

**«Mainstreaming Human Security Approach in Policy Making To Support The  
Recovery Of Syunik Region» Project**

**LEGAL ANALYSIS AND RECOMMENDATIONS**

**REGARDING THE FIVE-YEAR COMMUNITY DEVELOPMENT PLANNING  
METHODOLOGY IN THE CONTEXTUAL HUMAN SECURITY APPROACH**

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The project was financed by the United Nations Trust Fund for Human Security and aims to improve the effectiveness of regional and community development planning in Syunik by including the concept of human security in existing norms, institutional relationships and planning processes, to systematically address the factors of insecurity that exist at the local level and to protect people from various threats.

The views and conclusions in this analysis do not necessarily reflect the positions of UNDP or other relevant organizations. The authors are fully responsible for the content.

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## **List of Abbreviations**

<b>RA</b>	Republic of Armenia
<b>LSG</b>	Local Self Government
<b>ECLSG</b>	European Charter for Local Self Government
<b>MOTAI</b>	RA Ministry of Territorial Administration
<b>CDP</b>	5-year Community Development Plan
<b>CDPM</b>	Community Development Planning Methodology
<b>HSM</b>	Human Security Methodology
<b>HSA</b>	Human Security Approach
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme

## 1. GENERAL PROVISIONS

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The purpose of this legal analysis is to consider, study and analyze the methodological guidelines for the development and management of the five-year community development plans (hereinafter: Methodology) in the light of the UN approach to human security (hereinafter: HSA). Within the framework of the analysis, the nature and significance of the HSA, the legal comparative analysis of the principles of the HSA and the principles of local self-government, the methodology, the legal possibilities of the integration of the HSA in it are presented, in the context of which relevant recommendations were made. With the legal analysis, emphasis was placed on identifying opportunities for more human-centered, comprehensive, prevention-oriented and context specific local development planning in the communities, within the framework of which institutional issues related to the implementation of the Methodology, and integration of the HSA were identified and highlighted.

Incorporation of HSA into the framework of the Methodology can significantly increase the level of residents' participation in local self-government in the community, which, in turn, can contribute not only to increasing the efficiency of local self-government, but will also give a serious impetus to the sustainable and long-term strategic planning and administration for the community. The normative base for the development of this legal analysis and the resulting legislative recommendations are:

1. The RA Constitution.
2. The European Charter of Local Self-Government.
3. Relevant regulations of the RA Law "On Local Self-Government".
4. The current Methodology guaranteed by MOTAi.
5. The 4 principles of human security approach by the United Nations, as well as the proposed principles of the human security.

The legislative proposals discussed and drafted as a result of this legal analysis are of a sub-legislative nature, mainly aimed at improving the Methodology for the implementation of the principles of the HSA and, as a result, in the legal practice of communities, under the implementation of these approaches and principles, to carry out sustainable and people-centered strategic planning. The recommendations presented at the end should be submitted to the MOTAi, after being approved by the latter, they should be considered in the process of drafting the Methodology in a new edition.

## 2. THE COMMUNITY FIVE-YEAR DEVELOPMENT PLAN, ITS NATURE AND SIGNIFICANCE

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In the sense of sustainable community administration, the documents of strategic nature are developed and approved by the local governments of the community: short-term, medium-term and long-term. In this regard, the CDP is one of the main political documents describing the development action plan of the local governments. Despite the fact that according to the domestic legislation of the Republic of Armenia, in particular, the law "On Local Self-Government", the five-year development plan of the community, as is a political and not a normative legal document, with no defined legal regulations (and this is quite logical, the term "political" is not used in the legislation), however, the CDP, in the sense of its stages of development, discussion and approval, as well as in the sense of feasibility and responsibility, can certainly be qualified as the main landmark for the next five years of office of the elected local governments, and therefore also the political document.

The CDP is generally considered to be the document implying long-term planning for the sustainable development of the community, because the terms of local government service cycle, in the light of the constitutional requirements, is exactly five years, therefore, the period of implementation or enforcement of the CDP in this period is considered long-term, and in a general sense of time, it can also be considered as a medium-term plan, although in this case, in the policy of sustainable community administration and development of the public sector, longer-term planning is needed covering documents, however, they can also be problematic from the point of view of implementation. It is primarily related to the 5-year constitutional term of local government authority, in which case, the next local government, which may be formed from completely different people or political power, cannot logically guide, as a political document developed and approved by the former local authorities.

The above is logical in two senses, that precedent in principle operates at the level of the executive republican power, when outside of the Government's current plans, it develops and approves the Government's medium-term or long-term plans, because the current plan was approved by the previous government. The other alleged reason is that the newly elected local governments, under the conditions of the transition to the proportional electoral system, represent a party or alliances of parties, that is, self-nomination is completely absent, except for a few communities inhabited by national minorities.

Under these conditions, not only the newly elected local governments are considered responsible for the development and implementation of the CDP, but also those political parties and alliances based on the electoral lists and elections of which the local government political responsibility is established on. In a narrow sense, legal

responsibility also arises, however, a complex analysis of the existing legislative instruments shows that the measures of legal responsibility are weaker.

Based on the above, however, it does not necessarily follow, that the level of political responsibility at the local level in Armenia is very high, the state institutions and the LSG representatives, public and political sectors still have a lot to do in that direction, particularly in the context of capacitation of national and regional parties.

The CDP is a document expressing the set of steps to be taken from the point of view of targeted development as a result of the analysis of the socio-economic situation of the community and the identification of existing problems, the assessment of financial, economic, natural and human resources, which provides effective solution for the community's problems from a strategic point of view. From the analysis of the mentioned legislative regulation, it becomes clear that the five-year development plan of the community is first of all based on the results of the socio-economic analysis of the community, in the framework of which the existing problems are identified, secondly, it implies the assessment of the financial, economic, natural and human resources of the community, which as a result, are defined from all the steps to be taken from the point of view of the targeted development of the community, therefore aimed at effective identification of the community's problems from a strategic point of view.

In essence, the analysis of the concept of the CDP is closer to or defines the concept of a strategic policy document more than a plan. The plan, as a document implying planning, must definitely include concrete actions and measures, within which the deadlines for the implementation of these actions and measures, the actors, and not in all cases, also the monitoring tools, are clearly defined.

Within the context of the legislative terminology of the CDP, none of the above-mentioned components are fixed, the concept itself is more than related to the definition of the community's five-year development strategy, because the strategy should be based on the analysis of the socio-economic situation of the community and the assessment of the available resources, the results of which depend on strategic priorities and directions aimed at the development of the community. In addition, in the definition of the concept of CDP, the words "strategically" are used, which indicates that this concept is more than qualified in the context of the concept of strategy.

Based on the priorities and directions of the strategic development of the community, the LSG should have the opportunity to develop and approve program activities within the framework of short-term development plans, medium-term expenditure plan of the community and the annual work plan of the community, which should rightly be based on people-centeredness.

Thus, with its structure, content, nature and significance, the CDP is the main landmark document for community management planning, towards which there is still

a lot to be done in terms of the attitude and responsibility of local governments, but these things should not be limited to the implementation of institutional tools and existing regulations. Using the improvement method, they should imply clear behavioral changes and revisions of local governments and their officials.

Behavioral change is very important, especially from the point of view that LSGs should treat this document as their work plan, as a map of their activities, as a basic and measurable tool for presenting the results of their activities. In this regard, the role of the state authorized body in the field of local self-government is great, particularly or especially from the point of view of the development of the capacities of the community's local governments and the staffs of the communities. The authorized body should, through information campaigns, courses and events be aimed at increasing capacities and professional competences and achieve these behavioral changes at the community level.

### **3. 3. THE ESSENCE OF THE HUMAN SECURITY METHODOLOGY AND THE PURPOSE OF ITS UTILIZATION**

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The human security approach is an analytical toolkit that enables a comprehensive assessment of a multidimensional framework of current and emerging threats and fosters development and implementation of interrelated and complex measures for tackling identified challenges and threats. The HSA considers the citizens at the center of all development processes as their main beneficiary, and their comprehensive security as the foundation of a prosperous and stable society.

As a baseline for the analysis, the HSA acknowledges the interconnectedness of a wide range of challenges, focusing on identification of their root causes. It emphasizes preventive development planning so that future threats and vulnerabilities do not undermine the existing development gains and achievements. The UN HSA specifically emphasizes that communities and countries cannot achieve development without security, security without development, and none of the above without respect for human rights.

In the context of community development and its strategic planning, the HSA fosters deeper identification of existing problems and planning gaps, pointing to more people-centered, comprehensive, context-specific and prevention-oriented development perspectives. The methodology helps to:

- ✓ assess the current socio-economic situation of the community in terms of different components of human security,

- ✓ highlight and understand the factors that cause "insecurity" in 7+ dimensions of human security,
- ✓ analyze the existing development plans and understand how well they address the problems identified in the community,
- ✓ make sure that the solutions to the problems are not episodic and imply long term improvement of the security of the ordinary resident of the community.

### **In the context of CDP, being people-centered means**

- ✓ Placing the individual at the center of analysis and action
- ✓ Being informed by the perspectives of individuals/communities
- ✓ Being committed to inclusiveness and meaningful participation: people are not engaged solely as beneficiaries but also as agents of change
- ✓ Disaggregating data to allow for a nuanced understanding of differential vulnerabilities across groups and particularly of those left furthest behind (Leave No One Behind principle)
- ✓ Emphasizing empowerment, capacity building and resilience as both objectives and means
- ✓ Evaluating impact and measuring success based on outcomes for people (that is actual improvements in aspects of their daily lives)

### **In the context of CDP, being comprehensive means**

- ✓ Considering the full range of challenges facing communities and governments (7+ dimensions of human security)
- ✓ Unpacking how the various challenges are interconnected and trying to find entry points that have potential for positive multiplier effects across dimensions and levels while avoiding negative consequences (Do No Harm principle)
- ✓ Considering actors at different levels and in different sectors that may need to be involved in different ways (advocacy, implementation, coordination, etc.) according to their strengths and mandates (that is, their comparative advantage)
- ✓ Seeking integrated solutions based on strong partnerships and common objective settings.

### **In the context of CDP, being context-specific means**

- ✓ Taking the context as the starting point of analysis and treating contextual factors as essential information
- ✓ Situating the local in its broader context to understand the unique characteristics of the local and its dynamic interaction with national, or wider factors
- ✓ Identifying capacities, assets and resources at the local level and leverage them

### **In the context of CDP, being prevention-oriented means**

- ✓ Considering both needs and vulnerabilities for proactive measures in order to avert downside risks and mitigate their impacts from escalating across insecurities
- ✓ Anticipating risks and addressing root causes of the insecurities to the extent possible to ensure sustainability
- ✓ Adopting a long-term view to tackle structural and behavioral conditions for insecurity
- ✓ Addressing gaps in the protection and empowerment infrastructure (e.g. policies not being enforced, weak community engagement in early warning systems, etc.)

## **4. LEGAL COMPARATIVE ANALYSIS OF THE PRINCIPLES OF LOCAL SELF-GOVERNMENT AND HUMAN SECURITY APPROACHES**

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In the context of the integration of the human security approach proposed by the United Nations in community planning processes, the development and implementation of local (community) policies in the communities is indeed very characteristically close to many local self-government principles, which are fixed by the ECLSG and by the RA Law "On Local Self-Government", and in fact almost identical in terms of their essence and content. As such, the Article 8 of the RA Law "On Local Self-Government" defines the principles of local self-government, points 13 and 14 of Part 1 of the said article define:

- ✓ accountability, publicity and transparency of activities of local self-government bodies;
- ✓ participation of community residents in local self-government.

Studying the principle of people-centeredness in the context of HSA, it is credible to observe that this principle is consistent with the principles of local self-government cited above.

The principle of community residents' participation in local self-governance is one of the main guidelines of the people-centered policy. As for the principle of accountability, publicity and transparency of local government activities, this principle complements the principle of residents' participation, ensuring the community's local government feedback and responsibility towards the community residents.

In the context of the above, the principle of human-centeredness of the HSA is worthy of attention, with its structure and content.

- ✓ Local governments should consider the resident as the main recipient or beneficiary of the community policy implemented by them in the strategic planning and management processes of the community.
- ✓ In the process of assessment and presentation of the needs of the community, socio-economic condition of the community, the questions and problems addressed by the residents should be taken into account and evaluated by local governments.
- ✓ The state and local governments, at the levels of legislation and practical practice, should provide as much as possible tools that will allow to significantly increase people's participation in local self-government, up to the formulation of substantive solutions proposed for local problems and decision-making processes;
- ✓ The proposal submitted by the resident of the community should not be considered exclusively with a procedural approach, it should at least be considered in the management and planning processes of the community, as an important constituent part, as a means or method of promoting the sustainable development of the community.
- ✓ The local governments of the community are responsible to the residents of the community in the light of the Constitution, the ECLSG and the RA domestic legislation from which it follows that a clear monitoring system should be in place for community administration and planning processes underlying it, which in turn will allow to ensure real accountability and transparency.

The principle of people-centeredness is considered as a constitutional principle, both in the context of the branch of legal science and international law.

- ✓ In the Republic of Armenia, a person is the highest value. The inalienable dignity of a person is the inseparable basis of his rights and freedoms.
- ✓ The respect and protection of basic human and citizen rights and freedoms are the responsibilities of public authorities.
- ✓ Public authority is limited to the basic rights and freedoms of man and citizen as a directly applicable right.

It follows from the mentioned constitutional regulation that the basic rights of a person and a citizen are considered a directly valid right, secondly, public authorities, in this case, local governments, are limited by the basic rights and freedoms of a person ) the right to local self-government, because local self-government before being an institution is, first of all, considered a constitutional human right, which is guaranteed by Articles 9 and 48 of the Constitution, and of course, by Chapter 9 of the Constitution.

From the analysis of Article 179 of the RA Constitution, it becomes obvious that the entities granting the right of local self-government to the LSGs are the residents of the community with electoral rights, therefore, the LSGs, in that context, assume the right and ability to exercise local self-government in the community, the responsibility to manage the community for the benefit of community residents. On the other hand,

the constitution specified that the ways of direct participation in the management of the affairs of the community by the residents of the community are defined by the law.

In the context of the above, it is necessary to record that the right of a community resident to participate in local self-government is considered a constitutional right, which is an inalienable and guaranteed right, and should be considered exclusively among basic human rights. Next, local governments should be limited in their actions, keeping in mind the constitutional right of residents to participate in the management of community affairs. It turns out that when managing the affairs of the community, or that is the same, when managing the community, local governments should be based on the principle of people-centeredness, which, however, is not literally fixed by the domestic legislation of the RA, but it directly follows from a number of principles defined by the legislation. and with regulations.

**Considering the above, based on the requirements of Article 3, Article 179 and Article 183 of the Constitution, as well as guided by Article 8, Part 1, Clauses 13 and 14 of the Law on Local Self-Government, it is proposed to ad in 2.1.2 of Methodology. socio-economic situation of the community defined in point 2.2, definition of community goals and action planning in the section, as well as 6.3.2. organization and holding of public discussions or open hearings of the CPD project defined in point, making additions in the section of the RADP draft amendment and summary, particularly fixing the following new regulations accordingly.**

1. The evaluation of the socio-economic condition of the community is carried out on the basis of the principle of people-centeredness. The evaluation of the socio-economic condition is carried out by ensuring the inclusiveness of the residents, inventorying and analyzing the questions and problems, opinions and impressions, suggestions and observations addressed by the residents describing the social and economic conditions of the community.

2. In the section assuming community goals and action planning, define that in order to define or outline the community's long-term or medium-term goals, the community's website page, the results of the collection of opinions announced for that purpose, the minutes of the meeting of the consultative body attached to the community leader, in the settlements included in the community, will be used as a basis the results of the meetings held. As for the planning of actions, they should be carried out directly by the community staff and LGUs, taking into account the importance, urgency of the planned action and event, and the possibilities of the community's budget funds for that year.

3. In the component of organizing public discussions or open hearings of the project, provide that the proposals received during public discussions and hearings are made public on the official website of the community, in parallel, a summary sheet is

prepared by the community staff, in which the information about the acceptance of the proposal is indicated, in case of non-acceptance, its justification. Provide a provision whereby a public discussion and open hearing must be organized in each settlement included in the community.

Next, it is necessary to refer to the principle of consistency with the local/community context, which is compared with the following principles of local self-government by the method of legal comparison within the framework of this section:

- adaptation of the internal structures of local self-government bodies to the solution of community problems;
- compliance of financial means necessary for implementation of mandatory tasks of local self-government bodies.
- the working conditions of local self-government officials should provide an opportunity to recruit highly qualified personnel based on the principles of experience and expertise. To this end, adequate training opportunities, remuneration and career advancement should be provided.
- the financial resources of local self-government bodies should be proportionate to the powers given to them by the Constitution or the law.

Local context is a rather comprehensive category with its own characteristics. In terms of the community, the interpretation of the local context is more difficult, because each community has its own characteristics, naturally, the mentioned does not exclude the characteristics and problems of the general nature of the communities.

The characteristics of communities are determined by many circumstances, including geographical location, population size and composition, socio-economic

The first principle is the adaptation of the internal structures of local self-government bodies to the solution of community problems. The main importance of this principle lies in the fact that in order to achieve the solution of the problems that the communities face, the community must have the opportunity to form its staff in accordance with the scope of these problems and the coherence of the local context fully corresponds to this principle of local self-government, to the extent that the first addressee of the implementation of the tasks before the community is the staff of the community and the community organizations, therefore their structures should be comparable with the scope of powers assigned to local governments by law and the logic of their implementation.

The second principle is the adequacy of the necessary financial resources for the implementation of the mandatory tasks of local self-government bodies, the main ideology of which is that the necessary financial resources should be provided for the local authorities going back to the coherence with the local context, it should be noted

that each community has different financial opportunities, based on a number of community factors, including its own from income indicators.

The application of the principle of coherence at the community level is much more difficult than at the national level, in the sense that local self-government policies are developed at the national level.

Based on the above, under the Methodology article 2.1.7 is proposed to make an addition in the analysis section of community strengths and weaknesses, opportunities and threats (SWOT) defined in point, specifically stating that the analysis of the community's strengths and weaknesses, existing opportunities and threats is carried out in accordance with the local context of the community, taking into account the primary problems of the settlements included in the community, problems requiring urgent solutions in settlements, resilience risks and hazards, human security factors, climate change, possible program actions aimed at adaptation, budgetary possibilities of the community, etc.

The third principle is the working conditions of local government officials, which should allow for the recruitment of highly qualified personnel based on the principles of experience and knowledge. For this purpose, appropriate training opportunities, remuneration and service promotion should be provided. Community requirements, needs and specifics require the involvement of community workers with different qualifications.

However, it should be noted that there are both institutional and legal problems regarding the implementation of this principle in Armenia. In the institutional sense, the problem lies in the fact that the legislation regulating the community service sector does not apply a differentiated approach to community employees, particularly in the sense of professional education. All that is required is a higher education, in which case, for example, a community where disaster risk management is up-to-date, based on the geographical factors of the given community, however, the need for a crisis management specialist is essentially not filled. In a legal sense, there is a serious personnel problem in communities far from the capital, the main reason of which is perhaps deeper, it is mainly due to the uneven development trends of the country, as a result of which the personnel flow is directed towards capital. In the institutional sense, there is also another important problem, that is, the problem of proper remuneration of municipal servants' rates are set by law, in the context of which, the maximum remuneration of a municipal employee shall not exceed 80 percent of the monthly salary of the municipal manager.

It turns out that in each community, the remuneration of the municipal employee depends on the decision of the council of elders of the given community, by which the council of elders approves the monthly remuneration rate of the head of the community. There is another problem, which is due to the provision of adequate training opportunities for the community servants provided by the ECLSG. There is still no

unified policy in Armenia, by which the state will guarantee the development of professional abilities and skills of community servants, the trainings are carried out in a rather fragmented way, without serious standard limits, without considering the real needs of the community staff. In this light the trainings of community servants are more than formal in nature and a certain lack of confidence towards trainings has been formed among community servants, which is due to both the factors listed above, as well as the trainings conducted on the same topics every year.

From the point of view of ensuring the coherence of the local context, the state has the most work to do here, from the point of view of the policies developed by it. These policies are more than related to the status of community servants at the level of laws, pay conditions, promotion opportunities, narrow professional education requirements, capacity building and other circumstances. The realization of the principle of local coherence would have its desired result, if the communities had the opportunity by law, considering the characteristics of their communities, to involve people with narrow professional education in the community staff, at the same time, the mentioned would be completely justified, if there really was such a potential in different communities of Armenia.

Despite the fact that these conclusions are mainly related to the need to make appropriate changes and additions to the laws, nevertheless, it is suggested to provide certain solutions implied by these conclusions also in the framework of the Methodology. It is recommended to include the component of community staff capacity in the implementation of community SWOT analysis, provided for in point 6.2.2 of the Methodology, emphasizing the areas in which the community has weaknesses and should plan certain measures to further strengthen it. On the basis of the mentioned, it is also necessary to plan a program action that will provide for the development of community staff's capacities according to the needs of the given community.

The next and last principle compared with the principle of coherence with the local context in the jurisprudential method is the following. the financial resources of local self-government bodies must be proportional to the powers granted to them by the Constitution or by law. This principle, which is provided by the ECLSG, is again applicable to the policy developed at the national level, the main addressee of which is the community with its LSGs. The studies carried out regarding the number of powers of local governments show that this principle is significantly violated, moreover, the requirement defined by Article 186 of the Constitution, according to which, when increasing the powers of local governments, the state must provide communities with appropriate financial resources by law, continues to be ignored.

In essence, this attitude shown by the state towards the communities is nothing more than a random transfer of powers, during which there is no predictability of evaluating the effectiveness of the implementation of these powers, the adjustment and

assessment of the possibilities of the communities to implement these powers, the capabilities of the local governments of the communities and other resources. Ultimately, the policies developed at the national level, which are aimed at the transfer of powers to local governments, do not take into account local or community cohesion, that is, whether the specific community, based on its abilities and opportunities, is ready to exercise that power or not:

The same conclusion also applies to the decentralization reforms, which never entered its practical stage, because the capabilities of the local governments of the communities have not been realistically calculated, secondly, the state is still not fully determined to transfer of powers that imply serious public services, because in the case of the transfer of such powers, the state must transfer serious administrative leverage and, of course, financial resources to the communities.

Within the framework of the implementation of this principle, regardless of the policy developed by the state, it is proposed to reflect in the framework of the Methodology the scope of the programs that should be implemented within the budget funds of the community. Based on the above, it is recommended to outline the actions and programs based on the sections presenting the funding and programs of the CDP Methodology, in order to distribute and define the principle in line with the community's budget funds. The outline of this principle can be a guideline for the local governments, so that the latter include only those programs which will be predictable from the perspective of planning and implementation, within the scope of the community's own income and the budgetary possibilities of the community in general.

Next, the principle of comprehensiveness in the context of HSA is presented, which has the following meaning in the community context. The communities shall assess and consider community issues in a general sense, then address them in greater detail, complexity and inter-relatedness, according to urgency, priority, and public importance. Comprehensiveness itself implies highlighting and considering the range of challenges facing the community in the community's strategic planning processes.

Challenges and issues considered in community planning processes should be inventoried and planned on the principle of interdependence, outlining mutually possible positive or negative impacts, with particular emphasis on the chain method of solving these problems. Sampling of affiliations should not be random, but should be determined in light of the priorities and urgency of community issues. More importantly, consideration of the principle of inclusiveness in community planning processes, in the context of involving all possible actors in an effort to develop interrelated, collective outcomes. Community management itself is a type of multi-stakeholder management, therefore the planning underlying the sustainable development and management processes of the community should have a wide coverage of possible actors. The CDP,

as the main document outlining the sustainable development of the community, is the integral part of it.

In the context of HSA, the principle of comprehensiveness is relevant to the principle of general liability of local self-government bodies, in the light of the implementation of any activities benefitting public interests. The principle of general competence certainly implies the freedom of activity of local governments and its right within the framework of activities related to public interests, but the logic of that principle itself is the interrelatedness on the basis of which, local governments should carry out their activities, considering all aspects and components of the given field.

As a result of the implementation of the principles of comprehensiveness and general jurisdiction, local governments should carry out their planning by involving all interested parties, not limited to community residents, economic entities operating in the community, representatives of civil society, but also in cooperation with community associations, territorial administration bodies, state administration and with republican executive bodies.

The manifestation of such a comprehensive local policy can only ensure the effectiveness and legitimacy of the implementation of any activity or community project related to community interests. In addition, it should be noted that the principle of comprehensiveness is also related to the principle of participation of residents in the community, because one of the components of comprehensiveness is ensuring participation.

The last but not least important principle is the prevention orientedness within the context of HSA, at the core of which lies the provision of community resilience through risk-aware development. This principle is well established both in the framework of the UN Sendai Framework for Disaster Risk Reduction, of which the Republic of Armenia is a signatory as a UN member state since 2015, and in the RA Disaster Risk Management national strategy and its 2023-2030 action plan, adopting the necessary sectoral and cross-sectoral targeted actions for disaster risk reduction and resilient development at the local, national levels.

The principle of prevention at the community level implies the observation of the main threats to human security, the study of the deep causes of their occurrence and their prevention with active steps and targeted planning. The principle of prevention orientedness has not yet been fully implemented in the RA domestic legislation regulating the sphere of local self-government, moreover, there are no provisions regarding it in the ECLSG either. The realization of the above-mentioned content at the national level is perhaps indirectly reflected by Article 12, Clause 12 of the RA Law on Local Self-Government, defining "the organization and implementation of disaster risk

reduction and population protection and civil defense measures in emergency situations" as mandatory tasks of the local governments. Community development legal regulations aimed at prevention are also proposed by the RA draft law "On Disaster Risk Management and Population Protection", which is currently in circulation and is planned to be adopted in 2024 according to the action plan for the implementation of the RA disaster risk management national strategy.

However, considering the geopolitical situation in the region, the situation created in dozens of RA communities as a result of war and military operations in recent years, the border changes, the influx of refugees, the communities automatically went to quick response planning and to the credit of the local governments and staffs of many communities, these actions were carried out quite successfully. The results of the 2024 catastrophic flood need assessment also vividly illustrated the consequences of lack of risk awareness and planning.

From the point of view of human security, the history of recent years in Armenia showed that the communities were not ready for such surprise actions with their institutional and human capabilities, and the main reason for this was the complete absence of the state policy of ensuring human security at the community level. Since the introduction of the local self-government system, the executive power of Armenia has never developed such a policy within which communities would be considered as the first recipients of human security, that policy has been continuously implemented at a centralized level, the results of which were that communities had to organize themselves and develop rapid response plans.

In this regard, at least the local governments of border communities, such as Sisian, Goris, Tegh, Kapan, and other communities of Syunik Region, should have effective means and opportunities with legislation and strategic planning methodology to deal with the threatening processes of human unrest, defining preventive local measures in their community management plans. policy program actions.

Based on the above, it is recommended to include the consequences of program activities aimed at the elimination of dangers and risks threatening the community in the analysis part of the Methodology for drafting CDP, which will make the programs evaluable on the one hand, and its results measurable on the other hand. At the same time, it is proposed to make an addition to the Methodology, specifically fixing a clause according to which the development of the CDPs should be carried out on the basis and principle of a detailed identification of all types of threats to the community, prevention-oriented development planning.

## **5. THE METHODOLOGY FOR DEVELOPMENT OF 5-YEAR CDP AND THE PROSPECT OF INTEGRATION OF HUMAN SECURITY APPROACH**

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The applied methodology for development of the 5-year CDP has the status of a methodical instruction or a methodical guide, with an advisory nature, not mandatory for implementation by the LSGs. LSGs have the right to use the methodology, fully based on it, partially based on it or not considering the definitions of the Methodology at all. The main purpose of the methodology is to become an exemplary form of the CDP, to become an exemplary form applicable to local governments of communities on a non-imperative basis.

The CDP consists of 4 chapters, they are:

1. Description of the situation in the community,
2. Setting goals and planning actions,
3. CDP funding,
4. CDP monitoring.

The creation of the CDP begins with the description of the community's situation and the analysis of development obstacles. Analysis of the situation provides an opportunity to truly assess the situation and needs of the community, to develop more effective programs to solve the problems and to set realistic targets. In turn, that chapter of the CDP consists of six sections.

In the setting of goals and action planning section of the CDP, the vision of the community for five years is defined, describing what changes will take place in the community during the 5 years as a result of the CDP implementation. In this section, it is justified what will be the main directions of community development and development incentives. The activities that are planned within the framework of the CDP are outlined.

The financing section of the CDP describes the means by which the programs included in the CDP will be financed. For this purpose, a summary sheet of CDP financing is prepared. The summary sheet is prepared according to Appendix 3 of the Methodology.

In particular, the following sources are distinguished in the summary sheet: own income of the community, internal official grants, external official grants, charity/donation, loans, funds provided by donor organizations to support communities and other sources.

The results of program monitoring are presented in the monitoring section of the CDP. Projects under implementation should be monitored. Monitoring is a management tool that allows you to monitor the progress of programs and initiate necessary changes.

The methodology is a changeable document, the authority to make changes and additions to it belongs to MoTAI. The methodology must comply with the requirements of the domestic legislation of the Republic of Armenia regulating the sphere of local self-government, as well as be consistent with the law-enforcement problems faced by the community and local governments, in the context of ensuring the principle of legality. In this sense, the integration of the principles defined in the context of HSA approaches in the methodology can be carried out through this analysis and the recommendations made as a result of it, in particular, by presenting the developed analysis and recommendations to the authorized state body in the field of local self-government.

The authorized state body, TKEN, after studying the developed proposals, can present its official position on them, or during the presentation and discussion of legislative proposals, present its position regarding the prepared proposals and their possible incorporation.

In the case of acceptance of the recommendations developed by the MOTAi regarding the Methodology, it can be partially updated, taking into account the volume and structural content of the presented legislative recommendations, and can also take these recommendations into account, provided that they are included in the process of drafting the Methodology in a new edition.

As a result of the adoption of the two decisions described above by the MOTAi, the Methodology is sent to the RA regional governors based on the instructions of the Minister, so that the latter can propose to the heads of the communities to accept the Methodology for management. The revised version of the Methodology, or the version of the Methodology with a new edition, is subject to publication on the official website of MOTAi.

## 6. RECOMMENDATION

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This section presents the legislative recommendations developed as a result of this legal analysis. At the same time, considering the recommendations made as a result of evaluation reports of the development programs of 4 communities of Syunik region with human security approaches within the framework of the "Integration of the concept of human security in the restoration policy process of Syunik region" project, the second

component of this section presents these recommendations with institutional formulations.

1. Considering the conclusions made in Section 3 of this legal analysis, based on the requirements of Article 3, Article 179 and Article 183 of the Constitution, as well as being guided by Article 8, Part 1 of the Law "On Local Self-Government" According to points 13 and 14, Methodology 2.1.2. socio-economic situation of the community defined in point 2.2, definition of community goals and action planning in the section, as well as 6.3.2. organization and holding of public discussions or open hearings of the CDP project defined in point, making additions in the section of the CDP draft amendment and summary, particularly fixing the following new regulations accordingly.

1) The evaluation of the socio-economic condition of the community is carried out on the basis of the principle of people-centeredness. The evaluation of the socio-economic condition is carried out by ensuring the inclusiveness of the residents, inventorying and analyzing the questions and problems, opinions and impressions, suggestions and observations addressed by the residents describing the social and economic conditions of the community.

2) In the section that assumes the planning of the community's goals and actions, establish that in order to define or outline the long-term or medium-term goals of the community, the results of the collection of opinions announced for this purpose, the results of the collection of opinions announced for this purpose, the minutes of the meeting of the consultative body attached to the head of the community, the results of the meetings held in the settlements included in the community, will be taken as a basis.. As for the planning of actions, they should be carried out directly by the staff of the municipality and LSGs, considering the importance, urgency of the planned action and events, and of the budgetary resources of the municipality for that year.

3) In the "public discussions or organization of open hearings" component of the CDP, provide that the proposals received during public discussions and hearings are made public on the official website of the community, in parallel, a summary sheet is prepared by the community staff, in which the information about the acceptance of the proposal is indicated, in case of non-acceptance, its justification is provided. Provide a provision whereby a public discussion and open hearing must be organized in each settlement included in the community.

2. It is recommended to make an addition in the Methodology analysis section of community strengths and weaknesses, opportunities and threats (SWOT) defined in point 2.1.7, specifically stating that the analysis of the community's strengths and weaknesses, existing opportunities and threats is carried out in accordance with the inter-relatedness and local context of the community, taking into account the primary problems of the settlements included in the community, problems requiring urgent solutions in settlements, risks and dangers of resistance, human security factors, climate

changes, possible program actions aimed at adaptation, budgetary possibilities of the community, etc.

3. It is recommended to include the community staff capacity component in the community SWOT analysis implementation section provided for in point 6.2.2 of the Methodology, emphasizing the areas in which the community has weaknesses and should plan certain measures to further strengthen it. : On the basis of the mentioned, it is also necessary to plan a program action that will provide for the development of community staff's capacities according to the needs of the given community.

4. In the context of the principle of local coherence, regardless of the policy developed by the state, it is proposed to reflect in the framework of the Methodology the scope of the programs that should be implemented within the budget funds of the community. Based on the above, it is recommended to outline the actions and programs based on the sections representing the funding and programs of the CDP Methodology in order to distribute and define the principle in line with the community's budget funds. The outline of this principle can be a guideline for the local governments of the community, so that they include only those programs within the framework of the CDP, which will be predictable from the perspectives of planning and implementation, within the scope of the community's own income and the community's budgetary capabilities in general.

5. In the context of the "Prevention-Orientedness" principle, it is recommended to include the consequences of the threats and risks threatening the community, and the program actions aimed at elimination - in the "Situational analysis" part of the Methodology, which will make the programs evaluable, and on the other hand, its results provision according to which the development of the CDP should be carried out taking into account the threats to the community, based on a preventive planning principle.

6. Based on the requirements of Article 97 of the "Local Self-Government" Law, it is proposed to TKEN, on the basis of the recommendations listed above and the recommendations presented in the second component below, to make appropriate changes and additions to the Methodology.

Below are presented the recommendations made as a result of evaluation reports of human security approaches of development projects of 4 communities of Syunik marz within the framework of the "Integration of the concept of human security in the process of restoration policy of Syunik marz" project.

1. In order to include sufficient statistics on the social groups of the community in the CDP, it is proposed to create data collection and analysis systems in cooperation with the social service structures that provide social services in the community or serve the community. It is recommended to present the statistical data on the social groups of

the community as separated as possible by sex, age, place of residence, including data on the poor, persons with disabilities, refugees, etc.

2. It is recommended to make additions to the Methodology, according to the relevant sections of the Methodology, in the context of which, in addition to the presentation of statistical data, data combinations and analyzes should be presented to identify the real needs of the beneficiaries, for example, the number of children left out of preschool education, children's involvement in sports and cultural groups by gender and age etc.

3. Based on the goals of insecurity reduction or prevention assessment, it is recommended to consider the following during the Methodology update: When designing and implementing the programs that are included in the National Development Program in accordance with the principle of HSA, consider the individual at the center of analysis and actions, as the main beneficiary and goal. Accepting this recommendation will allow us to assess the impact these programs will have on individuals.

4. In order to encourage the participation of NGOs, state and non-state institutions, professional and scientific research structures, residents and interest groups during the development of the CDP, it is proposed to establish in the Methodology requirements and tools for the use of various platforms that encourage participation, which will create additional opportunities for direct and indirect beneficiaries. for participation. In the context of HSA approaches, such a platform can be the formation of a multi-stakeholder working group.

5. In addition to the characteristics representing the geographic location of the community, resources, development opportunities of the tourism sector in the CDP, it is recommended to set requirements in the Methodology, according to which, in the description of the situation, factors with short-term, medium-term and long-term effects will be included, which will enable the programs to be more predictable and from the point of view of risks. to make manageable. Draft: climate change factors, disasters, security, demographic factors.

6. Based on the goals of fully identifying the community's resources and increasing the efficiency of the programs, it is proposed to establish a requirement in the Methodology, according to which the community should carry out a mapping of capabilities and vulnerabilities, through the combination of which it will be possible to connect the needs with the existing resources and find the most effective solutions. For that purpose, participatory methods can be applied, through which local resources will be best identified.

7. In order to ensure the interaction and interdependence of the programs of the RADP, it is proposed to set a requirement in the Methodology, in the context of which,

it will first be necessary to define the approaches for identifying the interrelations and interactions of the programs and through them to evaluate the existing connections between the programs. One of those methods can be trend analysis or use other statistical analysis tools.

8. Emphasizing the presence of quantitative and qualitative indicators in the CDP, it is proposed to establish in the Methodology a requirement for the implementation of CDP indicators and the use of evaluation methods for the interaction of factors, in which case it will be possible to maximally predict the disasters threatening the community or the settlement included in it and their consequences, which will have an impact on priorities for definition and program development.

9. It is proposed to establish a provision in the Methodology, according to which, when designing and implementing the programs, there should be a preventive principle that will reduce risks and mitigate their impact. Prevention programs can be one of the main goals of local government policies, which should also be addressed.