

Exercise of State Control over Local Self-Government in the Field of Environmental Protection

SERHII BOLDYRIEV¹, TATYANA STESHENKO¹, SVITLANA SEROHINA¹, SVITLANA FOMINA¹, IRYNA KAPELISTA²

¹Department of State Building,
Yaroslav Mudryi National Law University,
77 Pushkinska Str., 61024, Kharkiv,
UKRAINE

²Interregional Academy of Personnel Management
2 Frometivska Str., 02000, Kyiv
UKRAINE

Abstract: - Today, environmental protection is a priority task for the governments of countries around the world due to the deepening of environmental problems and their impact on people's lives. Several problematic issues can and must be solved at the local level, which will make environmental policy more effective and take into account local needs. The study aimed to analyse the competence of local self-government bodies in terms of monitoring compliance with environmental legislation. A comparative analysis was used to study the issue of ensuring the protection of the environment and ecosystem by local self-government bodies through the prism of legal protection. During the research, several obstacles to the implementation of effective environmental protection measures at the local level were identified: the imperfection of the financing system, the lack of environmental awareness, the absence of effective administrative and procedural measures, and the imperfection of state control. In response to the identified problems, the positive experience of implementing the norms of the European Charter of Local Self-Government was investigated. It was established that the decentralization of local self-government had a positive effect on the protection of the ecosystem, as it brought local authorities closer to the public and provided local authorities with real powers to solve problems related to compliance with environmental legislation. In addition, to increase the effectiveness of mechanisms of state control over local self-government in the field of environmental protection, a system of principles of such control is proposed, consisting of publicity, systematicity, effectiveness, objectivity, impartiality, and universality. The proposed system will cover several key environmental problems and quickly and effectively solve them with the involvement of competent specialists and the public. The state of environmental protection at the local level is seen in further research and justification to determine practical recommendations for the implementation of decentralization of local self-government.

Key-Words: - state control, environment, environmental protection, legislation, local self-government, decentralization, economic development.

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1 Introduction

Environmental protection issues are currently a priority for many countries in the world. The unsatisfactory state of ecosystem protection and public awareness of all risks, threats, and dangers that negatively affect the state of the environment are the most urgent issues of public management for many states. Preservation of the natural environment and the search for effective measures for the implementation of the state environmental protection policy are becoming the most acute

problems for the majority. The reason is that the ineffective implementation of the state environmental protection policy at all levels of public administration, including local self-government, increases the threat not only to human health and well-being but also to life on Earth in general.

In Ukraine, the system of state regulation in the field of environmental protection is characterized by the lack of effective incentives to increase the rationality of nature use. This has led to an increase in air, water, land, and subsoil pollution, as well as

such specific problems as water shortages, non-compliance of water consumed by citizens with sanitary requirements, air pollution by motor vehicles and industry, lack of proper waste processing systems, etc.

The Ministry of Environmental Protection and Natural Resources of Ukraine is responsible for the formation and implementation of state policy, as well as the implementation of state control in the field of environmental protection, rational use, reproduction and protection of natural resources. However, a number of problematic issues can and should be resolved at the level of local self-government, which allows taking into account the environmental interests of citizens of individual regions (regarding the development of productivity, transfer of natural objects for use, etc.). This actualises the issue of decentralised management of local bodies, as well as the study of obstacles and advantages of its implementation.

Today, there are many challenges and problems in Ukraine that affect the efficiency of local self-government bodies in the field of environmental protection. The main ones include:

- lack of balance between society's needs and nature protection;
- insufficient environmental awareness of citizens and inadequate public control;
- ineffectiveness of the environmental protection financing system;
- lack of effective administrative and procedural measures for environmental protection that can be applied by local management bodies (system of fines, specialised programs, etc.);
- inadequacy of judicial practice in resolving environmental conflicts;
- imperfect mechanisms of state control over local self-government in the field of environmental protection.

In response to these challenges, the study attempted to increase the effectiveness of mechanisms of state control over local self-government in the field of environmental protection. This is realised through the formation of a system of principles of such control, which will allow covering a wide range of environmental protection problems, quickly and effectively solving them with the involvement of competent specialists and the public.

The work takes into account international experience, in particular during the development of the system of principles of state control over local self-government in the field of environmental protection.

The experience of the developed countries testifies to the obstacles to the introduction of effective environmental control at the local level, even despite stable economic development in the state. The adoption of European standards for the implementation of local self-government under the European Charter of Local Self-Government contributed to improving the activities of local self-government bodies in terms of ensuring environmental safety. The adopted European Charter of Local Self-Government establishes universally recognised European principles of implementing democracy at the level of local self-government and guarantees the political, administrative and financial independence of local self-government bodies, subject to compliance with the Charter. The European community's ratification of the unified principles of local governance contributed to the development of the decentralisation of territorial communities, which provided local bodies with independence in most management tasks. The involvement of local self-government bodies in environmental protection is key, as local bodies have the closest contact with the public, for which environmental safety issues are a priority. Therefore, the effective management policy of local bodies positively affects the implementation of the provisions of environmental legislation, the establishment of control over compliance with environmental protection regulations, and the implementation of effective comprehensive measures for the protection of the natural environment and the rational use of natural resources.

The aim of this research is to study the state of environmental protection through the prism of state control over local self-government. This involves solving the following tasks:

- analyse the state control measures in the field of ecosystem protection at the local level through the prism of European standards and priorities;
- determine and describe the principles of state control carried out by local self-government bodies in the field of environmental protection and ensuring environmental safety;
- identify the main problems of the environmental protection practices of local self-government bodies and propose ways to solve them.

2 Literature Review

Was concluded that the activities of local bodies should focus on effective implementation of state environmental control, [1], [2]. The researchers study the experience of local bodies through the

prism of environmental protection and point to the imperfection of different forms of public administration in different countries. For example, in, [3] and, [4], were focused on the peculiarities of the structure of local self-government bodies in Slovakia, identifying the problems associated with the lack of a single concept of building a network of local bodies. In, [5], was indicated the critical state of the network of local self-government bodies in India, which generates inaction at the local level.

Considering the conditions for ensuring environmental protection at the local level, in, [6], was claimed that it is possible to implement state control over environmental protection by local self-government bodies only through the establishment of responsibility for officials. In, [7], was studied the social responsibility of local self-government bodies for the development of territorial communities, stating that awareness by local self-government bodies of the importance of social responsibility to the public for their actions and inactions effectively contributes to the improvement of their activities. In, [8], was dealt with the issue of law enforcement activities of local self-government bodies through the prism of ensuring environmental protection. He established that the effective provision of the specified sphere is possible through the implementation of administrative and legal coercive measures and control over compliance with the environmental legislation by establishing clear protocols for the cooperation of state bodies, law enforcement bodies, and local self-government bodies, [9].

The provisions of the European Charter of Local Self-Government have become the subject of many studies in view of the effectiveness of local self-government bodies. In, [10], was analysed the state of compliance of Croatian national legislation with European standards. In, [11], also was studied the level of compliance of Polish national legislation with the European Charter of Local Self-Government in terms of environmental control by local bodies. In, [12], were studied the principles of the European Charter of Local Self-Government regarding the activities of local self-government bodies in Bulgaria's field of environmental protection. In her opinion, the lack of clear cooperation protocols between central executive authorities and local self-government bodies in Bulgaria causes stagnation in this sphere. In, [13], was studied the state of legislation in the Czech Republic, Hungary, and Slovakia from the perspective of functioning of the European principles of local self-government.

Studying the importance of local self-government bodies for environmental protection in Serbia, in, [14], and, [15], was identified the incomplete legal framework in the field of environmental protection as the main barrier to the partial inaction of local self-government bodies in this area. In, [16], supports this position. Studying environmental protection from the standpoint of control by local self-government bodies, he notes that the legal framework is the main factor in the effective implementation of environmental policy at the local level. The Serbian realities of ensuring environmental protection at the local level indicate the absence of a single personnel strategy in the field of environmental protection in local self-government bodies, the absence of environmental protection services at the local level, as well as environmental actions and waste processing plans, [15].

In, [17], was studied the experience of environmental protection at the local level in Poland. He noted that the activities of local self-government bodies in the field of environmental protection should be improved by implementing the public order principle, as public order provides for the basic needs of human life: health care, environment, safety, and human life itself. In, [18], was conducted research on the compliance with environmental safety controls by local self-government bodies in Uzbekistan. In his opinion, ensuring environmental protection is the state's duty to create conditions for compliance with environmental protection and safety standards at all levels of public administration. In, [19] and, [20], support this position by studying the provisions of legal regulation of economic control by local self-government bodies in Ukraine. They believe that environmental control is one of the most important functions of the state in ensuring the right to safety for human life and health. In, [21], were noted that the effective activities of local self-government bodies positively affect the country's socio-economic development.

The analysis of the scientific literature allows us to note that scientists mostly highlight specific problems specific to a specific region regarding the activities of local government in the field of environmental protection. This determines the urgency of forming a comprehensive approach to determining the principles of state control over local self-government in the field of environmental protection.

3 Methods and Materials

The determined approach to conducting the research provided for its implementation in three stages. At the first stage, it was analysed academic literature on the implementation of local self-government in the field of environmental protection, studies on the problem of exercising environmental control by local bodies, the provisions of European standards for the implementation of local self-government, the practice of applying legal means of state control to ensure environmental protection. The subject, aim, and objectives of the research were determined through the analysis of the selected sources.

The second stage included theoretical and experimental research. The theoretical study revealed the importance of environmental protection and ensuring environmental safety for society and the role of local self-government bodies in monitoring compliance with environmental legislation. Also, determine the basic principles of state control over local self-government in the field of environmental protection. The components of the environment as an object of state control carried out by local self-government bodies were also determined. The analysis of theoretical studies revealed the significance of the development of local government decentralisation for the effective activities of local self-government bodies. The experimental study included the study of legal principles and practical experience of implementing state control over environmental protection at the local level, which provided an opportunity to reveal the content of the tasks and determine the role of local self-government bodies in increasing the effectiveness of environmental protection policy from the standpoint of the development of democracy and decentralisation of local government. The analysis of problematic issues of implementing environmental control measures at the level of territorial communities determined the imperfection of the existing legal mechanisms in the field of environmental protection. The state of environmental protection issues in the world was identified to assess the effectiveness of public administration and determine ways to improve it.

The third stage consists of the formation of analytical conclusions, summarising the results of the research, and designing it using graphic editors.

The study was carried out through the use of empirical and theoretical methods of scientific knowledge. From the perspective of European standards for the development of local self-government and the established importance of the role of environmental protection and natural resources,

empirical knowledge reflects the research object — the effectiveness of local self-government bodies in ensuring the protection of the natural environment. Scientific, legal, statistical, and practical information about public administration in terms of environmental and ecosystem protection was analysed using comparative analysis. A comparison was applied to carry out an analysis of legal means of control over compliance with legislation by local self-government bodies through the prism of universal internal, essential connections and regularities.

The sample of the research included such objects as:

- the general characteristics of the nature protection policy and components of its protection subject to control by local bodies;
- principles of environmental control at the local level;
- analysis of the effectiveness of measures to control compliance with the environmental protection legislation at the level of territorial communities in Poland, Spain, Serbia, Slovenia, Slovakia;
- practical recommendations for the interpretation of European standards of decentralisation of power.

The totality of the study of these objects contributed to revealing the content of the problems of control over compliance with environmental legislation at the local level.

The main materials used as the research background are the provisions of national legislation in the field of ecosystem protection in Poland, Ukraine, and Spain, the provisions of the European Charter of Local Self-Government, the environmental safety practices of local self-government bodies. These also included studies on the problems of ensuring state control over the protection of the natural environment at the local level and reports of the Ukrainian Center for European Policy on the assessment of the priority of environmental protection problems in society.

This study has its limitations, in particular, the lack of data on the priority goals of society in the EU countries after 2020. In addition, the key assumptions of the study are based on information from a limited sample of countries, and therefore, the results of the analysis may differ for other regions.

4 Results

Over the years, the problems of environmental protection have gained priority in society and, in many cases, even give way to the issues of a person's material enrichment. This is evidenced by the result of the value survey by the Ukrainian Center for European Policy as part of the World Values Survey project.

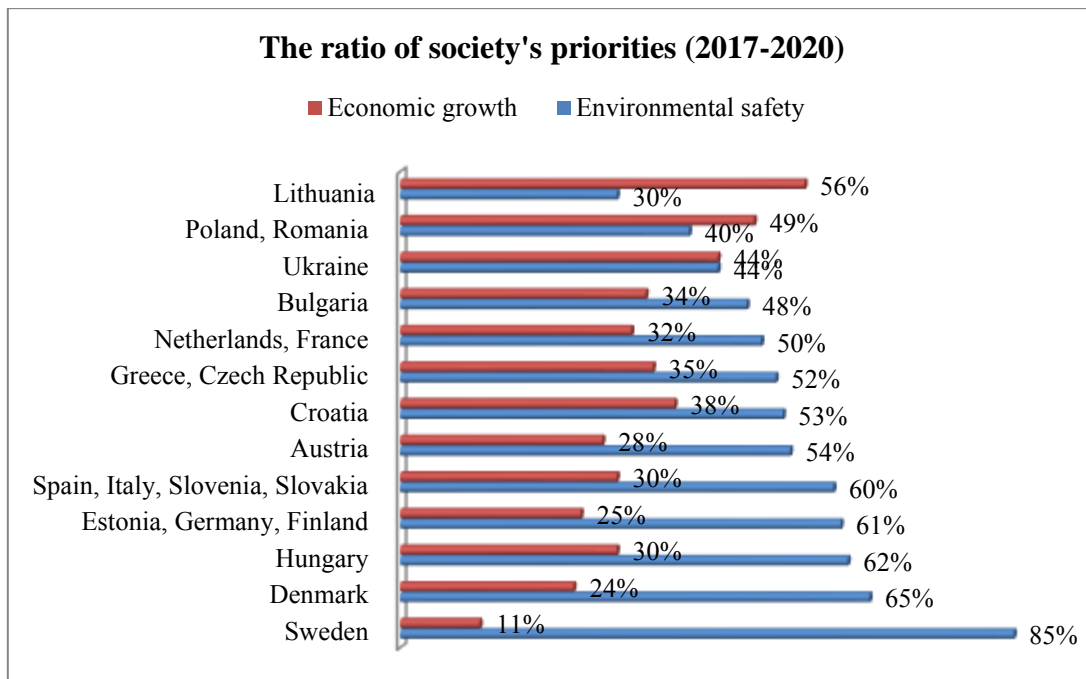


Fig. 1: Priority goals of the society of some EU countries
 Source: Developed by the author based on, [22].

The vast majority of Europeans continue to prioritise environmental protection problems over their economic growth (Figure 1). When choosing a priority between environmental protection and economic growth, only residents of Poland (49% — economic growth and 40% — environmental safety), Lithuania (56% and 30%), and Romania (49% and 40%) prefer their own material enrichment. The largest number of people who consciously strive for a clean environment and a balanced ecosystem live in Sweden (85%), Denmark (65%), Hungary (62%), Germany (61%), Estonia (61%), Finland (61%), Italy (60%), Spain (60%). Environmental safety and economic growth are equally important for Ukrainian citizens (44% and 44%). The concern of the public regarding environmental protection and desire to live in a safe and clean environment indicates the need for effective actions from the territorial authorities in which they live.

The development of local self-government in EU countries was launched by the adoption of the European Charter of Local Self-Government, [23]. Its adoption contributed to the rapid development of democracy in Europe and the decentralisation of power at the local level by giving local self-government bodies real powers. Exercising those powers brings them closer to society. The reason is that the participation of citizens in the management of state affairs is one of the manifestations of democratic principles, and the activities of local self-government bodies are part of public authority aimed at meeting

the needs of the local population. As a rule, the democratic regime of public administration promotes the exercise of public authority by those bodies that have the closest contact with society.

The transparency of public authority empowers local self-government bodies to carry out their activities through open hiring of highly qualified personnel taking into account personal qualities and competence. This contributes to the development of the professional training system and the constant improvement of the qualification level of such employees, as well as the introduction of a fair system of rewards and conditions for further promotion. And as a result, the implementation of democratic principles through the exercise of public powers by local bodies brings the state power closer to its citizens. The effective activity of local self-government bodies improves the level of awareness, knowledge, and digital literacy of the population by hiring highly qualified employees for such bodies. Furthermore, the current realities require local bodies to meet the needs of citizens through public electronic systems, which also contributes to improving the population's literacy. Satisfaction of public needs at the local level contributes to the effective solution of priority public problems related to environmental protection and ecological safety.

The national legislation determines the limits of competence, tasks, and functions of local self-government bodies in the field of environmental protection. The 1997 Constitution of Poland provides basic principles of environmental protection and

ecological safety in Poland, [24]. According to it, the government bodies of Poland, including local self-government bodies, must take measures to prevent and eliminate epidemic diseases and their negative consequences that worsen life, health, and the environment (Article 68). The state authorities of Poland, at all levels, must protect the ecosystem in accordance with the principles of sustainable development (Article 5). The system of principles underlying the implementation of the state environmental protection policy in Poland provides for the implementation of the environmental protection policy by government bodies for current and future generations through the openness of their results in this area. Government bodies are responsible for the state of environmental protection and support public activities aimed at improving the level of ecosystem protection (Article 78).

In Poland, state control over environmental protection is exercised at three levels of public administration: national, branch and local. The governor carries out local management of ecosystem protection and subordinate institutions at the regional level. The Ministry of Environmental Protection advises the governor on the implementation of the main environmental policy principles. Regional inspections, which monitor compliance with environmental legislation, occupy a key place in the system of environmental management at the local level.

In Spain, the issue of environmental control and environmental safety exercised at the local level is regulated by the 1989 Water Code. This codified regulatory legal act distributes administrative competence between the national government and local self-government bodies and the National Water Council, which implements the water resources protection policy. However, in Spain, the division of responsibilities of national and regional (autonomous) administrations for environmental protection depends on whether this administration goes beyond the borders of the latter.

In Ukraine, the activities of local self-government bodies in the field of environmental protection are regulated by the Law of Ukraine, [25], "On Environmental Protection". The legislator establishes the responsibility of local bodies for environmental protection. The appropriate level of environmental safety and environmental protection is ensured by the executive bodies of village, settlement, and city councils by exercising environmental control.

State control is one of the important functions of public administration, which ensures compliance with legislation adopted by public authorities. State control over environmental protection is based on constitutional state principles (Figure 2).

Publicity: the activities of local self-government bodies are carried out through public control and monitoring, regular publication of the results of their activities, and transparency of holding positions. Systemacy: The local self-government bodies constantly carry out state control as determined by the law. Universality: the legal background of state control covers all problems in the field of environmental protection. Impartiality: exercise of environmental control by persons who are not interested in its results. Objectivity: urgent environmental protection problems are solved by qualified personnel engaged in environmental control. Effectiveness: quick response of territorial bodies to violations of environmental safety standards. Therefore, the existing system of principles of environmental control at the local level proves to be an effective mechanism of legal regulation of environmental protection. This is confirmed through coverage of all possible problems and constant control over their overcoming - both from the side of local authorities and from the side of the public. In addition, environmental control involves the participation of persons who are competent and interested in achieving the result, as well as quick response to violations of environmental norms. The state control at the local level in the sphere of ecosystem protection is shown in Figure 3.

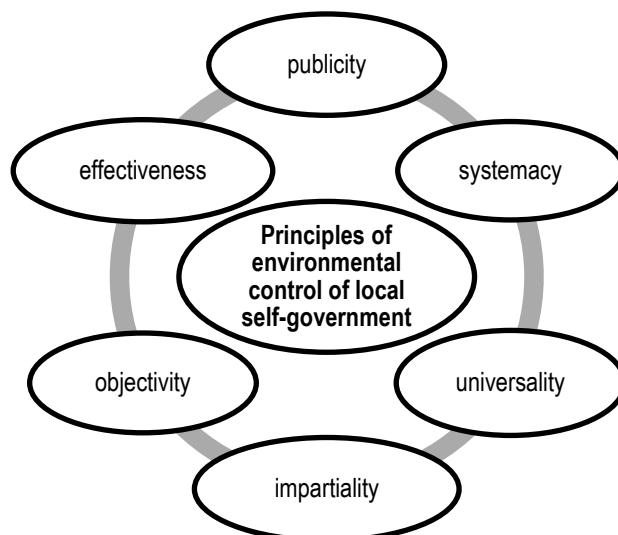


Fig. 2: The system of principles of state control over local self-government in the field of environmental protection

Source: author's own development.

Land and subsoil protection	Protection of forests and other vegetation	Animal protection	Marine environmental protection	Protection of natural territories and objects
Atmospheric air protection	Components of the environment that are the object of state control exercised by local self-government bodies			Compliance with biological and genetic safety measures
Surface and underground water protection	Analysis of the state of the natural environment	Continental shelf protection	Research and use of genetically modified organisms	Water economic zones protection

Fig. 3: Objects of control by local self-government bodies

Source: developed by the author

The existing system of environmental control over all components of the ecosystem at the local level testifies to the effective mechanism of legal regulation of environmental protection.

5 Discussion

The effective environmental control by local self-government bodies depends significantly on the competence determined by public authorities to apply legal means of exercising state control. It also depends on a system of clear protocols for the activities of local bodies and cooperation of local bodies with the public, public organisations, and state authorities.

According to, [1] the effective state control at the local level depends on the targeted activity of local self-government bodies in the field of environmental protection. In, [6], was stated that it also depends on an effective mechanism of

responsibility of local self-government bodies for their inactive and ineffective work in the field of environmental protection. In, [26], saw the dependence on the implemented system of measures to exercise state control of the ecosystem, which are carried out by local self-government bodies. In, [20], was noted that the effectiveness of environmental control at the local level of management depends on balancing the relationship between local self-government bodies and the object of control over environmental protection (water resources, waste disposal, environment, etc.). The scientists' conclusions are fully consistent with the results of the author's research. The advantage of the author's research is the formation of a complex system of principles characterising the effectiveness of state control at the local level, taking into account a wide range of aspects - coverage of problems, speed of response to violations, control, involvement of the public, etc.

The effectiveness of local self-government bodies in the field of environmental protection depends on coordinated cooperation with the public, [14], [15], and effective legal mechanisms in the field of ecosystem protection, [16], [27]. Decentralised management of local bodies has a significant impact on environmental protection, [28], [29]. Control over environmental protection at the local level should depend on the level of implementation of information technologies, [30], [31]. Digitalisation of local self-government bodies has a significant impact on the level of economic security, [32]. These studies support the author's assumptions about the effectiveness of decentralisation in the field of environmental protection but also take into account the current direction of improving management efficiency, such as digitalisation. Although the author's work noted the importance of the use of electronic platforms for citizens, in further research it is advisable to expand this direction of scientific research, strengthening the technological side of research.

An important direction of research, not discussed in detail in the article, is taking into account the need to ensure public order on the part of local authorities. According to, [17] the activities of local self-government bodies should be based on the principles of public order: protect not only the life and safety of people but also their peace.

Was emphasised that it is possible to ensure adequate environmental protection at all levels of public administration by establishing clear protocols governing the cooperation of state bodies, law enforcement agencies, and local self-government bodies, [8], [12], [33]. In the opinion of the author, the public also plays an important role in the protection of the environment, because the issue of preserving and improving ecology directly concerns its interests. Therefore, the public should be singled out as a subject in cooperation for the benefit of the environment.

The conducted analysis allows us to testify that scientists consider it expedient to deepen the scientific search further regarding the improvement of the effectiveness of state eco-control at the local level, which will contribute to the development of the field of environmental protection as a whole, [34]. This consists in determining the optimal mechanisms and criteria of state control, which will maximally contribute to ensuring effective management and preservation of natural resources at the local level. As a result, it can be expected to have a positive impact on the quality of the natural environment, increase the environmental awareness

of society and improve the general state of the environment in the region.

6 Conclusion

The public's general concern for environmental protection emphasizes the need for active and effective activities of territorial authorities to ensure a safe and clean environment. The results of the values survey conducted by the Ukrainian Center for European Policy as part of the World Values Survey project indicate the growing priority of environmental protection issues in society over the years. According to polls, the majority of Europeans identify environmental issues as more important than economic growth.

The development of local self-government in EU countries, initiated by the adoption of the European Charter of Local Self-Government, contributed to the development of democracy and decentralization of power at the local level. This is identified as a key factor that has given local self-government bodies real powers, bringing them closer to citizens. This contributed to meeting the needs of citizens and solving problems related to environmental protection and environmental safety at the local level - in particular, using public electronic systems. State control over local self-government in the field of environmental protection is control exercised by local self-government bodies over compliance with the current legislation on environmental protection and environmental safety. The analysis carried out in the study indicates that each of the considered countries (Poland, Spain, Ukraine) has its own approach to regulating the activities of local self-government bodies in the field of environmental protection, but in all cases, the importance of cooperation of national and local bodies to ensure effective control and protection of ecosystems. The management of local self-government in matters of compliance with the environmental legislation is based on publicity, systemic, effectiveness, objectivity, impartiality, and universality, which allows such management to cover a wide range of problems, to quickly and efficiently solve them with the involvement of competent specialists and the public. The development of local self-government as a result of the rapid introduction of European standards for the decentralization of local authorities entailed the rapid development of democracy. It also had a positive effect on ecosystem protection, assigning the functions of partially solving problems related to compliance with environmental legislation to local bodies.

The prospect of further research is the development of practical recommendations for improving environmental protection by increasing the efficiency of public administration at the local level. The practical value of the study lies in providing state and local government structures with information that will contribute to the development of programs for effective management of natural resources, taking into account the role of local self-government and effective state control in this area. The results of the article can serve as a basis for the development of programs and policy decisions aimed at increasing environmental awareness and supporting national environmental protection initiatives.

Therefore, the prospects for further research involve an empirical study and theoretical-methodological substantiation of effective mechanisms for the implementation of international standards of decentralizing local government and an effective system of local control over compliance with the current environmental legislation.

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