

*R. Yakovchuk,
Candidate of Technical Sciences (Ph. D.), Associate Professor at the Department of Law
and Management, Lviv State University of Life Safety, Lviv*
*A. Samijlo,
Candidate of Juridical Sciences (Ph. D.), Senior Lecturer at the Department of Law
and Management, Lviv State University of Life Safety, Lviv*
*D. Lukashevych,
Lviv State University of Life Safety, Lviv*
*A. Sberstobitova,
Lviv State University of Life Safety, Lviv*

SESU AND THE MINISTRY OF DEFENCE OF UKRAINE INTERACTION IN THE FIELD OF PREVENTION AND EMERGENCY RESPONSE

*Р. С. Яковчук,
к. т. н., доцент кафедри права та менеджменту у сфері цивільного захисту,
Львівський державний університет безпеки життєдіяльності, м. Львів*
*А. В. Саміло,
к. ю. н., старший викладач кафедри права та менеджменту у сфері цивільного захисту,
Львівський державний університет безпеки життєдіяльності, м. Львів*
*Д. В. Лукашевич,
Львівський державний університет безпеки життєдіяльності, м. Львів*
*А. В. Шерстобітова,
Львівський державний університет безпеки життєдіяльності, м. Львів*

ВЗАЄМОДІЯ ДСНС ТА МІНІСТЕРСТВА ОБОРОНИ УКРАЇНИ У СФЕРІ ЗАПОБІГАННЯ ТА ЛІКВІДАЦІЇ НАДЗВИЧАЙНИХ СИТУАЦІЙ

The current system of government, endowed with administrative and legal functions, cannot fully perform its tasks to protect the population and territories from industrial and natural emergencies, leading to loss of life, multibillion loss, irreparably damage the environment, enhance social tension of population. There is a particular importance of the need to have efficient management in the sphere of emergency prevention and control, implemented through cooperation of civil defense units with State government bodies, particularly with government bodies of safety and defence sectors.

The study of regulatory framework of ensure interaction and emergencies of State Emergency Response service of Ukraine and Ministry of Defense of Ukraine on prevention and rectification of emergency has an important meaning affecting the timeliness and effectiveness of measures to protect constitutional rights of citizens according to safety, that is a reliable guarantor of guarantee natural and technogenic safety and the formation of rescue service as one of the main task performers for the guarantee population safety of in times of peace and in times of crisis.

At the present time, we can confidently claim about existence in our state regulatory legal acts system which are largely regulate interaction mechanism and procedure for the involvement of the Armed Forces of Ukraine to emergency mitigation in peacetime and in a particular period, even though the system needs further improvement. The main role in solving the problem of emergency response must exactly play the legislature mechanism of prevention and mitigation of consequences.

Сучасна система державного управління, яка наділена адміністративно-правовими функціями, не здатна повною мірою виконати покладені на неї завдання щодо захисту населення і територій від техногенних та природних надзвичайних ситуацій (НС), які призводять до загибелі людей і багатомільярдних втрат, завдають непоправної шкоди навколишньому природному середовищу, посилюють соціальну напруженість населення. Особливого значення набуває необхідність ефективного управління у сфері запобігання та ліквідації надзвичайних ситуацій,

що реалізується шляхом взаємодії органів та підрозділів цивільного захисту з органами державної влади, зокрема з державними органами сектору безпеки та оборони.

Досліджується нормативно-правова база забезпечення взаємодії ДСНС та Міноборони України у сфері запобігання та ліквідації НС, яка впливає на своєчасність і ефективність заходів, спрямованих на захист конституційних прав громадян на безпеку життєдіяльності, є надійним гарантом забезпечення природно-техногенної безпеки та формування рятувальної служби як одного із основних виконавців завдання щодо гарантування безпеки населення в мирний час та в особливий період.

На теперішній час у нашій державі існує системи нормативно-правових актів, які в значній мірі регулюють механізм взаємодії і порядок залучення Збройних Сил України до ліквідації наслідків надзвичайних ситуацій в мирний час та в особливий період, хоча ця система і потребує подальшого удосконалення. Головну роль у вирішенні завдання реагування на надзвичайні ситуації повинен відігравати саме законодавчий механізм запобігання та ліквідації їх наслідків.

Key words: State Emergency Response service of Ukraine, Unified State system of Civil defence, emergency prevention, interaction, emergency response, rescue work.

Ключові слова: Державна служба України з надзвичайних ситуацій, Єдина державна система цивільного захисту, запобігання надзвичайним ситуаціям, взаємодія, реагування на надзвичайні ситуації, аварійно-рятувальні роботи.

INTRODUCTION

The main objective of modern Ukrainian state policy on all management levels is to provide safe conditions for living and human activity. The state as the main subject to guarantee measures implementation in the sphere emergency prevention and control. The state by authorities throughout granted of powers on basis of available financial technological and workforce potential on national, regional and local level accomplish measures and has responsibility for the achievement of set goals. However, the current system of government, endowed with administrative and legal functions, cannot fully perform its tasks to protect the population and territories from industrial and natural emergencies, leading to loss of life, multibillion loss, irreparably damage the environment, enhance social tension of population. There is a particular importance of the need to have efficient management in the sphere of emergency prevention and control, implemented through cooperation of civil defense units with State government bodies, particularly with government bodies of safety and defence sectors.

FORMULATION OF THE PROBLEM

December 24, 2012, by the executive fiat of Ukraine, № 726/2012 [1], Ministry of Emergency Response and Ukrainian State Industry-related safety inspection are reorganized into unified State Emergency Response service of Ukraine (SERSU), as a central executive body which is which is coordinated and directed by the Ministry of Defense of Ukraine, which was associated with the possibility of involvement of Ukrainian units of Armed Forces to to emergency response. However, one must note, that in April 25, 2014 the Cabinet of Ministers of Ukraine issued an act № 120 "Coordination and direction Issues of civil emergency response service" which establishes that, activity is directed and coordinated by Cabinet of Ministers of Ukraine by Interior minister [2].

State emergency response service of Ukraine plays a pivotal role in the accomplishment of the tasks concerning assurance of military security of Ukraine, its preparations to Armed Defense regardless other aspects of the state security and defense in light of define competence. During defensive measures State Emergency Response service of Ukraine,

accomplishes direct management of the activity of Unified State system of Civil defence (USSCD) for rectification of the emergency consequences caused by weapon usage and population protection and territories from the effects of warfare [3].

Formation of national defense capabilities requires continuous improvement of the civil defence, bring it into line with EU standards and guarantee of effective operation and and equipping civil defense forces with modern types of machinery, tools and equipment.

In order to timely prevent and effectively respond to emergencies State Emergency Response service of Ukraine, Ukrainian Defense Ministry interact with each other, namely: determine authorities which will be directly involved in rectification of the emergency consequences as well as complements and number of forces and facilities of respond to emergencies; coordinate procedure for united forces actions of of respond to emergencies during rectification of its consequences and define key tasks, place, time and means of their implementation; organize control united actions management during performing assigned tasks; provide comprehensive joint measures to be implemented by government agencies and its subject forces of of respond to emergencies.

The study of regulatory framework of ensure interaction and emergencies of State Emergency Response service of Ukraine and Ministry of Defense of Ukraine on prevention and rectification of emergency has an important meaning affecting the timeliness and effectiveness of measures to protect constitutional rights of citizens according to safety, that is a reliable guarantor of guarantee natural and technogenic safety and the formation of rescue service as one of the main task performers for the guarantee population safety of in times of peace and in times of crisis.

PRESENTMENT OF PRINCIPAL MATTERS

To understand principles by which the State Emergency Service of Ukraine and Ministry of Defense of Ukraine may interact with each other during the implementation of measures on prevention and liquidation of emergency, during the implementation of measures on prevention and rectification

of emergency, one should be familiar with the concept of "interaction" in its general and specific manifestation, that will help to understand its properties, structure and laws.

Management theory, formed on military and philosophical concepts, defines interaction as agreed at the time and place joint of activities aimed at achieving a common goal. Cooperation as management concept, seen as a form of communication elements of the system by which they mutually complement each other and create conditions for the successful functioning of the whole system.

M.P. Plakhotny [4] gives determinations of the basic concepts, regarding the cooperation that allows them to define their nature and highlight the most important aspects. Cooperation is defined as early concerted actions that are led by its each of its subjects to perform certain tasks, taking into account all of the parties and expenditure share of their resources to other cooperation subjects and achievement of a common goal and mutual impact of their joint actions to achieve it. Mutual assistance — is independent actions of subject cooperation for accomplishment of a specific task by everyone with using its own forces and resources for other cooperation subjects. Joint actions — agreed in advance measures of cooperation subjects to perform certain common tasks. Agreed actions — coordinated in advance measures of cooperation subjects, performed by each of them to accomplish certain tasks, taking into account the activities of other subjects.

It should be mentioned that definition of cooperation can not be unilateral [5], it is carried out with full awareness of the parties about their intentions and plans.

The cooperation between government bodies and civil defense forces largely affect the effectiveness of emergency response that is the goal for the least effort and cost. The process reduction of cooperation in the system of emergency response immediately has a negative impact on the results of civil defense forces. In other words, the success of the rescue and other emergency operations in a particular conditions and level of emergency to provide immediate assistance to victims, the purpose to eliminate the threat to life and health is achieved, in particular, by the establishment of a clear cooperation between government bodies and departments at all levels which are participated in the rescue, and their skilful maneuvering while performing tasks.

In response to emergency involved civil defense forces act under the procedure of specified plans for cooperation. To ensure cooperation, interacting government bodies and civil defense forces are defined, reliable communication of cooperation and mutual exchange of information about the situation organized, and further action task forces (of Representatives). It is important to timely instruct subordinates, interacting authorities and civil defense forces about the order notification, control, communication and information exchange, to establish the responsibilities of managers of subordinate structural units for the cooperation organization in the process of solving their specific problems.

During the organization of cooperation such measures are provided: clarifying areas of each unit; establishment procedures for carrying out the work units that perform tasks related to sites, especially during activities that could endanger or affect the operation of each unit; coordination of time and place to concentrate efforts at joint performance of critical and complex operations; determination of the information

exchange about changes in the situation and progress of work in adjacent areas; establishment of procedures for providing emergency mutual aid.

The cooperation procedure between units of civil defense forces with other subjects providing civilian protection, which are involved in the response to emergency, based on the plans of cooperation. Leaders at all levels in the response to the emergency should take all possible measures to maintain continuous cooperation with subordinates and interacting government bodies and civil defense forces, to immediately resume cooperation in case of loss. In case of significant unpredicted plans, changes in the situation and necessity in new tasks the order of cooperation is specified by managers interacting government bodies, civil defense forces or is determined again.

The order of cooperation of civil defense forces, central and local authorities are clarified in the conditions of the government bodies transfer, capabilities of unified state civil defence system in high readiness mode and in a state of emergency. Place and procedure of work are specified, information about the situation is exchanged.

Article № 28 of Civil Defence code of Ukraine stipulates that Armed Forces of Ukraine may be involved in the case of emergencies, as well as other military units and law enforcement agencies for special purposes, formed under the laws of Ukraine. Engagement rules of Armed forces of Ukraine, other military formations and law enforcement of special purpose, established according to the laws of Ukraine for emergencies determined in accordance with the Constitution of Ukraine and laws of Ukraine "On legal regime of emergency situation", "On the Armed Forces of Ukraine" and other laws. [6]

Participation in rectification of the emergency consequences of natural and industrial disasters is one of the most important activities of the Armed Forces of Ukraine in peacetime. In some years, tens of thousands of troops and hundreds of units of military equipment. Were engaged to rescue and recovery work in Ukraine. Significant environmental, technological challenges and threats to national security of Ukraine and the imperfection of the Unified State System of Civil defence need a clear definition of the place and role of the Armed Forces of Ukraine in the system and their maintainance in a state of high readiness for action in these emergencies.

Specificity of emergency due to the danger and work complexity, imperfect models of the origin and development of emergencies, tense psychological situation may provoke loss of control of military units involved in such work, with hard predictable consequences for members of the security sector separately and society and the state as a whole.

Thus, in the aftermath of the Chernobyl accident participated more than 300 thousand soldiers, more than half of which were military engineers and chemists. It was military liquidators who performed the most dangerous engineering and radiation work with the rectification of the Chornobyl disaster. More than 1,000 professional military medical service always were near the area of Chernobyl accident.

That was military medical service who in the first months after the accident was able to provide massive medical examination of evacuees from 30-km zone of Chernobyl population and other radioactively contaminated people because of the accident area. Unfortunately, the experience of troops in the aftermath of the Chernobyl accident has not implemented properly in practice the Armed Forces of Ukraine.

The order of contingents and facilities engagement of the Ukrainian Armed Forces to participate in rectification of the emergency consequences of natural and industrial disasters, their subordination and coordination with other bodies of the Unified State System of Civil Defence were identified by a number of regulations. The provisions of the Ministry of Defense and the General Staff of Ukraine from 2011 [7], unlike previous versions of these documents determine the tasks of organizing the training and participation of the armed forces in emergencies, which in recent decades have been constantly increasing of number and scale.

On the base of these guidance documents in the General Staff and the Armed Forces of Ukraine in all defined variations of involvement of the Ukrainian Armed Forces capabilities and the planning capabilities of the Armed Forces of Ukraine for emergencies and a system of management of these capabilities were conducted.

In the rectification of the emergency consequences, Ukrainian Armed Forces during its existence has involved more than 200 times. About 20,000 military personnel and 1,500 units of the engineering, automotive and special equipment of the Armed Forces of Ukraine were involved for the rescue and recovery work during the catastrophic floods in Western Ukraine in 2001 and in 2008, a similar situation — more than 3,200 soldiers and 400 vehicles were engaged.

Affirmed by the Ministry of Defense Unit of Ukraine № 353/2015 the regulations for functional subsystem of the rectification of the emergency consequences in dependent institutes to subordinated facilities and territories of Ukrainian Defense the Armed Forces of Ukraine [8]. This regulation defines the structure, objectives, levels, basic issues of the organization management and collaboration of functional subsystems emergency prevention and its rectification of dependent institutes, subordinated facilities and territories of Ukrainian Defense Ministry and the Armed Forces of Ukraine. The purpose of functional subsystem is the emergency prevention, rectification of the emergency consequences and protection of personnel, territories and objects of the Ministry of Defence and the Armed Forces of the emergencies in peacetime and in times of crisis.

The main tasks of the functional subsystems are:

- implementation of civilian protection in the military sphere (facilities for the Ministry of Defence and the Armed Forces);
- preparedness of military command subordinate forces and means involved in the rectification of possible emergencies and hazardous events;
 - rescue and other urgent works according to the localization of emergencies and response at the sites of the Ministry of Defence and the Armed Forces;
 - planning civil protection functional subsystems;
 - development and implementation of state programs aimed at the prevention of disasters, to ensure the implementation of plans for civil protection in the military sphere;
 - implementation of measures to protect military personnel and employees in case of emergencies in peacetime and in times of crisis at the sites of the Ministry of Defense and Armed Forces;
 - development and implementation of measures to ensure sustainable functioning of the Ministry of Defence and the Armed Forces in times of crisis;

- perform other tasks in the field of civil protection provided by law.

Defense Minister of Ukraine performs guidance of functional subsystem by the General Staff of the Armed Forces of Ukraine. Functional subsystem consists of military command of all units and departments that carry out tasks of prevention emergency situations and rectification of their consequences for subordinate objects and territories of the Ministry of Defence and the Armed Forces.

Permanent governing board of functional subsystem:

- at the state level — the Ministry of Defence, the General Staff of the Armed Forces; at the regional level — Command of the Armed Forces, operational and Air Commands headquarters, military commissariats;
- at the object level — handling of of military units, military educational institutions and also enterprises, departments and organizations.

During emergency mitigation of man-made and natural disasters management defined emergency response forces is executed by control points in permanent base. Mobile command posts are kept in readiness to execute tasks for their intended purpose.

The involvement of emergency response forces to emergency mitigation carried by governing board, subordinate such forces, according to the Consolidated Plan participation of troops (forces) of the Ukraine Armed Forces in emergency mitigation of man-made and natural disasters, plans for emergency response and plans for localisation and mitigation of emergency situation consequences in accordance with the law.

Issues which are risen in functional subsystem for the purpose of before-the-fact prevention and effective emergency response:

- government determination which is directly involved in emergency mitigation, composition, number of forces and means response to them;
- coordination procedure for joint action of response forces during emergency mitigation with the definition of the main tasks, place, time and methods of their implementation;
- organization management of joint actions of government and response forces during the execution tasks for their intended purpose;
- all-round support of joint actions which will be carried by governments and their subordinate response forces, including mutual rendering of assistance by transport, engineering, material-and-technical and other means.

Interaction is organized depending on the circumstances, the scale, nature and possible development of an emergency:

- at the state level — between the Ministry of Defence, the General Staff of the Armed Forces, State emergency service of Ukraine and other central executive authorities, which create functional subsystems and their forces;
- at the regional level — between Commands of the Armed Forces, operative, air commands, the main departments of SESU in the regions and local government central executive body, Council of Ministers of the Autonomous Republic of Crimea, Kyiv and Sevastopol city state administrations, which create territorial subsystems and their forces;
- at the local, object levels — between military units, enterprises and their economic association institutions and organizations belonging to the Ministry of Defence, institutions and organizations that do not belong to the Armed

Forces, district (urban) structural units of SESU and local governments, local executive authorities, their forces and business entities.

Interaction during the implementation of measures to prevent emergencies and / or mitigation of emergency consequences is organized by duty officer services at all levels and specially designed operation group of emergency response of man-made and natural disasters.

Exchange of information in the field of preventing appearance and emergency response is organized in order to prevent emergencies and minimize their possible consequences, organization agreed response of civil defense forces to dangerous events and emergencies between duty officer services at all levels of the Armed Forces of Ukraine and SESU.

The procedure for the information exchange between the Ministry of Defence and SESU is carried out according to the instructions about organization information exchange in the field of preventing appearance and emergency response, approved in [9].

The information exchange is organized:

- at the state level — between duty shift GCC Armed Forces and duty officer service of SESU;

- at the regional level — between duty officer services military command (military units) by the place of dislocation and Operations Coordination Center of the Main Departments of SESU in the regions and in Kyiv;

- in addition, between duty shift of the GCC and the Office of the Armed Forces of environmental safety and mine action.

By Order Ministry of Defense of Ukraine from 02.14.2014 № 119 were made changes to Policy Statement about Management of interaction with the State Emergency Service of Ukraine Ministry of Defence of Ukraine [10], approved by the Ministry of Defense of Ukraine on February 19, 2013 № 118.

Management of interaction with SESU Ministry of Defense of Ukraine is the organ of military administration designed for ensuring exercise of powers the Minister of Defense of Ukraine relating the coordination of the State Service of Ukraine of Emergencies and organization interaction of structural subdivisions of the Ministry of Defense of Ukraine with SESU.

The main tasks of the Managing of interactions are:

- participation in the preparation of the Minister of Defense of Ukraine proposals concerning formation public policy in the areas of civil defense, protection of population and territories from emergency situations and prevention their appearing, emergency response, rescue work, fire-fighting operations, fire and technotronic security, emergency service activities, injury prevention an earned nature and also hydrometeorological activity;

- participation in development planning documents in the field of SESU;

- preparation of acts projects of Ukraine Minister of Defense and the Ministry of Defense of Ukraine regarding guide and coordination of SESU activity monitor the implementation of organizational and administrative acts of the Minister of Defense of Ukraine in SESU;

- preparation of acts projects of Ukraine Minister of Defense and the Defense Ministry of Ukraine regarding guide and coordination of SESU activity;

- monitor for the implementation of organizational/management acts of the Minister of Defense of Ukraine in SESU;

- project support regulatory legal acts in the field of SESU.

Management according to the assigned to it tasks:

- SESU together with Ukraine and the General Staff of the Armed Forces of Ukraine is developing a procedure for the involvement of the Armed Forces of Ukraine for emergency mitigation of man-made and natural disasters;

- together with SESU and the General Staff of the Armed Forces of Ukraine approves and submits to the established procedure to the Cabinet of Ministers of Ukraine developed laws project by SESU, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine plans activities in the field of civil defence of state level in peacetime and special period;

- performs statutory regulation of the procedure of organization state supervision (control) over the observance and fulfillment of legislation in the field of fire safety, civil defense, licensing and registration activities, formulation materials about administrative offenses, the activities of emergency services, and statutory regulation of the procedure and conditions of application preventive measures;

- developing a plan of civil defense Defense Ministry of Ukraine for a particular period; works out projects plans in field of civil defense at the state level in peacetime and special period designed by SESU and submit them to the Minister of Defense of Ukraine for entering the established procedure under the advisement of the Cabinet of Ministers of Ukraine;

- works out and submit for approval to the Minister of Defense of Ukraine SESU offers regarding strategic, program-planning documents in the relevant area, the priorities of its activity;

- works out and submit for approval by the Minister of Defense of Ukraine annual work plans of SESU;

- gives the Minister of Defense of Ukraine proposals on improvement of SESU;

- monitors the state of preparation of regulatory legal acts developed by SESU;

- developing a plan of inspections SESU and its territorial bodies and a project order of the Ministry of Defense of Ukraine for performing such inspections by decision of the Minister of Defence of Ukraine and submit it for approval (signature) to the Minister of Defense of Ukraine;

- involved (if necessary) in conducting inspections of SESU and its territorial bodies;

- performs other tasks related to the functioning of the Command as a separate unit of the Defense Ministry of Ukraine.

Management during the execution of assigned tasks interacts in the established order to the structural units of the Defense Ministry of Ukraine, SESU, the General Staff of the Armed Forces of Ukraine and the Armed Forces of Ukraine, other state authorities and local government support bodies and services, formed by the President of Ukraine, Cabinet Ministers of Ukraine, the Verkhovna Rada of Ukraine, as well as enterprises, institutions and organizations.

By this time, the Cabinet of Ministers of Ukraine to the performing he Decree of the President of Ukraine [7] is not decided on new order to attracting units of the Armed Forces of Ukraine for emergencies. Analysis of specific cases involving military units to perform rescue and recovery work in emergencies showed that the ratio of the involved personnel and military equipment — 1: 8 and above, which may indicate insufficient use of special equipment military units in emergency situations and performance military predominantly dangerous heavy manual labor.

It should also be noted that for more than 20-year history of independent Ukraine almost unknown any case, if its armed forces involved to emergency mitigation of man-made and natural disasters according to the current legislation, rather on condition of the introduction on the territory of Ukraine or a region the legal regime of emergency state or environmental disaster area. During the floods of 1998 and 2001, when the soldiers were involved in the mitigation of their consequences, in general of the state of emergency is not mentioned, though the scale of events was abnormal and regulatory and legislative base for this in Ukraine existed.

CONCLUSIONS

Thus, the legislation of involvement military forces to participate in emergency mitigation existed, but in practice it hadn't been realized in appropriate form. So there were problems of statutory compliance in some aspects of the armed forces actions. However, political and military situation, that has arisen in Eastern Ukraine through the actions of terrorists of terrorists demanded not only rethinking approaches to national security protection of Ukraine complex review of issues relating to security and defense, but also force ensuring civil protection subjects of state to to develop and practice normative legal documents, including ensure interaction for solving actual problems in emergency situations.

At the present time, we can confidently claim about existence in our state regulatory legal acts system which are largely regulate interaction mechanism and procedure for the involvement of the Armed Forces of Ukraine to emergency mitigation in peacetime and in a particular period, even though the system needs further improvement.

The main role in solving the problem of emergency response must exactly play the legislature mechanism of prevention and mitigation of consequences.

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