственной семейной политики в Украине. Признавая важность и научную ценность отдельных работ по данной тематике, автор констатирует необходимость комплексного исследования формирования и развития государственной семейной политики в Украине на современном этапе.*

**Ключевые слова:** семейная политика; государственная семейная политика; охрана детства; семейные формы воспитания.

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## **Introduction**

Public family policy is an important subject in researches of native scholars. Many problems of family development are receiving increased attention. Indeed, family functioning in the modern conditions demands deep trying to understand and science research, the theoretical and methodological basing of state strategy in this sphere and forecasting its results.

The actuality of this work is also determined by the necessity of realization and guaranteeing of constitutional statements about social state making in Ukraine, and its integral part is attention to family, well thought-out, considered family policy, maternity and childhood welfare services.

## **Analysis of recent research**

The essence and formation processes of public family policy are considered in the works of Ukrainian scientists S.Vakulenko, N.Lukyanova, L.Melnichuk, S.Nychyporenko, V.Tkachovoi, I.Chekhovska.

The problems of legal regulation of family relations, social and legal security of families with children are considered in scientific publications of O.Vinglovska, K.Glynyana, I.Zhilinkova, L.Zilkovska, O.Karpenko, L.Kulachok, V.Moskalyuk, A.Mohammad, O.Potopakhina and others.

Some aspects of state assistance to a family, in particular perfecting of social surety system, social guarantees, advocating children's rights, support of young families are elucidated in dissertation works of different scien-

tific spheres: public administration (I.Beganska, Y.Bondarenko, O.Krentovska, V.Sobchenko, R.Storozhuk, Y.Yurchenko), economics (V.Bidak, N.Boretska), sociology (N.Gordeeva, T.Medina), philosophy (T.Rudenko) and others.

In spite of considerable attention to the public family policy themes, the state of its scientific readiness is considered insufficiently, only within more wide researches.. Meanwhile this analysis has an important meaning for theoretical and methodological bases of public family policy, its scientific paradigm. This stipulated the topic choice of a given work.

### **Statement of research objectives**

The purpose of this paper is to analyze the condition of science works on the problems of public family policy in Ukraine, such as the development of social institute of family, the essence and content of family policy, formation of youth family policy, the peculiarities of family upbringing forms, the problems of orphan children, international experience of family policy realization.

### **Results**

Regarding scientific readiness of public family policy themes, in the first place one should pay attention to the works of methodological character concerning the questions of forming and realization public policy in whole. Solid researches in this sphere are made by O.Valevskiy (the conceptual bases of realization of state policy in conditions of transformation Ukrainian society) [1]; S.Kravchenko (the theoretical and methodological bases of public administration reforming are analysed); O.Kucherenko (the theoretical and methodological bases of research the process of state policy are examined) etc.

The dissertation thesis of V.Tertychka “Public Policy: Analysis and Implementation in Ukraine” [2] presents the paradigm of public policy analysis; provides the rationale for streamlining it as a separate academic discipline; characterizes content, principles and methods of policy analysis in Ukraine.

The substance and structural-functional characteristics of public policy in Ukraine are given against the general methodology of policy analysis; the major elements and stages are defined; and classification principles and schemes based on major public policy directions are identified.

The system of public administration is specified as a tool of exercising power and policy making, and the scale of policy instruments for specific government policies is described. Social-economic and political aspects of public policy evaluation are presented as a rational and effective resource for public policy development and implementation in the context of democratization in Ukraine.

The theoretical and methodological foundations of public administration and regulation of social processes are in works of native and modern scien-

tists V.Averyanov, G.Atamanchuk, V.Bakumenko, M.Bilynska, V.Bodrov, Y.Kalnysh, V.Knyazev, V.Malynovskiy, A.Melnyk, P.Nadolyshniy, N.Nyzhnyk, O.Obolenskyi, V.Oluyko, Y.Radysh, V.Troschynskiy, V.Tsvetkov, V.Chyrkin, L.Shklyar.

In the context of social policy research the problems of family policy are analysed in the works of V.Babkin, M.Volgin, E.Gansova, A.Silenko, O.Skrypnyuk, V.Skurativskiy, O.Paliy, E.Kholostova, P.Shevchuk and others. Some aspects of improvement of social security system, social guarantees and state support of family are analysed in researches of M.Bagmet, N.Boretska, O.Doronin, A.Krupnik, V.Makarenko, V.Sobchenko, A.Khaletska, Y.Yurchenko and others.

Dissertation research of L.Melnichuk "State regulation of development of social institute of family in Ukraine" is directly connected to the theme of public family police [3]. In this research the theoretical approaches to the analysis of system of state regulation of development of institute of a family are offered, the basic tendencies of realisation of a family policy in the European Union are defined. It is proved directions of research of questions of the state influence on processes of changes of family behaviour of the population.

The analysis of tendencies, contradictions, problems of functioning and development of social institute of a family is carried out, the reasons of their existence are defined. Features of state regulation by these processes in Ukraine are analysed, is defined the basic problems of regulating activity, its is legal and organizational-functional maintenance. In conformity of the received results it is proved theoretical positions of the basic mechanisms of state regulation of development of institute of a family, priority directions of their improvement which are directed on increase of efficiency and productivity of activity of public authorities are offered. Offers on entering of respective alterations into the legislation of Ukraine are formulated.

This statement of the author is an absolutely appropriate: «the necessity of purposeful state influence is exist, and also forming complex scientific system of state regulation of development of family institute, based upon deep understanding the possibilities and restrictions of realization social and economic potential of Ukrainian family in the modern conditions» [3, c. 1].

In the scientific works of I.Chekhovska [4] the problem of family policy institutionalization in Ukraine is analyzed, the necessity of its separating from the state social policy is proved, the definition „family policy” is analyzed, the most important principles of Ukraine’s family policy are defined. Main theses for the development of conceptual model of independent Ukraine’s family policy are formulated.



In the dissertation thesis of S.Nychyporenko «Policy on young families in Ukraine: forming and ways of realization» [5] the theoretical-methodological bases of forming of policy on young families in Ukraine are developed; analysis of demographic and social-economic position of the Ukrainian young families and comparative estimation of international social protection of young families are realized.

Based on summarizing of theoretical provisions, the author has defined a term „the state policy on young families” and proposed a model of the state policy on young families in Ukraine.

The long-term analytical projection of marital and family situation in Ukraine up to 2050 has been developed based on estimations of the population number and structure. In accordance with the obtained results, the prospects of development of the state support of young families in Ukraine have been formulated and substantiated, the detailed ways and mechanisms of realization of the policy on young families have been proposed.

The dissertation thesis of S.Vakulenko “The optimization of a family policy in the conditions of the modern Ukrainian society” [6] deals with the research of a family policy, mechanisms for realization, directions of their optimization in the modern Ukrainian society. The author has highlighted the condition of the scientific development of the theme, the sense of the term “family policy”, the conceptual characteristics of a family policy as an element of the social policy and the approach which allows to carry out the sociological analysis of a family policy.

The mechanisms for realization of a family policy — social work with families and social services for families have been termed as the basic ones in the thesis. The practice of the social services system functioning, which provides social services for families has been considered in the thesis.

On the basis of the sociological results obtained in the course of the sociological research the problems, which exist in the sphere of providing social services for having many children families and for one-parent ones at the level of a local community have been differentiated. The recommendations for the improvement of a family policy and mechanisms for their realization have been suggested by the author.

The thesis of V.Tkachova [7] deals with the socio-philosophical analysis of family as a social system. It contains an analysis of the development of its forms and tendencies in the state family related policies. The dialectics of the inter-relation “family//society” is shown through the identification of conceptual approaches and a detailed description of directions in the philosophical treatment of the problem.

The analysis allows to conclude that the worldwide transformation of social processes and the impact of the western family//marriage value changes result in a modification of the traditional family configuration and an emergence of different forms of “quasi family” and other family structures which lead to a certain crisis in the phenomenon of family as a social institution.

The thesis treats of the fundamental stages in the development of Ukrainian family and outlines its peculiarities (permanent maintenance of the mass ties of relationships, duration of the patriarchal family existence, matriarchy). The thorough analysis of the family policy reveals that there is an urgent need for a stronger state family oriented policy. More effort should be concentrated on the enhancement of family prestige in the mass consciousness. The conclusion of the research is that stabilization of the family and marriage institute will create conditions for the successful realization of the family functions and the future societal prosperity of Ukraine.

Some scientific works deals with very important part of family policy – childhood protection. In 51 article of Constitution of Ukraine stated that family, childhood, maternity and parenthood are under guard of a state, and a state supports and encourages charity for children.

In researches of N.Lukyanova the concept-methodological foundations of forming and practical realization state politics concerning children and youth in Ukraine are examined. Children and youth as special social-demographic groups of society, state, political-legal, organization-methodological foundations which in close unity make up the matched mechanisms for valuable orientations, social adaptation, development and socialization of youth as in their own as in public interests are determined the basic political determinants – objects and subjects – of such politics.

It is proved that the politics of state concerning young generation, family can be effective only under conditions of the whole activity of all subjects of this process with active participation of the young people, their unities and organizations in it. The strategic directions of improvement of state youth, family politics under modern conditions are comprehended and offered [8].

The dissertation of I.Holubeva on the topic “Childhood as an object of social-demographic policy in Ukraine” [9], defended in 2005, deals with the research and creation of theoretic views, systematic and practical recommendations about perfection of social-demographic policy concerning children in Ukraine. The results of made work are: the intensification of social-economic and demographic meaning of childhood and children. Methodologic grounds of childhood study as a part of humans’ life were defined. A circle of questions, which uncovered social and economic preconditions of maintenance, upbringing-

ing, education, health of children was studied too. The role of family as one of the most important cell of demoreality in birth, upbringing, social adaptation of orphan was viewed too. Conditions of maintenance, upbringing and socialization of orphan and children which are deprived of parents care and live in the houses of family type as cell of demoreality were considered. Recommendations for optimization and securing of humans rights and effectiveness of population policy as to improvement of children condition in Ukraine were developed.

The problems of state's aid to families with children are examined in the works of L.Kulachok [10] This author focuses on the analysis of state aid to families, which have children, and the problems bound with its granting in modern conditions. The place of the institute of the state aid to families, which have children, in the system of the social security law is defined. A special attention was paid to the research in the importance of the stated above social and legal phenomenon in order to improve a demographical situation in this country, to bring up a physically and ethically healthy young generation. A concept of the state aid to families, which have children, is defined; classification of state's aid to families, which have children, is proposed; the guarantees of the granting of the state aid to families, which have children, are researched. On the basis of the conducted analysis a number of propositions concerning the improvement of acting legislation and law practice on granting the state aid to families, which have children, are formulated.

The thesis of O.Potopakhina "Social protection of child-orphan and children, deprived of parental guardianship" [11] deals with the complex research of theoretical and practical problems of legal provision of social protection of child-orphan and children, deprived of parental guardianship, in modern conditions. Specific theoretical, organizational and legal principles of legal mechanism of social protection of child-orphan and children, deprived of parental guardianship in Ukraine, are being developed. Proposals on improvement of conceptual apparatus of Social Security law are introduced.

For the first time in domestic science of Social Security law complex research of system of measures on social protection of child-orphan and children, deprived of parental guardianship, and persons of that kind, rights and guarantees of the above mentioned category of children and persons of that kind, in the field of education and work is conducted.

Concrete proposals and recommendations on improvement of national legislation on social protection of child-orphan and children, deprived of parental guardianship, and practice of its application are made.

The problems of legal provision of social protection of child-orphan and children, deprived of parental guardianship are also analysed in the works of

L.Zilkovska, O.Karpenko, V.Moskalyuk, Y.Kharchenko and others.

Appropriate studies are ones of the important topics in pedagogical and sociological science. Dissertation of I.Pesha [12] deals with the issues connected with personality formation of orphans and children deprived of parental care during the process of upbringing in family type homes. It also defines peculiarities of family type homes' influence on children's development.

It includes description of theoretically proven advantages of family type pedagogical influence on orphans and children deprived of parental care in comparison with state institutional system of care. This work highlights features of state system of care for orphans and children deprived of parental care with special focus on family forms of care, such as: adoption, care (guardianship), family type homes, foster families.

Study has discovered features of family type homes, as well as fundamental conditions for developing comprehensively personality of a child deprived of parental care, who lives in homes of this type. This dissertation proves importance of social and pedagogical preparation of prospective carers for family type homes, in addition to this there is a description of this training system for them examined through practice.

International and European experience is also considered by Ukrainian scientists. These works are belong to G.Kryshtal, L.Melnichuk, I.Semenets-Orlova, I.Chekhovska and others. The modern conditions, calls of globalization causes the necessity investigation concerning the different approaches to family policy realization, summarizing of experience in overcoming problems in family's functioning.

The authors state that in the last few decades in the European Union the dramatically changes in structure and functioning of family has occurs. These features points to depopulation process, demographic crisis and crisis of family institute. As G.Kryshtal writes that in order to realize policy of man's dignity, respect to human personality, at first it is necessary to reject from liberal policy, individualism, hedonism, unhealthy tolerance and consumerism. Europe has to be Europe of spirit and values, and not Europe of business [13].

### **Conclusions**

Theoretical, methodological and practical questions of public family policy have always been and remain the subject of permanent scientific researches. At the same time in the context of public administration these problems are considered not enough. Most commonly these themes are considered in sociological, economical, and legal works. Meanwhile, the actuality of improvement of state regulation of family development causes continuation of appropriate researches.

The perspectives of future researches in this sphere are connected with such themes as: search of optimization of interaction of non-governmental organizations and state in family policy realization; estimation of realization of state programs of alternative forms family upbringing orphans and children without parental care, and making the directions of proper state strategy; analysis of foreign experience of family policy for elucidating its possibilities for use in native practice; clarification of modern tendencies of family development and influence of globalization of family policy forming etc.

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## **STATE MECHANISMS OF EFFICIENCY OF USE OF HIGH SCHOOL SCIENCE PERSONNEL POTENTIAL**

*The article deals with the state mechanisms of efficiency of use of high school science personnel potential. The author formulates the basic components of scientific potential for an estimation of employees' contribution in high school scientific potential. It will be also the basic directions of the high school worker's scientific activity. It is allocated the following components: independent research activity; scientific management of students, post-graduate students, interaction with the students' scientific organizations; administrative activity in science sphere.*

*The following criterions of estimation of personnel contribution in high school scientific potential are pointed out: post in a high school science control system; quantity of published scientific articles during the accounting period; scientific importance of given articles; participation in the state budgetary scientific research works, carried out on the basis of the high school; volume of financial assets spent on scientific research work by external customers (not budgetary organizations); defend of master's and doctor's theses, reception of scientific ranks and others.*

**Keywords:** *scientific activity, state mechanisms, scientific potential high school.*

**Łucenko T.O.** *Mechanizmy państwowe efektywnego wykorzystania potencjału naukowego personelu szkolnictwa wyższego.*

*W artykule analizuje się mechanizmy państwowe w celu zapewnienia efektywnego wykorzystania potencjału naukowego pracowników uczelni wyższych. Szczególną uwagę poświęcono kryteriom oceny osobistego wkładu naukowca w potencjał naukowy wyższej szkoły.*

**Słowa kluczowe:** *nauka, mechanizmy państwowe, potencjał naukowy wyższej szkoły*

**Луценко Т.О.** *Державні механізми ефективності використання наукового потенціалу персоналу вищої школи*

*У статті розглядаються державні механізми забезпечення ефективності використання наукового потенціалу персоналу вищої школи. Особлива увага приділена критеріям оцінювання особистого внеску вченого у науковий потенціал вищої школи.*

**Ключові слова:** наукова діяльність, державні механізми, науковий потенціал вищої школи.

*Луценко Т.О. Государственные механизмы эффективности использования научного потенциала персонала высшей школы.*

*В статье рассматриваются государственные механизмы обеспечения эффективности использования научного потенциала персонала высшей школы. Особенное внимание уделено критериям оценивания личного вклада ученого в научный потенциал высшей школы.*

**Ключевые слова:** научная деятельность, государственные механизмы, научный потенциал высшей школы

## Introduction

Transition of society to new social and economic conditions of managing has directly affected the system of higher education and high school science. This influence was expressed in two ways. At first, state financing of high schools and science has been reduced. But the problem is not only in lack of financial assets: the general concept of higher school and high school science state budgetary financing has actually stopped the existence. With transition of society to new economic relations public sounding has got the point of view, that high schools and all higher school in the whole, including high school science can and should be entered in market economy. The sense of this statement actually consists in carrying over of economic laws of market relations and management, accepted on advantage in sphere of goods and services' production, on knowledge reproduction system.

Secondly, under the influence of market relations actively introduced both in public consciousness and in practice of economic interaction, forcing high schools to search for new sources of financing and first of all in commercialization of educational services, the functional, professional and socially-demographic structure of higher school has changed. During last years the system of financially economic management of high school has undergone cardinal change.

### Statement of research objective

The purpose of this paper is to analyze state mechanisms of efficiency of use of high school science personnel potential.



## **Results**

Today there are new problems – the optimum organization of financial interaction of the state and society subjects, first of all commercial structures, with higher school and high school science. Thus both state bodies and higher school have got some experience. The state uses new forms already: program contracts-orders, grants and so on from direct and gratuitous financing of higher school and high school science that allows transferring to new relations, including contractual. It is impossible to tell, that this interaction proceeds today optimally. It is understood, that it has an adverse effect on development of higher school and its relations with the state. In this case it is a question of the optimum organization of the state financing of higher school and high school science, which, from our point of view, is far from that condition which would promote the decision of problems of domestic education system development.

Development of large scientific programs provides the complex decision of scientific technical problems in directions on which the domestic science always took the advanced positions. Not unimportant is consecutive introduction of principles of selectivity support of scientific schools and separate scientists through system of financial assets' distribution on grant basis. Certainly priority value has formation of the higher school innovative mechanism, development of new forms of high school science organization, which are adequate to market economy, by means of high school's scientific and technical sphere transformation.

Last years the steady tendency of increasing of share of financing of the researches, which are carried out on a competitive basis under programs, projects and grants, in comparison with research development works, carried out on the thematic plan of high school was outlined. Distribution of financial assets on grant basis has taken very important place in system of the higher school scientific researches organization. However, even the fluent analysis shows that the quantity of grants obviously mismatches our scientific potential. Possibly, there are objective and subjective reasons concerning this problem. It is possible to relate to the subjective reasons certainly a weak spirit of our scientists or simply unwillingness to participate in competition.

Method of management by objectives is the basic if not unique way of optimum disposing of the richest scientific potential of high schools. It is a unique possibility of concentration of forces and means on the decision of the major problems and achievement of real results in foreseeable terms. Therefore at programs' package formation it is necessary, that interuniversity scientific technical programs played a vanguard role in creation of the newest technologies, reception of new knowledge, activization of investment activity, "crystallization" of

new manufactures' points of growth. Finally they can become a powerful source of investments for higher school development.

It is known, that not always the reasons of crisis of scientific technical and scientific pedagogical activity are the objective conditions external for it and connected with shortage of financial resources. Frequently the reasons are covered in activity of higher educational institutions, which are not accepting sufficient measures on protection and preservation of the best part of their personnel potential [3].

Exclusively important is the state role concerning financing of fundamental science and preparation of scientific staff. And state policy in the field of reproduction and updating of scientific staff is the major element of the state scientific technical policy.

At the end of nineties scientists have focused their attention on negative consequences of the state bodies passive approach to decision of scientific institutions problems. Therefore inevitable reduction of quantity of personnel occupied in science has accepted ridiculous character of economic replacement of active and, first of all, young staff from this major sphere of social life. The analysis of condition of scientific pedagogical and scientific staff preparation system allows to ascertain, that, along with considerable growth of contingent of post-graduate and doctoral students (during last ten years the contingent of post-graduate students in the state high schools and organizations has increased almost in 2–3 times), last years a number of negative tendencies is registered:

- The share of post-graduate students leaving postgraduate study before the training term ending without representation of master's thesis (up to 30 % from enrolment of post-graduate students) is high;

- Volumes and structure of scientific staff preparation do not correspond with tasks of the state policy in the field of a science, technologies and techniques.

In the current condition the system of scientific staff preparation does not manage with the basic function of personnel maintenance of current and perspective requirements of scientific technical sphere and higher school.

Distribution of post-graduate and doctoral students has considerably changed on branches of sciences for last years – the contingent on socially humanitarian disciplines grows considerably faster [1].

It is possible to ascertain, that places selected for preparation of scientific and scientific pedagogical personnel allocated at the expense of budget financial assets do not correspond with predicted requirements of scientific, innovative and educational sphere of the state submission, and also with real possibilities of graduates' employment according to the received qualification.

The state often supports imitation of scientific activity in many high schools and scientific organizations at the expense of tax bearers' financial assets through postgraduate study institute. Presence of postgraduate study becomes hardly probable not the unique factor of scientific activity demonstration for many of them. This fact in itself is not ascertaining of low or high quality of post-graduate students' preparation on not profile specialties for high school, however suggests about necessity of diagnostics and monitoring of high school scientific potential and potential of professional training of the top skills in concrete scientific directions.

The basic budget financial assets intended for preparation of scientific personnel should be given to leading research universities, scientific personnel and separate scientists by results of monitoring of scientific potential and quality of scientific staff preparation. Thus postgraduate study functioning should correspond with science financing. It will allow to get rid of ballast gradually and to concentrate resources on support of postgraduate studies in creatively active scientific personnel taking into account integration of scientific research themes.

The essential factor reducing quality of post-graduate students' preparation is decrease in level of higher school graduates' preparation, because postgraduate students fill up amount of post-graduate students. Apparently, the given problem cannot be solved only by means of reduction of budgetary places' number and strengthening of competitive selection. The problem undoubtedly is deeper and it is also connected with absence of higher school and postgraduate study educational programs continuity [2].

The overwhelming part of "scientific change" prepared in Ukraine in any way does not connect the future with science, and pursue the aims far from it. Data of sociological interrogations show, that if at the moment of postgraduate study entering at least every second student stated desire to be engaged in scientific work in the future, during training in postgraduate study and master's thesis preparation these plans vary essentially. Only every tenth student plans to connect his destiny with a scientific field after postgraduate study finishing or after some time of training expiration. Every fourth post-graduate student assumes to be engaged in teaching activity and more than thirds – to become the in profile of master's thesis (doctor, engineer, designer, agriculturist, veterinary surgeon, etc.). Every fifth post-graduate student can't define unequivocally during training in postgraduate study in what activity he will be engaged in the future. Thus more and more actual there is a problem of employment of post-graduate students of the internal form of training after master's thesis defend [5].

One of the primary goals of scientific technical and educational complex personnel potential preservation and development is creation of conditions for attraction and fixing of talented youth in sphere of science, technologies and for-

mations. Measures under decision of the given problem should be guided by elimination of the primary factors interfering inflow to science and education of young staff (and promoting outflow of youth from science and education sphere):

1. Low wages of young scientists and teachers.
2. Absence of habitation and prospects of its reception.
3. Absence of modern instrument base and conditions for researches' carrying out.
4. Absence of prospects and unpredictability of scientific career, low prestige in scientific activity society, absence of the state's real reasonable measures on situation correction [4].

Government has taken separate measures for softening of the negative phenomena and tendencies arising in sphere of personnel maintenance of science and innovative activity during last ten years. Basically these measures have been directed on support of science and higher education workers, they had isolated character and have been addressed to separate groups of scientists and experts. Therefore these measures were not capable to affect essentially the general situation in scientific technical complex.

The state policy in this area is insufficiently consecutive and effective, and taken measures have not system, isolated character and do not influence on positive change of the situation. The basic problem is absence of the uniform program supporting researches since students and finishing several years after master's thesis defend and allowing formulating requirements to the young scientist career development accurately. Objective indicators of efficiency of this policy are absent or have purely formal character not reflecting essence of the case.

There are no mechanisms of coordination of activity in the given area belonging to various departments, and also interactions of the state bodies with public organizations. The special state youth policy in science and education sphere, solving problems of young scientists and teachers, is not carried out. There is no analysis of efficiency of the state measures of support of young scientists and teachers on regions, sciences branches and organizations, including grant support efficiency analysis. Practically there is no concentration of the state financial resources on most fruitfully working high schools, scientific research works and groups of scientists [2, c.78].

The majority of researchers start with characteristics of private indicators constructed by principle of comparison of indicator's size in the analyzed period with the basic period or its normative value at formation of an indicator of complex estimation of high schools and scientific organizations activity efficiency. Then the grouping of indicators on similarity of signs and purposes on the basis of expert estimations is made.

## **Conclusions**

Generalizing the aforesaid, it is possible to allocate the following methodical problems complicating such complex estimation.

At first, indicators of efficiency of work of scientific organizations' personnel as well as indicators of these organizations' scientific potential level frequently describe only economic part of a question. Without attention there is not economic, qualitative, and consequently difficultly mathematically calculated component of scientific research work.

Secondly, estimating activity of a worker of any scientific organization, it is necessary to divide actually research and scientifically organizational, administrative activity, which cannot always be estimated proceeding from end results.

And, at last, it is necessary to notice, that the overwhelming majority of works on the given theme has been devoted to questions of scientific potential and efficiency of scientific research institutes', design offices etc. functioning, that is to those organizations which are directly occupied in a cycle "working out - introduction". As for questions of higher school scientific potential it is necessary to notice that it was given very little attention to them. At the same time scientific potential of high school so and scientific activity of its employees have their own specificity and cannot be estimated by the same parameters as scientific potential of scientific personnel activity.

This specificity is expressed, first of all, in such a fact that scientific researches are not a unique direction of high school activity. Unlike purely scientific organizations the scientific potential of high school is formed with the help of not only personnel of the given high school, but also with the help of students and post-graduate students trained there.

It is necessary to formulate the basic components of scientific potential for an estimation of employees' contribution in high school scientific potential accurately once again. It will be also the basic directions of the high school worker's scientific activity. We allocate the following components:

- Independent research activity (preparation of articles, monographies, master's and doctor's theses etc.);
- Scientific management of students, post-graduate students, interaction with the students' scientific organizations;
- Administrative activity in science sphere (including attraction of financial assets of external customers of scientific and technical production).

Within the limits of the specified directions it is expedient to allocate the following criterions of estimation of personnel contribution in high school scientific potential:

- Post in a high school science control system;

- Quantity of published scientific articles during the accounting period;
- Scientific importance of given articles;
- Participation in the state budgetary scientific research works, carried out on the basis of the high school;
- Volume of financial assets spent on scientific research work by external customers (not budgetary organizations);
- Defend of master's and doctor's theses, reception of scientific ranks;
- Quantity of post-graduate students, doctoral students and competitors who have defended master's and doctor's theses under the guidance of the worker for scientific degrees;
- Share of post-graduate students (competitors) who have defended master's and doctor's theses under the guidance of the worker and remained to work in high school;
- Share of students who have protected final qualifying works under the guidance of the worker and have entered the postgraduate study of high school;
- Quantity of students who have prepared scientific articles and theses of reports at scientific conferences under the guidance of the worker;
- Quantity of students who have prepared scientific works, taken prize-winning places at intrahigh school, city, regional, all-Ukraine and international competitions under the guidance of the worker;
- Quantity of students who have received high school grants on carrying out of scientific research works, participating in thematic scientific research works of high school under the guidance of the employee;
- Degree of participation of the worker in activity of the students' scientific organizations of high school.

It is expedient to use mark estimation to lead all private indicators to uniform basis.

It is necessary to note, that the specified formula and set of indicators could probably be used at estimation of the contribution to high school scientific potential of not only its personnel, but also its post-graduate students and students – owing to specificity of structure of the high school scientific potential. In the same way the considerable quantity of indicators connected with scientific management of students and post-graduate students is explained.

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## MECHANISMS OF EDUCATIONAL CONCEPTS FORMATION FOR STUDENTS OF HIGHER EDUCATIONAL ESTABLISHMENTS IN UKRAINE

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*The article analyzes social portrait of youth, Regulatory and legal support of the state youth policy, educational concepts, the main achievements and problems regarding the enter of the concept of modern education work with young people, attracting the young to the process of implementation of youth policy.*

*The author makes the conclusion that overall national social education in higher educational establishment is a process of purposeful, systematic and organizational and ideological activity of administration, teaching staff, all the services on the creation of humanitarian protection and ability to live a direct impact on the consciousness, the subconscious, emotional and volitional and motivational sphere of the individual student to form his scientific world outlook, high moral, civic and professional qualities and social sense to ensure the full and harmonious development of his personality and the effective fulfillment of civic and professional standards. All this is possible only if the change the traditional paradigm of social education for the personal-humanist.*

**Keywords:** young people, the implementation of the youth policy, the model of the state youth policy.

**Baglik V.S. Mechanizmy tworzenia koncepcji edukacyjnych dla studentów szkół wyższych w Ukrainie**

*W artykule analizuje się mechanizmy tworzenia koncepcji edukacyjnych dla studentów wyższych uczelni w Ukrainie. Dużo uwagi poświęca się problematyce patriotycznej edukacji młodzieży.*

**Słowa kluczowe:** młodzież, realizacja polityki młodzieżowej, model polityki młodzieżowej państwa.

**Баглик В.С. Механізми формування освітніх концепцій для студентів вищих освітніх установ в Україні**



*Баглик В.С. Механизмы формирования образовательных концепций для студентов высших образовательных заведений в Украине*

**Ключевые слова:** молодежь, реализация молодежной политики, модель государственной молодежной политики.



The Ukrainian statehood, building civil society, the integration of Ukraine into the world and European community involves orientation on the young modern man, his spiritual culture and determine the main directions of educational work with young people, and the modernization of the educational process. The problem of social education of future specialists with higher education takes on a special urgency today. The matter is that technological progress does not automatically lead to spiritual progress. Today, the aim of the society (as well as all educational institutions) should be the spiritual perfection of man for the sake of mankind's transition to a new stage of evolutionary development: from the "smart" person to the person "spiritual". In this regard increased importance of the social education of the young generation. Now, however, at all levels of education there is an unjustified autonomy of studying and social education. Setting of the current time - change the national ideological mission of the school - the school of knowledge and scientific knowledge to the school culture and spirituality.

The purpose of this paper is to analyze the mechanisms of formation of social educational concepts for students of higher educational establishments of Ukraine.

Higher School as a “Temple of Science” must be a temple of high culture. Future specialist with higher education must master as a system of professional knowledge and skills, and to acquire high culture, to become the representative of the advanced part of society - the elite. It has to be an intellectual, that is not only “knowing, understanding,” but with high standards of behavior. To realize this

task is only possible if the unity of the three components of education - training, development and social education. The basis of the national system of patriotic education is put the national idea as a consolidating factor in the development of society and the nation as a whole and embodied in the "Concept of national-patriotic education of youth", approved by the Ministry Ukraine on Family, Youth and Sports, Ministry of Defense, the Ministry of Culture and Tourism of Ukraine Ministry of Education and Science of Ukraine, 27.10.2009 № 3754/981/538/49 [1, p.65]. According to the Concept, forms and methods of social education of the young are based on national traditions, the best acquisitions of national and world pedagogy and psychology. As an ideal of social education stands versatile and harmonious development of national consciousness, highly educated, competent vital personality capable of self-development and self-improvement.

The main dominant regarding of the youth patriotic education is the formation of the identity of the valuable relation to reality and of itself, a form of active and moral content, a vital position. In modern society, used look at social education as a process of overcoming the negative trends in the development of personality and perception of a pupil as an object of social educational influences. Today there is a social demand for effective social educational systems and technologies. There is a growing attention to the social education by museums, theater pedagogy, children's and youth sports. Creating real conditions for the manifestation of the creative abilities of young people. Today's youth are well informed regarding the processes that take place in different areas of science, technology and social life; dynamically master modern communication technologies.

The aim of the adopted Concept is social educating of a young man, as a patriot of his country, ready with dedication to develop it as a sovereign, democratic, legal and social state, able to identify the national dignity, to know their rights and duties, civilized way to defend it, to promote civil peace and accord in the society, to behave competently, to be competitive, successful self-realization in society as a citizen, a family man, a professional, a carrier of culture. Patriotic education is an integral part of the overall social educational process is a systematic and purposeful activity of state bodies, public organizations and citizens of the formation of high patriotic consciousness, love for Ukraine and readiness to carry out the civil and constitutional duty; is one of the main components of the national security of Ukraine. [2].

Implementation of the Concept expected following results: deepening of the process of formation of the youth bases humanistic worldview, prioritizing high moral, cultural and human values, the approval of patriotism and national identity, which will strengthen the spiritual and moral unity of society as a whole, reduction in ideological opposition, to strengthen the unity and friendship of in-

digenous peoples and national minorities of Ukraine, ensuring the formation of political consciousness of the young generation through active participation in the creation of policy of the state on the national, constitutional, philosophical, legal and democratic principles.

Special importance in a social educational system acquiring higher educational establishments of Ukraine.

Exactly Ukrainian higher educational establishments have to prepare conscious of national intelligence, to promote the renewal and enrichment of the intellectual health of the nation, its spiritual elite education, increase cultural potential, which will provide high efficiency of future specialists. This may be achieved through:

- education of future specialists authoritative highly educated, high common carriers, ideological, political, professional, legal, intellectual, social and psychological, emotional, esthetic, physical and ecological culture;

- creating the necessary conditions for the free development of the student's person, his mind and general culture by engaging the various types of creative activities (research, technical, cultural, educational, social, recreational and sports, law enforcement and others.);

- enrichment of the aesthetic experience of students by their participation in the revival of the forgotten and the creation of new national and cultural traditions of the region, city, the higher educational establishments, the development of artistic abilities of students;

- forming of the "I'm" - the concept of man-creator on the basis of self-education, self-development, self-education, self-improvement, moral self-perfection;

- promoting a healthy lifestyle, the prevention of the use of students of alcohol, drugs, destruction of harmful habits.

Patriotic orientation of education is the main lever of influence on the minds of motivated young generation and providing a boost perception of patriotism as integrating special substance that synthesizes scientific knowledge, the spiritual experience of domestic and cultural values [3].

Patriotic education process in higher educational establishments is largely determined by the characteristics of the educational semantic objects that contribute to the mastery of a system of knowledge about man and society. Social educational work with high school students has always been an important part of the main - learning, as it supports the formation of a single goal - to bring harmoniously developed personality of the modern expert, adapted to the requirements of the present time. Social education in high school on the one hand is a difficult problem because the University is studying the older youth, which previously raised in the family and school, on the other hand the work of the multi-talented creative youth spiritu-

ally-saturated - it's incredibly interesting activity. On the basis of these documents in higher educational establishments to develop the Concept of academic and social educational work. The priority areas in the implementation of the concept in high school at the present time is the formation of the person who is aware of their belonging to the Ukrainian people, aimed at the embodiment in the life of the Ukrainian national idea, democratic education, anthropological outlook, which respects civil rights and freedoms, traditions of the peoples and cultures of the world, as well as national, religious, linguistic choice of each person. Ideal of Ukrainian social education includes an idea of its content as the highest social perfection that was formed in the minds of the citizens of Ukraine for many centuries in the making of the Ukrainian state. The basis of this ideal should be, on the one hand, fundamental social interests of the Ukrainian people - the creation of an independent Ukrainian state and to ensure its independence, while on the other hand - the man - a rich spiritual, intellectual development, physical training personality of Ukrainian citizen. The main objective of national education - the acquisition of the younger generation of social experience, spiritual inheritance acquisition of the Ukrainian people, to achieve high culture of international relations, the formation of young people, regardless of nationality, citizen's features of the Ukrainian state, development of the spiritual, moral, esthetic, legal, labor, environmental culture. In the social educational process, we see the interpenetration of the two aspects of social life. On the one hand - consciously constructed the objective conditions of life and work of students, and from another - special actions. In this regard both the powerful educational influence - ideological and organizational work. The first - turned to the consciousness, the second - to create the conditions under which a favorable psychological training ground for ideas. Consequently, the social education of students - a purposeful influence on them and their conditions of life to produce their desired social qualities and feelings [3, c.35].

But on social educational work of high school designated negative components of modernity also. Today our state is not able to solve numerous social, economic and other problems of the younger generation. Domestic education system does not indicate the precise solutions to these actual problems. Therefore, value void in the national system of education in Ukraine is not filled. This causes a negative reaction when the political elite does not adhere to ethical norms and rules of behavior of the population lacks the minimum funds for normal physical existence, and have no confidence in the future, not all young people have the opportunity to receive a decent education and to find their place in life. The mental and physical health of young people is alarming. At the same time the youth observed negative trends. More often there are violence, social apathy, addiction, intolerance, lack of spirituality, greed, aggression, antisocial

behavior and the like. Although this list does not characterize the whole Ukrainian youth, these problems cannot be ignored.

### **Conclusions**

Thus, national social education of youth, formation of skills in the future experts - a multi-faceted and multi-factor process. Its effectiveness is directly and immediately connected with the ability to use the whole complex set of methods, tools, techniques and forms of national education, taking into account characteristics of different groups of students. Historical analysis of the modern system of social education in high school determines its strategic direction as a national (the national civil), implemented with the help of the ideological, political, moral, legal, esthetic kinds of educational activities. Overall national social education in higher educational establishment is a process of purposeful, systematic and organizational and ideological activity of administration, teaching staff, all the services on the creation of humanitarian protection and ability to live a direct impact on the consciousness, the subconscious, emotional and volitional and motivational sphere of the individual student to form his scientific world outlook, high moral, civic and professional qualities and social sense to ensure the full and harmonious development of his personality and the effective fulfillment of civic and professional standards. All this is possible only if the change the traditional paradigm of social education for the personal-humanist.

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### QUALIFIED HIGHER EDUCATION: THE FORMATION OF HUMAN CAPITAL, THE INCREASE OF COMPETITIVENESS OF STATE AND POLITICAL RISKS

Today it is clear that some factors and conditions affect the competitiveness of the state. However, the guarantee of high competitiveness and sustainable development of economics, states and even societies is in human capital rather than in natural resources or production. The basis of all these components is the system of higher education in the country. Therefore, the higher education gives three main opportunities to an individual – to be a personality, to be successful in life, to be competitive on the labor market and to be able to make a conscious civil choice. How is this goal achieved by the Ukrainian institutions of higher education? The image of Ukraine comparing to Europe is very controversial. Ukraine loses the competition in the global market of higher education. What is the reason? Can a low quality of knowledge be considered as a reason? Can the low social mobility and weak integration be considered as a reason? Can the uneffective policy in education be considered as a reason?

**Keywords:** quality of higher education, university, human capital, competitiveness of state, political risks.

**Zubchuk O.A.** Jakość szkolnictwa wyższego: tworzenie kapitału ludzkiego, poprawy konkurencyjności ryzyków państwowych i politycznych

Artykuł pokazuje, że gwarancja wysokiej konkurencyjności i zrównoważonego rozwoju (gospodarki, państwa, a nawet oddziałów i przedsiębiorstw) jest kapitał ludzki, a nie zasobów naturalnych lub produkcję. Podstawą wszystkich tych składników jest system szkolnictwa wyższego. Ukraina w porównaniu z Europą traci konkurencję na globalnym rynku szkolnictwa wyższego. Autor dowiedział się przyczyny tego: słabą jakość wiedzy, słabej integracji, nieskuteczność polityki w edukacji. Nowa ustawa o szkolnictwie wyższym ma na celu rozwiązanie tych problemów. Ale istnieje ryzyko polityczne w drodze reformy edukacji.

**Słowa kluczowe:** jakość szkolnictwa wyższego, uniwersytet, kapitał ludzki, konkurencyjność

**Ключові слова:** *якість вищої освіти, університет, людський капітал, конкурентоспроможність держави, політичні ризики.*

*В статье показано, что гарантией высокой конкурентоспособности и устойчивого развития (экономики, государства и даже отраслей и предприятий) является человеческий капитал, а не только природные ресурсы или производства. В основе всех этих компонентов - система высшего образования. Автор подчеркивает, что высшее образование дает три основных возможности для человека - быть личностью, успешным в жизни, конкурентоспособным на рынке труда и быть в состоянии сделать осознанный гражданский выбор. Украина по сравнению с Европой проигрывает, теряет конкуренцию на мировом рынке высшего образования. Автор выяснил причины - низкое качество знаний, социальная мобильность и слабая интеграция, неэффективная политика в сфере образования. Новый закон о высшем образовании призван решить эти проблемы. Но существуют политические риски на пути реформы образования.*

**Ключевые слова:** качество высшего образования, университет, человеческий капитал, конкурентоспособность государства, политические риски.

Today it is clear that a number of factors and conditions affect the competitiveness of the state. In particular, these are climatic conditions (geographic location, availability of natural resources); the economic situation (the scale,



experience, economic potential, level of governmental economic regulation, GDP per capita, infrastructure, the amount of state external and domestic debt, level of economic crime). The political situation is another significant factor - political stability and perfection of legislation, external strategy, and ability to protect interests of citizens.

However, the guarantee of high competitiveness and sustainable development of economics, states and even societies is in human capital rather than in natural resources or production. The population, its age structure, the dynamics of migration, educational and professional skills, intellectual and innovative measures, employment in education and science spheres, health, the capacity of human's development, proportion of innovatively active enterprises, quality of institutions, the development of scientific and technical sphere, balance of technical and economic sides of innovations, the development of innovative infrastructure are also among the most important factors.

The basis of all these components is the system of higher education in the country. What is the role of higher education as the basis for the formation of human capital and competitiveness of Ukrainian state?

### **Analysis of recent research**

The development of the concept of the higher education reform is the scientific interest Ukrainian experts such as V. Andruschenko, L. Hrynevych, V. Lugoviy, K. Korsak, V. Kremen, V. Ognevyyuk, S. Nikolaienko, V. Sadkoviy, M. Stepko and others.

### **Statement of research objectives**

Unfortunately, there is a lack of comprehensive work in Ukraine, the subject of which would be the analysis of the educational component in ensuring the competitiveness in modern Ukraine. Consequently, the aim of our research is to elucidate the role of higher education as the basis for the formation of human capital and competitiveness of the state. The object of our research is human capital. The subject is higher education as the basis of human capital. The main research methods are systemic, structural and functional, synergetic, comparative, prognostic and factorial.

### **Results**

In international rankings of competitiveness, Ukraine is considered to be among developing countries, which is characterized by increased political and economic instability, poor investment climate and extremely risky business. According to the report of the annual World Economic Forum, Ukraine worsens results. It loses positions in such indicators as "Institutions", "Macroeconomic stability", "Developing of Financial Market", "The effectiveness of commodity markets" to the developed markets (the worst results in three of four basic pillars



of competitiveness, most of them are observed in the components of “quality of public and private institutions” and “macroeconomic stability”).

According to the Human Development Index, estimated by the NAS of Ukraine, every year our country takes the 85-90<sup>th</sup> place, and according to the UN – it takes place further than the 100<sup>th</sup>. In the developed countries, the professional competence is valued more than in Ukraine. That means that there is an underestimation of the main characteristics of a competitiveness of the employees. Among the factors that hinder the competitiveness is a lack of demand for creative individuals, passivity and indifference of people. In addition, there are ‘basic factors of competitiveness’, which are defined through indicators such as education, training, physical condition, motivation to work etc. These factors are considered to be as functions of investment (costs) in social infrastructure: education, health, professional education, social security, the sphere of culture, and recreation.

Therefore, the competitiveness of the state is a system category due to economic, social and political factors that ensures a stable position of the country or its products in domestic and foreign markets. With the development of the manufacturing and under the influence of technical progress the competitiveness is determined by factors of higher level - the country’s infrastructure, its scientific potential, level of education and human capital.

The human capital can be described at least from two perspectives – from the individual citizen and the state. For the citizen, for example, human capital is the current value of all future wages. For the individual investor human capital, as a knowledge, is the best protection against inflation.

An individual with qualified contemporary knowledge and professional education will always have a chance for getting a job and fair wage. In terms of the state - highly qualified human capital creates competitive advantages for the national economy. These advantages are: know-how innovations, specific knowledge as well as special professional competence of the labor force. Two-thirds of the national wealth of the modern economy accounts for human capital, which is formed in higher education. 56% of GDP is produced by specialists with higher education.

The human capital in the developing countries is most undervalued asset. Consequently, from the both perspectives - the level of education as a qualified specific knowledge and the level of professionalism, which are the core of human capital – it is one of the key factors not only for improving the financial situation, but for improving the state’s economy and ensuring public good as well.

When it comes to the role of higher education, we talk about understanding the meaning and purpose of higher educational institutions (universities and acad-

emies) from the perspective of the government and in the context of public administration over competitiveness of human capital. Among the indicators of higher education in the context described above, it is necessary to choose one, which emphasizes that higher education brings people into the individual life trajectory.

Therefore, the higher education gives three main opportunities to an individual – to be a personality, to be successful in life, to be competitive on the labor market and to be able to make a conscious civil choice. If these three opportunities are provided, then a higher education can be called qualitative.

Who provides these opportunities? In this case, it is better to reformulate the question to how institutions of higher education provide these three opportunities. The answer can follow up from the explanation of purpose of institutions of higher education, which consists of education, research, and interaction between education, science, business, local communities and other parts of society. When the purpose is comprehensive, the higher education achieves the main goal pursued by modern societies - the goal of formation of an innovative economy, and universities and academies are transformed into platforms that generate new knowledge, ideas and technology of development strategy.

How is this goal achieved by the Ukrainian institutions of higher education? Since independence, none of the Ukrainian universities have entered in the top 500 of the best universities in the world. Only 30% of graduates from Ukrainian universities, who studied by state order, find a job within a year after graduation. Near 7% apply to the employment service with a request to put them on the waiting list of the labor market right after their graduation.

Billions are spent every year for reeducating specialists and bringing them to the requirements needed for production and Ukrainian employers because of the mismatch of specialists trained and needs of the labor market.

What does it mean? This indicates that the quality of higher education does not satisfy neither graduates, nor the labor market. Higher education does not correspond to the demands of citizens, nor to the needs of the state, especially economic or labor market needs.

What is even more important, it does not provide the competitiveness of our country in Europe. The annual index of human capital results within the context of 122 countries shows that Ukraine by total index takes the 63<sup>rd</sup> place, by education – the 45<sup>th</sup>; health and wellness – the 55<sup>th</sup>; population and employment – the 67<sup>th</sup>; favorable environment - the 96<sup>th</sup>.

According to the report about global competitiveness of 2015 Ukraine, among other 140 countries, improved its performance and increased to the 34<sup>rd</sup> place by the criteria “higher education and practice” (comparing to the 43<sup>rd</sup> place in 2013, 37<sup>th</sup> in 2012).

The report of the European Commission proved Ukraine to be an outsider, taking the 47th place from 47 and receiving 2.2 points out of 5 possible ones for the implementation of the Bologna process. And the last is considered to be an effective instrument for Ukraine and its higher education. The European Credit Transfer and Accumulation System means the mobility of students and professors, a common system of degrees, social dimension (access to education), life-long process of education, unified credit transfer system, an independent evaluation of quality, Europe of knowledge.

The image of Ukraine comparing to Europe is very controversial. On the one hand, by the indicator of scope of high schools in Ukraine it is among the top ten countries in the world. We have more universities per capita than, for example, Great Britain or France. 325 universities have 3-4 levels of accreditation among them. Together with schools of 1-2 level of accreditation there are over 800 of them.

When we talk about the budget, Ukraine spends a greater share of the total budget for education on high educational institutions - 31% compared with the average 25% in the EU. But, unfortunately, the number of universities is not converted into the quality of education. And the higher education itself doesn't correlate with the competitiveness of human capital. Although we are on the tenth position in the world by scope of university level education, but de-facto we are on the 47th position by its condition. Ratio of graduates with higher education and graduates with vocational and technical education in Ukraine is 70 to 30. A market requires inverse proportion. This is confirmed by the European experience. For example, in the Nordic countries, this proportion is 60 to 40 in favor of specialists in vocational education.

What is the reason of such situation? Almost half of money spent on higher education comes from non-governmental sources. Non-budgetary sources account for only 3% in the EU. The Ukrainian government outs funds for higher education on parents. Thereby, very high levels of funding in absolute terms are converted into scarce.

On average, the EU countries allocate around 1.3% of GDP on higher education from the state budget. In Ukraine in 2013 this indicator was about 2.3% of GDP. However, in absolute terms the state tuition per one student in Ukraine allocates incommensurable funds compared with the European student.

Can a low quality of knowledge be considered as a reason? Despite the existence of some progressive schools and university labs, Ukrainian universities do not produce as much as needed now of the new knowledge, because of lack of funding. 80% of PhDs and 90% of doctors of sciences available in the country work in high educational establishments. Instead of financing the scientific and technical activities, funds are mainly directed into other institutions. As a result,

the volume of financing of this activity (6.3%) of the higher education sector inferiors to others - the academic and the business.

Can the low social mobility and weak integration be considered as a reason? Ukrainian higher educational institutions don't complete the function of the integration with the community. Sad illustration of this is that only 30% of the graduates of Ukrainian universities find a job within a year after graduation. It is in a contrast to developed countries where the rate is 60-90%. In some cases, foreigners with Ukrainian diplomas cannot confirm the qualifications received at home, and therefore cannot find a job. We have comparatively little number of foreign students. And among those students only 3% are from Western developed countries.

Can the ineffective policy in education be considered as a reason? Ukraine loses the competition in the global market of higher education. The reasons for the low quality of higher education is the archaic system of its management. Changes in the system of education management have not lead to the increase of management efficiency, the increase of availability and the improvement of quality.

A significant share of these costs are on the state in most of the developed countries, particularly in the Western Europe. Hence, this approach to funding of social services as unproductive is wrong because its decline immediately reflects in the quality of labor force and productivity, resulting with a decrease of economic efficiency. The modern competitive economy is not possible without such a factor as highly skilled, flexible and mobile labor force that is able to perform any productive and creative assignments.

The destruction of the social infrastructure leads to the decline in the competitiveness of individuals of the country, the outflow of young specialists, and ultimately to the decrease of competitiveness at all levels of the economy. The transformation of socio-economic relations that takes place in Ukraine, has led to the need to reconsideration and justification of priorities for regional development and formation of the management mechanisms, which are adequate to complex socio-economic and political processes.

Despite of significant loss of resources, scientific and technological personnel potential and time, Ukraine still has prospects of achieving international competitiveness of the national economy if its own national strategy is implemented. The state policy in creating competitive advantages still has to focus efforts primarily on those areas where the state's role is indispensable: on the development of education, science, general infrastructure, on the creation of the legal framework of competition. Through active social and economic policy, we can achieve the desired coordination of the interests of the state and entities.

Ukraine chooses innovative way of development. New requirements are set for the Ukrainian education system. Noncompliance with these requirements may be one of the major factors braking socio-economic development. Obviously, the Ukrainian education today is in the field of significant political risks. This is confirmed by conclusions made by experts on the enlarged meeting of the Committee on Science and Education of the Verkhovna Rada of Ukraine "On the status of implementation of the Law of Ukraine "On Higher Education", which took place on July 1, 2015. The Committee Chairman Lilia Hrynevych emphasized that "reform moves slowly because it is necessary to create rules and structures that have not existed until now in Ukrainian education" [12]. So the questions are what are the risks, how to manage them and if they can be avoided or minimized.

The concept of "risk" has been known for a long time and is associated with the formation of a rational attitude to the world. Phenomena that can have negative consequences in political, economic and other spheres of society are considered risks.

Let us consider main risks that affect or may affect the higher educational system in the reform process.

The first risk is the change of political vector. As known, the transformation of political regimes can occur from totalitarianism, authoritarianism to democracy, and in the opposite direction. Even countries with the developed democratic mechanisms of implementation of state power and the high level of political culture of the population are not immune from manifestations of authoritarianism. The authoritarianism is immanently inherent to any political power, which always tends to expand its powers and to establish total control over society.

Therefore, it is futile to hope for honesty, transparency and accountability of actions of state institutions and officials at all levels, even if they are organized on the best standards, without effective civil society. The foreign aggression is the contributing factor.

The president, like many experts, warns that with the termination of hostilities, hybrid war against Ukraine is not terminated. Instead the strong information campaign to destabilize the country even until the change of government has started: "the enemy does not end the war. Moreover, the hybrid warfare, which is something the world faced a year ago, is in full scale. This is because it incorporates not only military aggression and economic loop, which the aggressor thought it threw on the neck Ukraine to destroy it economically. The hybrid warfare involves a large and powerful disinformation component" [10].

Therefore, all mechanisms to strengthen it can be applied. So, not enough reformed education system could again become an instrument of manipulative

influence on society, could serve political ideology and not the idea of social development.

The second risk is yet other risk associated with the failure of education to reduce the level of conflict in society. Currently the Ukrainian society experiences a process of increasing internal complexity. Due to external factors, political, religious and cultural confrontation grows today in Ukraine as well as political conflicts and war.

Today we witness a very big level of different conditions of access to higher education. In addition, we see the outflow of personnel from the higher education system. During the regular report the Minister of Education and Science of Ukraine informed that one of the main achievements of the Ministry for the 100 days of the new government was the completion of the evacuation of 26 educational institutions from the occupied areas and combat zones, 16 of which were universities and 10 were scientific and research institutes [11].

The experience of other countries shows that educational mobility promotes dialogue and tolerance in education; contributes to civil peace in the country. The system of higher education in Ukraine is closed to the world. There was no report on the status of integration to the Bologna system. According to the definition, education is closely linked to the openness of society. Education is the most global of all industries, and any its self-isolation harms all good intentions and initiatives.

The third risk is in the reduction of funding of the educational sphere, both from the state and the private sector. The OECD has stressed and warned that cuts in public spending on social policy could lead to a deterioration of the recent economic downturn.

The report on social indicators "Society at a Glance 2014" states "a heavy burden during the economic downturn is put on the shoulders of those, who got the least during the period of economic growth before the crisis". [15] The organization warns governments not to cut spending on education. This endangers the restriction of access to educational opportunities for some families. As stated in the report, it puts long-term damage to the economy. The reduction of investment in higher education (in traditional institutions) occurs not only from the government (in relative terms), but also from employers. Ukraine spends on education more than 7% of GDP.

However, we must admit that there will be less money in the future. This happens not only because the state reduces the number of "state order". The mechanism of "state order", as shown by the analysis of formation and placement of public order for training specialists with higher education, carried out by the Accounting Chamber of Ukraine, is ineffective. [13]

In addition, each year educational services are more imported from Ukraine (for example, education abroad). That means that money of customers of that service remain outside of Ukraine. The foreign education system receives additional incomes at the expense of Ukrainian consumers. The domestic one loses resources for development.

In addition, the decrease in efficiency of investment in education is a world-wide negative trend. The extensive development of education results in “mass” higher education “from above” and the expansion of pre-school education “from bottom”. We also need to consider that fact that the cost of higher education grows faster than inflation.

In Ukraine, the legislative provision, which included diversified forms of financing of higher education (education budget, grants and private funds), was intended for the partial insurance of this risk. If new formula of financing of higher education does not work, then combined with the budget deficit it will lead to an acute financial crisis of higher education in the coming years.

The fourth risk is in outdated knowledge, skills, abilities, and teaching technologies. Perhaps the greatest risk is that we will invest money and effort in creating a modern educational system, while the US and Europe will move to a different quality. So far, we do not know how quickly and in what form this will happen. Nevertheless, at least, we should see a trend of «spilling education» beyond institutions in space and time. New educational ecosystems occur, which include old institutions and add new players, primarily related with information technologies (new educational platform, specialization, distance learning). The risk increases if we fall behind in the development of new educational technologies.

In addition, there is a significant probability of failure to reach a positive synergistic effect of combining universities with different profiles according to culture, traditions, organization of educational and scientific process, not to mention the differences in areas of training, profiles, and educational programs. Moreover, the risk lies in the reduction of professors and the decrease of educational quality of graduates with BA degree, respectively – the decrease of demand for such graduates by employers. Failure to prepare specialists for high-tech industries is a major problem in Ukrainian realities.

The Minister always emphasizes that we have a large number of very weak institutions of higher education that give almost no increase of knowledge and skills, just «eat» huge funds. Even the best of them are also behind the leading Western universities: «despite the fact that Ukrainian pupils win international educational competitions, our universities are proud of educational traditions, but none of them is included in the first or second hundred of prestigious rank-



ings» [14]. This risk is obvious and is not associated with technological lag in the narrow sense of this word. It is associated with the destruction of infrastructure of technical education, personnel shortage in vocational training (caution among the invited to us foreign experts), and a lack of investment in this area.

At the same time, it should be noted that from the perspective of such criteria of higher education as the quality of education, the most negative effects could result in the realization of such risks as social, organizational and managerial. In our view, the review and the analysis of precisely those risks has the greatest interest. Those risks that are not formalized in different regulations occur during every day work of educational institutions.

### **Conclusions**

Thus, from the standpoint of the state it should be clear that competitive higher education leads to a competitive society. The competitive society is not a “social evil” as was believed in socialistic doctrine, including R. Owen. He believed that the competition can be overcome and everyone in the society would be happy with proper social structure of society. The freedom of competition is not “an empty word,” as J.S. Mill thought. Even K. Marx, criticizing competition, admitted that competition forces to replace old means of work before their “natural death” by the new ones. Today, criteria and priorities of the country’s competitiveness are the most important landmarks of development.

Quite a significant criterion is the quality and efficiency of higher education. Therefore, it is necessary to develop independent external evaluation of students and graduates, to invest in students and professors, to decentralize management system and to implement a real academic and financial autonomy, to develop science in higher education. This is especially important because in the conditions of integration of Ukraine into the European and world economic and political space, its economy and society become more open. This significantly increases the risks and dangers in the context of socio-economic and socio-political development. The competition in this area increases. When we consider macroeconomic indicators, the state of market and structural reforms, the political stability and other risks, we conclude that currently Ukraine is unattractive to strategic investors.

Under these conditions, the educational and research component of the competitiveness of Ukraine becomes more and more important. Nevertheless, higher education in Ukraine has always been in the sphere of political interests.

Nowadays despite the efforts of all participants of the reform of higher education, in our view, such risks as purely political ones are essential for higher education: change in the political course and “freezing” education reforms as a consequence; normative legal risks – not adoption or delayed adoption of the



necessary legislation, making significant changes in laws or bills that affect reform efforts. Financial and economic risks are the underfunding of education reform, including from the state, educational organizations. Organizational and managerial risks are the insufficient study of the issues that are resolved in the framework of reform; the inadequate training of management; the inadequacy of monitoring of system reforms; the lag behind the timing of events.

Eliminating or minimizing purely political risks is possible only through the development of an effective civil society, increasing the level of political consciousness of society. This is the way to avoid social risks associated with the resistance of a particular segment of the population, political parties and movements to objectives and the implementation of the reform. It is also possible to do through control of policy decisions by the public, because it is useless to hope for honesty, transparency and accountability of actions of state institutions and officials at all levels, even organized on the best standards, without it. It is possible to reduce normative risks by improving the quality of planning of implementation of educational reform, by providing monitoring of its implementation and promptly making necessary changes. The minimization of financial and economic risks is possible by the conclusion of agreements on the implementation of measures aimed at achieving the objectives of the reform, and by institutionalizing mechanisms for co-financing. The government has already adopted the resolution on the opening of deposit accounts at banks by universities and vocational training institutions. The decree on the maintenance of special funds of universities and research institutions in state banks will be considered soon. As for the appropriate level of knowledge, we should conclude that a good attitude and communication of business and academia are now crucial. Business wants that professionals-graduates of university be "armed" with modern knowledge and be highly competent. Universities need to know the expectations of business in order to provide adequate training. Mentoring programs is one of the tools of business collaboration (employers) with universities. The mentorship is used by leading universities as a tool for personal development and better employment opportunities for graduates. This individual technique for communication and development with further proposals can be implemented in university programs to prepare students for their successful career. Mistaken organizational scheme and weak management capacity (including an insufficient level of qualification to work with new instruments) can lead to inefficient management of the process of implementation of education reform measures, to uncoordinated actions of the main performer and participants, to poor quality of program activities at territorial level and university level. The elimination of risk is possible at the expense of the organization of a single co-

ordinating body for implementing education reform and ensuring constant and operational monitoring (including sociological one).

Therefore, it is particularly important to analyze the educational component of the educational policy in order to make conclusions about the effectiveness and efficiency of the higher education.

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## **RESPONSIBILITY AS LOCAL GOVERNMENT GUARANTEE IN TERMS OF DECENTRALIZATION OF STATE POWER**

*The conditionality of subsidiary and substitutional responsibility of the state as a local government guarantee in terms of decentralization of state power is substantiated. In terms of guaranteeing the highest social values the state is the universal guarantor and the supreme instance endowed with responsibility, in particular, subsidiary and substitutional responsibility towards sub-state and local authorities.*

**Keywords:** responsibility, power, decentralization, bases of power, competence, authority, public power, subsidiarity, substitutionality.

**Suszynski A.I.** *Odpowiedzialność jako gwarancję samorządu w aspekcie decentralizacji władzy państwowej*

*W artykule przedstawiono odpowiedzialność jako gwarancję samorządu w aspekcie decentralizacji władzy państwowej. Państwo jest gwarantem i ostatecznym organem obdarzonym odpowiedzialnością, w szczególności w odniesieniu do władz subpaństwowych i lokalnych.*

**Słowa kluczowe:** odpowiedzialność, autorytet, decentralizacja, zasady organizacji władzy, kompetencji organu, organ publiczny.

**О.І. Сушинський** *Відповідальність як гарантія місцевого самоврядування в аспекті децентралізації державної влади*

*Доводиться зумовленість субсидіарної та субституційної відповідальності держави як гарантії місцевого самоврядування в аспекті децентралізації державної влади. В аспекті гарантування найвищих соціальних цінностей держава є універсальним гарантом і вищою інстанцією зобов'язаною правом і наділеною відповідальністю, зокрема, субсидіарною та субституційною, щодо субдержавних і місцевих органів влади.*

**А.И. Сушинский** *Ответственность как гарантия местного самоуправления в аспекте децентрализации государственной власти*

*Доказывается обусловленность субсидиарной и субституциональной ответственности как гарантии местного самоуправления в аспекте де-*

**Ключевые слова:** ответственность, власть, децентрализация, принципы организации власти, компетенция, орган власти, публичная власть, субсидиарности, субституцийность.

The problems facing the organization of public power are under constant scientific and applied development by scientists and practitioners both in Ukraine and other countries. These developments are largely determined by needs or social interest in impartial social development or, otherwise speaking, social development of different communities in accordance with the universal principle of justice where “justice” is the principle of proportional social expenses (social energy) aimed at preserving the positivity of creation of conditions, and in some cases ensuring needs and interests of citizens, communities, people and nation. So it comes to a guarantee of law as a general social value, development of law and its protection from threats and, moreover, from infringement resulting from the activity or inactivity of participants of social relations.

Different aspects of these problems were considered by many scholars in the field of legal and political science and public administration. We definitely agree with a wide-spread traditional view on the problems of development of modern constitutionalism towards decentralization of power and “strengthening” local self-government. At the same time, the low level of scientific and methodological support for local government development has resulted from insufficient elaboration of the concept of local government as a system of scientific knowledge. This point of view is shared by O. Batanov [1], P. Liubchenko [2], V. Kampo [3], M. Pukhtynskyi [4], Yu. Shemshuchenko [5]. The relevance of this issue is also evidenced by ongoing discussions on draft legislative support for the right of local communities or administrative-territorial communities to exercise local government directly or through a representative body. The proposed Constitutional amendments in Ukraine concern the principles of “decentralization of power”, “omnipresence of local self-government” and “subsidiarity” etc., but the principles of integrity, omnipresence and dimension or ‘burden’ of state responsibility are usually not paid attention to [6].

## Results

The basic principles of local self-government according to the norm-principles of the European Charter of Local Self-government [7], ratified by the applicable law of Ukraine [8] are legal (Articles 2, 3, 4, 11), organizational (Articles 6, 7, 8, 10), and financial (Art. 9) autonomy of local self-government bodies. All states that have ratified the European Charter of Local Self-government undertake to apply these principles in legislation as a guarantee of “independence” of local authorities (Art. 2, 12). It is important that in accordance with the binding norm (Art. 13) “The principles of local self-government contained in this Charter apply to all the categories of local authorities existing within the territory of the Party”.

The implementation of the principles of local self-government, contained in the Charter, into the national legislation, especially into the Constitution of Ukraine and the Law of Ukraine “On Local Self-government in Ukraine” [9] is examined in many scientific papers. Some researchers point out the “incompleteness” of the implementation of these principles of local self-government into the national legislation [10]. However, a certain politicized solving of scientific and applied issues of legal problems of local self-government in Ukraine should be stressed. Despite the importance of local government development proclaimed by representatives of almost all political organizations and individual politicians, their political interest in having “convenient” local government to satisfy own political interests seems to be latent. Such interests neither restrain nor contribute to the proper local self-government development as responsible self-sufficient administrative and territorial self-governing communities are unfavourable for political speculations, violation of human rights and freedoms. The society and, above all, scientists should acknowledge their responsibility and admit that it occurs due to the insufficient scientific elaboration of the problem and unpersuasiveness of scientific points of view. In any case, it results in imperfections in national legislation and practical application of law.

Therefore, let us single out scientific and applied problems concerning the legal basis for ensuring the implementation of principles of impartial and responsible organization of public power. The troubling issue concerns the depth or dimensions of “decentralization of power”, “omnipresence of local self-government” and “subsidiarity” in the systematic relationship with integrity, omnipresence, level, dimension or ‘burden’ of state responsibility. In other words, we mean the systemic organization of public power in terms of the highest social values. Such organization of public power is seen in implementation of principles of responsibility in its system. It predetermines the purpose of developing and substantiating certain issues of the working hypothesis about the functional

unity of public power stipulated by the highest social values and based on legal, in particular constitutional legal responsibility of public entities and their ranking according to the level, dimension or “burden” of responsibility. The concept of organization of public power is developed in the light of the highest priority of social value, thus in sequence “people” – “community” (for public authorities) and on the contrary (for local government bodies). This means that to balance their interests they both should be equitable, responsible and bound in accordance with these values by certain system-forming principles such as reordination, substitutionality and subsidiarity.

The development of the working hypothesis is based on the axiom of democracy, the essence of which is that the human life and health, honour and dignity, inviolability and safety are recognized as the highest social value and make up the content of supremacy of law, rights and freedoms of man. The norm principle about the highest social values in one form or another is inherent in many constitutions. In this sense, it is the constitutional norm which determines their state guarantee. As constitutional norm principles they are also defined in article 3 of the Constitution of Ukraine [11]. The social need to guarantee the highest social values determines certain instruments or the organizational form of exercising public power, in particular the state and communities and their respective responsibility. Or, in other words, strengthening the rule of law, rights and freedoms of man and the citizen and of associations of citizens - communities, people or nation determines the means of exercising public power and is the main duty of the state. It is important to note that in a democratic state the protection of rights and freedoms of its citizens is extraterritorial and of foreigners and stateless persons only within its jurisdiction.

Exploring trends of modern constitutionalism development we can draw the conclusion about its human-centric orientation. That refers to the ideology and the related concept of human-centrism as an alternative change of priorities from the concept of “man for the state” to the concept of “the state for man”. In this concept, the rights and freedoms of man and citizen and their guarantees determine the essence and orientation of exercising public power and, above all, of the state. The only source of public power is the people who exercise power directly and through public and local authorities. The state and communities are responsible for their activities regarding human rights and freedoms. However, the State due to its unique features and jurisdiction is the highest entity responsible for guaranteeing the highest social values.

The essential feature of organization of public power and public administration has always been the principle of their stratification into certain layers as a natural manifestation of the laws characterizing the society



development, which include, above all, the law of large numbers and the law of conservation of “social energy” [12]. In this aspect, the stratification of public power and public administration is an axiom of society development and its constitutionalization. We can discuss the degree or extent of such stratification into certain levels of public power and public administration only in the process of its historical development. However, the principles of stratification and interaction between these levels are related to the public interest and the need to ensure the integrity of the social system and society in the state.

The essential feature of integrity of the state and society is to ensure continuity in space and time, i.e. continuity and omnipresence of public power and public administration within the jurisdiction of the state. It logically follows from a modern interpretation of the rule of law that the human rights and freedoms and their guarantees determine the content and direction of all the responsibility of organization of public power and public administration, and, above all, of the state. The rule of law and its guarantee are determined by the social need to protect rights and freedoms of man and citizen continuously in space and time.

Consequently, the social interest in ensuring the rule of law and strengthening the rights and freedoms of man and citizen according to the principles of continuity and omnipresence determines the appropriate organization of society and its public power and public administration.

The Constitution of Ukraine of 1996 fixed the exercise of public power in accordance with a number of new for national constitutionalism principles, including the principles of decentralization and deconcentration in conjunction with the principles of continuity and omnipresence. In a number of relevant norms of the Constitution of Ukraine the first two principles are set out almost literally, the other two – latently.

Almost in all states there are intermediate sub-state levels such as a region or district between the state and basic levels of organization of public power and public administration. At these intermediate levels relevant public authorities solve both the interests of the state and the common interests of communities at the basic level. In this sense, these intermediate levels are levels of the downlink and uplink translation (delegation, transfer, consolidation, etc.) of competences and responsibilities, so they can be described as translational levels of exercising public power and public administration. According to the Constitution of Ukraine such bodies at these translational levels are district and regional councils that as independent levels or a separate element of the system of local government “represent” common interests of communities of the basic level (territorial communities of villages, towns and cities).



Under the constitutional doctrine the local government is generally “recognized” and guaranteed as a social phenomenon by all public institutions, especially by the state. Local government bodies have their own competences and certain competences of executive authorities defined by the law. At the same time at the sub-state or regional levels (regions and districts) are created local executive authorities and territorial bodies of central executive authorities. So the process of reforming and regulating the relationship “community - the people” took place, which is practically realized by local government bodies on the one hand, and public authorities on the other hand, through the formation of two systems: the system of local self-government as a type of public power of local communities and the system of executive authorities at the regional level. These are different in their essence, functions and competences systems of local public authorities, or rather, of local executive authorities and of local government. Together, these systems form an intermediate translational territorial organization of public power.

Conceptually, the functions of the community (commune) are the main areas and types of activities as to implementation of rights and freedoms, especially of the members of the community. Under the activities of the community one should understand both the activity of the local community and of local government bodies established by it to express and fulfill wishes of the members of this local community and to ensure the execution of its relationship with the state, public authorities, other communities (communes) and local government bodies. Regarding the criteria for determining functions of local communities the main thing are the specifics and types of local issues, or the issues that can be solved at the local level. The communal essence of these functions determines their content and, therefore, the content of the functions of local government entities. As local communities should realize only those functions that cannot be realized by other means, representative bodies vested with “delegated” competences and responsibilities are created to realize all other functions.

So, local government bodies, whose structure is formed by communities in the process of realization of their own statutory competences, are created in the system of local self-government. At the basic or primary level these representative bodies - councils are “secondary” or of the “second level” local government entities which are accountable, controllable and responsible to local communities and at the same time controllable by the state. □ According to the constitutional doctrine local councils may have their executive bodies that also belong to the system of local government entities. It is also important to note that they can be created as executive bodies of the community as a local government body. As for the value of local government bodies, according to the

constitutional doctrine the council has certain “supremacy” as a representative body of the community.

Certain level of deconcentration and decentralization of public power seems to be axiomatic for the development of local government. In other words, we can say about some “destatization” of power towards the basic level. However, we can see that scientific and applied problems of the dimensions or extent of decentralization and deconcentration of public power in respect of guarantees of the highest social values, or otherwise, of state responsibility, are not developed enough.

For our research, it is necessary to realize the essence of deconcentration and decentralization of public power and public administration.

Developing problems of decentralization of power we start from a number of the axiomatic assumptions:

- the state is the guarantor of sovereignty of people and the nation;
- the state is the guarantor of the rule of law and has unique means of protection of rights and freedoms of citizens, communities, people and nation;
- the state is the guarantor of self-governance of local communities;
- only the state is endowed with competence and responsibility to restrict rights and freedoms of citizens through appropriate and lawful means;
- the state is the universal guarantor and the supreme authority endowed with subsidiary and substitutional responsibilities as to translational and local authorities and their officials.

In terms of developing the concept of local government there are some fundamental questions:

1. What is the function of the state and what means does it have to implement the rights and freedoms of citizens within the competence of local government?
2. What means do the state and local government (commune) have to resolve disputes?

The raised questions help us to find some models of answers related to understanding of root causes and sources of power.

In terms of the nature of unitary state, local self-government is only a part of a particular type of public power or, figuratively speaking, of “public affairs”, rather than of their entirety.

The idea of devolving or recognizing the “maximum” competences of local government bodies that are fixed by public authorities and, above all, by the executive power, and thus to autonimize the local government, seems quite misleading to get electoral support. However, in any case, the state is the universal guarantor and the supreme authority endowed with subsidiary and substitutional responsibilities towards sub-state and local authorities. Being a

subsidiary and substitutional defendant, the state must ensure the realization, protection and defense of human rights and freedoms.

Considering the lack of development of scientific approaches (doctrines, principles, concepts, etc.) as to the distribution of competences and responsibilities in the institutional structure of exercising public power, the difficulties in clarifying a number of practical situations occur, in particular in regard to what public authorities and to what extent are responsible for solving specific issues. In fact, the “clear” division between the competence and responsibility of various public authorities for exercising public power can be, in our view, only at the level of general concepts. In practice, to achieve “clear” division of public power and public administration competences and responsibilities is rather doubtful, moreover, due to the influence of different socio-economic, political and legal factors, it is not static, and is in the process of perpetual evolutionary development. These factors and interests actualize the problems of disputes about the rights of public authorities to exercise public power, including disputes about competences and responsibilities. Depending on the status of authorities exercising public power a certain kind of dispute may dominate among them. Here, we emphasize the existing difference between a competence dispute and a responsibility dispute. Despite the legal unity, these two institutions of law are fundamentally different. It refers to the distribution of competences and responsibilities as instantiation between authorities of different levels and distancing between authorities exercising public power at the same level. Competences as instantiation are distributed primarily in the vertical plane at the appropriate levels of competence in ascending or descending directions. Hence, the competence dispute between authorities of different instances or of different levels of competence may arise. The essence of such a dispute is not so much legal as political or political-legal, bound by different “agreements” expressed in treaties or even laws. From the standpoint of the general concept of competence, it is ascertained, determined and distributed both in the vertical and horizontal directions. However, at a certain level of competence (horizontal) are distributed not procedures that make up the essence of responsibility but rather competences. Hence, the responsibility dispute arises, which can also be interpreted as a competence dispute. The responsibility dispute may arise on the contrary between the authorities of the same instance or the authorities of the same level (order) of competence. The essence of the responsibility dispute is associated with problematic unambiguous clarification of which authority among the authorities of the same level of competence has priority jurisdiction in this matter. If the dispute reaches the level of conflict, then “radical” means should be used to solve it.

Competential and responsible balancing the structure of public power, in particular the balance of competences and responsibilities both among various and at the same level of exercising public power is a very complex troubling issue. The basic principle of distribution of competences and responsibilities within the structure of public authorities is the establishment of their relations on the basis of the principles: reordination, subsidiarity, substitutionality, proportionality and social cohesion. Just on these principles the logics of the legal argumentation of the parties in the process of competence and responsibility disputes should be based.

To achieve systematic controllability and appropriate responsibility for exercising public power it is necessary to develop the responsibility of the system and its components or of one element of the system (institution, entity, body, etc.) for its actions related to the actions of the system or of another element. If one of the elements of the system does not have enough resources of responsibility, the guarantor – subsidiary defendant responds. However, in a case of insufficient and, moreover “negligent” responsibility of one of the elements of the system, the subsidiary defendant “takes over” the responsibility. The essential difference between these types of responsibility is in taking over the responsibility, and in the system of public authorities – in taking over the power. The capacity of all public government institutions is axiomatic in this conception. Therefore, the responsibility for own actions in the systemic organization, where one’s own actions are factors for the actions of others, particularly in accordance with the principles of reordination, subsidiarity and substitutionality, are essential in this concept. The responsibility of the system and responsibility in the system are also essential in the developed concept. This refers to the systematic feature of responsibility. It also makes it possible to assert that subsidiary and substitutional responsibilities are features of the certain system and system-forming factors as well.

Subsidiarity implies that in all cases where the objectives facing the respective entity cannot be achieved by means of own resources, and in cases, where from the position of justice it is necessary to unify actions of other entities, the solution of these issues and performance of these actions become a matter of the system of entities. Thus, one of the conditions for the use of principle of subsidiarity in those cases when it doesn’t refer to certain additional actions of public entities (exclusive competence) is the need for joint actions or efforts motivated by a sense of justice, and vice versa, in all cases, where the actions undertaken to implement the tasks of public authorities don’t require joint (collective) efforts and can be achieved in a fair way at the level of individual entities, all other entities even among homogeneous systems are required to

refrain from any action that can be interpreted as interference in someone else's competence. It is important that each intervention in someone else's competence must be qualified as illegal and the one that entails legal responsibility.

On the one hand, the principle of subsidiarity should be applied to extend powers of the system of entities, on the other hand, to prevent taking over the powers which can be in a fair way exercised by individual entities, by the system or its elements. Application of the principle of subsidiarity contributes to the extension of the scope of activities of public entities exercising public power within their jurisdiction in cases which require equitable decision, and, conversely, to limit these activities, or even stop them in cases when they are no longer justified. That is, we mean the balanced application of the principle of subsidiarity. It is important that this principle does not presume the extension of jurisdiction, but only actions within the established competence.

Observance of the rule of law is ensured through the systematic relationship with the principle of omnipresence by the entire system of authorities exercising public power. The content of the principle of omnipresence is the responsibility as an obligation for taking over the power in the case when one or a number of authorities show public power "insufficiency" or "negligence". It is essential that the guarantee of the rule of law is ensured through the principle of consistency of public power. The process of taking over the power can be called public power substitution – substitutional responsibility as a principle of consistency. There are also the following types of substitutional responsibility: common substitution – the exercise of power is taken over by another, subordinate authority in the system, and exclusive substitution – the exercise of power is taken by the authority from another system. The essence of the principle of substitution lies in implementing powers by secondary public authorities only in the case of inefficient, ineffective and inappropriate use of powers by primary authorities. In other words, we can say about taking over the responsibility by the secondary authority from the primary one which showed "negligence". In areas that are not within the exclusive powers of the secondary authorities, they take steps only when the purpose of these actions cannot be achieved efficiently, effectively, appropriately and within a reasonable time by primary authorities.

The essential part in the concept of responsibility is the responsibility of system and responsibility in the system. This refers to the systematic feature of responsibility. It also makes it possible to assert that the substitutional responsibility is both a feature of the relevant system and a system-forming factor.

It can be argued that the principles of subsidiarity and substitutionality sometimes contradict the general principle of legal certainty. Indeed, in its application

the public authority should assess the efficiency, effectiveness and expediency of actions of other authorities, e.g. local government body, “at own discretion”. These principles also apply to the exclusive powers of primary authorities. The possibility of interpretation is inherent in every principle therefore the apparent conflict between them is often inevitable. However, the principles of subsidiarity and substitutionality settle the problems of competence and responsibility of the system exercising public power in general.

### **Conclusions**

Therefore, in accordance with the concept of public power unity there cannot be different in essence powers in the state, as it contradicts the concept of national and state sovereignty. The content of the constitutional principle of separation of “powers”, or rather of functions, concerns only the exercise of public power. Local government is carried out by public authorities only as a form of exercising power by people. The state acts as a certain guarantor of local government. In this sense and only conceptually we separate the state and community, state power and local government as two different institutions of public power. However, communities and local government do not exist outside the state. They have different competences and the “burden” of responsibility. Just competential instantiation and responsibility, dimensions (“burden”) of responsibility of the state and the community are factors of principles of subsidiarity and substitutionality. In terms of guaranteeing the highest social values the state is the universal guarantor and the supreme instance endowed with responsibility, in particular, subsidiary and substitutional responsibility towards sub-state and local authorities.

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## THE MECHANISM OF STATE REGULATION OF LAND RELATIONS IN UKRAINE

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*In the article the structure of the mechanism of state regulation of land relations in Ukraine aimed at improvement and development of land relations on the modern stage of development. Formed vision for the future of management instruments in land use that allows to solve important problems on ensuring effectiveness of implementation of the state policy regulation of land relations in Ukraine in the plane of the possession, use, protection and reproduction of land.*

**Keywords:** state regulation, mechanism of state regulation, land relations, land use.

### ***Tytarenko T. G. Mechanizm regulacji stosunków lądowych w Ukrainie***

*W pracy zbadano i określono strukturę mechanizmu regulacji stanu stosunków lądowych na Ukrainie na obecnym etapie ich rozwoju. Złożony wizję narzędzi zarządzania w obszarze ziemi, która rozwiąże problemy ważne dla zapewnienia skuteczności realizacji polityki państwowej regulacji stosunków lądowych na Ukrainie stosownie wykorzystania i ochrony ziemi.*

**Słowa kluczowe:** administracja publiczna, mechanizm regulacji, stosunki lądowe.

### ***Титаренко Т.Г. Механізм державного регулювання земельних відносин в Україні***

*У статті досліджено та визначено структуру механізму державного регулювання земельних відносин в Україні, спрямовану на вдосконалення та розвиток земельних відносин на сучасному етапі їх розвитку. Сформовано бачення майбутнього управлінського інструментарію у сфері землекористування, що дозволить вирішити важливі проблеми щодо забезпечення результативності реалізації державної політики регулювання земельних відносин в Україні у площині володіння, використання, охорони і відтворення земель.*



*В статье исследована и определена структура механизма государственного регулирования земельных отношений в Украине, что направлена на совершенствование и развитие земельных отношений на современном этапе их развития. Сформировано видение будущего управленческого инструментария в сфере землепользования, что позволит решить важные проблемы по обеспечению результативности реализации государственной политики регулирования земельных отношений в Украине в плоскости владения, использования, охраны и воспроизводства земель.*

## Introduction

Land and land issues are of critical importance for the successful development of both regions and the state as a whole. Negative phenomena are caused by ill-considered government policy regulating land relations in Ukraine, give rise to problems connected to the conservation, rational use and protection of lands of different purpose and, consequently, cause failure of the main states of the concept of sustainable development. Negative trends observed in the use of land require new institutional and legal approaches to state regulation of land relations and land use and creation of economic incentives for sustainable use and protection of land in Ukraine.

The following research works by: A. Alymov, A. Kuzmin, A. Miroshnichenko, L. Nowakowski, W. Nosik, A. Tretyak, M. Shulga, Sh.Ibatullin, A. Stepenko, and other scientists are dedicated to the theoretical and applied aspects targeted modernization and reform of government land relations and, in particular, mechanisms of land relations in the context of sustainable use, protection and restoration of land resources in Ukraine.

However, the appearance of controversial actions during the land reform and market relations, bias and inconsistency to current market conditions of the mechanism regulation of land relations of the state, its inattention to the task of reforming the social base of training and other aspects of the multifaceted problem remain controversial and require further investigation.

### **Statement of research objectives**

The aim of our research work is to determine the nature and structure of the state regulation of land relations in Ukraine today.

### **Results**

The concept of the mechanism of regulation of land relations in general, is not new to science management, but today there are no sufficient grounds to consider it thoroughly investigated. Therefore, to determine the nature and content, and structure of the state regulation of land relations in Ukraine should consider the following methodological basis:

1) the main purpose of the mechanism of state regulation of land relations - is the organization processes of rational land use and land protection;

2) the mechanism of state regulation of land relations includes: a) as the organization of land use and management through actions of legal, organizational, administrative and economic methods and instruments that affect the implementation of land relations; b) functionality is not static, but constantly evolving, having a series of stages from simple to complex functional management system;

3) the effective functioning of state regulation of land relations, which subordinate tools, instruments and methods of influence on the process of rationalizing land use depends on the completeness of providing economic interests of land relations, as well as the interests of society in environmentally safe conditions for economic activity and accommodation citizens;

4) ensuring the implementation of the process of land use, mechanism of state regulation of land relations in Ukraine should embrace either regulatory actions aimed at adapting to changes in both economic and environmental situation in the country and the world.

Thus, the mechanism of state regulation of land relations in Ukraine is the system of actions and legal, organizational, economic, administrative and managerial techniques, instruments of influence in which put into effect the processes of rational use and protection of land and regulation of this mechanism is carried out in accordance to certain principles. At the same time, the mechanism of state regulation of land relations form a system whose elements are general and special arrangements are largely used comprehensively.

Different research schools classify the nature of the mechanisms of land management in different ways. Tretyak A.M. [1, p. 165] distinguishes legal, organizational, economic, financial and land submechanisms within it. Ibatullin C.I., Stepenko O.V, Sakal O.V. [2] provides administrative and legal, social and psychological, financial and economic also organizational submechanisms.

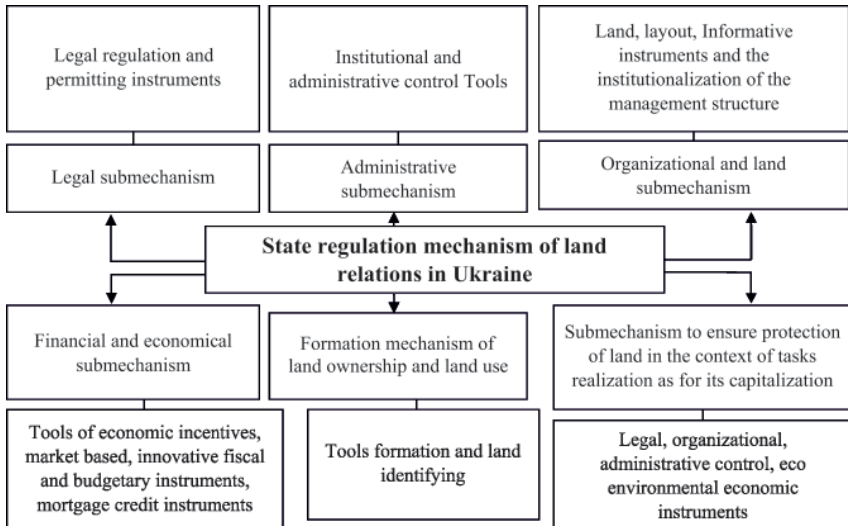
Analyzing and summarizing current scientific achievements by Ukrainian scientists and the scientific results of their applied research the mechanisms can be grouped different by nature of state regulation of land relations and means of their implementation, software development tools and land relations. Then, in our opinion, the general components of the mechanism of state regulation of land relations include the following three of its basic components. Namely the following submechanisms :

- 1) legal;
- 2) administrative;
- 3) finance and economic.

Along with listed, among special submechanisms regulation of land relations should also highlight the next potentially determinant factors (submechanisms):

- 1) organizational landlined;
- 2) formation of land ownership and land use;
- 3) ensuring the protection of land in the context of the tasks of its capitalization.

The overall structure of the state regulation of land relations is shown by the author in pic.1.



Pic. 1. State regulation mechanism structure of land relations in Ukraine

Certainty general mechanism of regulation content certainty in the context of further capitalization of land resources in the country allows to distinguish the most significant by far the most effective tools applied to be used within the legal submechanism of state regulation of land relations. The latter comprises a group of instruments of direct impact on social relations as for possession, disposal, use, protection and reproduction of land resources (Table. 1).

*Table 1*

**Applied toolkit of legal submechanism state regulation  
of land relations in Ukraine \***

<b>Legal regulation instruments</b>	<b>Permitting instruments</b>
Development and adoption of natural resource and environmental legislation;	- Licensing of economic activities as for the environmental impact
- General and sectoral / industry strategy for sustainable development roadmaps agreed with the concept of building a new regional maps (at the request of the Association Agreement);	- Licensing of economic activities as for the environmental auditing, control and monitoring
- Conception, strategy, state target program of development of land relations;	- Permits for industrial and economic activities;
- Plans and projects use, protection and reproduction of land resources;	- Implementation of certification engineers, surveyors,
Regulations, orders, instructions, letters, explanations as for the use, protection and reproduction of land resources;	- Permits for waste disposal, their storage or storage;
- Consideration of environmental aspects of land use in statistical reporting	- Urban procedures; - Environmental impact assessment; - State ecological expertise; - Assessment of impact on the environment.

*\* Source identified and summarized the results of author identification instruments, controls and toolbar, represented in [1, pp. 165-171; 3, p. 16-18].*

The following instruments of state and regional land use management are involved: a) instruments of regulation; b) licensing tools.

Therefore, the fundamental principle of legal submechanism state regulation of land relations in Ukraine - is a legal framework that defines the relationship of land relations and organizational management structure appropriate land use in Ukraine. At the present stage of historical development national economy, the overall socio-economic systems and their functioning, the state, through legislative framework, a policy aimed at improving the economic independence of territories and gives local governments the opportunity to dispose of the lands of communities (recognized and shown in scientific source [4]).

The legal and regulatory bases allow to monitor the activities of local governments in regulating land issues by requiring the approval of land use documentation by the executive authorities. Instruments of regulation - are binding and provide specific legal way to influence the behavior of land relations on consolidation of land ownership, contents and methods of implementation, to ensure rational land use, protection and reproduction of land resources, environmental protection, protection of the environmental rights and interests of society and business entities. At the same time, toolbar of regulation include environmental and resource laws and regulations.

It should be noted that the instruments of regulation designed to ensure the effective implementation of the law in the process of public policy regulating land relations. They provide that entities of forming legislative and regulatory base establish the legal basis for the guaranteed security and development of measures to ensure the implementation of fundamental rights, freedoms and responsibilities of land relations. Besides, the implementation of the law in the public administration sphere of land relations is ensured through appropriate laws and regulatory acts, the adoption of public authorities of certain decisions, and creating mechanisms and institutions for the enforcement of law, development and legislative approval of state standards (proven in scientific sources [1, pp. 165-171; 2, p. 16]).

The guiding purpose of legal submechanism state regulation of land relations - are forming and securing the right of every person and of society as a whole to a safe environment, the definition of the rights of citizens and legal entities to private ownership of land and other natural resources.

Administrative submechanism state regulation of land relations permeates all levels and relations in the sphere of state regulation and, therefore, is a combination of effects techniques based on the use of objective organizational relationships between people and the general principles of organizational management. Implementation of administrative action submechanism is carried out through the use of organizational, administrative and economic methods of influence - general toolbar is presented by the author at the table. 2.

**Administrative toolkit submechanism  
state regulation of land relations**

Institutional Administrative Tools	Administrative control Tools
<ul style="list-style-type: none"> <li>- Separation of powers of state and local government (in particular the functions of management and control) in relation to land resources;</li> <li>- Disposal of state-owned lands on the results of the application of the new methodology for evaluating the value of land resources in Ukraine and its regions;</li> <li>- Realization of state policy on land use and protection;</li> <li>- Institutionalization forms of land ownership and land rights;</li> </ul>	<ul style="list-style-type: none"> <li>- State control over the use, protection and reproduction of land resources;</li> <li>- Public control over the management, protection and reproduction of land resources;</li> <li>- Responsibility for violations / failure to legislation on property protection and reproduction of land resources;</li> <li>- Monitoring of the environment / environmental and ecological audit;</li> <li>- Environmental certification and standards, regulations, rules, limits, regulations.</li> </ul>

*\* Source identified and summarized by the author according to sources [1, pp. 129; 2, p. 16-18].*

Administrative submechanism state regulation of land relations is a combination of effects techniques based on the use of objective organizational relationships between people and the general principles of organizational management. Implementation of administrative action submechanism is carried out through the use of organizational, administrative and economic methods. Without its use within the general mechanism of regulation of land relations is impossible to achieve the goal of orderly influence the behavior of the various actors of public relations. With administrative submechanism an executive exercises influence over the management through the use of administrative forms of governance. At the same time, administrative submechanism usually qualifies as a method or means of influencing the activity of enterprises, institutions and organizations, officials and citizens through direct installation of their rights and responsibilities through orders (and acknowledged shown in [5]). Such managerial influence comes directly from the power of nature management - thus implemented the executive. Without administrative submechanism within the general mechanism of regulation of land relations is impossible to achieve the goal of orderly influence the behavior of various members of management of public relations.

Characteristic features of administrative submechanism are:

a) direct impact on the managed object by setting its powers (rights and obligations);

b) on the subject of governance closest choice and ultimate goal, task management process, procedure, terms of their performance object, resource support, in terms of tasks each stage;

c) legal binding asset management (decrees, resolutions, decisions, regulations, orders and resolutions), the failure of which is considered as a breach of duty and may cause not only administrative or disciplinary responsibility, but also criminal [6].

Administrative submechanism state regulation of land relations in Ukraine unites:

a) institutional instruments;

b) administrative and control tools.

Accordingly, institutional instruments are used for securing property rights to land resources for the effective owners to ensure their most efficient use, protection and reproduction. The same instruments / toolbar of administrative influence guarantee ensures all components of the powers of ownership and land use rights owners (users). This separation of powers of state and local governments, including the management and control functions, can also be provided by institutional instruments [2, p.16].

Administrative control tools provide administrative regulation and control of land resource and environmental use by means of approving by the regulator mandatory environmental and technological standards, regulations and other rules and behaviors. Regulator can be a sectoral (industrial) public bodies, local authorities and administrative bodies of land.

Thus, the purpose of administrative submechanism of the state regulation of land relations is the implementation of administrative influence on land relations through the use of administrative forms of governance to achieve effective and sustainable land use.

Certainly, we can confirm about the existence of close links between the administrative and legal submechanism of state regulation of land relations, as indicated levers and regulators, together, define the threshold setting of boundaries / borders and “rules” in the context of consolidation of interaction between the subjects of land relations and regulation of the use, possession and reproduction of land resources. At the same time, administrative and legal submechanisms of state regulation of land relations have both advantages and disadvantages of their own.

The advantage of legal instruments and administrative mechanisms is a direct and meaningful impact on the mechanism of land policy, their condition or activities / transformation of the latter. The disadvantages are the lack of flexibility and rapid response to the dynamics of the subject and object of land relations, the lack of effect

of stimulating innovation. Disadvantages administrative and legal submechanisms determine the need for their use in combination with other submechanisms [2, p. 16]. But we confirm the fact that, currently, the definition of the basic principles of state policy of land law and its regulatory and legal framework is not sufficient to safeguard the efficiency and effectiveness of implementation of the scheme, aimed at solving real problems of landowners and land users in Ukraine.

To implement the land law it is necessary to create effective organizational and Land Management submechanism. This submechanism is, firstly, a form of interaction between participants. And, secondly, a set of various organizational and land elements. This organizational land submechanism of state regulation of land relations incorporates the range of surveying, planning tools and instruments of institutionalization of the management structure (Table. 3.).

Table 3

**The basic structure of application tools incorporated into the organizational and Land submechanism of state regulation of land relations in Ukraine\***

Toolkit			
Land Management	Layout	Informative	The institutionalization of the management structure
<p>purpose and limitations (encumbrances);</p> <ul style="list-style-type: none"> <li>- Contour reclamation organization of the territory;</li> <li>- Crop rotation in the production of agricultural produce;</li> <li>- Land management reporting and land management projects;</li> <li>- Technical documentation on land management</li> </ul>	<p>national and regional programs of land use and protection; natural of agricultural zoning and master plans of cities; use planning scheme area village (town) council and plans for land-economic structure of the residential areas, zoning land.</p>	<p>Monitoring of land and soil;</p> <ul style="list-style-type: none"> <li>- Open access to information of the state land cadastre Ukraine and the system of registration of land, property and rights to them,</li> <li>- Generalize the practice of application of legislation on land relations.</li> </ul>	<p>The hierarchical structure of the subject land relations in the country.</p>

\* Source identified and summarized by the author according to sources [1, pp. 187-195; 2, p. 18-22].

The later provides current regulation of land relations in the framework of sustainable development of social relations in the country. As a tool for



organizational and land submechanism, land management is a set of socio-economic and environmental measures to regulate land relations and streamlining and organizing the territory administrative-territorial entities, entities committed under the influence of social and industrial relations in the context of development of productive forces of Ukraine.

We should note that in the land management process the redistribution of land, forming rational land tenure and land use, provision (purchase) and withdrawal (sale) of land for agricultural and non-agricultural purposes, giving it out to businesses and citizens (found in the sources [1, 2]) is implemented. Currently, land management is one of the most effective methods of land management at regional and local levels.

Financial and economic submechanism of state regulation of land relations determine the composition of economic tools and financial instruments to ensure the development of a modern system of land relations at the national, regional and local levels of the economic justification of specific measures aimed at the rational use and reproduction of land management areas of the country (Table. 4) [2, p. 22]. The selected group of tools allows to substantiate and define areas of financial and economic impact on the subjects of land relations for sustainable land tenure and land use.

Table 4

**Tools of financial and economic submechanism  
of state regulation of land relations in Ukraine\***

<b>Tools of economic incentives</b>	<b>Market based instruments</b>	<b>Mortgage credit instruments</b>	<b>Fiscal and budgetary instruments</b>	<b>Innovative tools</b>
Government subsidies, grants and subventions; - Tax and credit incentives; - State funds	The market price of land; -Expert evaluation of the land; -Land auctions; - Ecological marketing	- Land and land mortgage banks; -State concessional lending	- land tax; -Environmental taxes; - Penalties; - rent; -Regulatory assessment of land	- State Innovation Fund; - Eco innovation in land use; - Interest-free budget loans; - Innovative projects for sustainable land use

\* Source Overview author by sources [1, pp. 172-177; 2, p. 23].

In particular, the tools of economic incentives are measures that use market instruments to achieve the goals intended to guide the activities of participants

of land relations in environmentally favorable direction towards sustainable use of land resources by influencing the costs and benefits available to them different alternatives of behavior. Such tools are the most significant lever to encourage landowners and land users to rational use and protection of land resources. However, the implementation of legally binding measures should be aimed at prevention of such entities on the ground that contradicts the norms and standards of the protection and restoration of land resources. Tools of economic incentives of rational use and protection of land resources form the basis for further environmentally sound and sustainable land use and therefore provide the same conditions for all land owners and land users.

Currently, there is an urgent need to introduce technology to help solve specific problems of rational use and restoration of land as strategically important for Ukraine natural resource. Thus, within submechanism of formation of land ownership and land use in the country it is necessary to make the development / selection to use specific tools for formation and identification of land state, communal and private property (tab. 5).

The lands of Ukraine are situated within the territory of our country (within the state border) surface layer of the crust, which is used for various social needs. In order to meet land rights and legal interests of citizens and legal persons to use the land the later should take the legal regime of the appropriate object land law. Forming land is identifying land as an object of civil rights and providing the definition of the area, boundaries and entering information about them in the State Land Cadastre.

Table 5

**Richness and composition under formation mechanism  
of land ownership and land use in Ukraine \***

<b>Tools formation of land</b>	<b>Tools of land identifying</b>
<ul style="list-style-type: none"> <li>- Allocation of land plots of state and municipal property;</li> <li>- The separation or unification of earlier existing land;</li> <li>- Determining the boundaries of land;</li> <li>- State registration of land.</li> </ul>	<ul style="list-style-type: none"> <li>Cadastral number of land;</li> <li>- State Land Cadastre of Ukraine</li> </ul>

*\*Source is systematized and summarized according to the author [7; 8].*

We should emphasize the importance of mandatory application of submechanism of formation of land ownership and land use in the regulation of land relations is that the land may be a subject to civil rights alone since its formation (except sublease, easement on part of land sections) and state registration of ownership of it.

According to the above, it should be recognized that submechanism ensures the protection of land in Ukraine:

a) is a special lever regulation of land relations, which includes tools of administrative, legal, financial and economic mechanism of regulation of land relations;

b) integrates the tools of direct and indirect effects on the subjects of land relations in order to stimulate them to commit or refrain from certain actions during the land use, aimed at the interest of landowners and land users to optimize their interaction with the land as a natural resource (Table. 6).

Table 6

**Structure of submechanism to ensure protection of land in Ukraine \***

Legal instruments	Organizational instruments	Administrative control institutions	Eco environmental economic instruments
<ul style="list-style-type: none"> <li>- Legislative consolidation of the purpose of land;</li> <li>- Development of national and regional (republican) programs of land use and protection, land management documentation in the field of land;</li> <li>- Standardization and regulation.</li> </ul>	<ul style="list-style-type: none"> <li>- State comprehensive system of supervision;</li> <li>- Ecological Network;</li> <li>- Documentation of land management in the area of land;</li> <li>- Providing natural agricultural, environmental and economic, anti-erosion and so on. types of zoning (zoning) of land.</li> </ul>	<ul style="list-style-type: none"> <li>- administrative, criminal, civil liability for damage caused to the land;</li> <li>- State control over the protection and renewal of land resources;</li> <li>- Public control over the protection and reproduction of land resources;</li> <li>- Permits for waste disposal, their warehousing / storage; the results of impact assessment NPC and state ecological expertise;</li> <li>- Assessment of anthropogenic impact on the NPC.</li> </ul>	<ul style="list-style-type: none"> <li>- Tax breaks to develop ecological products,</li> <li>- Tax and credit incentives to individuals who carry out at its own expense measures to protect land from erosion, improve soil fertility;</li> <li>- Exemption from land users and landowners of the land for the land on which the works of reclamation, remediation, conservation lands and others. works to protect land in the interim period, conservation, construction and agricultural land development;</li> <li>- Compensate agricultural producers nedooderzhanoyi share of income due to degraded, unproductive, technologically contaminated land. And also: a) the use of accelerated depreciation environmental protection; b) preferential loans and subsidies eco projects; c) grants for the purchase of environmental equipment; d) bonuses based on the results of environmental activities; e) payments for pollutant emissions, waste disposal.</li> </ul>

\* Source defined and systematized by author sources [1, pp. 179-180; 8; 9;].

The Land Code of Ukraine defines land protection as a system of legal, organizational, economic and other measures aimed at sustainable land use, preventing unjustified seizure of agricultural land and forestry purposes, protection from harmful anthropogenic impact, restoration and improvement of soil fertility, increase productivity of land for forestry purposes, providing special treatment of land use environmental, health, recreational, historical and cultural significance. The objectives of land protection is to ensure the conservation and restoration of land resources, ecological value of natural and acquired qualities of lands. Then the tools of submechanism of land protection ensurance in Ukraine can be divided into:

- Incentive - "cake method" encourage of the development of ecologically and environmental industries and activities. Such measures include tax breaks to develop ecological products, preferential loans and subsidies to eco projects, subsidies for the purchase of environmental equipment, the use of accelerated depreciation of fixed assets land and environmental protection; bonuses based on the results of environmental activities;

- Forced - «whip method» limitations of naturally operating activity using rigid legal, tax, credit, penalty policy. Such measures virtually inhibit the development of certain industries and the expansion of facilities in their natural basis, generally helping save natural resources. These include charges for pollutant emissions, waste disposal, fines for violations of environmental legislation, reduction of subsidies to non-environmental production, increased taxation «non-environmental» products;

- Compensatory - measures to combat the consequences (not the causes) man made type of economic development. These include compensation for losses, creation of environmental funds, environmental insurance.

Also, should pay attention to such a tool mechanism for ensuring protection of land as a division of the land for the intended purpose. This tool is one of the most important legal instruments in ensuring rational land use and land protection. In general understanding, when the purpose of land should be understood as defined by the legislation the legal regime of its operation (use), which provides the realization of the right to use the land in ways that correspond to the public interest and not be doing damage to the environment [10]. However, it is setting the purpose of land use the state provides special protection of land as a basic national wealth, thus realizing the provisions of Art. 14 of the Constitution of Ukraine.

**Conclusions.** The mechanism of state regulation of land relations in Ukraine is an integrated set of instruments, controls, methods and application tools, regulators political and legal, organizational, economic, structural,

financial and information management influence that is directed to achieve high efficiency regulation of land relations in order to make sustainable use and protection of land as a resource of nature, the use of which in the limitation of resources that exist at present in the country will ensure food security and create conditions for environmentally friendly economic activities and residence of citizens. They are closely linked, but retain their individual values and have the final environmental and social goals.

Therefore, we confirm the following: currently, there is an urgent need for the application of complexity within the system of state regulation in Ukraine shown in Fig. 1 submechanisms, as evidenced by the implementation of environmental policy in the European Union, which is based on the use of flexible economic priority, particularly market instruments of land relations in the context of sustainable development of the country and its regions, implemented by using the principles of objective capitalization of land resources .

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### IMPROVEMENT AND IDENTIFICATION OF THE MODEL OF STATE REGULATION AND CONTROL OF TRUNK PIPELINE SYSTEMS OF UKRAINE

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*The article deals with the theoretical principles of organizing the effective functioning of domestic trunk pipeline systems. The main problems in this branch are defined. The model of multilateral international and private partnership is theoretically proved and identified. The interpretation of the assessment model of state regulation and control of domestic trunk pipeline systems functioning is proposed.*

**Keywords:** trunk pipeline systems, model, international and private partnership, state regulation and control, efficiency.

**Isajewa I.N. Poprawa oraz identyfikacja modelu zarządzania systemy rurociągów w Ukrainie**

*W artykule przedstawiono teoretyczne zasady sprawnego funkcjonowania krajowych systemów rurociągowych tulowia. Zidentyfikowane główne problemy w tej branży. Teoretycznie uzasadniona i zidentyfikowana model wielostronnego partnerstwa międzynarodowego. Zaproponowano interpretacja wyników estymacji modelu regulacji stanu i zarządzania działalnością krajowych systemów rurociągowych tulowia.*

**Słowa kluczowe:** systemy rurociągowie, regulacje rządowe, efektywność.

**Ісаєва І.М. Удосконалення та ідентифікація моделі державного управління магістральними трубопровідними системами України**

*В статті обґрунтовано теоретичні засади організації ефективного функціонування вітчизняних магістральних трубопровідних систем. Визначено основні проблеми в цій галузі. Теоретично обґрунтована та ідентифікована модель багатостороннього міждержавно-приватного партнерства. Запропоновано інтерпретацію моделі оцінювання результатів державного регулювання та управління діяльністю вітчизняних магістральних трубопровідних систем.*

**Ключові слова:** магістральні трубопровідні системи, модель, між-державно-приватне партнерство, державне регулювання, ефективність.

*Исаева И.Н. Усовершенствование и идентификация модели государственного управления магистральными трубопроводными системами Украины*

*В статье обоснованно теоретические принципы организации эффективного функционирования отечественных магистральных трубопроводных систем. Определены главные проблемы в этой отрасли. Теоретически обоснована и идентифицирована модель многостороннего межгосударственно-частного партнёрства. Предложена интерпретация модели оценивания результатов государственного регулирования и управления деятельностью отечественных магистральных трубопроводных систем.*

**Ключевые слова:** магистральные трубопроводные системы, модель, межгосударственно-частное партнёрство, государственное регулирование, эффективность.

## Introduction

In terms of changes that take place today in the national economy, the trunk pipeline systems (PS) of Ukraine remain one of the most important strategic objects of the country that is why the research of state regulation and control of such systems are timely and significant. Effective state regulation and control of the trunk PS of Ukraine must be carried out on the basis of determining scientifically reasonable priorities and directions of this activity as well as creation of the corresponding system, methods and mechanisms of state management. The proper solution of this task has undoubtedly high scientific and practical value.

However, it should be noted that there are several obvious and irrefutable problems in the functioning of trunk PS. These problems dictate the need for deep analysis of trunk PS functioning, the purpose of which is to identify, classify and assess the reasons of such condition and to ensure the efficiency and profitability. The reasons of their inefficient functioning are to be found in the sphere of management.

In this case, the analysis of causes of ineffective functioning of branch system both from state positions and tasks as well as from positions of management of organization system of PS itself is necessary. The same conclusion was made by scientists and governors, who consider that one of the basic problems in this branch is ineffective structure of management and the formulated tasks concerning reformation of the branch structure as well as management structure.



### **Analysis of recent research**

The latest scientific research testifies to the increase of amount of scientific publications, which analyze the problematic issues of functioning of trunk pipeline transportation and management improvements in this sphere. These issues were considered in scientific works of such researchers as L. Horal, V. Hrudz, O. Dzioba, I. Diiak, I. Karp, M. Kovalko, Ye. Kryzhanivskiy, V. Petrenko, M. Serediuk, I. Chukaieva, A. Shydlovskiy, etc.

However, the regulatory and administrative format of the effective functioning of the trunk PS of Ukraine has not been formed and reasoned theoretically yet. A row of important theoretical and practical aspects of organizational structure formation of the state and branch management of domestic trunk PS require some additional analysis, generalization and reasonable recommendations in relation to the theoretical aspects of future changes, that are valuable while making decisions regarding the structure improvement of state regulation and control of the main PS.

### **Statement of research objectives**

Research objective is to identify and justify theoretical principles of organization of effective functioning of domestic trunk PS, creation of model for assessment of state regulation and functioning management of domestic trunk PS.

### **Results**

The maximal centralization of structure of the National Joint Stock Company “Naftogaz of Ukraine”, the important component of which is the trunk PS, has contributed to strengthening of control from the central authorities that in many cases is reduced to directive management of functioning. It, in turn, also leads to decrease in professionalism and efficiency of administrative decisions, braking of development and complicating of financial and economic state of Naftogaz in general, and its separate structures in particular.

Nowadays the complicated financial situation of Naftogaz and presence of foreign creditors dictate the use of exclusively “soft” form of its possible and necessary restructuring. The importance of the maintenance of constant financial position is noted even by the International Monetary Fund as one of priority tasks for continuation of cooperation of Ukraine with IMF (in this connection foreign creditors would not agree to large-scale and radical restructuring of Naftogaz).

However, the most realistic way of improving the organizational form of Naftogaz is transition to conglomerate that is purely divisional structure. Due to it Naftogaz has to reorganize structural subdivisions from production, transportation, distribution of oil and gas into independent “divisions” namely public

joint-stock companies (PJSC) as it was offered in [1]. Thus all security, support and excess functions will be minimized (the reduced total or even liquidated functional structural divisions). The administration of the National Joint Stock Company Naftogaz of Ukraine will significantly be reduced. The conglomerate structure guarantees distribution of risks in different spheres of its activity.

At present financial risks of Naftogaz have great influence on activity of all its divisions and at relative financial independence and independence of its divisions the risks are differentiated among them with simultaneous diversification. Such structure has an exclusive strategic efficiency and speed of reaction when any division is independently capable to identify changes in the environment and to adapt quickly to them by means of incremental corrections of strategic priorities of its own development in the general strategy of development.

However, realities of the present time don't demonstrate the administration intentions of the National Joint Stock Company "Naftogaz of Ukraine" to be exempted from the first roles in the oil and gas sphere (in particular in the transport sphere) in favor of management improvement and increase of functioning efficiency of the total system, deepening of market bases of branch activity, attraction and use of investment streams, etc. Therefore carrying out such structural reforms (being the competence of the government) and the developed by it in this sphere state policy, demands the already determined economic reforms and tasks concerning branch reforming and necessary of structural changes.

The given research proves that the most acceptable way in improvement of management structure of oil and gas complex is creation of public joint-stock companies (PJSC) on the basis of such existing subsidiaries as "Ukrtransgaz", "Ukrgezvydobuvannya" and "Gas of Ukraine" with synchronous transformation of the National Joint Stock Company "Naftogaz of Ukraine" in the state holding company in accordance with the Law of Ukraine "About the holding companies in Ukraine" [2]. In that case the National Joint Stock Company Naftogaz of Ukraine has on the one hand to carry out management functions of holding corporate shareholdings of public joint-stock companies (the corporate enterprises) formed on the basis of the called subsidiaries and on the other one to dispose of their profit for investment of strategic industry projects and repayment of credit debt.

Functioning of some government and branch structures has improved under pressure of necessity of carrying out specific European integration steps in recent years, however, there are certain results of reforming of the National Joint Stock Company "Naftogaz of Ukraine":

- “Ukrtransgaz” and “Ukrgezvydobuvannya” subsidiaries are transformed to PJSCs for the purpose of functions differentiation concerning production and transportation in accordance with the legislation of European Union;
- non-core assets of the National Joint Stock Company Naftogaz of Ukraine are inventoried;
- usage conditions of gas-distributing networks are defined;
- functioning independence of gas-distributing enterprises is provided regarding current financial operations; operation, constructions or modernizations of objects of gas-distributing networks for implementation of the related licensed activity and quick technological management;
- tasks concerning modernization of the Ukrainian GTS are being solved;
- transparent conditions of access to the Single gas transportation system of Ukraine are provided.

Both reorganization of the National Joint Stock Company “Naftogaz of Ukraine” and the gradual approach to the offered structure of the state holding company with restriction of opportunities of directive administrative influences from government institutions can be considered as a good step forward, which will contribute to removal of trunk pipeline systems on an appropriate level of economic independence, economic efficiency and social responsibility as the main priority of existence.

However, from the documents and decisions accepted, realized and analyzed it becomes obvious that implementation of necessary structural transformations at the level of housekeeping subjects of trunk pipeline systems (which by the way, now still remain incomplete) needs obligatory introduction of similar steps concerning improvement of functioning conditions of high-level management structures in the hierarchy of nation-wide system of national economy management.

The made analysis [3-5] of peculiarities of state regulation and management of trunk pipeline systems of Ukraine shows that:

- the modern state policy of usage and development of oil and gas transport networks of Ukraine was and remains inefficient. It slows down the processes of approaching of oil and gas transport network to the European criteria of reliability, safety and competitiveness, doesn't provide loading and, respectively, positive shifting in providing reliable and stable oil and gas transportation both in Ukraine and EU;
- the structure of the state policy in this sphere and its established priorities remain unadapt to new economic, scientific and technical as well as organizational forms of trunk PS management, to conditions of European integration, to new geopolitical and globalization calls.

Improvement of operating conditions of the central state bodies responsible for the state and results of domestic trunk pipeline systems functioning has to be based on prime awareness of the need and introduction of expedient changes in processes and procedures of interaction of all interested participants at three following levels of organizational relationship hierarchy: branch, state and interstate.

The branch level is made of the relationship between bodies of branch management and subjects of economic activity; the state level encounters relationship between bodies of state regulation and management and governing branch bodies; the interstate presupposes the relationship between specially authorized bodies of the participating states.

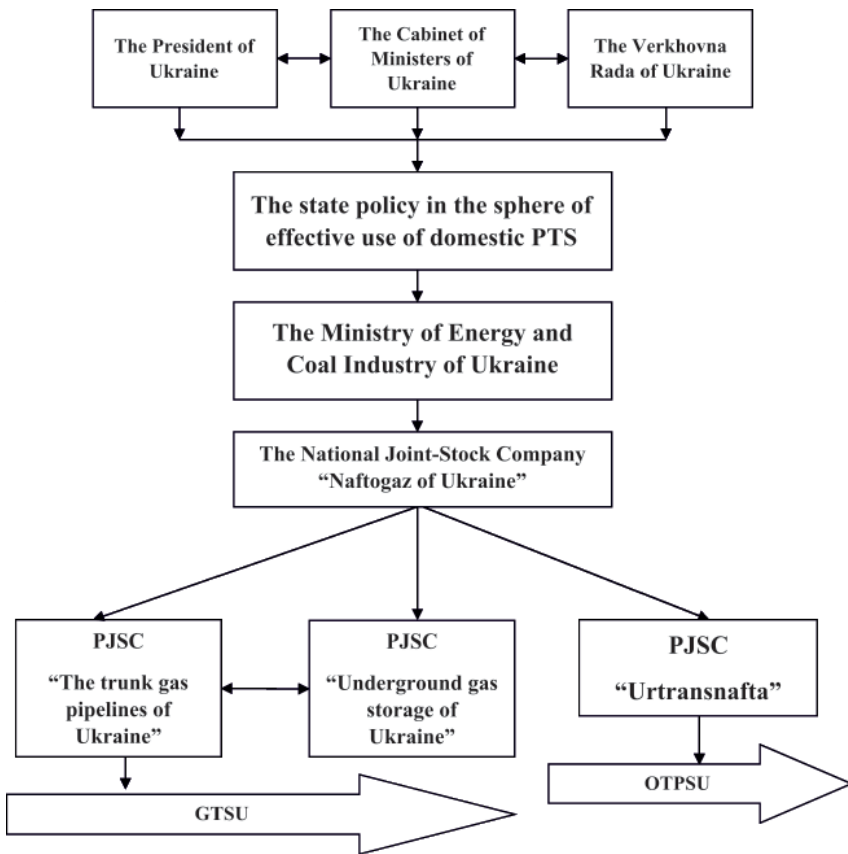
**The branch level.** The given justifications of expedient changes in organizational structure of the National Joint Stock Company Naftogaz of Ukraine are directed on the solution of problematic issues of introduction of intra-branch structural and organizational transformations (of the first level of hierarchy) and can't be fulfilled without taking similar steps concerning the relationships between bodies of state regulation and management and governing body of the branch.

In this regard, identification of necessary structural and organizational changes and the formulation of reasonable recommendations as for improvement of regulatory and administrative activity at the second level of hierarchy are expedient. Such relationship is based between the central bodies of state administration (CBSA) and the National Joint Stock Company Naftogaz of Ukraine.

**State level.** If to interpret the hierarchy pyramid of submission of branch subjects of the national economy (in this case exclusively oil and gas TPS) through the National Joint Stock Company Naftogaz of Ukraine to regulatory and administrative influences of CBSA (Ministry of Fuel and Energy of Ukraine) in the form presented in fig. 1, the need of distribution of expedient structural and organizational changes on the high-levels of this hierarchy becomes obvious. These changes are oriented on changes in national economy with economic and social benefits adequate for the position of Ukraine in the four-main- world-countries with the most highly developed systems of pipeline transport.

CBSA has to fulfill the strategic tasks formulated in the State policy as for effective use of domestic oil and gas trunk pipeline systems.

In the complex statement for the oil pipeline transportation system of Ukraine (PTSU) these tasks presuppose transit mode of crude oil transportation with ensuring stability, reliability and profitability as it was provided in the document "The Concept of State Policy in the Sphere of Supply and Transition of Oil" [6].



**Fig. 1** – The structure of state regulation and management of domestic oil and gas PS functioning and their technologically integral component namely underground gas storage (UGS) (author's interpretation [7])

The state policy in this subsector is stated in the updated strategic document [8]. It provided preservation, enhancement and development of potential of oil PTSM (pipeline transportation system management), optimization of technological modes, input of the power storing technologies, the equipment, guaranteeing reliability and safety of oil pipelines and oil pumping stations, improvement of regulatory ensuring of functioning system. However, research and assessment of functioning efficiency condition and integration process of oil PTSM in similar systems of the EU remain negative and testify to existence of significant amount

of problems in the sphere of transit of crude oil. All given facts completely confirm formulated and proved by us earlier expediency of differentiation between regulation and management processes of domestic oil and gas (and in this case oil) PTS among different levels of management hierarchy in the branches of national economy.

The Ukrainian GTS strategic tasks are first of all keeping it at high technical and technological level, secondly, expansion through development of UGS system for the purpose of the guaranteed supply of natural gas both on internal and on the European markets.

However, called in 2002 “a big national asset” [9, page 17], GTS of Ukraine has not even become such asset for present time, and continues to be the source of internal and interstate misunderstandings, conflicts and confrontations of political, social, financial and economic character.

However, until recently the absolute dependence of GTS subjects of house-keeping operating on regulatory and administrative influences of domestic government structures and long braking of any positive steps in its European integration aspirations, generated unjustified, and often simply harmful political, economic and social consequences in market sector for all participants of natural gas transition: growth of debt obligations and accounts payment, reduction of capitalization and escape of investors, loss of mutual trust and lack of prospects, price instability and social tension, etc. Dynamics of GTS companies functioning efficiency also shows the tendency of continuous deterioration of results.

Both scientists and experts unambiguously proved that the radical solution of problems of the Ukrainian gas market and its GTS is possible only on the way of their radical structural and functional reorganization according to European standards, with further integration in European and if necessary in the world markets. Thus, a complex of the offered actions for reforming of Ukrainian gas sector according to European principles on the basis of strategic interest of the European Union in integration of both GTS and UGS [10, 11] and the positive dynamics predicted by the majority of key world analytical structures, the world and the European markets of gas will be able to bring to Ukraine notable positive results.

Thus, I come to necessity of improving the regulatory and administrative activity concerning PTSM already at the third level of hierarchy namely at the interstate level.

**Interstate level.** Taking into account the fact that perhaps no sector of the national economies of the Russian Federation, Ukraine and the European Union is so closely interrelated as trunk PS and that the overall success of state policy implementation of the above mentioned countries depends on the level of their cooperation, all the parties concerned should consider possible broadening of co-

operation in this field as one of the key factors in energy security development of everyone involved.

Therefore, the deliberate strategic policy of Ukraine's integration into the European Union without sacrificing the relations with the Russian Federation in the field of hydrocarbons transportation can and should become a means of achieving pragmatic goals by all the participants of the above mentioned reasonable scheme of interaction between Russia, Ukraine and EU (or other possible versions) and presuppose the mandatory execution by government structures of the following provisions:

- state identification of the balance between political, economic and social interests in diversification of transit transport routes to prevent negative consequences for the domestic economy by means of construction and introduction of bypass routes;

- the development and implementation of state policy of transit transportation of raw hydrocarbons in cooperation and harmony with the Russian Federation and the European Union;

- the creation, rise and emerging role of community councils based on involvement and use of the intellectual capacity of scientists, experts, businessmen and representatives of non-governmental organizations;

- the use and state coordination of diplomatic mechanisms to counteract the creation of bypass routes, promote the intentions and projects of the Russian Federation aimed at increasing the production of raw hydrocarbons, creating additional production capacities and routes, expanding the harmonious cooperation between Ukrainian, Russian and European companies;

- partnership in the creation, development and implementation of the long-term transit transport strategy in the Eurasian region, active consulting and coordination of positions, intentions and interests of the parties at the level of government structures of the RF, EU and Ukraine in operation, renovation and construction of transnational PTS;

- the differentiation of regulatory and administrative actions of states with direct control of economic activities of business entities in the field of PTS;

- the privatization of PTS according to the above mentioned terms of multilateral international and private partnerships.

The national priorities of Ukraine in the multilateral cooperation should include:

- the support for the EU policy on Russia's accession to and ratification of the European Energy Charter Treaty to improve and develop market competition in natural gas supply from CIS countries to European markets;

- the coordination and harmonization of Ukraine and Russia's accession to multilateral associations, participation in European projects in the energy sector;

- the harmonization of laws, regulations and standards of Ukraine with pertinent EU document items, creation of legislative conditions, guaranteed and clear rules and procedures for privatization and operation of transport enterprises in the field (including the involvement of foreign capital);

- the inclusion of the transnational energy transit issues into the priority list of interactions between the intergovernmental and interparliamentary structures of Ukraine and the EU with simultaneous exclusion from their business practices of possibilities to interfere with economic activities of companies participating in multilateral international and private partnerships.

In the context of European integration of the Ukrainian trunk pipeline systems, the main goal of enhancing the utilization efficiency and developing the potential trunk PS can be achieved only by means of scientifically based changes in the complex implementation mechanism of state policy in the field, state regulation and control with mandatory adaptation and harmonization of Ukrainian legislation with the parts of the European Energy Charter, norms and standards of the European Union in the following chapters: “Free movement of goods”, “Free movement of capital”, “Company law”, “Intellectual property rights”, “Power production”, “Taxes”, “Science and research”, “Environment”.

Pursuing the prescriptive management of the trunk PS by Russian and Ukrainian governments and lack of a single economic structure formed on the part of the EU countries restrict the implementation of most projects of mutual, productive, efficient and cost-effective cooperation.

The priorities of state regulation and control of Ukrainian trunk PS, defined in the course of my investigation, are designed to ensure the effective and efficient functioning of the national system of oil and gas PTS to the good of the Ukrainian society, which requires both state leaders and chief executives of the industry and its enterprises to realize the generalized assessment criteria of their collaborative activities.

The indicators of effectiveness and efficiency of state regulation and control of the of national trunk PS operation – the main estimates of the expected or received implementation results of the developed and existing state policy in this sector of national economy, are undoubtedly of great interest for my study as they can substantiate the reasons and level of government intervention in this activity.

The authors of the monograph “Efficiency of State Control” [12, p. 49] interpret these characteristics in the following way:

- effectiveness is the degree to which the intended objectives of state policy are achieved, which demonstrates the extent to which obtained results are close to the declared ones;

- efficiency is the correlation between state policy expenditures and obtained results, measured by natural or value indicators.

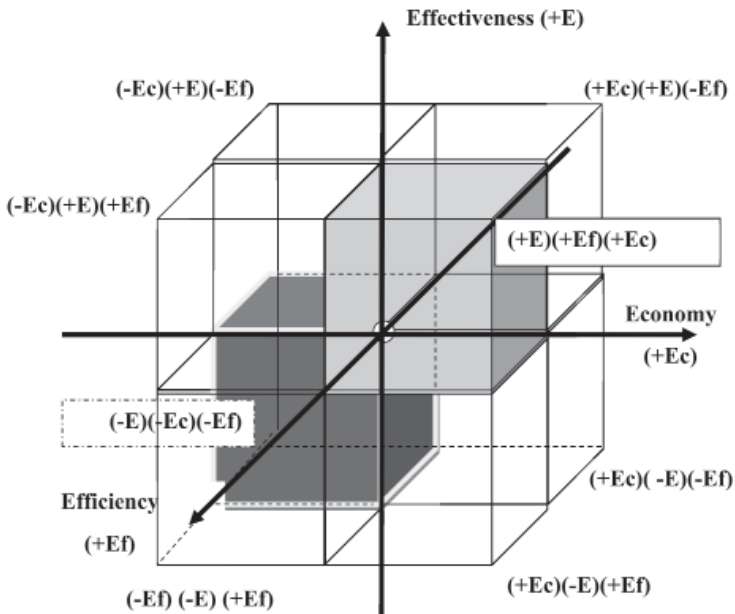


In European countries the efficiency and effectiveness assessment of state policies, programs or activities of government agencies can be also performed according to the EEE concept, in which the similar notions of effectiveness and efficiency are enhanced by the concept of economy, which means "... minimising the cost of resources used for an activity, having regard to appropriate quality" [13, p.15].

If the above mentioned assessment criteria are set in Cartesian coordinates, they form the EEE dimensional model (Fig. 2), which illustrates possible variants of result assessment of state regulation and control in terms of effectiveness, efficiency and economy.

It is obvious that the best consequences and results of the state regulatory and control actions correspond to the position of relevant object characteristics in the first octant of the dimensional model, described by a set of parameters  $(+E)(+Ef)(+Ec)$ , and the worst consequences and results are in the opposite octant with parameters  $(-E)(-Ec)(-Ef)$ .

It is evident that the only possible variant of state impact on the object under regulation and control is the results, described by the criteria  $(+E)(+Ef)(+Ec)$ . All other variants with at least one component with the minus sign are unsatisfactory.



**Fig. 2** – Dimensional model of result assessment of state regulation and control in terms of effectiveness, efficiency and economy (author's interpretation)

## **Conclusions**

The proposed recommendations for the solution of challenging issues not in a separate area, but in terms of EEE concept with the substantiated simultaneous exclusion of the political component by means of differentiating the regulatory and control actions of government agencies and preserving the vertically integrated system of NJSC based on divisional structure require radical changes in the system of relations and powers between the company and its subsidiaries in terms of optimizing their financial and economic activities, management and control functions in order to observe the norms of the European law and introduce the European management culture, which are cumulatively designed to ensure:

1. Setting of market rates for all categories of customers or development of the efficient government program on rate increase for households and thermal power enterprises.
2. Revision of the system and principles of setting oil and gas transport rates, which presupposes the location of the PTS entry and exit points.
3. Free access to the PTS and creation of independent system operators of OPTSU and GPTSU.
4. Increasing the capacity of gas storage facilities and their modernization in order to facilitate the withdrawal/injection.
5. Equal rights for oil and gas producers through the development, adoption and implementation of a clear and predictable government policy.
6. Installation and modernization of gas meters with the transition from the volume metering system (cubic meters) to the caloric value measurement (usually in megawatt-hour).
7. Structural, organizational and functional reforming (reengineering) of the NJSC “Naftogaz of Ukraine” and turning it into a modern, socially responsible company, independent of the government.
8. Inclusion of the Ukrainian oil and gas PTS into the relevant EU power networks as an equal and responsible member of the Energy Community.

The implementation of the combined action program of the Government and chief executives of the industry in the context of improving state regulation and control of NJSC “Naftogaz of Ukraine” will enhance Company’s position and the state of its PTS in terms of effectiveness, efficiency and economy criteria due to: the reliable and efficient operation of Ukrainian oil and gas PTS and their direct integration into the European oil and gas pipeline network; reconstruction, modernization, technical and technological re-equipment of the Ukrainian PTS units; enhancement of environmental and technological safety of the oil and gas pipelines; creating a favourable investment climate for further

development of the Ukrainian oil and gas PTS; creation of employment; increasing the revenues of state and local budgets.

This will result in the elimination of the outdated relations in terms of state, industry sector and enterprises, that impede the development of the Ukrainian oil and gas industry, its enterprises in general and trunk PS, mainly because of the long-term impact of the imperfect state and corporate management, existence of contradictions, defects and gaps in the Ukrainian legislation, inefficient state regulation in the oil and gas complex.

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## PRIORITY TASKS IN ORGANIZATION OF NATIONAL PHYSICAL CULTURE AND SPORTS MANAGEMENT IN UKRAINE

Physical culture is a part of the general culture of society to promote health, physical development, moral and volitional and intellectual abilities for the harmonious formation of his personality. Physical education is an important means of improving the social and labor activity of people, meeting their moral, aesthetic and creative requests vital for mutual communication, development of friendly relations between nations. The role of the state and thus the role of the institutions of physical culture and sport control is a concern for the citizen's health, giving opportunities for active physical education and sports. Understanding of the fact that future of any state is determined by the health of society led to the strengthening of the role of physical culture and sports in the state. A special role is given to the principles of scientific management. They are designed to accumulate new trends in governance, consider the scientific knowledge which increases its social significance.

**Keywords:** physical education, sport, governance

**Nikitenko S.V. Priorytety w zarządzaniu kulturze fizycznej i sportu w Ukrainie**

Kultura fizyczna jest najważniejszym narzędziem w poprawie i aktywności zawodowej osób, odpowiadając na ich moralnych, estetycznych i twórczych wymagań, życiowej konieczności komunikacji, rozwoju przyjaznych stosunków między narodami. Zadaniem państwa i społeczeństwa jest dbanie o obywatela, jego zdrowie, dając mu możliwość aktywnego udziału w kulturze fizycznej i sportu. Zrozumienie, że przyszłość każdego kraju zależy od zdrowia obywateli, doprowadziła do umocnienia roli aktywności fizycznej i sportu w państwie. Szczególną rolę poświęca się zasadami organizacji zarządzania naukowego. Są one przeznaczone do gromadzenia nowych trendów w rozwoju administracji publicznej, aby wziąć pod uwagę stan współczesnej wiedzy naukowej, która zwiększa jego znaczenie społeczne.

**Słowa kluczowe:** wychowanie fizyczne, sport, administracja publiczna

**Нікітенко С.В. Першочергові завдання в організації державного управління фізичною культурою та спортом в Україні**

Фізична культура та спорт – є складовою частиною загальної культури суспільства, яка спрямована на зміцнення здоров'я, розвиток фізичних, морально-вольових та інтелектуальних здібностей людини з метою гармонійного формування її особистості. Фізична культура виступає важливим засобом підвищення соціальної і трудової активності людей, задоволення їх моральних, естетичних та творчих запитів, життєво важливої потреби взаємного спілкування, розвитку дружніх стосунків між народами. Завданням держави та суспільства, а відповідно і органів управління фізичною культурою і спортом – є турбота про громадянина, його здоров'я, створення йому можливостей для активного заняття фізичною культурою і спортом. Розуміння того, що майбутнє країни визначається здоров'ям членів суспільства, привело до посилення ролі фізичної культури та спорту в діяльності нашої держави. Особлива роль автором відводиться принципам організації наукового управління. Вони покликані акумулювати нові тенденції в розвитку державного управління, враховувати стан сучасного наукового пізнання, що підвищує його суспільне значення.

**Ключові слова:** фізична культура, спорт, державне управління

**Никитенко С.В. Первоочередные задачи в организации государственного управления физической культурой и спортом в Украине**

Физическая культура и спорт – составляющая часть общей культуры общества, направлена на укрепление здоровья, развитие физических, морально-волевых и интеллектуальных способностей человека с целью гармонического формирования его индивидуальности. Физическая культура есть важнейшим инструментом в повышении и трудовой активности людей, удовлетворении их моральных, эстетических и творческих потребностей, жизненно важной необходимости общения, развития дружественных отношений между народами. Заданием государства и общества, а значит и органов управления физической культурой и спортом – это забота о гражданине, его здоровье, предоставление ему возможностей для активного занятия физической культурой и спортом. Понимание того, что будущее любой страны определяется здоровьем граждан, привело к усилению роли физической культуры и спорта в деятельности государства. Особая роль отводится принципам организации научного управления. Они призваны аккумулировать новые тенденции в развитии государственного управления, учитывать состояние современного научного познания, что повышает его общественное значение.

**Ключевые слова:** физическая культура, спорт, государственное управление.

## **Introduction**

One of the principal results of the process of social and economic reforming in Ukraine is an attempt to decentralize management of the life of society in general and physical culture and sports in particular. The refusal of the administrative-command management model in favor of democratic principles requires scientific support of these difficult processes of transformation. In this regard, it was necessary to study the specific character of management of physical culture and sports at different levels under the conditions of reforming in the social and economic field. Primarily it concerns the definition of algorithms in the separation of powers between the central and local public authorities. There is a need to study the gathered experience with the purpose of accumulation of recommendations of the scientists on further improvement of activity of the local public authorities in the organization of physical culture and sports of higher achievements.

## **Analysis of recent research**

The priority task of the Ukrainian state and society, and therefore of the authorities of physical culture and sports management, should be taking care of the citizen, his health, creating appropriate opportunities for him for engaging in physical culture and sports. The start of building an independent state and the transition to the market relations in Ukraine since 1990 posed many problems in the field of organization of physical education of the population and in the sports of higher achievements. The article of Yu. Michuda has an increased focus on this occasion [1]. The conceptual foundations of the reorganization of national management in the field of physical culture and sports which we study are arisen in the works of O. Vatsaba, I. Hasiuk, N. Zhmarova, P. Kohut and others [2-3, 6-7]. We can accept the opinion expressed by O. Vatsaba that there is a lack of special studies on organizational and managerial and legal issues of development of physical culture and sports at the present time [2, p. 5-6]. Therefore, the object of this study is the organizational and managerial base of development of physical culture and sports in Ukraine at the present stage.

## **Statement of research objectives**

In this article, we aim to study all positive things that have been achieved in the field of protection of rights of the citizens of our country to engagement in physical culture and sports, as well as determine how well the public authorities contribute to this process, what problems still have to be solved on the legislative and organizational levels. As we consider one of the important issues, which actualize this study is the disintegration of the system of national physical culture and sports management. Much of this problem is determined by the imperfection of the legislation in the field of physical culture and sports, what

does not allow to avoid disagreements and conflicts between the center and the regions, between the state and public organizations and associations (federations of the respective sports) and what is the most important - between the individual person and the state authorities.

### **Results**

For twenty-five years of continual experiments on optimization of the authorities of national physical culture and sports management, there has come the realization that the future of each state is determined by the health of society, and this in turn leads to the strengthening of the role of physical culture and sports in the activity of state bodies. In addition to the organizational component, the legal issues take an important place in the reorganization of the national management. Unfortunately, the legal foundation which is the basis for implementing the state policy in the field of physical culture sports has not yet fully met the objectives of social and economic transformations that have taken place in Ukraine in 1991-2015, and established promising programs. In fact, there are no reliable and effective (not declaratory) mechanisms for the enforcement of the rights of the citizens of Ukraine, guaranteed by the Constitution of Ukraine.

Quality implementation of functions of national physical culture and sports management is possible only in case of selection of interrelated with them methods, which meet the goal, tasks, content of each management functions. The use of modern management processes of the industry development is extremely an urgent problem, which is caused by the complexity and ambiguity of management situations, negative impacts of various factors affecting the dynamics of development of the field of physical culture and sports, as well as its daily functioning in the society, and this requires the search of appropriate management decisions in a purely methodological approach to the selection and use of effective mechanisms for the development of the industry as a whole, and its individual sub-systems [3, p. 196].

Due to the governmental regulation, the financial relations between the state and the sports organizations (societies) are built-up in a new light. Obviously, these trends have been formed through the definition of the principle directions of the state policy in the sphere of physical culture and sports, laying the legal basis of activity of physical culture and sports organizations. It is clear that the study of the possibilities of optimization of management of development of physical culture and sports movement, the introduction of innovative algorithms for planning and implementation of key activities will allow to understand more clearly the borders of professional competence of officials, will create conditions for a more successful cooperation with the public authorities of various



levels when implementing the common objectives and programs, will enable to implement more effectively the planned practical activities.

The situation in the field of physical culture and sports is still difficult. The most acute problem is the insufficient level of inclusion of the population in doing exercises of health and fitness destination. According to this index, our country is much inferior to the leading European countries: Britain, Germany, Finland, Sweden and some others. The existing experience of other leading countries shows (we have to take into account the existing researches of sociologists, physicians, gerontologists) that the physical activity during the passage of every human life - is an effective tool, aimed to disease prevention and health promotion. Accordingly, it affects the overall living standards of citizens and the expenses of the state budget on medicine and public health. The lifetime of population of our country takes one of the last places on the continent. Especially disappointing situation is observed among the male population: smoking, excessive drinking and other bad habits. Although we have to notice that some positive changes in the sports, sports industry and access to the physical training of a wide range of the citizens are in process.

Analyzing the current situation we should take into consideration the fact that the system of physical culture in Ukraine consists of a large number sub-systems. In general, all components of the system can be divided into three groups: state, public and commercial organizations.

In general in Ukraine there have been formed the legislative and regulatory basis, which is necessary for managing the development of physical culture and sports. On December 24, 1993 there was adopted the Law "On Physical Culture and Sports" [10], which defines the legal, social, economic and organizational principles of physical culture and sports in Ukraine, the participation of state bodies, officials and enterprises, institutions and organizations irrespective of their form of ownership in promotion of public health, achievement of the highest standards of efficiency and longevity by means of physical culture, sports and tourism. The Law "On Local Government in Ukraine" [11] defines the system and powers of local public authorities in the field of physical culture, sports and tourism. The evidence of a certain attention of the state to the problems of physical culture and sports is the adoption of the integrated target program "Physical Health Education of the Nation" (the program defined the major tasks and arrangements for the development of physical culture and sports in 1998-2005); the regulation "On Additional Measures of the State Support of the Development of Physical Culture and Sports in Ukraine" (there were given 140 maintenance allowance to outstanding athletes and coaches in Olympic sports); "On state grants to champions and winners of Olympic, Paralympic and Deaf-

lympic games”, “On National Doctrine of development of physical culture and sports” (there was approved the system of conceptual ideas and views on the role, organizational structure and tasks of physical culture and sports in Ukraine for the period till 2016 ). Unfortunately, under the conditions of the Russian-Ukrainian war on issues of physical culture and sports of the highest achievement took the back seat. Some activation from the part of the state “men” can be seen just before the important international competitions only.

Noting some positive developments we have to note that the transfer of the most federation to the self-sustainment by sports appeared unjustified. These decisions necessitated the creation of management structures in each federation, they caused the repeated increase in the number of management and operational personnel and as a result - an increase of non-operating expenses. Some sports due to the lack of funding go through the stagnation.

We found that in determining the structure of governing bodies of physical culture and sports management the objective reasons and legal justification for the replacement of one governing body to another are absent, there is observed the tendency to weakening of the role of the state in the development of physical culture of population, as well as the numerous cases of premature transfer of some functions from the national governing bodies to the public associations and organizations, a positive experience of organization and management of physical culture and sports , which had been accumulated in the Soviet Union and by the leading worldwide countries had not been used, the legislative acts, which regulate the activities bodies of management of physical culture and sports in Ukraine, are ignored.

If make a comparison, the analysis of the management of physical and sports movement of a number of leading countries has shown that in most of them the responsibility for the development of physical culture and sports are primarily born by the governing bodies. These countries include Austria, the Grate Britain, Spain, Canada, France and others [5, p.7-8]. In the countries where there is no Ministry of Sport, for its development are often responsible other governing bodies: The Federal Republic of Germany, Switzerland, Japan and others. [5, p. 9] The analysis of the organizational structure of the sports movement in different countries shows that its models result from the number of historical, cultural, social and economic, and in some cases, political factors. However, none of them can be considered an exemplary model, which the other countries and Ukraine in particular should use.

To improve managerial efficiency of physical culture and sports in Ukraine at the legislative level, there is an urgent need for consolidation of the modern conceptual apparatus of physical culture and sports, and provision of effective

powers for the managerial bodies. In the course of reforms, introduced in recent years, this is the time for adoption of the new law, which would allow to create a legal base for regulation of relations in the field of child, youth and professional sports, to regulate the legal status of athletes in all sports, to ensure favorable conditions for physical education and physical development of population [9, p. 9-10].

Now in Ukraine the citizens are actively interested in the healthy lifestyle. WE can talk about the fact that there is a new social phenomenon, which is manifested by a significant economic interest of the citizens in promotion of health as the basis of their own financial well-being. More and more citizens invest in their health by maintaining the proper level of their own physical conditions. Unwillingness to work for a pharmacy becomes a necessity of life.

As already noted, in addition to management decisions, the problems in the legal field have been accumulated. Due to government regulations the financial relations between the state and sports organizations (societies) are built in a new light. Obviously, these tendencies have been formed due to the determination of the main directions of the state policy in the sphere of physical culture and sports, laying the legal basis of activity of physical education and sports organizations. The citizens in an increasing number go to gyms, fitness centers, swimming pools and more.

If you look at the services market, you will see that its characteristic treat is a segmentation. It is caused by the fact that it can be oriented to different objective population categories. The business has quickly enough answered to changes in the public perception of physical culture and sports. Business structures offer a range of services. Including:

- educational and training activities;
- sports and recreational services;
- physical rehabilitation;
- improvement of professional sporting skills;
- organization of visits to physical education and sports activities;
- physical renewal and spiritual development of the individual.

Business services in relation to the consumer can be divided into direct (fitness, etc.) and indirect (broadcast on the internet of the sporting events, etc.). A certain classification by services' orientation can be possible: a) those that focus on person (athletic training); b) oriented to a specific facility (repair of sports equipment, etc.).

An important task of the state policy in the sphere of physical culture and sports is the development of the optimal industry management model, where the competence and powers of all objects of physical and sports activities both

at the national and regional level and the local authorities will be clearly divided and coordinated.

The practical application of the provisions of legal documents and evaluation of the results of this work requires certain mechanisms which are still in progress. The legal framework on the development of mass physical culture of the population and the sports of highest achievements is closely connected with the law on education, social protection of population, health care, entrepreneurial activity, local government, that's why it constitutes a wide array of legislative acts which regulate legal relations arising in the course of the implementation of the rights of citizens to do physical culture and sports, to maintain health through active lifestyle. That's why it directly relates to important tools of modern state policy in the field of providing quality life of the citizens of Ukraine.

Obviously, the management of physical culture and sports should be divided into three functional clusters: national, regional and local levels. It's necessary to create this system from the bottom-upwards, which will allow to better accommodate the interests and needs of the citizens. The national level requires:

- development of qualitatively new strategy of the state policy of development of physical culture and sports in the new social and economic conditions;
- ensuring of the implementation of key provisions of the target program for the development of physical culture and sports in Ukraine in the future;
- inter-sectoral coordinations and functional regulation in the field of physical culture and sports;
- further development of the legal framework of support of the sports movement, professional sports, including the participation of local cells in the formation of laws;
- creation of an adequate scientific and reasonable system of health and physical education of the population;
- development and implementation of inter-sectoral programs on issues of the development of physical culture and sports;
- training and retraining of highly qualified personnel;
- methodological, financial and organizational maintenance of the preparation and participation of national teams in the international competitions;
- creation of conditions for the development of sports industry in the country with the purpose of investments attraction in the sphere of physical culture and sports;
- conduction of all necessary works on mandatory certification of products and services in the field of physical culture and sports.

The prerogative of regional and municipal authorities should be a specific, practical work on the development of physical culture and sports. Its main di-

rection is the creation of conditions for physical training and sports at place of residence of the wide range of citizens, in educational institutions, labor groups, among all age groups and population categories.

The regional level obviously should include:

- formation of the regional budget taking into account the principle of priority of physical and sport activities in the authorities social policy;
- development and implementation of the specific regional and inter-municipal programs and projects on physical culture and sports, including the mass involvement of different population groups to the systematic engagement in doing physical culture and sports.

The local level must first have in keeping:

- interaction of executive and local authorities and with the public associations and other organizations;
- development of more effective systems of management and organization of physical and sport activities at the local level;
- reconstruction and construction of educational and sports base of educational institutions, providing them with necessary equipment and inventory, remuneration of experts' work;
- organization of sports and recreation centers at place of residence on the base of youth clubs, pre-school institutions, schools, pupil rooms, physical education and sports complexes etc.
- organization and arrangement of the municipalities of the digest competitions of sportsmanship, recreation activities at place of residence (Housing exploitation complexes, Directorate for consolidated procurement etc.), in educational institutions, in labor collectives;
- financial and moral incentives of all kinds and forms of physical education and sports activities, prominent athletes (the boards of honor, awards and prizes, scholarships, housing);
- promotion and support of athletes, students of sports higher educational establishments patronizing educational institutions;
- work on creation of material and sports facilities at place of residence and the development of payment mechanism for instructor-coordinator.

It is necessary to acknowledge that till the present time the necessary material and technical infrastructure of sports and recreation and wide sporting activities at place of studies, work, residence and recreation of the population have not been formed in Ukraine. The national sports industry which aims to produce the high-quality sports uniforms, tools and equipment, that would be able to compete with the leading manufacturers of such products in the developed countries are is practically non-existent.

At the legislative level the state provides the citizens with the single standard of physical culture, volume and scope of services in the sphere of physical culture and sport, and guarantees the equal for all the citizens legal opportunities of physical improvement, including acquirement of sportsmanship for all comers, the activity which contributes to the development physical culture and sports, promotion of health is encouraged [9].

The weak points in the deployment of physical education and sports among teenagers and young people is determined by the complex of outstanding issues, which include the not-developed material and technical infrastructure; limited training time that is given to physical education classes; lacks in training teaching staff; focus on the average ratings; inconsistency in the actions of public education, health and others bodies [8].

Therewith, the analysis of law application showed the excessive declarativity, significant deficiencies and gaps in the rules governing the legal relations in the sphere of physical culture and sports, sometimes they conflict with other legal rules, including constitutional ones. The specific functions of physical education and are often governed by the sublaw, administrative and other legal and regulatory acts and documents, target programs, educational standards, curricula and more.

Also, the constitutional provisions are not sufficient for the organization and operation of the systems of physical culture and sports management. In the modern conditions it is important to determine the extent of state involvement in ensuring the process of expanded reproduction in the field of physical culture and sports. First of all, it needs quality refocusing of the economic activity of the central executive body of physical culture and sports. It is advisable to exempt from function of the operational disposal of financial resources with the purpose of maintenance of national sports teams, conduction of training sessions and other activities. The first steps in this direction have already been made in 2014-2015. The current legal framework has not received the necessary regulatory content, what generates the instability of managerial structures and as a result, there occurs its frequent structural and personnel changes etc. The office, which is responsible for the physical training movement and sport of higher achievements quite often changed its status, and it was headed by random people without managerial experience in the field of physical culture and sports. The solution of these problems will improve the effectiveness of organization of mass physical training and sports movement in Ukraine.

It is clear that the legislation and managerial methods in the field of physical culture and sports should be improved. Under modern conditions they should promote the formation of proper conditions primarily for the organizations,

which implements the programs of development of physical culture and sports among children, disabled, orphans. The governmental bodies should create the conditions that enable sponsors and investors to channel funds to the construction of new facilities and purchase of sports equipment. It also necessary to pay attention to the promotion of sports activities.

### **Conclusions**

The problems in the development of physical education and sports of the highest achievements in Ukraine can be identified the following areas of activity:

- increase of competition in the international arena;
- budget financing of physical culture and sports with whatever funds remain;
- outflow of the qualified managerial and training personnel;
- small number of sports arenas, gyms, swimming pools etc.
- insufficient promotion of healthy lifestyle, on the contrary - advertisement on television, on big-boards promote cigarettes and alcohol.

Evidently there is a need to work out the professional “passport” following the sports, social security and to protect the interests of athletes with a special law. The question concerning the legal status of physical education and sports associations and organizations remains unresolved. The approaches to the creation and organization of activity of state and public organizations, commercial organizations of physical education and sport direction have not been regulated yet. Occasionally there are contradictions between investors, shareholders, owners of sports facilities, teams, registered brands. This sphere of sports life also requires a legislative regulation or managerial decisions. In Ukraine the legal basis of contraction to use of doping or other crimes in the field of sports of the highest achievements is still insufficient. However, in contrast with the Russian Federation (as showed the doping scandal among athletics) in Ukraine the use of doping is not the national program – a win at all costs, but is the initiative of individual athletes or unscrupulous trainers what nevertheless strikes the international prestige of the state. In turn, winning athletes in a fair competition in the European championships and in the world, at the Olympic Games bring prestige to the state where they grew and gained the highest conditions [12, p. 156].

Our analysis of the situation showed that state and local authorities, in spite of some weak points in their work – are a guiding and organizing force that is able to make decisions and implement them in life. The important objective of the state policy in the sphere of physical culture and sports is the formation of the optimal industry managerial model, when the competence and powers, functions and responsibilities of all subjects of physical education and sports will

be clearly divided and coordinated. The key blocks of problems of state policy of Ukraine in the sphere of physical culture and sports at the present moment is the absence of precise and scientifically based concept of this state policy, low efficiency of its legal regulation.

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**Section 3.**  
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## **THE PROBLEMS OF CIVIL SERVANTS' IMAGE FORMATION IN TERMS OF CONFLICT RELATIONS**

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*The essence and the problems of civil servants' image formation of Ukraine, the conditions that can ensure the productive development of professionalism have been analyzed; the ways of creating a positive image of a public management representative in terms of conflict relations have been suggested. The professional activity of civil servants is, thus, socially important: they personify the state, being representatives and bearers of real authority that help or hinder the realisation of citizens' necessities and interests. That is why the evaluation of officers' professional activity has a complex nature that combines both the evaluation of their activity results by the subjects themselves and the evaluation of the result of their activity in a society. Subjective evaluation of the effectiveness of the civil service and public administration are based on the perception of the nature of the relationship between society and the government, the civil servants' image, which has developed in mass consciousness. The intention to negotiate, especially in a state of conflict between the actors of government and civil society is very important, in fact it is the transition from a conflict situation to a situation of negotiation, since personal experience of interaction of citizens with specific officials often summarized in the idea of civil servants, their image in General. One of the functions of political management is the establishment of effective, lasting communications in terms of conflict relations. The management of communication permits the participants of the political process to develop the strong sides and to neutralize the weak ones. As a result of communicative interaction, the information that is received in the process of feedback permits to correct the political line and gives an idea about the public opinion on local issues.*

**Keywords:** civil service; civil servant; managerial professionalism; image; communicative interaction; negotiations.

**Bondar A.L. Problemy z tworzeniem obrazu służby cywilnej w warunkach konfliktów**

*Przeanalizowani charakter i problemy związane z tworzeniem obrazu urzędników Ukrainy, na warunkach, które są w stanie zapewnić rozwój produktywny profesjonalizmu i sposobów tworzenia pozytywnego obrazu przedstawiciela administracji publicznej w stosunkach konfliktowych.*

**Słowa kluczowe:** służba cywilna, urzędnik, interakcja komunikacyjna, stosunki konfliktowe, negocjacje.

*Бондар Г.Л. Проблеми формування іміджу державних службовців в умовах конфліктних відносин*

*Проаналізовано сутність та проблеми формування іміджу державних службовців України, умови, які здатні забезпечити продуктивний розвиток професіоналізму та запропоновано шляхи створення позитивного іміджу представника державного управління в умовах конфліктних відносин.*

**Ключові слова:** державна служба; державний службовець; управлінський професіоналізм; імідж; комунікативна взаємодія; конфліктні відносини, переговори.

*Бондарь А.Л. Проблемы формирования имиджа государственных служащих в условиях конфликтных отношений*

*Проанализированы суть и проблемы формирования имиджа государственных служащих Украины, условия, которые способны обеспечить продуктивное развитие профессионализма и предложены пути создания позитивного имиджа представителя государственного управления в условиях конфликтных отношений.*

**Ключевые слова:** государственная служба; государственный служащий; управленческий профессионализм; имидж; коммуникативное взаимодействие; конфликтные отношения; переговоры.

## Introduction

The problems of management in the field of civil service of Ukraine are urgent now, and to be solved, they require professional managers who are able to detect difficult and contradictory problems, to foretell their possible consequences, and to find new ways of solving these problems in the modern conditions of the development of the state and society. The question of forming a civil servant's positive image in the context of the importance of reforming the state system of government, and the question of interaction of government authorities with the civil society is also vital. That is why the consolidation of state authorities and the defence of nation-wide interests, and also dynamic social and economic development of the country are impossible without an effective civil service.

As the subject matter of civil service is social relations, correspondingly, their complex system is realised in different directions: between civil servants and the state; between civil servants and a civil society; between civil servants themselves with regard to structural and hierarchic connections; between particular civil servants (public officers) and particular citizens. The professional activity of civil servants is, thus, socially important: they personify the state, being representatives and bearers of real authority that help or hinder the realisation of citizens' necessities and interests. That is why the evaluation of officers' professional activity has a complex nature that combines both the evaluation of their activity results by the subjects themselves and the evaluation of the result of their activity in a society.

Subjective evaluation of the effectiveness of the civil service and public administration are based on the perception of the nature of the relationship between society and the government, the civil servants' image, which has developed in mass consciousness.

The intention to negotiate, especially in a state of conflict between the actors of government and civil society is very important, in fact it is the transition from a conflict situation to a situation of negotiation, since personal experience of interaction of citizens with specific officials often summarized in the idea of civil servants, their image in General.

### **Analysis of recent research**

Theoretical and methodological aspects of the research of authorities' image formation problem can be found in the works by V. Zazykin, I. Kuzmin, V. Shepil, O. Yehorova-Hantman, O. Hordieyev, O. Akimov, V. Bebyk, V. Kuybida, G. Pocheptsov, V. Korolko; the works by G. Atamanchuk, K. Kraynova are devoted to the peculiarities of professionalism in public management; managerial and socio-political role of bureaucracy is covered in the works by M. Veber, T. Parsons, M. Gilas, B. Kurashvili.

### **Statement of research objectives**

The objective of the article is to analyse the essence and the problems of Ukrainian civil servants' image formation, to define the conditions which can ensure the productive development of professionalism and to suggest the ways of creating a positive image of a public management representative in terms of conflict relations.

### **Results**

The concept of «image» in the works of V. Zazykin, V. Shepil is considered as existing in the mass consciousness and of the nature of stereotype is highly emotionally charged image of something or someone [2, p. 34; 10]. According to G. Pocheptsov the image-building can be described as communicative

programming, since the question is about the selection of the most favorable formats [3, p. 40].

The image has the following features: subjectivity (the ability to appreciate it only because of relationships and evaluations of others, manifested in communication, activity, selection); emotionality (combination of realistic and desirable traits); instability (requires constant reinforcement).

The lack of adequate reinforcements, the complexity of semantic structure, the clear superiority of the desired (socially approved), but not realistic qualities, low emotionality contribute to the deterioration of confidence in the subject, the destruction of the positive image.

The image determines the degree of support of a society reflects the level of trust and effectiveness of the state apparatus. It captures the degree of conformity of state action requirements and expectations of particular social groups and society as a whole. Formation of positive image of civil service and civil servants is a precondition for the effective functioning and development of this social institution.

There are certain requirements to official conduct of public servants, which can be classified in three varieties: - incorporation, for example: to perform official duties in good faith, on a high professional level; to understand that the recognition, observance and protection of the rights and freedoms of man and citizen determine the essence and content of professional activity; to carry out professional activities within the framework set by law the competence of the state authority; - restrictive requirements, for example: to adhere to the limitations established by law; not to do actions that disgrace the honor and dignity; to avoid conflict situations capable of inflicting damage to personal reputation or the reputation of the state body; - requirements: to be fair, in collaboration with the citizens; to observe the established rules of public speaking and providing service information.

One of the main requirements, which is presented to a public servant while discharging his official powers, according to G. Atamanchuk [1, p. 58], is managerial professionalism, which integrates the three groups of elements: and professional) competencies (knowledge, skills), b) ideology, C) morality. Moreover, in their integrity and relationship.

The worldview shapes the ideals, values and management objectives, ethics technology for their implementation. And if any of the elements of the mentioned groups of skills within the subject of power have negative characteristics, it is difficult to speak of democratic, rational and effective management.

Also the basis for managerial professionalism is, of course, knowledge of a particular specialty associated with managerial knowledge. Very important to manage are the three groups of knowledge. This is the knowledge about the

contradictions of the development of nature, society and thinking, because this is the basis for managerial interventions. Without these components it is impossible to implement effective programming and strategic planning.

This is the knowledge about the relationship, coordination, subordination between management systems and within them, as the only recording of them allows you to organize and maintain the orderliness of society. This is knowledge about man, his needs, motives and incentives of the behavior that creates the preconditions for reasonable regulation of its deeds and actions, including through various public and state institutions [1, p. 58].

Management comes from the worldview of the personnel of subjects of power that contains their perception of the world, the scale of the thinking, talent, understanding of the driving forces behind operation and development and the like. The limited guidance, self-righteousness, the inability to compare negatively affect the management. Worldview determines management thinking, which in its parameters is intended to be: a critical analysis (to see the flaws, retardation), creative-search (a variety), factually justified (in accordance with objectivity), evidential (argumentative), strategic scope (in time and space) responsible for the conclusions, evaluations and decisions, and convincing.

The embodiment of the contents of power leads to the fact that all of its parameters and their practical feasibility is entirely dependent on the morality of thinking, behaviour and actions of personnel of subjects of power. Morality contains internally the motives, values, norms and attitudes, which a person sincerely (without coercion and publicity stunts) is guided. Particularly relevant here is the attitude towards family and Homeland.

Any management system consists of two subsystems: one is a minor, but such that everything is decided by: the subject of authority; the other is the people who create the products, services, information, able to satisfy some personal, collective or public needs (personal or public queries) - managed objects. Together they form the capital, each which has a specific management system. Managerial professionalism of subjects of power in this case and is reflected in 1) the way he organizes, resource provides and stimulates the functioning of the managed objects and 2) how it distributes and uses the generated management system capital [1, p. 60]. In General, we can say that the status, potential and prospects of the management system determined by the extent the authority is capable of controlling (directing most of its development resources), then it is rational to invest increasing capital is the result of interaction between the authority and the managed objects. If not, then the state processes are observed enrichment in subjects of power and the increasing impoverishment of managed objects of power, in the country arises and intensifies the crisis.

While in the mass consciousness of Ukrainian citizens has been predominantly negative image of subjects at various levels of government. This is evidenced by the information of numerous opinion polls, particularly a survey conducted by Fund «Democratic initiatives name Ilka Kucheriv» and the sociological service of the Razumkov Center from 19 to 24 December 2014. Interviewed 2008 respondents older than 18 in all regions of Ukraine except Crimea. The theoretical error of selection – 2,3%. So, the question «to What extent do You trust the following state and non-state institutions?» – don't trust the Prosecutor's office – 41% of respondents, courts – 44,1%, the Constitutional court – 35.7%, the police – 35,1%, the government – 28%, security Service – 27,3%, the Verkhovna Rada of Ukraine is 26.5%, President – 23,3%, the local government is 21.8% [4].

Following research conducted by the sociological service of the Razumkov Centre from 6 to 12 November 2015. Interviewed 2008 respondents older than 18 in all regions of Ukraine, except the Crimea and occupied territories of Donetsk and Lugansk regions on the sample representing the adult population by the basic socio-demographic indicators. Theoretical error of selection doesn't exceed 2,3% with probability 0,95. To the question «How would You characterize the actions of the authorities (President, Government, Verkhovna Rada) aimed at protecting the sovereignty, independence and territorial integrity of Ukraine?» – 45.8% of the respondents answered «Protect only in words but in fact – busy fight for power and resources» [5].

It is worth mentioning about the study of public opinion on the state of corruption in state authorities of Ukraine. This study again was carried out by the sociological service of the Razumkov Centre from 30 September to 8 October 2013. Interviewed 2010 respondents aged 18 years in 137 localities. Sampling error does not exceed 2.3%. So, to the question «how widespread is corruption in each of the following areas?» the following results were obtained. State government as a whole: all covered corruption is 44.9%, corruption is quite common - 37,4%, almost no corruption and 1.1% [6]. On the question «do You feel in control of their state?» (dynamics, 2005-2012) as of August 2012 the respondents said Yes and 17.1%, no - 72%. This study was conducted by the sociological service of the Razumkov Centre jointly with the Fund «Democratic initiatives Ilka Kucheriv» from 10 to 15 August 2012. Interviewed 2009 respondents aged 18 years in all regions of Ukraine. The theoretical error of selection – 2,3% [7].

Nowadays a chiefly negative image of the subjects of state authorities at different levels has been formed. The data from numerous sociological surveys also prove this. It is obvious that the bases for the negative evaluation of civil



servants' moral qualities by the population are the civil servants' pursuit of the aims that do not concern the interests of either the civil service or population, and also the display of disrespect for the people who address the agencies of state authority and administration. The aims and guidelines of the civil service do not always meet the manager's life principles because of their low motivation and focus not on the content of work but on getting a high social status, power, material prosperity and social security at getting a corresponding position.

Civil servants objectively endowed with power and authority, but public service is not a privilege. Implementation of professional duties by public officials related to the duties and restrictions (for example, the right to criticize, entrepreneurial activity, suffrage), rigid self-discipline and responsibility.

Foreign experience of reforming a state apparatus proves that the successfulness of regulatory-legal, organisational, managerial and personnel actions depend directly on the civil service's organisational culture and on forming a positive image of a civil servant.

One of the functions of political management is the establishment of effective, lasting communications in terms of conflict relations. The management of communication permits the participants of the political process to develop the strong sides and to neutralize the weak ones. As a result of communicative interaction, the information that is received in the process of feedback permits to correct the political line and gives an idea about the public opinion on local issues.

The intention to conduct a constructive dialogue, negotiations especially in conflict between the authorities and civil society is very important, in fact it is the transition from a conflict situation to a situation of negotiations.

The negotiation process in terms of conflict relations is quite complicated and has its own specifics. Unlike negotiations in the framework of cooperation, it, first, imposes on the participants a special responsibility for the decisions, multiplying the «price error». Secondly, with the cooperation of the participants in the negotiations to build a new relationship that allows them to obtain a new product. Their goal is to negotiate a «contribution» of each, as well as the interaction and distribution of inputs. Otherwise the task in the conflict, where the main focus is usually on the allocation or reallocation of available resources. Therefore, the situation in the negotiations on the conflict settlement, such a situation is zero-sum. As a result, all negotiations in conflict situations are almost similar to each other that they are threats, ultimatums, and the conduct of the parties is “uncompromising” - they are focused on promoting, strengthening its position.

Despite the difference in negotiations in terms of cooperation and conflict, between them there are common elements that distinguish negotiations from

other forms of communication and, in fact, doing the talks negotiations. The neglect of these points leads either to the collapse of negotiations, or to turn them into a different kind of interaction.

One of the most important features of negotiations is that the parties' interests partly coincide and partly diverge. In the complete mismatch of interests existed, competition, contest, rivalry, confrontation, and, finally, wars, though, even in wars, the parties have common interests. However, in the apparent coincidence of interests or apparent divergence we deal with other kinds of interaction between the parties - cooperation or conflict, which are built differently.

Negotiations can be conducted from a position of strength, when one of the participants dictates the conditions different and uses different methods of coercion. However, the presence of common and conflicting interests of the parties, if clearly expressed power dictate negotiations cease to be negotiations, giving way to conflict.

In conflict the interests contradict each other, moreover, in conflict situations the divergence of interests is bigger and deeper than in terms of cooperation. At least, the parties perceive the assessment of their interests. During the negotiations the assessment of interests of the parties to the conflict can change.

A complex intersection of interests and the inability to implement them alone, through unilateral action makes the negotiating parties are interdependent. This is another important feature of the negotiations. The more the parties depend on each other, the more they are limited in their unilateral steps and, consequently, the more are forced to look for a solution together, through negotiations. It is important to note that the parties must be aware of their interdependence, and if not, then the dominant will attempt to resolve the conflict by unilateral actions. Then, when the unilateral actions of the parties to prevail, particularly those aimed at developing alternatives to a negotiated settlement, negotiations cease. While outwardly they may be some time "continue," i.e., the parties will pretend to negotiate: hold meetings, discuss the issues on the agenda, but virtually nothing on them decide. Sooner or later, such "talks" will be terminated.

The next important feature of the negotiations, without which they cannot be held - the presence of the communicating parties. It is an integral part of the negotiation process. Negotiations necessarily involve the discussion of the problem.

In conflict communication in negotiations is significantly complicated by negative stereotypes of the parties relative to each other, as well as other phenomena of perception and lack of communication channels. However, there is a feedback effect. With correct organization of the negotiation process communication contributes to a more adequate perception of the participants and that the object that caused the conflict, and each other.

Communication opens wide opportunities for negotiators. It allows them to not only better understand the nature of urgent problems but also to go beyond it to discuss a broader range of issues. However, this is possible if the communication on the negotiations will be based on dialogue, recognition of problems and needs each other. When you manage to build such communication, negotiations become one of the most constructive elements of political development.

It is important to keep in mind that other types of communication the negotiations have a problem that should be solved by joint efforts. If not, then the communication is reduced to the discussions, consultations.

The result of an effective political management is the achievement of consensus, developing a common decision on the problem solution and the implementation of political will.

According to Y. Habermas, under the criteria of management efficiency it is necessary to understand transparency and publicity of political communication that includes the participation of all subjects of political process [8, p. 43-63]. A. Shabrov notes that in the era of complication of social structures and the introduction of information technology the effectiveness of political governance is largely a matter of direct, immediate communication between the Manager and managed [9, p. 4-9] .

In addition, there is another important problem in the context of transparency and publicity of political communication, namely: for what purpose, the authorities intend to develop a communication dialog? Show openness or promising to develop public relations? A significant difference is that the imitation of communicative platforms for political projects solves only short term problems and are often caused by the personification of the political process, decisions are made impulsively and without considering the consequences in the medium and long term; at the same time, the creation of a stable and regular two-way communication will enable the authorities not simply be secured by public support, but to receive expert, innovative ideas aimed at enhancing the effectiveness of political governance. In recent years more and more in society growing a request for open government and transparent system of elections, delegation of power of authority for the coordination and management of public processes. Reveals the conflict between the desire of the power «to close» one-way communications and the desire of public agencies to engage in dialogue with the authorities, this is a problematic point for the study and implementation of the management of political communications.

### **Conclusions**

Thereby, the professional activity of civil servants is connected with combining public/social, group and individual interests. It can be considered

to be a type of managerial activity that combines the management of processes in different everyday spheres and managing people. The evaluation of the effectiveness of the professional activity civil servants and of the public administration are directly connected with the level of such trust in relationships between the society and authorities the formation of which is largely influenced by the officials' public image that has been created in the public opinion. Nowadays a stable negative image of a civil servant has been formed in the public opinion; it is obvious that there is a conflict between their image and a subjective idea about personal and professional qualities of an «ideal» and a «real» public officer.

The most common features of the negative image of civil servants is the idea of their bureaucracy, corruption and bribery, disrespect for people, the desire to use their work for personal gain.

Two groups of measures can be distinguished as measures for forming a public agent's positive image. The first group concerns the increase of effectiveness of civil servants' activities and is realised due to the improvement of methods of personnel policies. The second one is connected with the development and attempts of implementing the strict ethical norms of civil servants' professional activities that are aimed at disciplining them, enhancing their competence in difficult situations connected with the fulfilment of official obligations. The lack of adequate reinforcements, low emotional intensity and realism contribute to the weakening and destruction of the created image. Therefore, for the formation and maintenance of positive image of civil servant, it is advisable to use different media for interacting with civil society in conflict settings.

Only the negotiations between the government and civil society in conflict or cooperation, in which the main place in the hierarchy is a joint function with the partner solution, really are negotiations. And if not, then the talks turn into «quasi-negotiations», recalling the negotiations only under the form.

At this stage the scientific research in the field of forming civil servants' modern positive image in Ukraine is at the stage of further research of the image that has been formed and at the state of identifying the set of personal and professional qualities that, in citizens' opinion, public agents should have.

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## MANAGEMENT OF HUMAN POTENTIAL IN CONDITIONS OF CIVIL SERVICE REFORM

*The article is devoted to the analysis of the concept of “human capital” in the context of social development in order to show possible ways to optimize the management of human potential in the conditions of civil service reform in Ukraine. To achieve the goal of the article the author analyzed current provisions and the concept of human development, uncovered the meaning of human potential as a phenomenon in social development, explored mechanisms of the use of human potential in public administration in Ukraine. In order to increase the effectiveness of using of human potential in the public administration system in Ukraine the author proposes to adopt clear and suitable for practical purposes evaluation criteria of human resources, to develop the optimum model of use of human resources as an integrated system, to assess impact of components of personnel potential on indicators of management and production activities, to achieve compliance with quantitative and qualitative characteristics of personnel potential in public administration.*

**Keywords:** human potential, human resources, social development, mechanisms of public administration

**Zamaraev A.V. Zarządzanie potencjałem ludzkim w warunkach reformy służby cywilnej**

*W artykule stwierdza się, że potencjał ludzki jest miarą skuteczności rozwoju społecznego. Odzwierciedla to, aby zapewnić racjonalne lub minimalnych potrzeb ludności określonego podmiotu społeczno-terytorialną. Autor formułuje także osobliwości i priorytety w rozwoju zarządzania zasobami ludzkimi w administracji publicznej na Ukrainie.*

**Słowa kluczowe:** kapitał ludzki, rozwój zasobów ludzkich, rozwój społeczny, mechanizmy zarządzania.

**Замараєв А.В. Управління людським потенціалом в умовах реформування державної служби**

*У статті наголошується, що людський потенціал – це показник ефективності соціального рівня розвитку. Він відображає забезпеченість*

раціональних або мінімальних потреб населення певного соціально-територіального утворення. Також автор сформулював особливості та пріоритетні завдання у процесі розробки методів управління кадровим потенціалом у державному управлінні в Україні.

**Ключові слова:** людський потенціал, людські ресурси, суспільний розвиток, механізми державного управління.

**Замараев А.В. Управление человеческим потенциалом в условиях реформирования государственной службы**

В статье отмечается, что человеческий потенциал - это показатель эффективности социального уровня развития. Он отражает обеспеченность рациональных или минимальных потребностей населения определенного социально-территориального образования. Также автор сформулировал особенности и первоочередные задачи в процессе разработки методов управления кадровым потенциалом в государственном управлении в Украине.

**Ключевые слова:** человеческий потенциал, человеческие ресурсы, общественное развитие, механизмы государственного управления.

## Introduction

The concept of “human capital” is increasingly used in modern domestic and foreign scientific publications. It deeper than the concept of “human resources” allows characterizing social, economic, cultural, environmental and other aspects of conditions of human life. However, at the same time approaches to the definition of what constitutes “human potential”, which currently exist, narrow its meaning. Often under the notion of “human potential” people understand accumulated reserve of health, general cultural and professional competence; creative, business and civil liability, which is implemented in the field and in the sphere of consumption based on market and non-market mechanisms. In particular, often people characterize material resources in such a way. That is concluded according to the statistics.

Therefore, today there is no generally accepted definition of this term. In addition, no uniform criteria has been made for determining the level of its development. Perhaps it is not a problem itself. It becomes the problem in the context of mechanism of adoption of state decisions based on balancing interests of society and a person. Moreover, having great practical importance in today’s society, the concept of human development does not yet have clear scientifically based tools.

The management crisis as a loss of capacity to manage public affairs and processes at the appropriate level by the state, poor quality of public services, inefficient use of public funds, decline of public confidence in public authorities,

the high level of bureaucracy and corruption in the activities of public authorities, politically biased civil servants, protectionism, the substitution of professionalism of administrative staff by their loyalty lead not only to a decrease in the efficiency of the state apparatus, but also to the inhibition of social development.

### **Analysis of resent research**

The problem of human development has remained in the center of attention of scientists since antiquity. K. Marx, V. Pareto, F. Quesnay, W. Petty, A. Smith and others addressed it in the middle of the XIX century. Analysis of works of founders of the concept of human development (A. Sen, K. Griffin, J. Knight, M. ul Haq), scientists of the classical concept of human capital (T. Schulz, H. Becker, E. Denison, J. Kendryk, J. Coleman) and modern Ukrainian and Russian scientists involved in the study of various aspects of human development (V. Antoniuk, E. Grishnova, A. Dobrynin, S. Dyatlova, R. Kapelyushnikov, E. Libanova, V. Novikov) indicates that human development is a complicated complex category.

S. Dubenko, V. Lukyanenko, T. Motrenko, D. Nelipa, A. Obolensky, V. Oluyko, V. Radionova, N. Rimashevskaya, N. Tomchuk, A. Chukhno, and V. Shchetinin paid attention to problems of personnel policy in public administration.

Significant statistical analysis is also presented in the scientific report by the team of authors under the title “Institutional support of human resources policy in public administration: mission, role and place” of the National Academy of Public Administration under the President of Ukraine. The provisions of human resources in public administration in Ukraine, namely - the quantitative and qualitative composition, professional productivity, level of education, opportunities for improvement of professional skills are analyzed in quite a detail in the last.

Despite the categorical apparatus and aspects of personnel departments of the public sector in Ukraine worked out in detail in the scientific literature, the question that is the subject of this study was not systematized. Mechanisms for efficient use of human potential in public administration are not systematically investigated.

### **Research goals**

The goal of this study is to reveal the essence of the concept of “human capital” in the context of social development and to show possible ways to optimize the management of human potential in the conditions of civil service reform.

The main objectives of the study are to analyze the current provisions and the concept of human development, to uncover human potential meaning as a phenomenon in social development, to explore mechanisms of the use of hu-



man potential in public administration in Ukraine. The object of this research is human potential. The subject of research is mechanisms of the use of human potential in public administration system.

### **Results**

Referring to the essence of the concept of “human capital”, we note the definition of some researchers. In particular, M. Kurkina and V. Zotov, based on the common understanding of the definition of “potential”, propose it as a set of tools for implementation of potential for achieving a defined objective. Thus, they generalize that fairly widespread interpretation of the term “potential” is presented as “a source of opportunities, means, stock, that can be brought into action, used to solve any problem or achieve a defined objective; the possibility of the individual, society and state in a particular area” [12, p. 54].

If a person is a semantic center that realizes potential capabilities in the social system, then of course, human potential is a set of human abilities to implement social action in the course of their life (Aristotle, Sombart, and Simmel). Formation of human potential is identified with the process of development of human nature. It reveals through raising social abilities of individuals. Here, the researchers are focused on reviewing two major forms of manifestation of human potential. First, health and lifespan of individual (the development of the human body and physical abilities of society). Second, human spirituality, wealth of development needs (development of consciousness and potential human abilities of intellectual activity and spiritual wealth of society). However, there are no specific developments, connected with factors of development and the content of its components. Parameters of sociological assessment of human resources development are not specified.

The phenomenon of human potential has the specifics:

Firstly, it is systematicity - human potential has properties, which are not limited to the list of qualities of people.

Second, it is “ekstravertyvnyist.” After all, “external” in relation to its conditions and factors, the nature of the environment of its existence are vital, as a rule, for the development and realization of human potential.

Thirdly, it is characterized by the presence of hidden properties that may occur when changing certain conditions.

Finally, the fact that the properties of human potential determine the possibilities of human development, both in the short term and in the more distant future.

These provisions are confirmed by modern foreign research of nature of human potential (A. Sen, M. ul-Haq and others). The theme of “human potential” is reflected in the concept of “human development”. It has been widely

recognized, including through the theoretical development of the Indian scientist, Nobel laureate in economics (1998) A. Sen. Conceptual developments by A. Sen received continuation in annual reports of the international organization the “United Nations Development Programme” (UNDP) [14] titled “The Report on Human Development”, the first of which was prepared in 1990 by a group of researchers led by Pakistani economist Mahbub ul-Haq.

The concept of human development comes primarily from the need to find a balance between economic efficiency and social justice. State policy focused on growth and efficiency does not always take into account vital needs of that part of society that is unable to independently solve the problem of meeting them. On the other hand, shifting the responsibility for meeting the needs of members of society to the state is able to generate dependency attitudes, which inevitably reduces individual economic activity. It is therefore proposed to proceed from the fact that the state provides not so much equality of consumption as equality of opportunities, especially in educational sphere, health, security, political and civil rights.

The conceptual scheme of human development proposed by the “United Nations Development Programme” is based on the following basic principles:

- labor productivity (people should be able to improve the productivity of their activities and participate in the process of formation of income, so the economic growth, the dynamics of employment and of labor remuneration are part of models of human development),
- equality of opportunities (elimination of barriers related to race, gender, place of residence, level of prosperity that prevent participation in political, social and economic life),
- sustainability (lack of financial, social, demographic, ecological debts, which future generations will have to pay, ensuring equitable distribution of development opportunities between generations),
- empowerment (promoting independence, improving people responsibility for their fate, active participation of the population in decision-making and increasing the role of civil society),
- public wellbeing (need for socially responsible forms of development of free market economy, the presence of a sense of social cohesion) [14].

In Ukraine, the theme of human development, being quite pragmatic is perceived in the context of socio-economic tasks. However, developments of theoretical concepts of “human development” are important, including the National Human Development Report of 2011 “Ukraine: towards Social Inclusion”, which is an independent publication of the Programme of Development of the United Nations in Ukraine. It is prepared in collaboration with the Insti-

tute of Demography and Social Studies named after M.V. Ptukha of the National Academy of Sciences of Ukraine, the Institute of Political and Ethnic Studies named after I. F. Kuras of the National Academy of Sciences of Ukraine and the Ukrainian Centre for Social Reforms. Developments of these researchers greatly enriched the concept of human development in theoretical and methodological terms (using thesaurus approach, the concept of social design, the theory of youth and others) and in the applied way (in the humanities expertise) [14].

In the process of developing the human resources management in public administration in Ukraine, the following problems need to be solved:

- the lack of clear and suitable for practical purposes evaluation criteria of human resource potential;
- the difficulty in developing an optimal model of use of human resources as an integrated system;
- the lack of picture of the impact of parts of human potential on the performance of management and production activities;
- achieving compliance of the quantitative and qualitative characteristics of human potential with goals and objectives of agencies, organizations, enterprises.

For the realization of assigned tasks, the analysis and the evaluation of personnel potential should be based on the following methods: methods of expert assessments; methods of strategic analysis; methods of economic and mathematical statistics.

In general, all the existing mechanisms of human potential efficiency in public administration may be divided into three types: mechanisms-tools, mechanisms-systems, mechanisms-processes (sequence of certain transformations).

The situation regarding human resources in the system of public administration in Ukraine is contradictory: the education and qualification level of public servants increases every year, while there is a constant need for specific professions in public administration, which increases every year.

As of January 1, 2015 in Ukraine, there are 380,257 civil servants (295,709) and local government officials (84,548), representing 8.7% of the total population (42,895.7 thousand people). The total number of civil servants on the staffing schedule in ministries and central executive bodies is 126,803 persons as of January 1, 2015, including the number of civil servants of I-IV categories of the staffing schedule – 7263 people, which constitutes 5.7% of the general number of civil servants according to the staffing schedule. The analysis of this group of experts responsible in most cases for quality of administrative services to the public, gives an idea about the ability to provide adequate professional level of implementation of functions and tasks of public authority [21, p. 7-14].

The analysis of personnel working in ministries and central government agencies shows that the total number of civil servants actually working as of January 1, 2015 is 110,625 people. This includes the actual number of working civil servants of I-IV categories – 6493 people, which constitutes 5.8% of the total number civil servants actually working [21, p. 8-11].

Conclusions about the professional experience of civil servants can be made from the information about the distribution of data on the number of civil servants and local government officials for work experience (as of 01.01.2014). The largest segments seen from the data published in yearbook “Public Service at in numbers - 2015” are civil servants and local government officials with work experience from 5 to 10 years and from 10 to 15 years. Primary data on the qualitative and quantitative composition of personnel potential indicate that almost 92% have higher education; almost 65% have significant work experience - from 5 to 20 years [22, p. 16-17].

It is important in this regard to conduct a detailed analysis of the components of a qualitative assessment of human resources; to perform factor and comparative analysis of institutions, organizations and their units; to carry out balance analysis; to predict and model variants of perspective condition of human resources in these analytical sections, to form a dynamics of the assessment of personnel potential and to compare the quality and speed of its increase with financial expenses; to rank officials by the level of human resources potential.

Selection of candidates for career advancement may be based on the specific needs for qualification experience, human characteristics, human resources rejuvenation or on the introduction of the necessary professional experience in the structure of administration, professional training, managerial qualification, participation in mentoring programs and adaptation, rotation (expansion of experience), the increase or demotion in position (in the absence of prospects for professional development).

In the future, it allows modeling variants of official trajectories, calculating prospective positions matching the current personnel potential of employee with indicating the required areas of development, stimulating the efficiency of the state apparatus.

In terms of economics transformation and the growing role of new technologies in production, the continuous education that meets the needs of society and the labor market is a necessary condition and a main tool for, firstly, the transformation of human potential into high-quality human capital, and secondly, humanitarian development. This is because they allow forming the ability to quickly adapt to the current socio-economic realities and to ensure a proper quality of life for every person.

With respect to a particular employee, based on the assessment of personnel potential and considering its comparison with current and future capabilities, decisions on special, legal and managerial education can be made as well as participation of this employee in mentoring and adaptation programs, rotation (expansion of experience), the increase or demotion in position (in the absence of prospects for professional development, the need to promote more advanced employee, reaching the age limit, release and adaptation).

As the President of Ukraine noted in his address “On the internal and external situation of Ukraine in 2015,” civil service system, which operates in Ukraine, does not perform functions assigned to it and tasks concerning implementing public policy. [24] The people are not provided with quality administrative services. If we analyze the last few years of Ukrainian reality, then we can talk about the unresolved issue of overcoming unprofessionalization of public service. There are signs of systemic degradation of staff of public administration - corruption, clan relations, personnel shortage, the almost complete lack of social lifts and privatization of public functions by separate persons (data from sociological surveys, statistics of power structures, and data from civil society organizations). This clearly indicates crisis of governance at all levels. A key factor in these negative phenomena is the low quality of human resources potential in the civil service system, lack of managers-leaders, and insufficient level of their professional training.

The essence of the reform of public administration system should provide for the implementation of comprehensive changes for the benefit of public interest to improve the interaction between government institutions with citizens, providing them with quality management services in the economic, legal, social, cultural and other spheres. An important success factor in achieving this goal is to build a transparent and efficient, professional, politically neutral and authoritative civil service, which has to reach a new European level of public administration (to provide public services to citizens at a level that meets European standards, to ensure optimum use of public funds and timely and adequate response to social, economic and foreign policy challenges).

Today Ukrainian Government continues to modernize its approach to human resource management in public service. One of the key aspects of this modernization concerns the development of leaders - managers at all levels in the public service, and especially - the top echelons of the civil service. A number of programs for senior and middle-level civil service managers aimed at development of leadership and professionalization of the civil service have already been successfully implemented. The strategic objective of these programs is to develop leadership and management skills needed for senior civil

service officials in order to respond promptly to the requirements and challenges arising from the process of social transformation, economic development and European integration [21, p. 61-65].

Today in our country and abroad there are more and more supporters of understanding economic development as primarily human development. We are talking about expanding the functions and capabilities of the person, accumulation of human potential and its use in the expanded social reproduction in the interests of every member of society.

### **Conclusions**

The functional-typological analysis of human development made in this article shows that the concept of human potential is not only systemic, but also multi-faceted, multi-level; it includes such components as external potential (environmental potential, economic potential), inner potential: biological potential (substrate and functions), and spiritual potential (skills and needs). All components of human potential are comprehensively and inextricably inter-related.

The human potential is knowledge, information, experience of administration personnel, organizational capabilities, information channels of organization that it uses. The human potential is closely linked with human resources and innovation activity. Peculiarities of human potential lie in the fact that it is the result of interaction of people between each another, people and information resources, and people and elements of physical capital. In order to increase the effectiveness of using human potential in the public administration system in Ukraine the immediate tasks in the development of human resources management are to adopt clear and suitable for practical purposes evaluation criteria of human resources, to develop the optimum model of use of human resources as an integrated system, to assess impact of components of personnel potential on indicators of management and production activities, to achieve compliance with the quantitative and qualitative characteristics of personnel potential of goals and objectives of public administration.

The current state can be effective only if there is a highly productive human potential. The question of scientific analysis of the problems of human resources and human capital management in the public administration system in Ukraine is very relevant, because the implementation of systemic reforms in all spheres of social life is impossible without highly qualified personnel. Approaches to reform are expedient to adjust to the preservation and development of human potential. Mechanisms and methods of formation, implementation and management of human potential require a more careful scientific study in the future.

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