

THE CIVIL SOCIETY ORGANIZATIONS OF NATIONAL MINORITIES IN PUBLIC POLICY. THE EXPERIENCE OF POLAND FOR UKRAINE

***Summary.** The article deals with research of the role of national minorities in public policy. In the prism of the civil society organizations activity, when protection the rights to develop ethnic minorities languages, and other identity marks, matters.*

The novelty, in defining the system-forming factor to reflect essence of national minority as a social system. Able to behave as interested public actor.

The purpose is to discuss the strategies of national and ethnic minorities, ethnic communities of Poland during the transition. Consider main concepts with the regard to the CSOs, and public policy issues.

Particular attention given to the strategies on benefit of the Ukrainian minority of Poland and the Kashubs in education n and culture development. The interaction between a State and the ethnic component are main objectives of the documents.

Conclusion drawn as for enhancement of legal base to make Ukrainian ethnic sector structured. The other prior activities by the public authorities outlined, with the consider for particular state of modern Ukraine.

***Key words:** public policy, civil society organizations, national minorities, ethnic identity, interaction.*

ІНСТИТУТИ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА НАЦІОНАЛЬНИХ МЕНШИН У ПУБЛІЧНІЙ ПОЛІТИЦІ: ДОСВІД ПОЛЬЩІ ДЛЯ УКРАЇНИ

***Анотація.** Статтю присвячено вивченню ролі національних меншин у публічній політиці у контексті діяльності інститутів громадянського суспільства (далі – ІГС) із захисту права на розвиток мов національних меншин та інших ознак ідентичності.*

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Новизна полягає у підході автора, згідно з яким визначення системоутворюючого фактору дозволяє відобразити національну меншину як соціальну систему. Звідси – її здатність як заінтересованого актора публічної політики.

Мета статті – обговорити стратегії національних та етнічних меншин, етнічних груп Польщі впродовж транзитного періоду країни. Розглянути основні концепти відносно діяльності ПС, напрямів публічної політики.

Окрему увагу приділено стратегічним програмам української національної меншини Польщі та кашубського корінного народу з розвитку освіти і культури. Висвітлено об'єкти цих документів через взаємодію на рівні державної влади й етнічного компонента.

Висновки торкаються вдосконалення чинної вітчизняної законодавчої бази з метою структурування етнічного компоненту українського етнічного середовища, інших пріоритетних сфер публічної політики з огляду на сучасний стан в Україні.

***Ключові слова:** публічна політика, інститути громадянського суспільства, національні меншини, етнічна ідентифікація, взаємодія.*

Introduction. On the international scale, the protection of people's rights is getting importance. As the key outcome of the 2019, the UN General Assembly Resolution (A/RES/74/135) has proclaimed The International Decade of Indigenous Languages for 2022–2032. With purpose to ensure right to preserve, revitalize and promote their languages, main stream linguistic diversity into the sustainable development efforts. For a States, it means a unique opportunity to implement public policy in the ethno-national regulation with necessary for the preservation, revitalization and promotion of ethnic minority languages.

For the countries with a multicultural and ethno-linguistic population, the challenge is to provide public policy to get a society integrated, with the titular nation dominant. As for Ukraine, with its diverse ethnic sector² – according to the Ukrainian Census there approximately 60 ethnic languages in present as compare with 79 in the late 1990s, the task comes to the uttermost prior. When the territorial integrity and national sovereignty of Ukraine concerns, the reintegration of numerous parts of population with

² The Law On National Minorities in Ukraine (1992) has not enumerated national minorities. As traditionally accepted, there 17 largest nationalities in Ukraine. The Crimean Tatars identified as indigenous peoples by the 2021 Law of Ukraine on the Indigenous peoples of Ukraine.

internally, or temporarily, displaced persons of different nationalities, to ensure the safety and basic rights, urgent for the time.

Under the circumstances, the activity of the civil society organizations and their interaction with public authorities gets momentum. To satisfy requests of interested public actors, it is sufficient for Ukrainian public authorities to address needs of those by the administration and legal measures, in full. The latest progress, we say the Law On the Indigenous Peoples of Ukraine (2021), the constituent International Summit of the Crimean Platform in 2021, the Concept of Development of the Crimean Tatar for the period up to 2032 (2021), the National Strategy for Human Rights (2021). These are positive and important, but initiative from above prevailed. To ensure sustainable dynamic, more wide discussion with public society is necessary.

In different contexts, the role of the CSOs of national minorities in public policy of Ukraine has been the object of attention of such domestic scholars, as V. Andriiash, B. Azhniuk, V. Bakumenko, O. Bazhynova, V. Karlova, A. Kolodii, T. Kovalova, A. Kuchabskyi, V. Kulyk, A. Mykhnenko, P. Nadolishnii, H. Pocheptsov, O. Pukhkal, I. Reiterovych, Yu. Saukh, S. Soloviov, S. Sytnyk, M. Stadnyk, Yu. Surmin, S. Teleshun, S. Vyrovyiand others.

Among foreign scientists, with Polish includes, whose attempts to comprehend the problem of national minorities in public policy, it worth to mention J. Besters-Dilger, H. Bojar, V. Budyta-Budzyńska, S. Flaszewska, P. Gliński, H. Karperczyk, J. Knopek, D. Kowalewska, W. Kymlička, D. Laitin, S. Łodziński, C. Mar-Molinero, J. Mieczkowski, H. Palks, T. Skutnabb-Kangas, B. Spolsky, L. Szeszegóła, P. Vermeersch, A. Wierzbicki, E. Wnuk-Lipiński, A. Zakrzewska-Bielawska.

However, current theoretical achievements require further research how a State and CSOs interact and what could be a result, that led to the urgency of the article.

To study the experience of the public authorities of Poland in the inclusion of the civil society organizations to decision making and planning. The purpose is to analyze theoretical approaches of Polish experts in identifying the CSOs' legitimacy and assessing their potential to act on public arena. Particularly, in development the ethnic minority's education and culture. To

select successful cases, the strategies approved by Polish public authorities, for our mind, these remarkable related to the Ukrainian national minority, and the Kashubian linguistic community.

The implementation of systematic and historical analysis has revealed main features of the CSOs, and national minority's as a social system. Made it possible to correlate theory with the practice, discuss two strategic programs – the Education Development Strategy of the Ukrainian minority in Poland (2011), and the Strategy for Protection and Development of Language and Culture of Kashubian (2006).

Theoretical aspects of the CSOs of the ethnic component. By the definition in an encyclopedic, the category “public policy is the activity of public administrative authorities aimed at solving social problems. The whole process covers the stages of identifying problems, making decisions with their subsequent implementation” (*Zahorskyi and Bunyk, 2011*)³. The essence of the phenomenon is manifested by public nature of problems, which addressed by the public authorities during public policy implementation. That is, the whole society concerns.

The idea, to harmonize various interests in line with the fundamental values and common good. To reach it, the following major concepts have been accepted to fulfill, as: networks, interaction, collective actions, mutual responsibility, complementarity of public and private sectors, openness, partnership, dialogue, supervision, confidence, consensus orientation (*Teleshun at al., 2018*)⁴.

In an attempt to reflect on the term “civil society”, as A. Kolodiy suggested, it is different. As the institutionalized subsystem of a society which is independent from a State, structured and defined. With specific voluntary forms of public activity and solidarity, special cultural and socio-psychological features. In her opinion, there in a society is not only voluntary

³ Zahorskyi V. S., Bunyk M. Z. Загорський В. С., Буник М. Публічна політика [Public policy]. Енциклопедія державного управління; Київ: NADU, 2011. Vo. 8. P. 484 – 486 [in Ukrainian].

⁴ Teleshun S., Sytnyk S., Reiterovych I., Pukhkal O., Karlova V., Afonin E. Instrumenty ta mekhanizmy vprovadzhennia publichnoi polityky v Ukraini: navch. posib. [Tools and mechanisms for the implementation of public policy in Ukraine: textbook]. Kyiv: NADU, 2018. P. 248 [in Ukrainian].

associations, combined by the appropriate network of communication, but dominated fundamental values on trust and tolerance (*Kolodiy, 2001*)⁵.

As for the content, civil society is a social system determined by full rights and obligations of citizens in relation to a State, and vice versa. The subjective component is featured within activities of social groups, movements or citizens. This is a special sphere of social life independent from a State, consisting of different cultural, national, territorial and other associations, and is a form of expression of various interests by the individuals (*Mykhnenko and Mesiuk, 2011*)⁶. Hence, both stages of public policy, its formulation and implementation, originate through the interaction between every participant interested, a State institutions and the civil society organizations.

By our view, the major element of civil society is people, individuals. And the main social constructions are the institutions with aim to promote the comprehensive realization of the people's interests. Among them social and political organizations, associations, NGOs. On public arena, this activity is providing at level of the institutions. In other words, by subject-subject or subject-object interaction. The content is forming out by development direction – political, economic, social, ethnic, etc. In a form of institutionalized dialogue of the parties, in relation to status in social hierarchy and public interest.

The characteristic tasks assigned to the civil society organizations include: a. response to the basic needs of a society members; b. democratic supervision over a State through independent associations, civic and political actions; c. creation special social arena for the implementation of the activities at the level of initiatives, contacts or associations (*Hrytsiak, 2011*)⁷.

It means, the civil society institutions, due to the properties embodied, are: equal subjects of interaction; empowered to stream and implement public

⁵ Kolodiy A. Stanovlennia hromadianskoho suspilstva v Ukraini (2001) [The formation of civil society in Ukraine] [Online]. URL: <http://www.ji.lviv.ua/n22texts/kolodij.htm> [in Ukrainian].

⁶ Mykhnenko A., Mesiuk M. Hromadianske suspilstvo [Civil society]. Entsyklopediia derzhavnoho upravlinnia. Kyiv: NADU, 2011. Vol. 1. P. 120–122 [in Ukrainian].

⁷ Hrytsiak N. Kontsept «hromadianske suspilstvo». Mistse i rol v politychnii systemi v umovakh informatsiinoho suspilstva [The concept of “civil society”. Place and role in political system in the conditions of information society]. Entsyklopediia derzhavnoho upravlinnia. Kyiv : NADU, 2011, Vol. 4. P. 348–350 [in Ukrainian].

policy, provide civic democratic supervision over the public authorities; social actors to express interests on public arena as either organized civil society, or individuals; endowed with an opportunity to participate in law-making initiatives.

According to Kuchabskyi and Bazhynova (*Kuchabskyi and Bazhynova, 2012*)⁸, the condition for dialogue between the authorities and society is the organizational and legal ability of the civil society organizations to articulate social interests. Including promotion and protection, representing what could make real impact on public policy.

We proceed, as subordinated object by a State in public policy implementation, the CSOs have changed under public opinion. Thus, they convert themselves in to the subject-component. Providing advisory and consultancies service in a decision making or planning by side with a State, the civil society organizations acquire attributes of the public supervisor. It means, whole cycle of public policy process is completed. At any level of interaction, either it is the ethno-national, and national, or international. The degree of complementarity between the participants, civil society and a State, is getting higher. Hence, the responsibility for the results may be shared according to status. That is, this form of interaction empowers the management process the collective features, and the cohesion of a society strengthened.

Regarding the SCOs' role in Ukraine, we found in F. Fukujama's. During his conference "Why Is Ukraine a Democracy", a part of Seminar "Lessons from the Ukrainian Transition to Democracy", in Ukrainian Studies series by the Ukrainian Research Institute at the Harvard University. He drew the conclusion, without vibrant civil society organized by horizontal, the democratic developments in Ukraine won't take place (*Fukuyama, 2021*)⁹. To add him, without fruitful vertical coordination and deep interaction between a State and the CSOs, it is a challenge to proceed further on.

To continue, we follow discussion related to the CSOs of national minorities in Poland. Let us touch upon the system introduced by

⁸ Kuchabskyi A., Bazhynova O. (2012). Mekhanizmy komunikatsii vlady ta hromadskosti v umovakh hlobalizatsii [Mechanisms of the interaction of authorities and the public in conditions of globalization]. *Publichne upravlinnia: teoriia ta praktyka*, 2012. Vol. 12. P. 196–201 [in Ukrainian].

⁹ Fukuyama F. Lessons from the Ukrainian Transition to Democracy (2021) [Online]. URL: <https://huri.harvard.edu/event/fukuyama>.

S. Łodziński, in classifying public activity of the ethnic component. In time of transition after 1989, according to four strategies (Łodziński, 2005)¹⁰.

The first, “*native ethnic (people) work*” [*etniczna (narodowa) praca organiczna*], ensures efforts to: maintain and promote ethnic attributes such as culture, language, religion etc.; develop maturity by means of folklore; reach self-achievements instead of getting a State support. This strategy mainly characterized by: the German and Armenian national minorities; the Tatar, Roma and Lemkos ethnic minorities; the Silesian minority¹¹.

The second strategy, “*civic interpretation of minority*” [*obywatelskie traktowaniem mniejszości*], means targeting minority’s influence on a State. When the ethnic leaders address their requirements to public authorities to adopt legal acts for preserving and fulfilling the rights, within national and international legislation. First of all, to introduce by a State the principles of respect and equal interpretation. Typical for the German, Ukrainian, Belarusian and Slovak national minority.

The third, “*cooperation and exit*” [*współpracy i wychodzenia zewnątrz*] – wide inclusion of national minority in public and political life across the region or the country. It is used not only by ethnic leaders, but representatives of the titular nation as well. The content is close to the participatory public policy. The illustrative example is the German national minority, which due to its numerically significant, enjoys the rights granted by law to participate in the election campaign to the Sejm of the Republic of Poland. Alongside, having substantial representatives of the German minority in municipal and local governments.

The fourth – “*to exist as minority in majority*” [*byciemniejszością w większości*]. It focuses on maintaining the ethnic identities in the ethnic sector composed mostly by other ethnos, without giving reasons to provoke – neither irritation nor negative perception. The strategy ensures

¹⁰ Łodziński, S. Równość i różnica: mniejszości narodowe w porządku demokratycznym w Polsce po 1989 roku, Warszawa, 2005.

¹¹ The Law on National and Ethnic Minorities and on the Regional Language (2005) enumerates nine national minorities (Germans, Belarusians, Ukrainians, Russians, Lithuanians, Jews, Czechs, Slovaks and Armenians) and four ethnic minorities (Karaims, Lemkos, Roma and Tatars) in Poland. The Act further identifies Kashubian as the regional language to which all rights contained in the act apply.

possibility for the minority to fulfill its rights on the same level with co-existing majority. This is the effect of individualization of the ethnic self-identification, in particular during political and social transit. Dominates in ideology of the Belarusian national minority.

On the author's view, in every stable social system, we have to define the *system-forming factor*, which turned to stay the purpose by which components of the system unite. From the ethnic point, correlation between national minorities and their activity gives us the suggestion, the system-forming factor is the desire of national minority to maintain voluntary initiated individuality. The awareness of self-determination, unique ethnicity, culture and heritage, language or religion, converts into the dominant. Therefore, this is the system-forming factor for every national minority.

Having the said, it can be assumed, that national minority is the group of the members of same ethnic, united by a common purpose – to build together a multi-level network, structured and hierarchically oriented on public arena in a form of a social system (Bondar, 2021)¹².

In a view of the strategies above, the motivation of the ethnic component originates from “the grass”. That is, of its vital interests. In systematic paradigm, the activity of this type will get real content once it met with the activity from the above. In public policy, the activity by the administrative authorities toward the object of a State regulation. Thus, a public system is considered to stay full.

The running by national minorities own organizations, with no regard to specialization - political, social, cultural, linguistic, religious, etc., is a reflection not only of minority's essence but also the efficiency of country's public police. M. Budyta-Budzyńska argued: “[t] A successful process of institutionalization due to the initiatives from above, during the changes of the system institutionalization – legal and administrative, should be accompanied by the institutionalization from below: social mobilization and self-organization” (Budyta-Budzyńska, 2003)¹³.

¹² Bondar V. Systematic approach as a part of methodology of public administration in study of national minorities in Ukraine / LOGOS. Collection of the international scientific and practical conference. Scientific practice: modern and classical research methods. Boston, USA, 2021. Vol. 1. P. 54–59.

¹³ Budyta-Budzyńska M. *Mniejszości narodowe. Bogactwo czy problem?* Warszawa, 2003. S. 153.

To conclude, fundamental values and public benefits coincide with the motivation of national minorities. The subjective components of public arena, and objectivity to interact between themselves, or with the public authorities, all these factors lead public policy implementation cycle be completed by activities of the civil society institutions.

Discussion the strategic programs. We put our close attention to two Strategies, initiated by the Ukrainian national minority of Poland, and the Kashubian community. The experience of Polish public authorities in the interaction with the ethnic components, that is likely to become the subject study interesting for Ukraine. As the country in transit, with multicultural and multi-linguistic population.

The Education Development Strategy of the Ukrainian minority in Poland (*Strategia, 2011*)¹⁴, was adopted jointly by the Ministry of the Interior and Administration, and the Ministry of National Education. The Strategy is the third among similar documents regarding education on the benefit of the Lithuanian (2002), German (2007) and Belarusian (2016) national minorities. Significantly, that this Strategy was initiated by the Ukrainian community of Poland. In completely opposite way as compare with the procedure as toward three said national minorities – those are in a result of bilateral legal base and negotiations between Poland and relevant countries of national minority originates.

As the basis, the Report on Teaching the Ukrainian in Poland of collective authorship of the Union of Ukrainians in Poland, and the Ukrainian Society of Teachers in Poland, as well as other CSOs. Before submitted to the Government, the Report was approved by the Supreme Council of the Union of Ukrainians in Poland, 2006. The issues highlighted in the Report, as follows: the network promotion of public secondary school educational establishments in Warsaw, Podlasie and Lubuskie Voivodeships; revising of financing; providing changes in school program; supplying essential number of textbooks and didactic materials; pedagogical staff training and completing; attracting investment; implementation State monitoring system for development of the Ukrainian public-school network.

The Strategy demonstrates the legal base that forms the institutional environment for development of the Ukrainian educational system in

¹⁴ Strategia Rozwoju Oświaty Mniejszości Ukraińskiej w Polsce. Warszawa, 2011.

Poland. The structure of the educational network for students from the Ukrainian national minority is described. Management and financing system are displayed. It contains the characteristics of curricula and textbooks, the order to assess student achievements, methodological support by a State.

Obviously, the way the Strategy was initiated, it reflects a systematic approach by the Polish authorities in regulation of the ethnic sector, the inclusion the Ukrainian minority to decision making and planning. The European rules, national constitutional principles, current legal acts, inter-governmental bilateral Polish-Ukrainian legislation, are comprehensively taken into the account by the State, in full. Thus, the prominent feature – the publicity of the Strategy. The strategic program document on education issues, which was adopted due to the initiative from “the grass” by the CSOs of the Ukrainian national minority of Poland.

The Strategy for Protection and Development of the Kashubian Language and Culture (*Strategy, 2006*)¹⁵, with major objective “To make Kashubian capable of existence and development”, was prepared by the Kashubian-Pomeranian Association and accepted during the conference of regional activists, 2006. The main ideology was the conviction that the language and culture constitute an important contribution to the common culture heritage to stand the challenges of globalization. The Strategy basic confidence is to unite the society.

The interaction with a State in the Strategy framework is proposed in the form of public-private partnership, with leading role on the Association. In the text, without strict commitments of the partners, but with scope of joint efforts as for: 1. Popularization of the Kashubian education, particularly in teaching. 2. Promoting and supporting the use of language. 3. Prospecting the linguistic and cultural heritage of Kashubian. 4. Strengthening the position of Kashubian on regional, national and international levels.

To fulfill four defined objectives, the priorities, tasks and partners suggested. Alongside with the ministers for issues of national and ethnic minorities, and education, there wide range of specialized educational establishments, regional administrations as well as CSOs of Kashubian linguistic community are on the picture.

¹⁵ Strategy for Protection and Development of the Kashubian Language and Culture. Zarząd Główny, Zrzeszenie Kaszubsko-Pomorskie. Gdańsk, 2006.

Conclusion. Summing up, the considered in the theory section strategies let for our better understanding the gist of public activity of the CSOs of the ethnic component. We may suggest as follows.

The whole system, includes public policy of the Republic of Poland, with a society successful in its transit, and the institutionalized system introduced by the State, it enables the public sector to function properly. When the initiation from the bottom meets with the State authority's policy, it could result in conceptual documents.

In a view of the subject of our research, we could underline some positive features of the experience of Poland: a. due to legal base specialized on the ethnic issues, in line with the European legislation, it resulted in public system structured of the State and the public actors; b. inclusion the CSOs of the ethnic component to public policy ensures the uniting a society on the basis of the fundamental values alongside with modern mechanisms of a State regulation; c. correlation between the theory and practice, it prompted in acquiring by national minorities the properties of a social system which is driven on desire and motivation to preserve the ethnic identity, and realize it by means of the CSOs; d. the ethnic component's effective activity in public policy resulted in initiation the strategic planning by the State.

The main conclusion, for our mind, the Ukrainian authorities must effectively tackle major task – to enhance current legal base related to the ethnic sector, with the purpose to complete its structure, enumerate the ethnic components with defining their legal status. The subjectivity will yield the CSOs of national minorities more effectively participate activity on public arena, by side with the State.

Among the other priorities of Ukraine, we consider the follows:

1. To introduce on broad range, the mechanisms of public-private partnership between the State authorities of all levels and the civil society organizations of the ethnic minorities, by inclusion them into all kinds of projects, programs, commissions, groups etc.
2. To modernize current system of interaction between the public authorities and the SCOs of national minorities, by introducing advanced forms of communication – such as platform, forum, trans-border project, Euro-region program etc.

3. Having current bilateral legal base, inter-governmental bilateral commissions/councils/groups between Ukraine and countries where national minorities of Ukraine originated from, to call unscheduled meetings. With the purpose to actualize issues prior to development both national minorities – the Ukrainian minority abroad, and the national minority of the country-partner in Ukraine. The ethnic language, culture, traditions and other mutual fundamental values shared between the peoples in historical perspective, could serve as fundament to meet regional challenges.

4. To activate the external policy of Ukraine towards Ukrainian national minorities abroad, targeted on incorporation by means of the CSOs, the displaced persons citizens of Ukrainian countries of their temporally staying, into all aspects of social life.

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