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ESTABLISHMENT OF UKRAINIAN STATE POLICY ON PROMOTION OF THE CIVIL SOCIETY DEVELOPMENT IN THE CONTEXT OF EUROPEAN GOVERNANCE CONCEPT

The process of the Ukrainian public policy's institutionalization of assistance development of civil society, normative-legal providing of his functioning is examined. It is justified, that conceptualisation of this process took place on the basis of accumulation and comprehension of positive experience of collaboration of public authorities with the institutes of civil society, and also as a result of creative comprehension and application world, mainly, European, experience.

Normative legal support of civil society functioning has been and remains one of the urgent problems in both political theory and practice. Institutionalization of state policy on the promotion of civil society development has become an important component of this process. Its conceptualization has become feasible due to the accumulation and understanding of positive experience of public authorities' cooperation with civil society institutions, as well as to the result of creative thinking and application of the worldwide, mainly European, experience.

The process of establishment and development of state policy on promotion of the civil society development, formation of respective fundamental principles, and most importantly –acknowledgment of them by the actors of the process of interaction is the result of accumulation of certain experience of the Ukrainian statehood restructuring and its interpretation in the scientific and analytical environment.

In this course, cooperation of the Ukrainian civil society institutions with the relevant civil society of the European Union, both at bilateral national and Europe-wide levels, is noteworthy.

The urgency and main directions of such cooperation were rightly pointed out, in particular, by Ukrainian public experts in the analytical report «Civil Society in the Association Agreement between Ukraine and the EU». The authors focused on certain specifics of such kind of cooperation: «Civil Society in the EU, in contrast to the Ukrainian civil society, has a more longstanding tradition, but at the same time it is extremely non-uniform and branched. Civil society of the EU includes civil society of the EU Member States, as well as supra-national civil

society, which functions in the form of pan-European platforms and networks. As a rule, the latter is located in Brussels to influence decisions and activity of the EU institutions. As to the civil society of the EU Member States, it significantly affects national governments' decision-making, which in turn forms the EU policy. Accordingly, development of the Ukrainian civil society's relations with the civil society of the EU Member States is an important moment in the process of their interaction».¹

The respective European concept of governance and attempts to implement its basic principles in Ukraine, not only in this area of public policy, but also in public administration system as a whole, have significant influence on the formation of the Ukrainian state policy on promotion of the civil society development.

The attractiveness of this concept and its fundamental principles for solving main tasks of the institutional reform, which long ago ripened in the Ukrainian administrative system, has been duly appraised by national experts. For example, a well-known expert on European governance I.A. Gritsiak remarks that the institutional system of the European Union is a certain reflection of nature, objectives and tasks, development trends, an organizational and administrative embodiment of European integration.²

The modern European concept of governance is based on the principles, which were most clearly and fully outlined in the White Paper on European Governance (original title: «European Governance: White Paper»), promulgated by the European Commission in July 2001. This edition contains a number of recommendations and proposals for strengthening democracy in Europe and increasing the EU institutions' legitimacy through the further public involvement and development of civil initiatives.³

Certainly, the innovative character of the White Paper on European Governance for reforming the European governance practices was largely (if not decisively) caused by the influence of philosophical principles of information society paradigm, development of its material and technical infrastructure and establishment of appropriate forms of

¹ Солоненко, І., Хорольський, Р., Шаповалова, Н., Лациба, М. (2012). *Громадянське суспільство в Угоді про асоціацію між Україною та ЄС*. Київ: Громадська рада при Українській частині Комітету з питань співробітництва між Україною та ЄС, 18.

² Грицяк, І. А. (2006) *Європейське управління: теоретико-методологічні засади*. Київ: К. І. С., 150-152.

³ *Європейське врядування: Біла книга*. (25 липня 2001 року) Комісія Європейських Співтовариств Брюссель, COM(2001) 428, остаточна редакція. <http://uri.org.ua/load/4-1-0-113>.

civil participation in the world as a whole and in particular in the EU countries. Its proposed model of the «spiral of success», which is based on the feedback and involvement of interested parties throughout the whole process and at all levels, has replaced the traditional linear model of the power vertical (top-bottom). In its turn, principles, proposed in the White Paper on European Governance, and directions of reforming governance practices have stimulated the further development of information society in the EU countries, the demand for the newly formed practices of civil participation and have defined a new higher level of cooperation of authorities with civil society institutions.

Owing to the systematic approach to solving urgent administrative problems, implemented in the White Paper on European Governance, its authors could formulate appropriate proposals and recommendations.

There are five principles of good governance in the text of the document: openness, participation, accountability, innovation, and teamwork. Moreover, every principle is equally important in the overall system of democratic governance and can be applied at all levels of power.

One of the main directions of «effective public involvement» in the White Paper on European Governance is, in particular, «participation of civil society», because exactly civil society plays an important role in providing the opportunity for citizens to express their concerns and actively participate in the discussion of decisions, and thus it plays an important role in determination and elaboration of the political development vector of the country. They often act as an «early warning system» in the system of political debates.¹

The role of trade unions and employers' unions in the further development of social partnership and achievement of consensus in the result of social dialogue is also clearly spelled out. Such standards should reduce the risk that officials, responsible for execution and implementation of one or another decision, will consider opinion of only a specific group, which has a privileged position by virtue of belonging to a particular industry or as a result of its «privileged» citizenship. These standards are offered to improve representativeness of organization of civil society and structuring their debates with the EU institutions.

Surely, these EU proposals, promulgated by the White Paper on European Governance, are extremely relevant today for Ukraine in

¹ *Європейське врядування: Біла книга.* (25 липня 2001 року) Комісія Європейських Співтовариств Брюссель, COM(2001) 428, остаточна редакція. <<http://uri.org.ua/load/4-1-0-113>>.

the context of establishing information society in general, and closer constructive cooperation with authorities of social networks, in particular.

Thus, the European standards in this area have doubtlessly influenced to a certain extent the institutionalization of public policy on the civil society development in Ukraine. One of the serious consequences of such policy's realization is, in particular, a noticeable improvement in normative legal support for the functioning of the latter.

One of the first attempts to institutionalize this relatively new phenomenon for the national practice of state governance was the adoption in 2007 of «The Concept on Promotion by the Executive Authorities of the Civil Society Development» (hereinafter – the Concept)¹. The very fact of its adoption evidenced that, first, commanding elite is conscious of the need for civilized normalization of relations between public authorities and civil society institutions, and secondly, it is interested in the development of the latter by means of a set of directed measures implemented by the state.

This interest has been clearly represented in the document itself. So, it was declared that the purpose of the Concept is to create favourable conditions for the further development of civil society and strengthening of democracy in Ukraine. For the first time at this level (program document of public policy) fundamental principles of relations between executive authorities and civil society institutions were recorded.

Recognizing the progressive for its time sense of the Concept for strengthening the systemic nature of cooperation of executive authorities and civil society institutions, one should admit to some extent its limited nature and certain lack of systematization. In addition, in the result of public monitoring, it was found that annual plans of measures for its implementation were performed on average no more than 30%.

All this has indicated that there is an objective long-felt need to develop and adopt appropriate documents of strategic level, but its practical implementation has become possible only with the adoption of a number of subsequent documents.

Thus, the necessary legal basis for practical implementation and legitimation of state policy on promotion of the civil society development was on the whole adopted in July 2010 in the Law of Ukraine «On the Principles of Domestic and Foreign Policy». For the first time in Ukraine, strategic priorities of this policy were assigned at the legislative level (in

¹ *Розпорядження про схвалення Концепції сприяння органами виконавчої влади розвитку громадянського суспільства 2007* (Кабінет Міністрів України). *Офіційний вісник України*, 89, 89.

particular, Art. 5 «Principles of Domestic Politics in the Field of Civil Society Formation»)¹.

The next logical step in institutionalization of public policy on promotion of the civil society development was signing of the Presidential Decree No 32/2012, 25 January 2012, «Questions of Promotion of the Civil Society Development in Ukraine». The Coordinating Council on questions of the civil society development was created, and regulations concerning its status were approved for its implementation. According to this Decree, the Coordinating Council on questions of the civil society development was requested to prepare within one month a preliminary strategy of state policy on promotion of the civil society development and a plan of priority measures for its implementation². Developed preliminary strategy of public policy on promotion of the civil society development and plan of priority measures for its implementation attracted broad public discussion and were adopted by the Presidential Decree No 212/2012, 24 March 2012³.

Apparently, it is not an exaggeration to note that in the branch of cooperation between state and civil society documents of such level and systematicity, as the Strategy on public policy on promotion of the civil society development, are not yet known in the modern history of Ukraine. Functional definition of civil society with a clearly marked practical orientation is already established in its initial assumptions. In particular, the Strategy is based on the understanding of civil society and its institutions as such a condition of society, in which fundamental rights and freedoms of person and citizen are freely enforced through various forms of public social activity and self-organization.

Activity of civil society is characterized by insufficient level of its institutional, financial and human resources opportunities. As a result, the level of publicly significant voluntary activism of the citizens in Ukraine and in the entire post-Soviet space is low.

Classification of the strategic priorities of state policy on promotion of the civil society development in Ukraine is the following:

¹ Закон про засади внутрішньої і зовнішньої політики 2010 (Верховна Рада України). Офіційний веб-портал Верховної ади України. <<http://www.president.gov.ua/documents/12069.html>>.

² Указ «Питання сприяння розвитку громадянського суспільства в Україні» 2012 (Президент України). Офіційний веб-портал Верховної ади України. <<http://www.president.gov.ua/documents/14412.html>>.

³ Указ «Про Стратегію державної політики сприяння розвитку громадянського суспільства в Україні та першочергові заходи щодо її реалізації» 2012 (Президент України). Офіційний веб-портал Верховної ади України. <<http://zakon3.rada.gov.ua/laws/show/212/2012>>.

- promotion of establishment of maximum openness, transparency and accountability, society executive authorities, local self-government;
- growth of social capital to enhance mutual trust and cooperation in the society;
- creating favourable conditions for formation and functioning of civil society institutions;
- ensuring the participation of civil society in formulation and implementation of state, regional policy, in particular, by creating conditions for broad and effective representation of citizens' interests in organs of the executive authorities and local self-government, regular advising (dialogue) with public on critical issues of society and state activity;
- public control over activities of organs of the executive authorities, local self-government, empowerment of civil society institutions in administrative decisions and their implementation;
- promoting charitable, volunteer activities and other forms of social activity and civil culture.

There are appropriate mechanisms and concrete actions provided for implementation of the Strategy. It is noteworthy that the mechanisms of processes of activity planning and monitoring of relevant plans' implementation, which are laid down in the Strategy, stipulate close cooperation of the responsible officials of state authorities with the members of the public, at all stages and on equal bases. Thus, basic communicative function between them lies on the Coordinating Council on the civil society development.

Exactly the Council, as a state and public body, where government efforts and those of «third sector» are combined, monitors and evaluates annual plans of implementation, analysing effectiveness of the Strategy implementation, preparation of proposals for updating its provisions and correction of annual plans.

Great attention is paid to such important area of work for the Strategy implementation as increasing level of civil and legal culture. Strategy development and approval, in particular, should help to promote development of social responsibility of business in Ukraine, ensuring interaction with civil society on major issues of public life.

Necessity to improve regulatory framework of civil society in the direction of its movement towards European standards was also determined by foreign policy obligations of Ukraine undertaken in the direction of implementation of the European integration course. Thus, the Agreement on Partnership and Cooperation, concluded between

Ukraine and the EU in 1994, included an obligation of Ukraine to adapt its laws to the EU legislation in sixteen priority sectors. However, despite number of state and legal acts adopted in the following years, this task has been actually put into practice only in 2012-2013, thanks to implementation of the Strategy of state policy on promotion of the civil society development.

As to the new basic law of Ukraine «On Public Associations» from June 22, 2012 No 5026-VI, adopted in the framework of the named Strategy implementation, it has finally implemented European standards on basic legal principles of non-governmental organizations.

Improving regulatory support of activity of civil society organization in Ukraine was noted by experts of a number of influential international organizations. In particular, according to the report of «CIVICUS» for 2013 Ukraine has been ranked at the 46th place in the index of enabling environment for the civil society development. First five positions, which are the best, in this ranking have been given to New Zealand, Canada, Australia, Denmark and Norway, and the last, the worst were allocated to, respectively, Gambia, Burundi, Iran, Uzbekistan and the Democratic Republic of Congo¹.

Thus, the process of improving the regulatory provisions of civil society functioning has been recently active in Ukraine. Influential determinant of this process is institutionalization of public policy on promotion of the civil society development, in particular, the approval of strategy and plans for its implementation.

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¹ CIVICUS' 2013 Enabling Environment Index. <<http://civicus.org/downloads/2013EEI%20REPORT.pdf>>.

мадська рада при Українській частині Комітету з питань співробітництва між Україною та ЄС.

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