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**PUBLIC CONSULTATIONS AS A CONSTITUENT PART OF**

**COOPERATION EFFICIENCY BETWEEN DOMESTIC GOVERNMENTAL AND PUBLIC STRUCTURES**

*The article deals with the issue of public consultation role in establishing efficient cooperation between state power and public organizations. The experience of public consultations in the countries of the European Union is developed. Terms and factors of their effective influence on the process of public policy making are analyzed. Their significance for practice of state administration in a modern Ukraine is established.*

*Keywords: public consultations, the public, public organizations, civil society, state authorities, state policy.*

Crisis phenomena in political and social life in Ukraine make topical the issue of wide public involvement into the process of management decision preparation and making. Its successful solving requires not only existence of both rights enshrined in the constitution and political institutions formed in a democratic way but also a variety of forms and means by which citizens can influence state authorities. Consequently, effectiveness of cooperation between the public and state authorities depends on the level of institutionalization of public social and political life that may support civil society organizations.

Socio-historical practice confirms that significance of civil society structures is increasing objectively under the conditions when public credibility level to state power institutions is decreasing. Their involvement in the political process as an alternative to the traditional political institutions facilitates the creation of the conditions for civil and political talks, social stability maintenance and a civil peace.

Public consultations are an effective and justified form of public involvement into the state policy production tested in stable democratic countries. According to researchers, the absence of stable practice of public consultations with public organizations in a modern Ukraine is the main reason for a low efficiency of state power activity. It is worth mentioning that a state administration system inherited by Ukraine from USSR had no practice of public consultations. Identity of views advocated and cultivated by official state ideology did not recognize various groups of public interests, and thus their right for protection during state decision making.

The ways of achieving it are foreseen in complementary fields of activities of state power and public associations, their effective cooperation, in other words, putting a state and governmental institution activity in compliance with new democratic principles and European standards of public administration.

The issues of public consultations as a constituent part of efficient cooperation between domestic governmental and civil structures, in spite of their topicality for modern Ukrainian society, have not been adequately reflected in scientific works yet. At the same time, it is worth noting that the public consultations as a constituent part of efficient cooperation between state power and the public have not been analyzed comprehensively and in detail in the studies of Ukrainian authors yet.

*The article is aimed at* analysis of public consultations in relation to their influence on rise in efficiency of cooperation between state and civil structures in the context of international experience.

Democratic administration system formation is one of the most important tasks of modern social transformations. According to international experience, the establishment of such system requires a new professional knowledge, skills, procedures and institutions. It includes both power institutions and public structures that are jointly interested in radical social reforms that can be carried out only by a strong power (in a view of wide public support), and the support can be obtained from public organizations and associations.

To carry out successful transformations the power represented by the government should: have a clear strategy and determined priorities of their execution; based on detailed analytical materials to determine necessary resources; foreseen consequences and possible risks that may occur in the course of public transformation program implementation and suggest alternatives; be familiar with means of transformation management. In their turn, public organizations should: represent interests of social groups during decision making related to these groups; cooperate with state power at the stage of state policy making and adoption. Searching for forms of cooperation between state power and public structures to execute tasks of social development in democratic countries, the forms of direct substantial cooperation of governmental and public organizations related to state policy issues are developed, and public consultations are one of them.

Their consolidation as effective forms of cooperation between state power and the public are determined by the fact that the technology of political decision making in these countries is used taking into account interests of different public groups, and it is based on the procedure of public consultations and carried out through standards and procedures adopted in international practice.

Analysis of the current situation in Ukraine indicates the absence of effective public consultations of state authorities with public organizations as one of the reasons for low efficiency of power activity in general. Significance of public discussions in the course of state policy making in a modern Ukraine is increasing due to: appearance of a great variety of different groups of interests in Ukrainian society; difference in their attitudes to state policy issues; increase in citizen self-awareness level and their intention to take part in state policy making.

An essential prerequisite for the enhancement of public organization impact on state policymaking is their increase in quantity and rise in their organizational capability. European and international practice of public structure involvement into the process of state decision making is based on the necessity of unconditional execution and assurance of one of the fundamental human rights – the right to freedom of association and assembly. The Article 11 of European Convention on human rights and fundamental freedoms states: “Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests” [1]. Another document of international importance stipulating European standards concerning a place and role of public organizations was adopted on July 2002 by participants of multilateral meeting organized by the Council of Europe in Strasbourg, “Fundamental principles on the status of non-governmental organizations in Europe” [2].

Thus, at present, the most comprehensive and systematic consolidation of standards concerning civil society development generally recognized by European states is contained in “Recommendations of the Committee of Ministers of the Council of Europe to the member states on legal status of non-governmental organizations in Europe (2007)”. Normative and legal parameters are determined in the document for NGO performance as one of the most important institutions of civil society. They are based on regulations of Article 15 of Statute of the Council of Europe [3].

Authors of the document mention that state authorities of member countries of the Council of Europe shall be governed by standards mentioned at national legislation development and state policy formation. In addition, it is noted that Recommendations shall be taken into account during monitoring of liabilities taken by member countries. Distribution of Recommendations among the public in general, NGO related directly to the text, parliamentarians, relative bodies of state power and educational institutions in every possible way is proposed.

The necessity of its use during training of state officials is stipulated in certain paragraph. Peculiarities of public consultations as efficient cooperation of state and public structures in the EU are stipulated in Communication of the European Commission “Proposal for general principles and minimal standards for consultations of interested parties by the Commission”. Moreover, it is noted that the aim of consultations is to collect comments and suggestions of interested parties: “Consultation mechanisms form part of the activities of all European Institutions throughout the legislative cycle, from the phase of policy-shaping prior to a Commission proposal to final adoption of a measure by the legislature and its implementation. Depending on the issues at stake, these consultations are aimed at providing opportunities for input in particular from representatives of regional and local authorities, civil society organizations, undertakings and associations of undertakings, individual citizens concerned, academics or technical experts, as well as interested parties in third countries.” [4].

In another document, namely, a resolution concerning White book “European management behavior”, it is stated that consultations of interested parties can add but not change procedures and solutions of institutions making decisions. Only the Council and the Parliament as law-makers shall bear responsibility for the decisions on legal procedures. It is exactly why the European Commission gives an opportunity to interested parties to express their opinion but not to vote [5].

Consultation process in the EU provides its institutionalization. Organizations – intermediaries are chosen to organize the process. The intermediaries in consultation organization for the Commission, the Parliament and the Council are specialized advisory bodies, namely the Economic and Social Committee (ESC) and the Committee of the Regions (CR). The European Commission gives an opportunity to these committees to play an active role in the process of consultations. It is worth mentioning that in 2001 the European Commission issued Minutes on cooperation of ESC and CR with the aim of consolidation of Committee functions as an “intermediaries” between organized civil society (correspond to ESC) and representatives of a regional level (correspond to CR). According to Nice Agreement the role of ESC is determined in 7 Associations, it is mentioned that the Committee shall include representatives of different economic and social parts of organized civil society. The Committees as advisory bodies are authorized to organize consultations on behalf of the Commission [5].

The essential condition of public consultations in the EU is an adequate and equal attitude to all interested parties. Although the groups of interests for consultations are chosen in accordance with their fields of interest, the measures for taking part in consultations are provided for all interested parties. Consultation process is based on organizations of civil society that play an important role as participants of a wide political dialog. “Organizations of civil society” in the European Commission shall mean: organizations represented participants of labour market (trade unions, federations of employers – that are “social partners”); organizations represented social and economic players that are not social partners under definition (consumer organizations); non-governmental organizations uniting people for common problem solution (in the field of environment or human right protection, charity, educational and sport organizations); community-based organizations (namely, organizations established at the level of local communities to solve their problems – they can be youth associations, family and other types of associations used by public association to take part in local life, religious unions).

European and international experience confirms that there are some principal attitudes determining efficiency of public consultations: at first, determination of “the audience” to hold public consultations. Such “audience” should include interested but not “the public” in general. “The public” shall mean any group of representatives of social organization or certain citizens in general. Involvement in such format can not give a view on how many and what kind of people shall be invited to the discussion to represent public opinion and how to use discussion results. However, groups of interests have certain amount of their representatives in public environment, and discussion results with their participation can be analyzed in the point of view of their attitude and suggestions on governmental decisions proposed. Work with “the public” is an abstract thing and it is not a determined activity in social space and time, it has no and can not have clear administrative procedures. Therefore, in Western countries the work is held with groups of interests that can be clearly determined and constructive dialog can be organized. If it comes to Ukraine, at present we have no enough structured society, so most of the discussions are held exactly with undefined audience as a set of certain speeches to take resolutions prepared in advance.

Second, the choice of discussion format. The best result is achieved when public consultations are held not in the form of a set of separate speeches but as a whole activity. In Western countries, for instance, topical political issues are brought up for the discussion, to reveal related attitudes of interested parties and take into account the results of the discussions during state and political decision making and adoption. This way, public consultations are considered as a whole activity where all interested parties have a right to express their opinion but not preplanned and prepared speakers that can be often observed in Ukraine.

Third, the discussion results provide a certain decision making based on analysis of the attitude of all interested parties. Practical experience confirms that the basis of methods for public consultations adopted in the European Union and other countries of developed democracy is stage-by-stage decision approval. With no implementation of stages in decision discussing it is impossible to achieve European standards. Analysis of studies held by ICPS in relation to public consultations by Central bodies of executive power (CBEP) of Ukraine allows determining the difficulties of their adoption in the practice of management activity [6]. Among them, first of all, overcoming the adherence of state authorities to public discussions of documents prepared in advance is stated.

Based on consideration and analysis held concerning the problem of the study mentioned the following conclusions can be stated. At present, Ukraine is required to adopt more actively standards and formats of public consultations adopted in the European Union that are an essential constituent part of cooperation between state and public structures that should facilitate an increase in efficiency of cooperation between state and public structures in the process of Ukrainian society democratization since a real democracy provides normalized procedures and formats of cooperation between state authorities and civil society.

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