

# ТЕОРІЯ ТА ІСТОРІЯ ДЕРЖАВНОГО УПРАВЛІННЯ

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## INTERNATIONAL EXPERIENCE IN THE IMPLEMENTATION OF THE STATE POLICY FOR FACILITATING CIVIL SOCIETY DEVELOPMENT

*Experience of foreign countries in the sphere of the implementation of the state policy for facilitating civil society development has been summarized and suggestions have been made as to its use in Ukraine.*

**Key words:** *civil society, state policy for facilitating civil society development, state policy implementation mechanisms.*

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## ЗАРУБІЖНИЙ ДОСВІД РЕАЛІЗАЦІЇ ДЕРЖАВНОЇ ПОЛІТИКИ СПРИЯННЯ РОЗВИТКУ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА

*Дослідження зарубіжного досвіду реалізації державної політики сприяння розвитку громадянського суспільства зумовлено неналежною реалізацією завдань Національної стратегії сприяння розвитку громадянського суспільства в Україні і необхідністю запровадження європейських правил та підходів до реалізації такої політики в Україні в умовах комплексного впровадження реформ та виконання Угоди про асоціацію між Україною та Європейським Союзом.*

*Метою даної статті є вироблення рекомендацій щодо можливого застосування в Україні зарубіжного досвіду реалізації державної політики сприяння розвитку громадянського суспільства таких європейських країн, як Велика Британія, Данія, Естонія, Латвія, Польща, Угорщина, Хорватія і Чехія.*

*В результаті дослідження встановлено, що досвід зарубіжних країн у сфері державної підтримки громадських ініціатив, делегування органами публічної влади частини власних повноважень і ресурсів некомерційним організаціям та активне використання консультативно-дорадчих органів при розробці та виконанні управлінських рішень сприяє розвитку громадянського суспільства та забезпечує ефективну реалізацію державної політики у цій сфері. Прикладне значення дослідження полягає у виробленні практичних пропозицій щодо удосконалення державної політики сприяння розвитку громадянського суспільства в Україні на основі розвитку владно-громадської взаємодії та практичного використання механізмів громадської участі.*

*Можливими напрямками використання в Україні зарубіжного досвіду у досліджуваній сфері можуть бути:*

- модернізація нормативно-правового забезпечення механізмів місцевої демократії та владно-громадської взаємодії шляхом доповнення та поширення цього забезпечення на сферу місцевого самоврядування;
- підвищення рівня відкритості та прозорості діяльності органів публічної влади та її посадових осіб для населення;
- делегування частини власних повноважень органів публічної влади організаціям «третього сектору»;
- посилення ресурсного забезпечення організації громадянського суспільства за рахунок бюджетних джерел та створення Фонду сприяння громадянському суспільству;
- залученні неурядових організацій до моніторингу та експертного супроводу державної політики у досліджуваній сфері;
- налагодження діяльності національної та регіональних Координаційних рад з питань розвитку громадянського суспільства як провідних інституцій у реалізації державної політики сприяння розвитку громадянського суспільства.

*Результатом реалізації усіх вищезазначених пропозицій має стати усвідомлення громадянами себе суб'єктами управління сталим розвитком кожної громади і країни у цілому.*

**Ключові слова:** *громадянське суспільство, державна політика сприяння розвитку громадянського суспільства, механізми реалізації державної політики.*

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Постановка проблеми

Because of the Ukraine–European Union Association Agreement a pressing need arose for the relationship between the Ukrainian State and general public to be brought in compliance with the European standards and for that relationship to be built under the principles set forth in the Agreement [1].

Under these conditions the state policy for facilitating civil society development should be based on basic democratic values, people's authority and on the arrangement of efficient interaction between the state, institutes of civil society and business, as reflected in the National Strategy for Facilitating Civil Society Development in Ukraine for 2016-2020 which was approved in early 2016 (hereinafter – «the Strategy-2016») [2].

In what way is the appropriate official state policy put into practice?

As a result of a research undertaken in early 2018 by the All-Ukrainian Association for Facilitation of the Self-Organization of Population in the framework of the public support for the implementation of the National Strategy for Facilitating Civil Society Development at the regional level, it was established that the actual implementation at the regional level of the tasks set by the Strategy does not fully correspond to the priorities of the state policy and to the needs of the civil society and requires further improvements at the state, regional and local levels.

Аналіз останніх досліджень і публікацій

The theoretical framework for the implementation of the state policy for facilitating civil society development in Ukraine was developed by such researchers as L. Kormich, A. Krupnyk, V. Kupri, M. Martynenko, P. Nadolishni, N. Nyzhnyk, V. Rubtsov, S. Sakhanenko, V. Tolkovanov and the others.

The significant contribution into the research of the notion «state policy for civil society development» was made by such Ukrainian researchers as Yu. Bytiak, O. Gosteva, V. Dreshpak, Yu. Kovbasiuk, O. Kornievsky, V. Ladychenko, O. Ortseva, N. Pelivanova, A. Rudenko, O. Rudnytska, O. Sambuk, O. Chemeris, L. Usachenko, Yu. Shaigorodsky, etc.

While appreciating the efforts of the authors mentioned above and of some other authors, it should be noted that the possibilities for use in Ukraine of the international experience during the implementation of the state policy for facilitating civil society development remain insufficiently researched.

Мета

The objective of this Article is to research the international experience of the implementation of a state policy for facilitating civil society development and to determine possible ways of using it in Ukraine.

Вклад основного матеріалу

The facilitation of the civil society development is determined by law as one of the priority tasks in the development of the Ukrainian state.

Thus, Art. 5 of the Law of Ukraine «On the bases of internal and external policies» considers the establishment of the civil society as a guarantee for the democratic development of the state [3].

The changes which have taken place in the state since the Revolution of Honor are taken into account in

the Strategy 2016. The state acknowledges that an active, influential and well-developed civil society plays one of the key roles in putting in place urgent social changes and good governance in administering public affairs and solving locally significant issues.

A more in-depth understanding of the achievements and flaws of the state policy implementation for facilitating civil society development in Ukraine can be derived from a comparative analysis of the national situation in this sphere with the experience of foreign countries.

Throughout the last 20 years a number of the countries of Europe have adopted one or the other strategic policy document related to the development of civil society and non-governmental sector [4].

The form and the status of such documents range from mutual agreements between the government (Great Britain, Croatia) or parliament (Estonia) and civil society organizations to parallel agreements between the government and the parliament (Latvia) and unilateral strategies adopted by the government (Hungary, Poland, Denmark, the Czech Republic).

In four of the eight aforementioned countries such political documents were revised or renewed over the last 10-12 years; in some cases (Hungary, Estonia) such revision was scheduled, and in the others it was due to the change of government (for example, in Great Britain) or with the adjustment of the time-limits for the implementation of those agreements (Poland) [4, p. 17].

Thus, Denmark adopted a Charter in 2001 and a National Strategy for Civil Society in 2010. Estonian Civil Society Development Concept (EKAK) was approved in Estonia in 2002, EKAK Implementation Plan – in 2004, Development Plan for Support of Civil Initiatives – in 2006.

A Strategy for Civil Society was adopted in Hungary in 2002 and Principles of Relationships between the Government and Civil Society Organizations – in 2006 [5].

Every country ensures the implementation of political tasks set by the strategic civil society development document in different ways. Thus, some of the countries adopted one or several political documents which, per se, perform the functions of the state policy implementation plans (Denmark, Estonia, Poland, Croatia and Hungary).

At the same time, many other countries lack specific general implementation plans or operations plans for the development of civil society. These countries implement their strategies subject to detailed annual plans of relevant authorities, they are the Czech Republic, Latvia and Great Britain.

In addition, some countries (Great Britain, Croatia and Estonia) subsequently adopted further political documents connected either with the topical or procedural issues, such documents forming integral parts of the implementation of the state policy. In most of the cases, these were principles or instructions (codes) as to the procedures of the participation of civil society organizations, their funding and participation in the local development.

In addition to the implementation plans and political documents, countries implement the civil society support policy with the help of governmental programs or through funds and foundations (Croatia, the Czech Republic, Denmark, Hungary and Estonia). Moreover, programs for the enhancement of the potential and development of communities are in place (Great Britain) as well as the so called operative programs financed by the EU structural

funds as integral parts of the plans of national development of EU Member countries (Hungary, Poland) [4].

There are interesting practices in Poland and Hungary, which are grounded on the legislation governing socially useful activities, as this legislation plays a role of a state policy tool in both countries. However, while Poland remains largely focused on the compliance with the strict standards, a similar legislation in Hungary is more flexible and meant to be applied by a wide array of non-governmental organizations.

Besides, the experience of Poland and the Czech Republic in the integration of the needs to develop civil society organizations into the relevant national plans illustrates two different approaches to the addressing by EU Member countries of an issue of the compliance by the national governments of their obligations to the civil society in case of constrained resources.

For example, civil society organizations sector in the Czech Republic includes public associations, foundations, donation funds, socially useful institutions related with churches, as well as organizational subdivisions of public organizations. More than 110 thousand such non-profit organizations operated there in 2010.

Another important step in the Czech Republic was the creation in 1992 of the Council of Foundations, and afterwards - of the Government Council for Non-Governmental Non-Profit Organizations. This authority prepares recommendations for the government with regard to the non-governmental sector subsidies in the form of grants on the basis of the formation of intact capital which shall be formed out of revenues gained from privatization [4, p. 18-23].

Thus, over the last 20 years the targeted focus of the Czech Republic's state policy for civil society development has been implemented with the help of two main tools: the Government Council for Non-Governmental Non-Profit Organizations and the Investment Fund of Public Organizations and Foundations. In addition, in 2009 the Czech Republic adopted a Concept for the Facilitation of Non-Profit Sector Development.

A peculiar feature of the Czech Governmental Council is that it has the longest history of other similar structures in the Eastern Europe and that it prepares recommendations for the whole of the government, not only for a definite ministry. The Council is composed of an equal number of the governmental and non-governmental representatives. The Council meets at least once in three months to hold its sessions; it conducts regular meetings and, where necessary, negotiates urgent issues. It is noteworthy that the Head of the Council is the Head of the Government. The Council shall provide the Government with the materials related with creating conditions favorable to the existence and activities of non-governmental organizations. Councils which have similar functions also exist in Slovakia and Poland.

An important component for the formation and subsequent development of civil society organizations is the activity of joint or united committees for control of the implementation and monitoring of political documents regulating the relationships between the state and the civil society. In some countries there is a joint committee or council, which operates according to the following pattern: «government – civil society organizations» or «parliament – civil society».

In some countries, specifically, in Estonia and Latvia, an important role in monitoring the implementation of respective programs for the facilitation of the civil society development is played by parliaments, which adopt respective political documents.

At the same time, in such countries as Croatia, the Czech Republic and others, the main responsibility for the implementation and monitoring of the state policy for the facilitation of the civil society development is imposed upon governmental structures, in particular, on those which are subordinated to the government and to the prime minister. Those bureaus often carry out duties of secretariats of the «government – civil society» councils. They also coordinate the work of all ministries in the sphere of their collaboration with civil society organizations.

In such countries as Great Britain, Denmark, Hungary and Poland the main responsibility for the implementation and monitoring of the state program documents as to the facilitation to the non-governmental sector is imposed upon the bureaus ranking at the level of ministries or upon a definite ministry (in Great Britain).

The effectiveness of the practice of interaction between the authorities and the civil society is supported by the high efficiency indicators of the public sector activities. Thus, the number of people involved in the public sector of the EU countries is five times as big as the number of people involved in the food industry. For instance, within the period from 1999 to 2009 the state in the Czech Republic funded 27543 projects of the civil society organizations. A total amount of more than 320 mln. Euro was allocated to the sector's needs [4, p. 20-21].

A sufficiently thorough analysis of the state policy for the facilitation of civil society development in Poland was undertaken by V.Sukhenko [6], according to whom Poland is one of the most successful countries of the Central and Western Europe in the sphere of mutual relationships of the public authority with the civil society institutes.

The present-day status of the development of interaction between the state and the civil society is a strategic management issue, as evidenced by the following factors:

- a separate section is dedicated to the development of the «third sector» in the «Poland-2030» Country Development Strategy;
- the setting up and activities of civil associations is governed by the special law «On civil associations»;
- the Polish Constitution enshrines the principle of subsidiarity, according to which the primary significance is given to an individual and society (including, to the association of citizens), whereas the state ensures their support;
- the government's policy in the sphere of the civil society development and interaction between the state power and non-governmental organizations is determined by a separate law «On socially useful activities and volunteering»;
- the Polish Constitution enshrines two tools of civil influence upon the power: a referendum, the terms for holding which are governed by the law of 2003 and the people's initiative that contemplates that the citizens may address the Sejm with their own legislative project. The process is regulated by the Law «On the procedure of the implementation by citizens of legislative initiative»;

- a share in the total budget of the financial support provided to the civil society organizations at the cost of the state and local budget is equal to approximately 24 % (as compared with only an 8% share in Ukraine). That being the case, the share of income from the sale of services in the total budget of those organizations is equal to 60 % (as opposed to 18,7% in Ukraine) [7, p. 10];
- the Department of State Patronage has been created under the Ministry of Culture and National Heritage of Poland;
- a number of non-governmental organizations which perform the oversight functions have been involved in the monitoring of the state policy, such as: the Institute of Public Affairs, the Association of Local Civil Group Leaders and the Center of Civil Activities PRIZMA;
- In 2004 the Polish Council for Socially Useful Activities was created which is a consultative body under the Ministry for Economy, Labor and Social Security;
- a specialized parliamentary subcommittee and a parliamentary group have been created in the Sejm to develop important draft laws for the activities of civil society organizations.

Maysara Alqum researched the experience of Sweden, which made a long trip developing the relationships of the civil society and the state. At present, the activities of the civil society in Sweden consist in the initiatives of citizens which have united on a voluntary basis. Now there are about 200 thousand civil associations in the country, wherein 48% citizen of the country are involved [8].

A good example of successful cooperation between the government and the public can be the activities of the Commission on the Future of Sweden, which was created in November 2011 which is tasked with identifying and analyzing future social problems until 2050.

Since 1998 the Sweden's Government has been putting in place such electronic coordination projects aimed at improving state services as: «The Central Government Administration in the Citizens' Service», «Information Society for All», «Social e-Forum» or the «Council for Cooperation Issues between Government Institutions». [8].

The researcher A.Khaletsky studied the peculiarities of the implementation of state policy for facilitation of civil society development in the USA, which are distinct for the amalgamation of public relations and information policy, wherein press services play the key role [9]. In the U.S. Department of State the public relations and the mass media, as well as the information work in the broad sense of this concept are directed by Under Secretary for Social Diplomacy and Public Relations. Under his supervision is the Secretary Assistant for Public Relations, who acts in the name of the State Secretary and oversees the work of the press service, regional work service, service for relations with the public and authorities, electronic information and communication services and service for the strategic planning of the information work.

Various forms of direct participation of the population in public events have come into being in the USA, such as:

- Setting up public councils (committees) and specialized commissions, whose activities are based on the voluntary principle. Proposals

considered and adopted at the level of councils and commissions are binding for the consideration by the local councils;

- a practice of volunteering activities and initiation of forums for discussing strategic plans of development of the cities which have a mandatory status;
- supervisory councils consisting of ordinary members of territorial communities who are primarily tasked with the facilitation of civil activities and with the provision of support to authorities in case of emergencies;
- public councils (public advisory committees) in the system of execution of self-government functions in the USA, which constitute, to a certain extent, an alternative tool of public hearings; the essence of their work consists in the fulfillment of operational control over the decisions made by the local council committees.

#### ВИСНОВКИ

The best practice of foreign countries clearly shows that it is necessary to adapt it to Ukraine, specifically, in the manner of the mechanisms for the implementation of the state policy for facilitation of civil society development based on the interaction between the power and the public and subsequent development and practical use of the public participation mechanisms.

That being the case, the state as the main subject of administration should coordinate such process by facilitating the formation of a civil society as a subject of the state policy. To do so, the mechanisms for the implementation of the state policy for facilitation of the civil society development should be developed and employed at the state, regional and local levels.

To embody those ideas it is suggested:

- the legal and regulatory framework for the interaction between the power and the public should be modernized, namely:
  - the process for the adoption of the draft law «On public consultations» developed by the working group with the participation of public experts with the support of OSCE in Ukraine and of the Secretariat of the CMU should be accelerated; it should incorporate the standards for mandatory conducting of public consultations in certain instances, and for the involvement of the public in the work of the committees of regional, district and local councils;
  - the amendments should be made to the Law of Ukraine «On local self-government in Ukraine» and that the legal status, the procedure of creation and arrangement of activities of consultative and advisory committees under the local self-governance bodies be enshrined in it, while, at the same time enlarging their powers to participate in resolving locally significant issues.
- To enhance the openness level of the public authorities to the citizens through:
  - using the experience of electronic governance of Sweden and USA;
  - enabling the citizens to influence the decisions approved by the authorities: to use the experience of public councils (public advisory committees) in the system of execution of self-government



functions in the USA as an alternative tool of public hearings when carrying out operative control over the decisions of the authorities.

- To make amendments to the Budgetary Code of Ukraine, and to make definition of the term «state financial support to public associations»; to provide for the prioritization of the budgetary financing for the SCOs on a competitive basis and to determine in the legislation the definite criteria and the procedure for a partial financing of the SCOs institutional development.

- To delegate a part of the public authorities' powers to «third sector» organizations through the state-level, regional and local programs for facilitation of civil society development and through the mechanisms of interaction between the power and the public (social service procurement, etc.).

- To develop traditions of beneficence and charity by borrowing the Polish experience in creating the Department for Patronage under the Ministry of Culture;

- To borrow the Czech experience in using the Investment Fund of Public Organizations and Foundations in order to create the Civil Society Fund in Ukraine.

- Based on the European experience in the activities of Government Councils for the Affairs of Non-Governmental Non-Profit Organizations, to improve the activities of the Coordination Council for the Development of Civil Society and those of the relevant regional coordination councils;

- To reinforce the institutional basis for the interaction of the civil society and the power to provide for a specialized subdivision to be set up in the government, which will be responsible for the coordination and monitoring the policy for facilitation of civil society development.

- To use the European experience in the activities of the control committees through the involvement of non-government organizations for monitoring the state policy in this sphere and for advocating the implementation of independent experts' practices.

The implementation of all of the aforementioned suggestions may result in the citizens' awareness of themselves as of the subjects of the sustainable development administration of each individual community and of the country as a whole, and, at the same time, in their being socially active and responsible.

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