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## **LOCAL SELF-GOVERNMENT IN UKRAINE: LEGAL, SOCIO-POLITICAL WARTIME CHALLENGES AND PROSPECTS OF POSTWAR RECOVERY**

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**Abstract.** *The article aims to analyze the current mode of existence and functioning of local self-government in Ukraine. The review of the significant achievements of the latter's reforms, introduced in 2014, outlines the modifications to which its system has been subjected since the introduction of martial law. Several amending draft laws designed to optimize the performance of local self-government bodies and officials (in terms of decision-making in crisis conditions, interaction with military administrations, and creation of essential facilities for internally displaced persons) are assessed. The problem points of the recovery of critical and housing infrastructure of the affected regions are identified. Particular attention is paid to socio-political issues of current and prospective representation in local self-government in the occupied and stronghold territories. Summarizing conclusions are drawn on the necessity of timely direction of the academic discussion and preparation of the scientific*

*foundation for its further implementation through legislative and implementation activities.*

**Key words:** *local self-government in Ukraine, martial law, internal displacement, post-war recovery, local representation.*

**Problem statement.** As Ukrainians' lives underwent radical transformations, so too did the scientific pursuits of regional development and local self-government scholars. When it came to the final stages of decentralization reform, the amalgamation, the restructuring of the system of intergovernmental relations, and the possible introduction of the prefect post were the most important issues until February 24, 2022.

Following the assault of the Russian Federation on the territory of the sovereign state of Ukraine, these have been expanded by the issues of internal displacement (previously of a less comprehensive and rather regional nature); legal provision of interaction between local self-government and state authorities under martial law; status of local officials in the occupied and stronghold territories (in the context of ensuring human rights and state security); and challenges of post-war reconstruction and stabilization.

The issues mentioned above constitute the elements of the research, forming the **subject** of the study, with the **object** being the local self-government in Ukraine under martial law.

These findings will serve as a starting point for future research into how Ukrainian local self-government works in light of the shift in scientific paradigms that have taken place in the field of local self-government.

Some of the issues mentioned earlier were raised in the context of other studies (after the partial occupation of territories of Donetsk and Luhansk oblasts, as well as the annexation of Crimea), in particular regarding internal displacement (registration, enabling environment, reintegration) [1,2,3] and ensuring cooperation between local self-government bodies and special local state authorities [4,5] (the mechanism of military-civilian administrations). However, the current context is fundamentally different from the situation before February 24, 2022, which ensures the **novelty** of this study.

Legal norms and theories, as well as a wide range of domestic and foreign doctrines on local self-government, postwar reconstruction,

and military occupation politics, all figure prominently in this article's research. Accordingly, data processing was conducted with the understanding that even official information during the war may not fully reflect reality for various reasons, such as incorrect or incomplete source data, the need to create a specific information background, and the inability to independently confirm.

Standardized tools of scientific research are used as a methodological basis. Methodological approaches (phenomenological, hermeneutic, axiological, systemic) were applied in scientific cognition of the nature, structure, and functional purpose of local self-government in Ukraine during wartime and, in their totality, contributed to the definition of its significance in the wartime and reconstruction period.

Philosophical methods formed the foundation of the study. Using the formal-logical method, we summarized doctrinal approaches to the understanding of the role of local self-government, state, and international cooperation under similar circumstances; the systematic and functional method was applied to clarify the functional purpose of local self-government used by both war parties; the prognostic method allowed to accumulate recommendations for further research.

### **1. Legal framework of local self-government (LSG) in Ukraine as of February 24, 2022, and specifics of its implementation during martial law**

The LSG legal framework in Ukraine in its modern form was laid down in the relevant provisions of the Constitution of Ukraine (Articles 140–146) [6], the Laws of Ukraine «On Local Self-Government in Ukraine,» [7] «On Ratification of the European Charter of Local Self-Government,» [8] «On the Status of Deputies of Local Councils,» [9] «On Local State Administrations,» [10] «On Service in Local Self-Government,» [11] «On Bodies of Self-Organization of the Population,» [12] «On Associations of Local Self-Government» [13] and others.

The key act detailing the provisions of the Constitution of Ukraine was the law «On Local Self-Government in Ukraine.» In addition to the relevant articles of the Constitution, it has undergone a significant number of amendments. Since the approval of the «Concept for the Reform of Local Self-Government and Territorial Organization of

power in Ukraine» [14] on April 1, 2014, more than 75 amendments have been introduced.

The Ukrainian government attempted to create a European municipal model of a «strong mayor – local council» by using the ratified European Charter of Local Self-Government as a foundation and relevant provisions of the Ukrainian Constitution (as amended in terms of decentralization). According to European and post-Soviet experience, the financial and organizational decentralization was successfully implemented, the reform of administrative-territorial division was partially implemented, and the amalgamation of small territorial communities was carried out (albeit in reverse order).

In the final stage, unfinished because of the aggression of the Russian Federation, the introduction of a new mechanism of interaction between local self-governments and representatives of state power was envisioned. Various scenarios were considered, including the reception of a modified French prefect model. The question of the observance by local self-government bodies and officials of the provisions of the Constitution and laws of Ukraine in their day-to-day activities also remained relevant.

Due to the lack of a consensus and insufficient assurance of dialogue between stakeholders, several models, and legislative formulations were proposed (with the state-proposed drafts prioritized). The most relevant of which is the Draft Law «On Amendments to the Law of Ukraine «On Local State Administrations» and other legislative acts of Ukraine on the reform of the territorial organization of executive power in Ukraine,» [15] which was adopted in the first reading, but then its reading was postponed.

On February 24, 2022, Ukrainian President Volodymyr Zelensky signed Decree [16] No. 64/2022, «On the introduction of martial law in Ukraine.» According to the decree, martial law was introduced starting from 5:30 on February 24, 2022, for 30 days. Subsequently, martial law was repeatedly extended.

According to par. 2 of Article 9 of the Law of Ukraine «On the Legal Regime of Martial Law,» [17] local self-government bodies continue to exercise the powers granted to them by the Constitution of Ukraine and other laws. The military command, together with the Ministry of Internal Affairs, other executive authorities, and local

self-government bodies, must ensure the measures and powers envisaged by the Law necessary to ensure the defense of Ukraine and protect the security of the population, and the interests of the state.

In areas where martial law has been declared, the President of Ukraine has the authority to establish temporary state bodies – military administrations – to ensure adherence to the Constitution and laws of Ukraine, as well as the implementation and execution of martial law-related measures, defense, civil protection, public order, and citizens' rights, freedoms, and lawful interests.

Military administrations are formed in one or more residential areas (villages, settlements, towns) where village, settlement, city councils, and/or their executive bodies do not exercise the powers vested in them by the Constitution and the laws of Ukraine, including as a result of actual self-dissolution or suspension of their powers or their actual non-execution, or termination of their powers by law.

Military administrations should not be confused with civil-military administrations, which were created in some areas following the temporary partial occupation of territories of the Donetsk and Luhansk regions. Military administrations are temporary state bodies created for the period of martial law. At the same time, the powers of regional state administrations (RSA) and district state administrations (DSA) are terminated for the period of introduction of their military substitutes (RMA and DMA). In contrast to peacetime, these are subordinate to the Armed Forces of Ukraine (AFU) General Staff and the Cabinet of Ministers.

According to Article 8 of the Law of Ukraine «On the Legal Regime of Martial Law,» the military command, together with military administrations (in case of their formation), may independently or with the involvement of executive authorities, local self-government bodies to impose temporary restrictions on constitutional human and civil rights and freedoms, as well as the rights and legitimate interests of legal entities, provided by the decree of the President of Ukraine on imposing martial law. The law provides a list of 24 items that stipulate the restrictions on the rights and freedoms of individuals and legal entities by the authorities and local self-government on the relevant territory.

The introduction of such a regime had the most significant impact on the operation of local self-government. Therefore, while the former is in effect, all amendments are introduced directly into the law on the legal regime of martial law. The use of such a mechanism, on the one hand, ensures the stability of local self-government as an institute and, on the other hand, provides flexibility to respond promptly to changes in the military situation. After the passing of the initial shock and the partial stabilization of the situation, attempts were made to optimize the operation of local self-government in the current conditions by preparing several draft laws.

The Draft Law «On Amendments to the Laws of Ukraine «On the Central Bodies of Executive Power» and «On the Legal Regime of Martial Law» to Ensure Governability of the State under Martial Law» [18] (adopted by the Verkhovna Rada of Ukraine at the time of article submission) suggests changes in the work of local authorities and officials within communities where military operations are not conducted.

For instance, the head of such a community, upon prior agreement with the head of the military administration of the region, may be granted the right to unilaterally decide: 1) on the temporary structure of the council and executive committee; 2) on the transfer of municipal funds to the AFU; 3) on the management of municipal property (except for disposal and long-term lease); 4) on creating centers providing *pro bono* legal aid; 5) on landscaping; 6) on the management of public utilities. It is also proposed to empower the head with the right to dismiss and hire local employees with no competitive procedures (labor rights shall be renewed within 30 days after the end of martial law). In the case of establishing military administrations within a settlement, the LSG shall transfer all its powers to such administration.

Simultaneously, the above draft creates additional opportunities for state officials, represented by the heads of regional military administrations, to take over the authority of regional and district councils, including in territories where there are no hostilities. Which, altogether, may nullify the possibilities outlined above.

It is not yet clear whether this draft passes the second reading. However, there is an attempt to ensure a more potent local state

presence during martial law. This is radically the proper step under martial law, but in the future, the manipulation of the provisions of such a law, together with the extension of martial law, may hinder the reform of local self-government in Ukraine, opposing the democratic path of development.

Other attempts to optimize the operation of local self-government bodies throughout Ukraine are also discussed publicly, regardless of the territories where hostilities occur, which implies the emergence of new opportunities, including those related to internal displacement.

## **2. The aggravation of displacement in the context of local self-government**

The main asset of a territorial community is the resident. Providing an appropriate standard of living, ensuring their needs, opportunities for self-realization and prosperity, and influencing local decision-making processes is the primary social task of any state.

The current provision of basic necessities to the population and the subsequent recovery and proper functioning of territorial communities are jeopardized greatly by the official information on forced displacement that is currently available.

Because of the occupying forces in Donetsk and Luhansk, many Ukrainians have been forced to flee their homes, as was mentioned earlier in this article. As a result of a large number of Ukrainians who have fled the country and obtained refugee status, the situation has grown direr.

According to the UNHCR, since the beginning of the war, 5372854 people have left Ukraine (as of April 27, 2022) [19]. Around 90 percent of these refugees are women and children since males between 18 and 60 years old are prohibited from leaving the country because of martial law. There are, however, exceptions for some categories of men.

The majority of refugees from Ukraine arrived in Poland, while a significant number were also received by Moldova, Romania, Hungary, and Slovakia. It should also be noted that existing mechanisms for temporary protection or refugee status within the EU often lead to further migration to other countries of the Union.

In addition, approximately 650 thousand people (as of April 27, 2022) fled from the war to the territory of the Russian Federation,

while about 25 thousand fled to the territory of the Republic of Belarus. The information space is saturated with reports about the forced displacement of the population of the occupied territories (in particular, the city of Mariupol) to the territory of the Russian Federation. However, it is impossible to independently confirm this information and quantitative data (although the Ukrainian Ombudsman suggests more than a million such displaced persons, probably expanding the figures to account for all of Eastern Ukraine) [20]. As it is impossible to establish the legal status of such persons, the restrictions applied to them, and international guarantees appropriate to them. However, this does not prevent interpreting the alleged actions as genocide of the Ukrainian population under the UN Convention on the Prevention and Punishment of the Crime of Genocide (Art. 2, paragraphs c, d, e) [21].

The problem of internal displacement itself, which emerged as a topical issue for Ukraine after 2014, has also been the subject of research. The government of Ukraine, local authorities, and international partners (NGOs, international intergovernmental organizations) have implemented various informational and scientific, educational, and practical projects in Ukraine. The necessary regulatory framework was created to restore the rights of displaced persons, provide temporary and permanent housing, access to medical and educational services, access to elections, and other elements of reintegration. Local councils played a vital role in directly implementing such projects.

According to available data [22], the heaviest pressure fell on the regions and large settlements bordering the temporarily occupied areas – Donetsk, Dnepropetrovsk, Zaporizhzhia, and Kharkiv (Mariupol, Dnepr, Zaporizhzhia, and Kharkiv, respectively). The reintegration process was not optimal, causing various subjective assessments, which, for the most part, were determined by its duration. However, the practice of European states, in particular Montenegro, Bosnia and Herzegovina, shows that the reintegration of internally displaced persons is not a short-term undertaking.

As of April 21, 2022, more than 7700000 people were internally displaced in Ukraine (the number is constantly rising), according to the UNHCR [23]. This number reflects only those who were forced



to leave their homes after the start of open aggression by the Russian Federation on February 24, 2022. Thus, 1446881 potentially twice-displaced persons who, according to the Ministry of Integration of Ukraine as of 2021, officially acquired such status after the events of 2014 are not accounted for [24].

Even more troublingly, there was a discrepancy between the national and local data on registered IDPs, which may indicate that the Ministry of Integration lacks proper control over the centralized registration of IDPs and thus does not allow an objective assessment of the situation either by the state or other interested parties.

In the context of this article, the critical question remains – how will this process affect the local situation? To uncover the problem, it is appropriate to divide it into its constituent parts: 1) registration; 2) welfare; 3) employment; and 4) housing. Primary medical care is tied to the registration procedure, while the issues of getting/continuing education have been relegated to the digital sphere, using practices operating during the lockdown.

**Refugees** are considered a long-term loss of human capital for part of the territorial communities (putting aside in this study the impact of such processes on the host states). When providing temporary protection, issues of registration, welfare, employment, and housing are the responsibility of EU Member States due to the type of implementation mechanism of the framework document (Directive 2001/55/EC of July 20, 2001) [25]. Even though the minimum necessary standards are observed, these tend to vary in implementation. Most refugees who left the territory of Ukraine use the temporary protection mechanism when obtaining refugee status may be relevant only for categories of persons who do not see the possibility of returning to their home country due to occupation and/or other reasons.

**In the case of internally displaced persons**, this is a reciprocal process, a transfer of the burden to regions where there are no hostilities, and a corresponding loss of population in communities whose residents were forced to leave their homes. However, it should be noted that despite the lack of verified precise data, presumably, a substantial number of people have left the territories of mostly eastern regions of Ukraine, having left for abroad. *As an internally*

*displaced person, one's own experience pushes one to unscientific conclusions about unprecedented migration, but it is impossible to use such experience as a verified fact in a scientific study.*

Thus, it is up to the host communities (for the most part in central and western Ukraine, large cities and small towns) to provide for the needs outlined above.

Registration and record-keeping issues, which were a problem even after 2014, have been partially resolved by introducing an electronic registration channel through a mobile application and registration through public service centers or local councils. However, the scale and nature of the displacement created new registration problems. Internal software inconsistencies and the inability of local representatives to access relevant databases often lead to bottlenecks. In addition, electronic registration methods imply the need to become military registrants, which prevents men (sometimes entire families) from registering as IDPs. The re-registration of persons who obtained the corresponding status after 2014 is also complicated.

The provision of financial assistance from the state is also not without problems. The monthly allowance ranges from two to three thousand hryvnias, approximately \$65 to \$100 at the current exchange rate. However, the increase in prices for almost all goods, compounded by the fuel crisis (due to the destruction of critical infrastructure by the aggressor) and logistical problems, significantly worsens the financial situation of such persons, especially if one considers the reluctance of the male population to register as displaced.

A significant number of IDPs have lost employment and, due to various circumstances, are unable to find work in places of temporary residence. State support, in this case, consists of providing additional payments of 6,500 hryvnias (approximately \$215) per hired worker. In host communities, this positively affects overall labor market inclusion (although it does not guarantee employment opportunities for specialized professionals). On the other hand, relocating businesses and industries that attract a workforce creates risks for the departing communities. Small entities under occupation, partially destroyed, with one or more businesses as founding, may not expect residents to return due to a lack of housing and employment opportunities to provide basic needs.

The housing context of the problem of internal displacement has its shortcomings. Some displaced persons live in rented apartments/houses on a paid or free-of-charge basis (temporarily and subject to appropriate financial capacity). Some use the facilities of schools/hospitals/kindergartens and other communal institutions provided by the host communities, which have been repurposed for the duration of martial law. In several regions of western Ukraine, projects for the rapid preparation of temporary housing are already being implemented, particularly in the Lviv region, where several temporary modular housing projects are being deployed with the support of the Polish government. Given the general nature of the problem, each case is individual, and with the understandable urge of each person to return home, as a result of this war, modular housing may become permanent, not temporary. Meanwhile, the strain on the social infrastructure of the host regions is increasing.

Small territorial communities and joint territorial communities will be hampered in their efforts to rebuild infrastructure and homes that have been destroyed, as well as their ability to provide a decent standard of living for their residents, due to the significant drop in population.

### **3. Post-war recovery and stabilization**

The current situation (as of April 27, 2022) does not offer an opportunity to fully predict the consequences of the war because it is impossible to include many factors in the outlook reliably. First, neither the initial nor the adjusted objectives of the Russian Federation, explaining the actions of its military machine, are clear and constant. Combined with the inability to estimate the duration of active combat operations, this makes it impossible to determine the damage caused or potential damage (which is determined by only approximate estimates even in the official statements of the Ukrainian government). Second, it is also challenging to make a definite prediction about the territorial integrity and borders of Ukraine at the end of the active phase of hostilities. Third, returning to the previous point, it is difficult to predict the situation around the number and time factor of the return of residents of territorial communities to their usual places of residence. One should also take into account the factor of no return (legal and illegal migration), the factor of the continuation of the

prohibition on the departure of military men after the end of martial law, and the factor of the impossibility of such return due to the occupation of territories.

Damage assessment, both in financial terms and in terms of the population and the general level of development in specific regions, is currently insufficient to even begin planning for recovery. “ As a result of the national economic consequences, regions, large cities, and smaller entities are adversely affected. This, coupled with the demographic crisis, significantly extends the expected stabilization period.

Businesses and enterprises are also expected to be displaced from volatile regions, which could become stable and permanent if the conflict is extended or temporarily frozen. As a result of this trend, the ability of local governments to provide essential services and a minimum standard of living to their citizens are negatively impacted. The fears and uncertainties of investors, particularly those in regions bordering the Russian Federation, make it unlikely that efforts to boost business returns and foreign investment will be successful. According to the mayor of Kharkiv, the private entities that provide transportation services essential to the population have almost completely exited the market in the city. We can infer that the pro-Western migration of private capital, which is so critical for a full recovery, will be of the same nature.

The rebuilding of critical infrastructure suffers the negative consequences of its destruction. In other words, the destruction of industrial plants results in a lack of resources needed for rebuilding. Plans for significant financial assistance from European Union member states have not yet been presented, but rumors of their development increasingly appear in the media.

It's also been reported that a wide range of socially important infrastructure facilities such as health care facilities, public schools, and colleges and universities have been adversely affected, necessitating major alterations in the way local self-government and state authorities interact, resulting in a disparity.

It is noteworthy that a nearly completed amalgamation process in postwar reconstruction yields positive results. The potential of large cities for reconstruction is less worrying when smaller communities,

which have lost a significant number of their inhabitants and form businesses, may be permanently abandoned and effectively cease to exist. In this vein, small territorial communities' mergers can partially prevent negative consequences.

The statements of Ukraine's international partners are currently lacking in specifics due to the factors listed above. On the other hand, the Ukrainian government has presented the idea of engaging foreign funds and specialists for reconstruction. Representatives of local governments can currently use the mechanisms of soliciting assistance from twin cities and other means not prohibited by Ukrainian law.

Presumably, after the end of active combat operations and a proper assessment of the damage caused, additional regulatory regulation and new interaction mechanisms between local self-government bodies and officials, the state, foreign investors, and international partners are required.

Currently, various mechanisms of drawing assistance (financial and professional) from foreign states, in the format of the particular state's accountability for a particular area, are being considered. However, one should consider the risks described above, which investors are subjected to, including those motivated by the governments of Western countries and the European Union, in particular. Most likely, the priority efforts are to be aimed at restoring infrastructure facilities of national importance, followed by housing facilities in the central and western regions, and, lastly, in the regions close to the line of contact.

The processes of displacement and reconstruction of regions are mutually detrimental since the inability to return slows down the latter. In the case of a highly pessimistic scenario of a frozen conflict, the population is forced to settle in safer areas, which prevents their possible return even after a considerable amount of time.

The preparation and discussion of a national reconstruction plan, which should introduce a new approach to the definition of regions, is currently underway. It is proposed to consider temporarily occupied, stronghold, and the safe territories (ones that have accepted IDPs and businesses). The most problematic in terms of reconstruction are the first two, for the reasons given above. Even if this concept is revised when the peace agreement scenario is implemented, the aggressor-

bordering regions may face severe problems in terms of reconstruction and normalization of life.

On April 1, 2022, the Verkhovna Rada of Ukraine agreed on the Draft Law «On Compensation for Damage and Destruction of Specific Categories of Real Estate due to Military Actions, Terrorist Acts, and Sabotage Caused by the Armed Forces Aggression of the Russian Federation» No. 7198 [26]. The draft law is designed to provide compensation for damaged or destroyed housing and specific categories of real estate and collect information for future lawsuits of the State of Ukraine against the Russian Federation.

Priority right to receive compensation is to be given to 1) multiple-child families; 2) persons with disabilities of groups I and II; 3) participants in combat operations, persons with disabilities as a result of the war, and family members of deceased servicemen. For the second and subsequent real estate objects, compensation is to be provided in the order of priority on an equal basis. Assuming the significant scale of property destroyed, one can predict a long-term time frame for implementing this bill.

Some areas of the Kyiv region that have been liberated are already facing problems in terms of recovery, and with the constant risk of resumed aggression, many settlements are likely to be permanently abandoned. The potential for an Israeli-Palestinian scenario has a high chance of materializing.

#### **4. Local self-government in the temporarily occupied and stronghold territories**

The legal status of temporarily occupied territory has long been developed in international law and is reflected in Ukrainian legislation. Speaking about the stronghold territories, in the narrow sense, this definition should be understood as territories that play the role of vital linking and logistical points to ensure defense and solve humanitarian issues. Such territories may include parts of the Odesa, Dnepropetrovsk, Poltava, Donetsk, and Kharkiv regions. A broader definition will most likely be applied after the end of the active phase of hostilities, including host regions, i.e., most of western Ukraine.

As stated in the first paragraph of this article, the current functioning of local self-government in Ukraine is based on the Constitution of Ukraine, and relevant laws, but with significant

changes due to active martial law. Accordingly, the mechanisms of relations between the elected bodies and officials of local self-government and the newly formed military offices of the state changed under war conditions. In the support territories, many exclusive issues are managed by military administrations, which for the most part are purely military and are related to security. At the same time, local self-government bodies and officials deal with issues of a humanitarian nature, the temporary restoration of critical infrastructure, and the provision of essential services to the population.

Bodies and officials of local self-government in the temporarily occupied territories work in a completely different regime. Such local representatives have several options: 1) remain in the occupied territory; 2) leave the territory and attempt to continue performing their functions remotely; 3) resign, or plead the impossibility of performing the relevant tasks, which leads to the establishment of the appropriate military administration to take over the corresponding functions.

Suppose local government representatives continue to perform their functions. In that case, they face serious problems – lack of food and necessities (as well as the ability to replenish supplies), rising prices, inability to conduct settlement operations (accrual of salaries and payments), and others. Large cities have a more substantial margin of safety, where representatives of smaller formations are more often forced to cooperate with the occupation forces.

There are also known cases of voluntary cooperation with representatives of the armed forces of the Russian Federation (with the so-called commandants of the respective regions). Under Ukrainian law, such actions are considered treason and are treated as collaboration.

It is also necessary to highlight the issue of normalization of public life, which has been addressed in some detail in international legal doctrine. Despite the lack of such experience in post-Soviet countries, the mental state of citizens, post-war trauma, and the general consequences of being under occupation can lead to undesirable transformations of public consciousness.

In addition, due to the temporary suspension of the activities of political parties that are suspected of promoting a pro-Russian

discourse, there are situations in which, even in the support territories, some elected councils are in danger of a complete shutdown. Since representatives of such parties often occupy a significant number of seats in local representative bodies, restricting the work of the former limits the latter from operating under Ukrainian law.

Thus, there is a need for legislative changes aimed at preserving the functionality of local councils while restricting the activities of political parties to ensure security. The national problem is reflected on the local level and must be solved accordingly. The long-term process of post-war reconstruction, or adaptation to the frozen conflict on the new line of contact (and stronghold territories), requires financial and organizational activities and the intervention of the state and local representatives in adjusting social mentality to the new environment.

**Conclusions.** Despite the timely transformation and transition of local self-government to work under martial law, the cardinal change in the conditions of existence of the Ukrainian state has created a significant number of challenges, most of which the local self-government has not had to face.

1. The lifting of martial law and the attempt to return local self-government to a standard format require significant legislative reforms, which in peacetime should need to be developed in a short timeframe, provided the consultations with a wide range of stakeholders. The issue of re-visiting the unfinished reform of local self-government, its restart, or adaptation to post-war conditions regains significance. In the context of legal regulation, issues of compliance with generally accepted democratic standards of local self-governance, voluntarily adopted by our state after the ratification of the European Charter of Local Self-Government, are to be observed. The reform restart creates various risks, from possible militarization of the system of state-local control in the post-war period to the issues of effective fight against corruption during the mobilization of funds for the reconstruction of the industrial and social infrastructure of the regions.

2. In the context of internal displacement, the issues of registration, long-term accommodation, employment, education, and medical services for persons unable to return to their places of residence are prioritized. After the partial restoration of basic vital infrastructure,



the focus must shift to the possible temporary accommodation for displaced persons already on the territory of the displaced communities since rebuilding the housing infrastructure may take a considerable amount of time. The loss of human resources in the support territories is expected to be tangible and already today can be assessed as potentially unrecoverable since internal migration in the coming years will be exclusively pro-Western. Thus, the supporting communities, and accordingly, local self-government bodies and officials, with the support of foreign partners and the state, must endeavor to create favorable conditions for the reintegration of their residents.

3. Given the approximate scale of the damage inflicted, it is not easy today to talk about the short-term restoration of vital infrastructure, let alone public housing. The obstacles include legal inconsistencies, financial and material constraints, logistical complications, significant irretrievable loss of population, justified concerns of investors, loss of businesses and enterprises, and difficulties in effectively combating corruption associated with state-wide and regional reconstruction implementation policies. However, financial and specialized assistance from European Union member states can be used to facilitate the integration process.

4. Social transformations, both ongoing and anticipated after the end of the active phase of hostilities, pose a risk of self-isolation and militarization of the thinking of Ukrainian citizens, affecting national mentality. The adverse effect on the socio-political climate at the national and regional levels should be anticipated. Such trends can lead to the politicization of everyday life processes, decision-making, and the formation of militaristic ideologies to the detriment of the reinvigoration of public life. Such trends can be mitigated by introducing a more profound integration paradigm supported by a partnership with the European Union, including the reconstruction process.

Today, it is vital to preserve Ukrainians as a European nation and form a nationwide peaceful pro-European democratization policy, necessary to reduce the risks of toxic ideologies that hinder further development. And although our efforts alone are not enough for the full-fledged recovery of Ukraine in a broader sense, a new stage of the history of our state has already begun, and we must be ready to make every effort to steer it in the right direction.

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**О. О. Петришин**

**Місцеве самоврядування в Україні: правові та соціально-політичні проблеми воєнного часу і перспективи повоєнного відновлення**

***Анотація.** У статті здійснено спробу проведення екстенсивного аналізу модусу існування та функціонування місцевого самоврядування в Україні. Надано оцінку найбільш знаковим досягненням реформістських процесів, започаткованих у 2014 році, що уможливило чітке окреслення тих модифікацій, яких зазнала його система з моменту введення воєнного стану. Надано правову оцінку ряду найбільш актуальних законопроектів, покликаних оптимізувати роботу органів та посадових осіб місцевого самоврядування (у частині прийняття рішень у кризових умовах, взаємодії з військовими адміністраціями, забезпечення умовами та передметами першої необхідності внутрішньо переміщених осіб тощо).*

*Проаналізовано наявний та потенційний вплив процесів переміщення населення на відновлювальну спроможність громад. Розкрито проблематику переміщення бізнесів та виробництв на безпечні території, а також наслідків та ризиків такого процесу. Здійснено огляд доступної інформації щодо можливих форматів та механізмів залучення міжнародної фінансової та експертної допомоги у післявоєнному відновленні України. Визначено потенційні проблемні точки реалізації процесу відновлення критичної та житлової інфраструктури постраждалих регіонів.*

*Окрему увагу приділено соціально-політичним наслідкам військової агресії Російської Федерації в контексті поточного та перспективного функціонування місцевого самоврядування на окупованих та опорних територіях. Наголошено на важливості утримання демократичного проєвропейського загальнодержавного політичного курсу для запобігання мілітаризації державного управління, обмеження функціональності місцевого самоврядування та створення ідеологічно-насиченого політичного клімату.*

*Напрацьовано ряд узагальнюючих рекомендацій щодо ролі місцевого самоврядування під час війни та у післявоєнному відновленні України, направлених на забезпечення своєчасного реагування, направлення професійної дискусії та формування доктринального фундаменту для подальшої реалізації результатів галузевих та прикладних наукових пошуків у законодавчій та правозастосовній діяльності.*

**Ключові слова:** *місьцеве самоврядування в Україні, воєнний стан, внутрішнє переміщення, повоєнне відновлення, місцеве представництво.*