

Dokalenko Varvara Viktorivna

Postgraduate student of the Department of Management, Public Administration
Dnipro State Agrarian and Economic University, 49000, Dnipro, Serhiy
Yefremov Street, 25, Ukraine.

**European experience of the interaction between public authorities and
civil society institutions and Ukrainian realities**

The article deals with a comparative analysis between the European experience of establishing cooperation between public authorities and civil society institutions and Ukrainian realities, as well as provides practical recommendations for improving the existing practice of civil society development in Ukraine. The general principles and examples of interaction's organization of public authorities with a civil society in the European countries are given. The activity of public councils under the public authorities, which act as a mediator between the government and civil society institutions, is considered. Based on this, the general reasons for the low level of efficiency of public councils are outlined. The level of human rights violations in Ukraine and Europe is noted, as well as the public's attitude to the fact of their participation in government processes. The need to increase the level of political and legal education of the general mass of citizens is shown. The intensification of their activities in a legal way and with systematic work to organize participation in the preparation of management decisions and public policy in general should ensure.

Keywords: *civil society, civil society institutions, mechanisms of interaction, public councils, EU countries, human rights.*

The problem's formulation is. Nowadays in the context of the development of European countries, the importance of civil society institutions increases over time, and in cooperation with public authorities, their positions are significantly strengthened. It's sure that civil society institutions play an almost equal role here, and can also influence on the government decisions not only at the level of some state,

but also at the level of the European Community as a whole. At the same time, the state fully supports public initiatives and we can see some incentives on the part of the civil society institutions from the authorities. In EU countries the civil society institutions are involved in the development and implementation of public policy in all spheres of life. Such system of interaction can be indicative for Ukraine, because in our country the civil society doesn't not always take part in socio-political life. It is possible to state a number of problems, among them: low level of political and legal culture of citizens; indifference of a significant part of the country's population; complexity and inconsistency of the regulatory framework; unwillingness of government officials to go to a public meeting; political involvement of the most active public organizations, movements, mass media; lack of experience in a dialogue between civil society institutions and public authorities, etc. According to this, it can be noted that currently it is quite actual to study the European countries' experience for borrowing the most effective mechanisms of such interaction.

Analysis of recent research and publications is. The problem of interaction of public authorities with civil society institutions in the EU and Ukraine nowadays can be found in the works of such researchers as: G. Babakishieva, A. Kudryachenko, O. Kulchytsky, L. Melnyk, V. Taran, I. Tkachenko, D. Slyzkonis etc. However, the most of these works are devoted to the situation in the EU or the generally accepted principles of civil society development. It's considered necessary to study the European experience in comparison with the Ukrainian realities in order to adapt the leading experience to the conditions of development of Ukrainian society.

The article goals' formulation is. The purpose of the article is to conduct a comparative analysis between the European experience of interaction between public authorities and civil society institutions and Ukrainian realities, as well as to provide practical recommendations for improving modern civil society development practices in Ukraine.

Presentation of the main research's results is. From the start of the European Union's formation, the founding countries have noted the significant role of civil society, as well as the importance of developing mechanisms to involve the

public for deciding the socio-economic and political problems. Over time, this relationship has been reinforced by the adoption of the legal norms and acts and the development of civil society institutions, which are ready to take an active part in cooperation with the authorities at all levels. Under the Treaty of Rome in 1957, the European Economic and Social Committee (EESC) was established as an advisory representative body.

The Committee consisted of three groups of representatives:

- 1) from employers;
- 2) from employees;
- 3) from representatives of public associations of socio-economic orientation.

The last group is quite extensive and includes trade unions, small business associations, social organizations, and so on. The EESC is a rather plastic union and is evolving with the EU together, eventually including new representatives of civil society institutions. The EESC is formed every four years from the proposed representatives of civil society institutions, which are represented in the Commonwealth. The activity of the Committee is similar to the activity of deputies of local councils in Ukraine – an honorary position, which isn't paid, but provides only the reimbursement of transportation costs and associated costs of participation in meetings [2].

Thanks to the EESC, civil society institutions can play an consulting and advisory role at EU and can influence on a wide range of issues: monetary policy, economic cooperation, single market regulation, production standards, infrastructure development, energy system functioning, foreign policy, labor relations, agricultural development, etc. As a result, the conclusions and recommendations are submitted to the European Parliament and published in the Official Journal of the European Union for a wide range of readers.

That is why, the EESC acts as a mediator between the legislative and executive bodies of the European Union on the one hand and civil society institutions on the other. As a result, the authorities receive clear and balanced information on the

proposals, expectations and experiences of the public from different countries of the Commonwealth.

In general, the EESC can be compared with public councils, which in Ukraine function under the President of Ukraine, the Committees of the Verkhovna Rada of Ukraine, as well as central and local authorities. For example, there is a Coordinating Council for Civil Society Development, among the main tasks of which are the following (Fig. 1) [6].

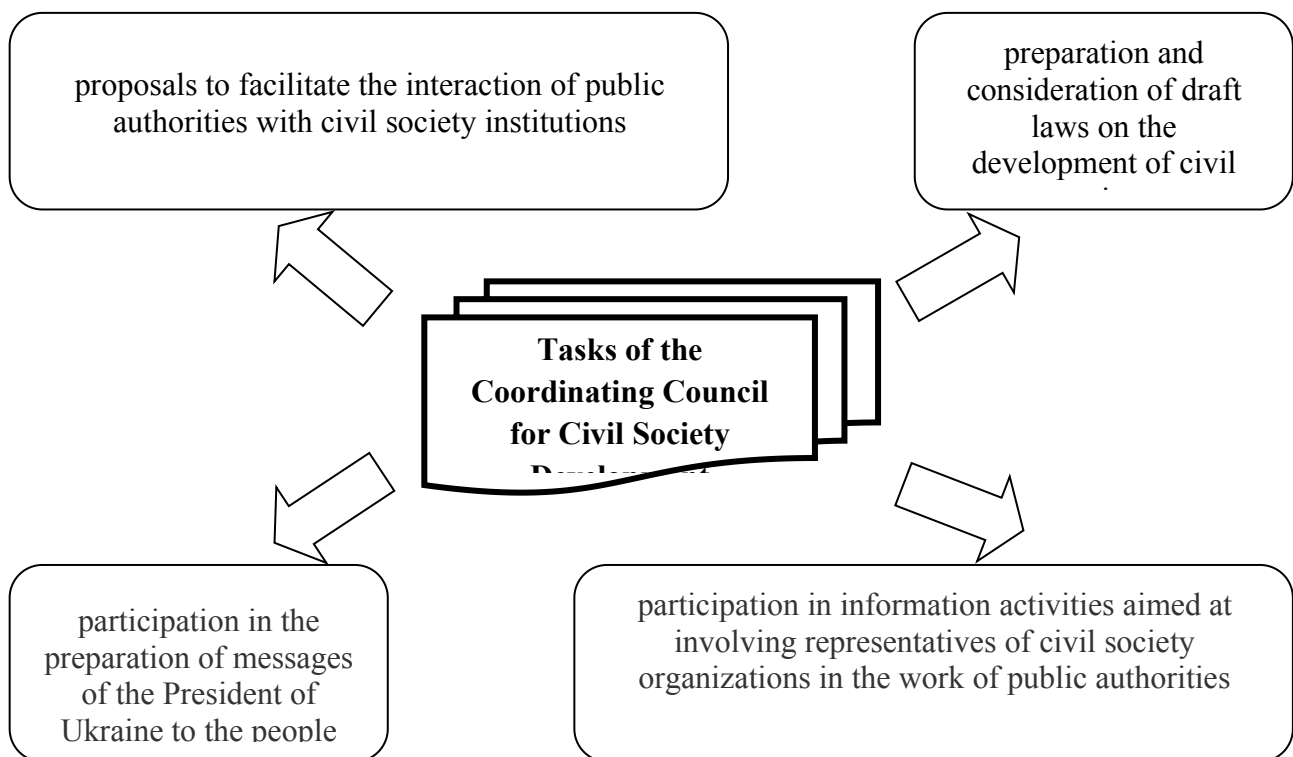


Fig. 1. Tasks of the Coordinating Council for Civil Society Development

This advisory body aims, firstly, creation of favorable conditions for the civil society's development in Ukraine and increase the role of its institutions, and secondly, to bring the Ukrainian society closer to European standards. According to the Regulations on the Coordinating Council, it should include representatives of public authorities at all levels, as well as representatives of civil society institutions, which should make at least half of the total number of council members (Fig. 2).

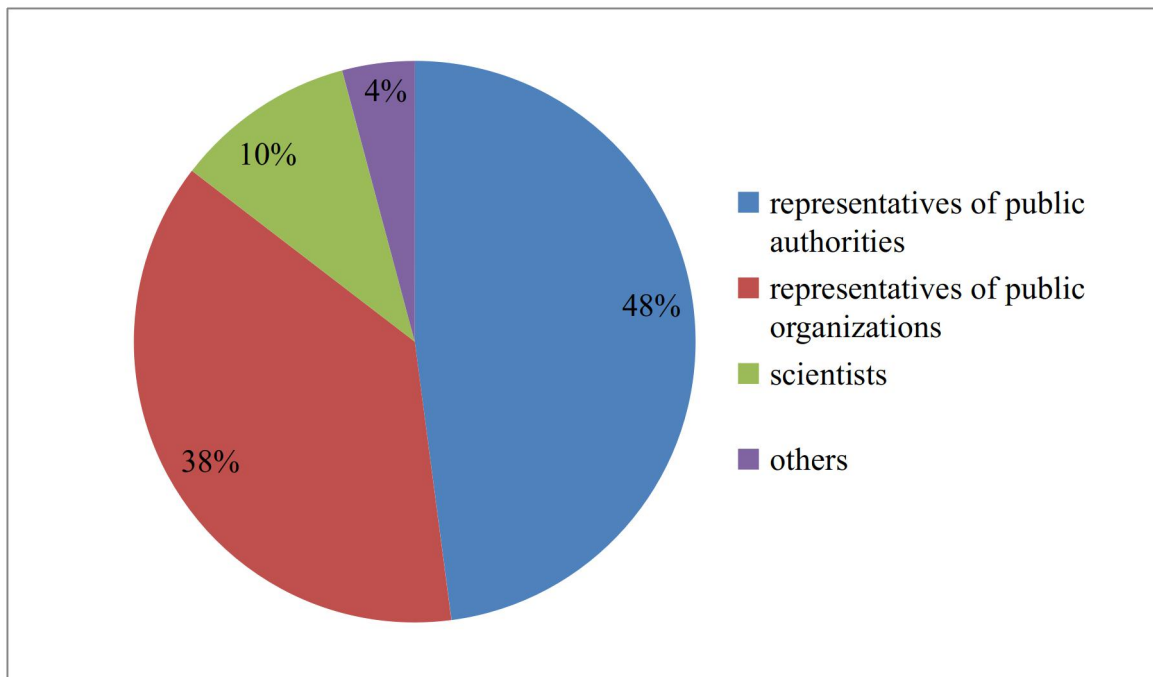


Fig. 2. Composition of the Coordinating Council for Civil Development

According to the official website of the council [3], it includes 23 representatives of public authorities; 18 representatives of public organizations (a significant proportion of which are charitable foundations); 5 representatives of scientific institutions; 1 former People's Deputy, 1 founder of the company in the field of market research and advertising.

According to the Resolution of the Cabinet of Ministers of Ukraine “On Ensuring of Public Participation in the Formation and Implementation of State Policy” [8] November 3, 2010 № 996 under ministries, other central executive bodies and local state administrations, public councils were implemented the Public Council in their structure with the representatives of trade unions and employers' associations in order to develop and implement socio-economic policy. Local governments were also recommended to enter into their structure the public councils according to the Standard Regulations of Public Councils.

Besides it, the Council of Heads of Public Councils under the executive authorities was established to ensure the public opinion during the development and implementation of CMU decisions and to establish interaction between public councils [10]. In a certain way, this council can be compared with the EESC, as it

also consists of a large number of representatives of public councils, which represent the interests of civil society institutions in different spheres of socio-political life or represent the interests of a certain territory and generally assist to the development of civil society in Ukraine. (Fig. 3).

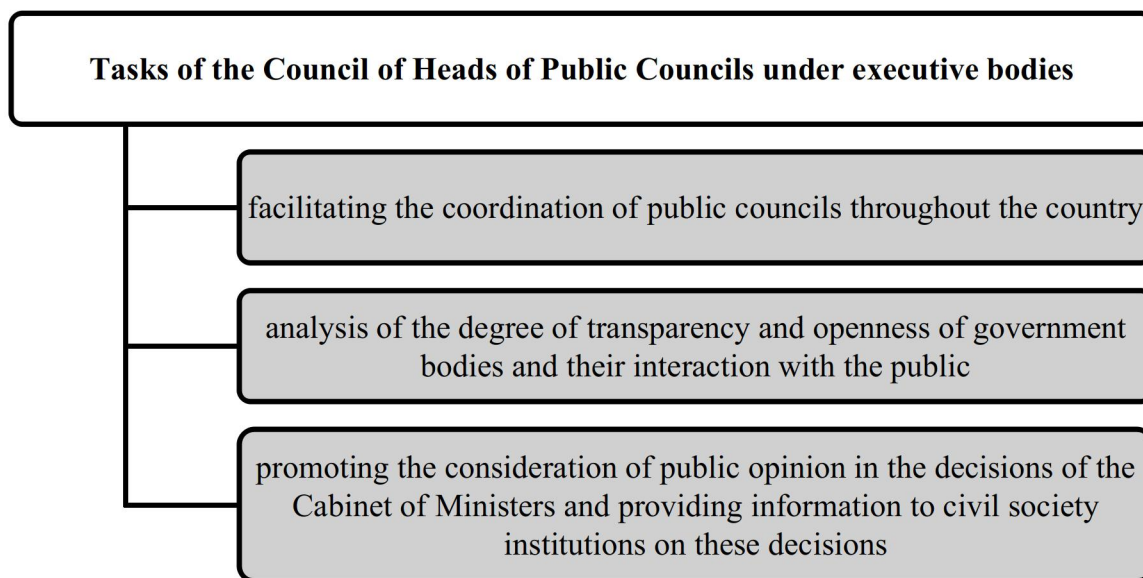


Fig. 3. Tasks of the Council of Heads of Public Councils under executive bodies

The council prepares quarterly information about the interaction between the authorities and public councils. Unfortunately, statistics and general information are collected only in relation to councils under the executive bodies, however, even in this form, information and analytical work is quite useful [1]. Thus, according to the information for the I - III quarters of 2020, the following public councils functioned under the executive authorities (Fig. 4).

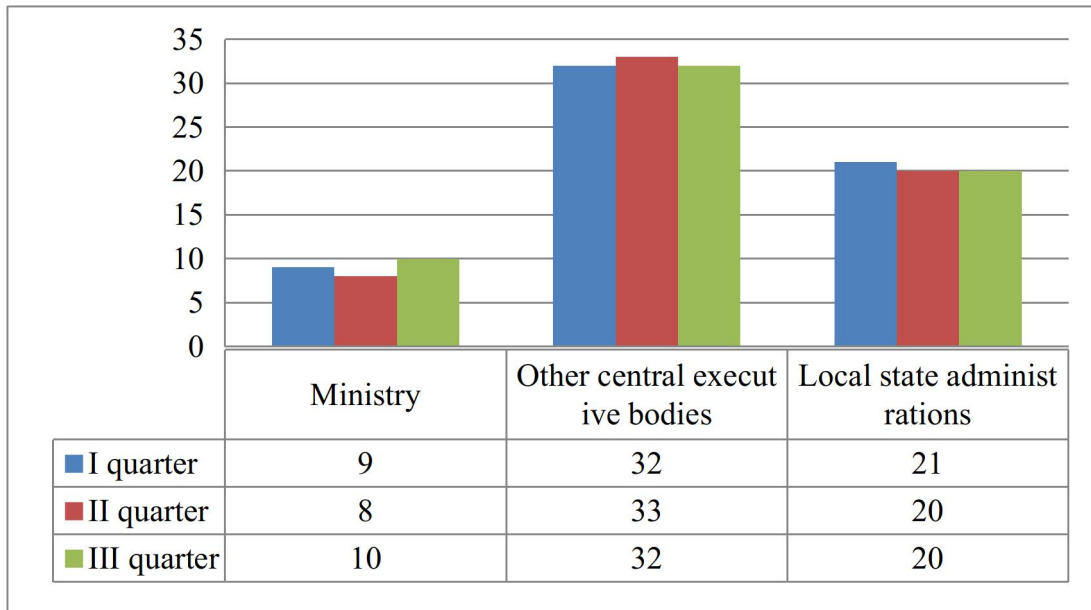


Fig. 4. Public councils, which functioned in the I - III quarters of 2020.

In terms of interaction of public councils with the executive bodies, one of the important elements is participation in the development of regulations, as this allows information exchanging and making more informed decisions. During the considered time cooperation in this direction took place as follows (Fig. 5).

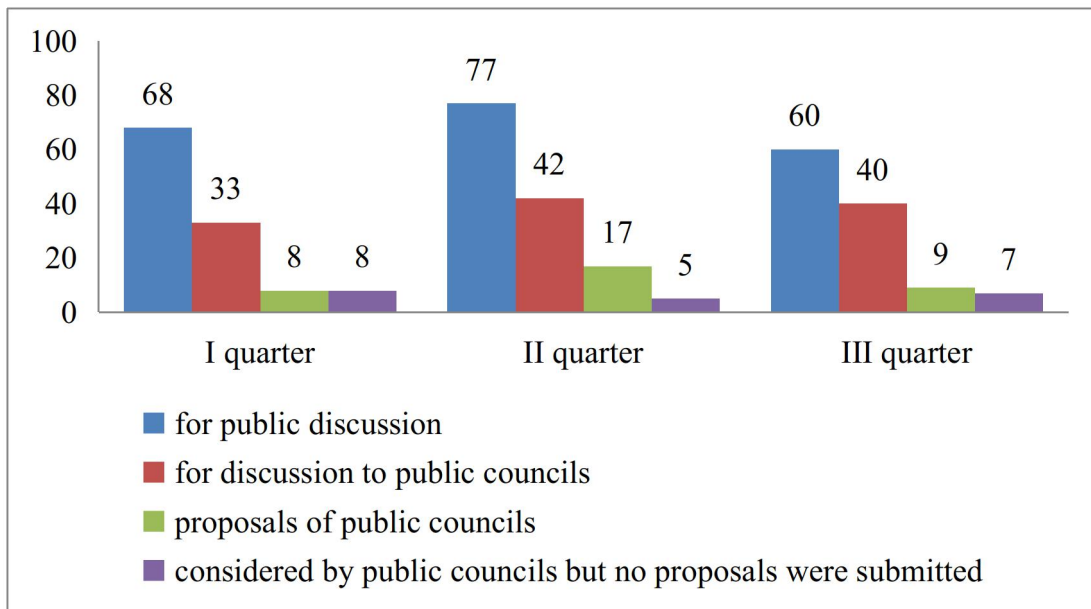


Fig. 5. Cooperation of public authorities with the public to discuss draft regulations

According to these data it is possible to see some passivity in activity of public councils in discussion and offers' giving about certain documents. The question of such low participation is still open, because such situation is typical throughout the period of collecting information and analytical period (since 2014) [1]. Also, there is a frequent lack of activity among public councils - draft regulations are not considered, anti-corruption expertise is not conducted and public events are not organized by a significant number of councils. However, the authorities don't always submit their project decisions for discussion. So, there is a problem in establishing a dialogue and a lack of interest in working together.

According to experts, there are many reasons that complicate the interaction between public authorities and civil society institutions. Among them are the following:

- lack of transparency in the formation of public councils under government;
- lack of desire on the part of a significant number of heads of government bodies to involve the public in the management decision-making process;
- insufficient level of knowledge and skills among the public to conduct quality expert-analytical work;
- inconsistency in the publication of draft decisions;
- insufficient communication of public councils with the media at the background of the activity of some of its members;
- lack of financing [13].

If we pay attention to the interaction of EU authorities with civil society institutions, we can see a significant difference from Ukrainian practice. One of the main is that NGOs are quite active in the EU countries, especially those which are involved in ensuring the protection of human rights. That is, the level of public activity allows to create a wide choice among really professional and experienced people, thus ensuring participation in direct contacts with the authorities and conducting expert-analytical work of those who will be able to do quality work, give necessary recommendations, effectively establish communication between authorities and society, etc.

To this the regularity of various activities to discuss existing issues, consultations before making management decisions can be added. Because of this, firstly, the quality of these decisions increases, secondly, satisfaction among citizens increases due to the consideration of their interests and, as a consequence, thirdly, the level of legitimacy of both decisions and the government in general increases. At the same time, we can talk about the presence of political will among government officials to maintain a dialogue with civil society institutions, as it significantly increases their social status and allows them to work more effectively [11].

In terms of making cooperation with civil society institutions, it is desirable for Ukrainian public authorities to enter a broad information campaign among the public to raise population awareness of human rights, the importance of civic activities and participation in management decisions. So, the level of interest of citizens should be increased, and they will direct their actions to cooperation with the authorities, monitoring of their activities, anti-corruption control, etc. in the future.

Education should also play an important role in this issue, as in Ukrainian society the legal awareness of citizens sometimes has gaps and this causes conflicts and misunderstandings in the relationship between the government and citizens. In the future, it should hold more events to discuss management decisions, to invite the public in these policies. In this context, public councils can increase their importance and receive a credit of trust both from the authorities and from ordinary citizens who expect positive changes in solving their own problems and in improving their social life.

As for the European view on the place of human rights in the activities of government institutions, in 2000 the Charter of Fundamental Rights of the European Union was proclaimed [12]. It describes all human rights in detail that are supported and protected by the Commonwealth. In this case, the functioning of the European Court of Human Rights (ECHR) is indicative, people whose rights have not been protected in their own country can apply there. According to statistics conducted since 1959 [14], the level of human rights violations in Ukraine is much higher than in other European countries (Fig. 6).

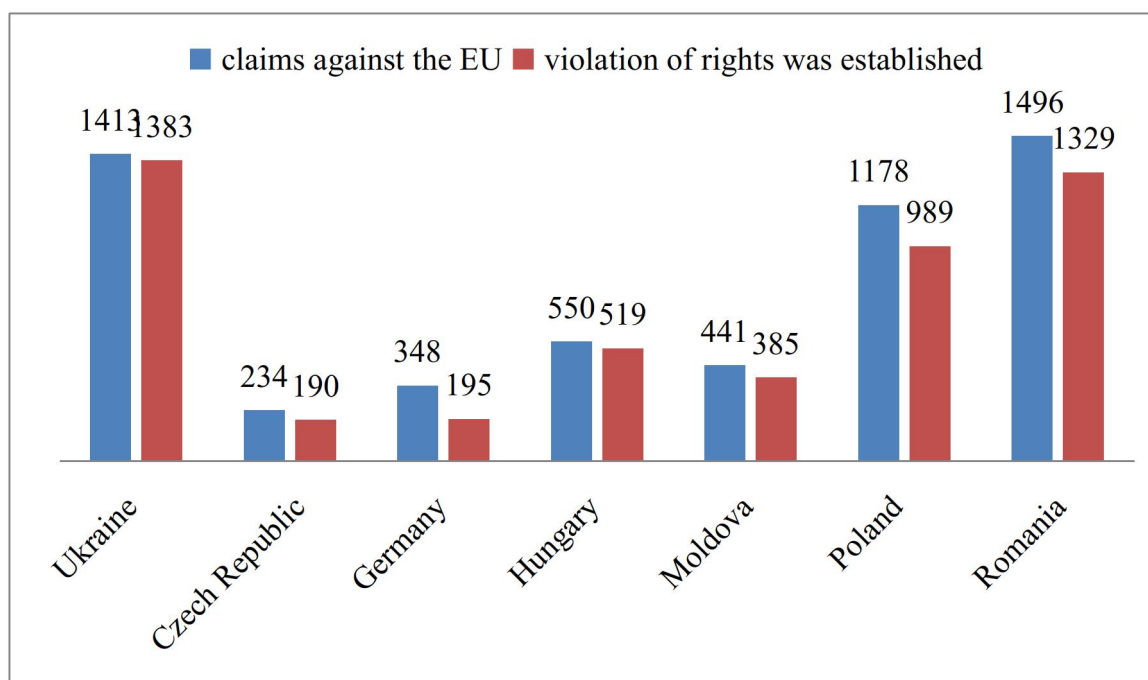


Fig. 6. Statistics of claims and decisions of the European Court of Human Rights (1959-2019)

These statistics can serve as another proof of the difficult situation in Ukraine about the development of civil society. This is facilitated by the low level of political and legal culture of both government officials and society as a whole, from which, by the way, the government officials came. In European countries, on the other hand, attitudes to the human rights have reached a stage where civil society institutions are equal partners with public authorities.

They have a significant influence on the most issues in the socio-economic, political and humanitarian spheres. This reduces tensions in society, but increases the number of cases of human rights protection, as the whole community is involved in this process. It should be noted that in the EU countries the practice of providing social services by civil society institutions is widespread. This gives the opportunity to citizens to satisfy their own needs, significantly speed up the process of obtaining the service and reduce the material and financial costs of the state.

Among the common areas of involvement are the following:

- representation of public interests before the government officials and politicians;
- direct participation in the process of development and decision-making;
- organization of public monitoring;
- cooperation with public authorities in measures to prevent corruption [4].

In this case, we can talk about the prevalence of the systemic involvement of civil society institutions not only in the services or minor management decisions, but also in the development and implementation of public policy. This practice allows, firstly, to remove from power the burden of individual influence on socially important issues, secondly, maintains high social standards, and thirdly, saves money (about 30%), which can be spent on the development of a socially important area. Besides it, it provides a real opportunity to raise employment of population. Thus, in the EU countries, civil society institutions involve from 4.4 to 14% of the total number of able-bodied citizens, who have not only the opportunity to solve social problems, but also receive a permanent salary, and most importantly - to help to attract investment in the social sphere, which is not always possible for the authorities [9].

It's significant for Ukraine that citizens in EU countries have been expressing their public position by their own during many years without the help of the authorities, trying to take an active part in adopting socially important issues, preventing human rights violations, counteracting corruption, etc. If we compare people's attitudes to the possibility of influencing the government and making government decisions, Ukraine lags far behind in this field [5; 7] (Fig. 7).

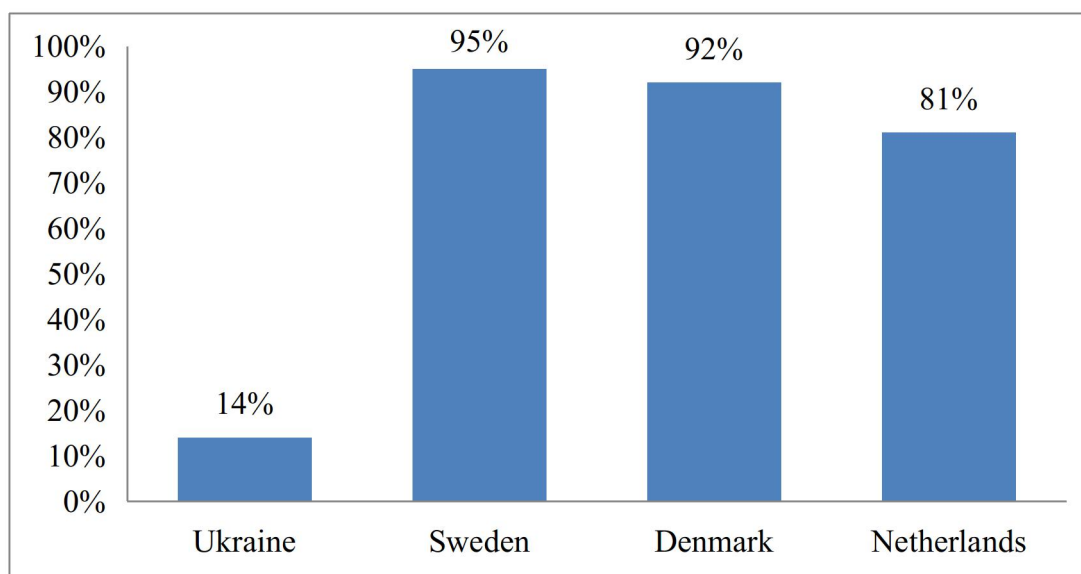


Fig. 7. Percentage of citizens who believe that their vote matters and they can influence the government

In this respect, the difference between Ukrainian and European citizens is too great. This clearly characterizes that in Ukraine still needs to do a lot of work in terms of attracting citizens, conducting informational and educational work and increasing their activity.

Conclusions. Nowadays, there are large differences in European and Ukrainian practices of building civil society and establishing interaction between the authorities and civil society institutions. This can be seen both in the activities of the government (distrust of civil society institutions, unwillingness to cooperate, lack of experience in cooperation, inconsistencies in the legal framework, etc.) and the public (distrust of the government, distrust of the ability to influence power, low political and legal education, lack of experience, unwillingness to solve problems on their own, etc.).

To solve this set of problems requires a large amount of work, which in fact should affect the radical changes in the minds of Ukrainian citizens. In this regard, it may be useful to use the experience of EU countries that have come a long way in the development of civil society.

However, it should be noted that copying experience, norms and standards is unlikely to lead to a positive result. Reforms in this direction can be carried out effectively only on the basis of deeply study of the European experience on the one

hand, and a set of research and educational measures on the other. It is also worth emphasizing that developed democracies have been building their systems for a long time, so we should not expect rapid changes in Ukraine. The main condition should be only a stability in socio-political life, as well as the desire of the government and citizens to find consensus.

References:

1. Hromadski rady. Informatsiino-analitychni materialy, available at: <https://www.kmu.gov.ua>.
2. Ievropeyskyi ekonomichnyi i sotsialnyi komitet u desiaty zapytanniakh, available at: <http://www.ntser.gov.ua>.
3. Koordynatsiina rada z pytan rozvytku hromadianskoho suspilstva, available at: <https://civil-rada.in.ua>.
4. Kudriachenko A.I. (2012), Yevropeyski demokratychni tsinnosti ta yikh vplyv na rozbudovu hromadianskoho suspilstva v krainakh Yevropy [European democratic values and their impact on the development of civil society in European countries], Istorychnyi dosvid stanovlennia instytutiv hromadianskoho suspilstva v krainakh Yevropy: zbirnyk naukovykh prats [Historical experience of the formation of civil society institutions in Europe: a collection of scientific papers], pp. 68-74.
5. Melnyk L. A. (2019), Yevropeyskyi dosvid efektyvnoi vzaiemodii derzhavy ta instytutiv hromadianskoho suspilstva [European experience of effective interaction between the state and civil society institutions], Investytsii: praktyka ta dosvid [Investments: practice and experience], No 4. - pp. 119-124.
6. Decree of the President of Ukraine “Pytannia Koordynatsiinoi rady spriannia rozvytku hromadianskoho suspilstva” [Issues of the Coordinating Council for the Promotion of Civil Society Development] dated 4.11.2016 roky No 487/2016. available at: <https://zakon.rada.gov.ua/laws>
7. Pidsumkovyi zvit za rezultatamy doslidzhen hromadskoi ta ekspertnoi dumky, available at: <http://auc.org.ua>.

8. Resolution of the Cabinet of Ministers of Ukraine “Pro zabezpechennia uchasti hromadskosti u formuvanni ta realizatsii derzhavnoi polityky” [On ensuring public participation in the formation and implementation of public policy], dated 3.11.2010, No 996, available at: <https://zakon.rada.gov.ua/laws>

9. Pro stan rozvytku hromadianskoho suspilstva v Ukraini: analitychna dopovid (2012), Kyiv, 48 p.

10. Resolution of the Cabinet of Ministers of Ukraine “Pro utvorennia Rady holiv hromadskykh rad pry orhanakh vykonavchoi vlady” [About formation of Council of chairmen of public councils at executive bodies], dated 20.06.2012, No 658, available at: <https://zakon.rada.gov.ua/laws>.

11. Tkachenko I. (2015), Hromadianske suspilstvo i Yevropeyskyi Soiuz: funktsionuvannia y spivpratsia [Civil society and the European Union: functioning and cooperation], Viche, No 2, pp. 15-19.

12. Charter of fundamental rights of the European Union, available at: <https://eur-lex.europa.eu>.

13. Taran V., Kulchytskyi O., Babakishiieva H. and other (2018), Iak pidvyshchyty spromozhnosti hromadskykh rad na zdiisnennia hromadskoho kontroliu? [How to increase the capacity of public councils to exercise public control?], Kyiv, 24 p.

14. Violations by Article and by State (1959-2019). available at: https://www.echr.coe.int/Documents/Stats_violation_1959_2019_ENG.pdf.