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# EUROPEAN LEGAL STANDARDS FOR LOCAL DEVELOPMENT: A COMMUNITY-ORIENTED APPROACH

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**Abstract:** *The proposed study analyses the European legal standards that define the normative and institutional foundations of modern local development, community-oriented. In particular, it is established that within the European legal space at the level of local government the paradigm of modern local community-oriented development are the ideas of sustainable development, designed to ensure balance in the triad of socio-ecological and economic relations. Based on the analysis of the provisions of European legal standards of local development, the dialectic of the relationship and interaction between the effectiveness of local forms of participatory democracy and regulatory support for inclusive processes that express the level of involvement of local communities in municipal affairs, and those of them, directly related to the peculiarities of local development. The tendency to the greening of European legal standards of community-oriented local development is established and analysed.*

**Keywords:** *legal standardization; local development; territorial community; participatory democracy*

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## 1. Introduction

The processes of globalization and interstate integration with their inherent permeable, multifaceted and, at the same time, controversial transformations in virtually all spheres of public life without exception also significantly affect the modern development of public law institutions, are one of the most important conditions on which their functioning and further progress depend. Legal adaptation, unification and harmonization, which take place intensively in the legal systems of many countries, with the primary emphasis on taking into account the provisions of European legal standards are among the most important factors that in these conditions define and directly determine qualitative changes in municipal law and its institutions, including those that determine and regulate the normative, institutional, axiological foundations of local (municipal) development of territorial communities.

Modern effective development of the constituent institutions of municipal law is not possible without the support of decentralization of public power, laying the institutional and regulatory framework, methods and mechanisms of participatory democracy, which will ultimately significantly contribute to building a viable, so to speak, “living” local government with active, capable, self-sufficient and responsible communities. In these conditions the questions connected with features of acceptance of administrative decisions both by representative bodies and officials of local self-government, and directly by inhabitants of territorial units of local self-government or with their active involvement are actualised. In fact, it is a policy of inclusive decision-making by local governments. And if, for example, in the European municipal legal reality, in particular at the normative level, this concept finds multilevel expression, enjoys, so to speak, wide popularity, then for municipal doctrines of a number of countries, and especially post-Soviet space, the specified idea, unfortunately, still not widely used, remains a kind of innovation, which is sometimes treated even with caution.

In fact, the explanation for this state of affairs is the long-term use of the ideology of paternalism in public administration, as a consequence – its actual dominance in the public consciousness, and hence the reluctance of society, individual local groups (territorial communities) to take self-responsibility for their own development, actively participate in the formation of its priorities, as well as directly implement them in the municipal legal reality. The solution of the outlined problem is possible through active introduction and following of processes of legal standardization, in particular in questions of introduction and popularization of ideas of steady (balanced) development of territorial communities, their active inclusion in the corresponding processes. The purpose of the article: to analyse European legal standards of local development, community-oriented. To find out their essential, praxiological and axiological significance. Taking into account the provisions of the relevant legal standards to reveal the key trends of modern community-oriented development, to show the importance of taking them into account in the formation of national and municipal regulations of local development.

## 2. Characteristics of a set of studies of local development standards

Various aspects of the legal regulation of the provisions of European standards of local development, community-oriented, in fact, the peculiarities of their implementation at the national and municipal levels have been studied by many representatives of the humanities. Thus, in particular, J. Crawford analysed the importance of international legal standards for the functioning and improvement of national legal systems, justified the necessity to take them into account in the regulation of multifaceted relations. F. Hauser substantiated the expediency and importance of strategic planning for municipal development, emphasised the necessity to develop and adopt at the local level program strategic documents, which would lay down the key areas of local community development (Hauser, 2010).

Juan Milan-Garcia, Juan Uribe-Toril, Jose Luis Ruiz-Real, Jaime de Pablo Valenciano comprehensively analysed the latest trends that characterise the implementation of the concept of sustainable local development (Milan-Garcia et al., 2019). In their study, Rachel M. Krause, Richard Fayok, and Christopher W. Hawkins reveal key administrative issues that can be encountered in practice in formulating strategies for sustainable community development (Krause et al., 2016). Chris Game reveals some praxiological aspects of involving local governments in England to express their views on the local government's proposed directions for local development (Game, 2002). Hyunjun Ji and Nicole Darnall justify the importance of an integrated, systematic approach to solving environmental problems at the municipal level by taking them into account in the planning and strategic documents of local community-oriented development (Ji and Darnall, 2020).

V.O. Azin, L.Yu. Baida, N. Goss, P.M. Zhdan and A. Fletcher analyse information concerning the peculiarities of inclusive policy, inclusive decision-making processes, which is an integral condition for the effective functioning of local participatory democracy, without which, in turn, it is impossible to imagine modern local development (Baida, 2015). Authors such as V.S. Kuybida and V.V. Tolkovanov (2010) systematised scientific-analytical and educational-methodical materials, normative-legal acts on the implementation of standards of good governance at the local level, including those that define and consolidate in the basis of local development the idea of sustainable (balanced) development, features, and problems of implementing local development standards at the local level in European countries.

The research methodology was based on the dialectical method of scientific knowledge and the method of complex analysis, which allowed to comprehensively and systematically consider and analyse the key provisions of European legal standards of community-based local development. With the help of the formal-logical method and the method of interpretation of legal norms, the substantive content of the relevant legal standards was analysed, the peculiarities of their legal regulation were revealed. The comparative law method was used in conducting a comparative analysis of the provisions of regulations of individual EU member states (Poland, France, Finland),

which reflect the positively tested European legal standards of local community-based development at the municipal level.

### **3. Features of state regulation of European cities in terms of historical retrospect**

It should be noted that standardisation can be considered as one of the aspects accompanying the manifestation of globalisation in the legal sphere, when due to generally accepted rules at the national level there is a synthesis of legal matter within a particular country with legal ideas and values, which can be called property of all mankind and which are expressed in the legal documents of international institutions and organisations. In particular, such as recognition of a person as the highest social value, ensuring and guaranteeing his rights, including the right to development, etc. As the world-famous comparative scientist R. David rightly noted at the time, legal standardisation is a legal reflection of the standardisation of all public life. The essence of this phenomenon is that globalisation, changing the national law of the state, among other things, brings it in line with international legal standards (David, 1988). International legal standards are standards that serve as criteria in assessing situations governed by national legal systems (Crawford, 2002).

Undoubtedly, the municipal legal reality is also significantly affected by globalization and interstate integration, in particular due to the necessity to implement in municipal legislation the standards enshrined in international legal (European) documents, and especially those that regulate the conceptual foundations of local development of territorial communities based on the idea of sustainable development. Along with the spatial and temporal foundations of the existence of legal matter, no less important its attribute, which has always been, is and will remain in the future is development. In fact, with the help of this category it often becomes possible to better understand the nature of legal phenomena and processes, to give them one or another assessment, to see trends in future progress. Traditionally, such development can be expressed through local, national or supranational (international) levels, respectively. In the framework of the proposed study, the authors will focus on the first of the above levels, namely the features of modern local development, community-oriented, its key ideas and features. At the same time, the authors analysed the regulatory and institutional foundations of modern local development (Table 1).

After on September 25, 2015, the United Nations agreed 17 Sustainable Development Goals (SDGs) within the Development Agenda post 2015, local self-government has reached a qualitatively new level in the implementation of the idea of sustainable development. After all, it has become not only a local platform for the implementation of these 17 SDGs, but also an effective, driving force capable of ensuring such implementation. The validity of this statement is largely justified by the findings and conclusions of the coordinator of the Global Working Group of Local and Regional Governments, represented by the United Cities and Local Governments (UCLG), which actively cooperated with the UN on the post-2015 Agenda.

In modern conditions, it is the subjects of local self-government that play the role of one of the key actors, which is really able to directly implement a new civilizational program of development. Undisputed and clear evidence of this is the SDG, in particular Goal 11 (“Ensuring openness, security, sustainability and environmental sustainability of cities and other settlements”) (The Global Goals..., 2015). Occupying a central place in the daily practice of municipalities in Europe, SDGs are of particular importance for the development of local government institutions. The inclusion of Goal 11 is largely the result of the hard work of local governments, their associations and the urban community. This goal involves recognising the transformational contribution of urbanization to development, as well as the role of urban leaders in stimulating global change from the bottom up (The Sustainable Development Goals..., 2018). However, when substantiating the importance of local self-government in the implementation of the concept of sustainable development, it is not necessary to limit only to the mentioned SDGs. After all, all of them, having a global character, are simultaneously manifested at the local level. This means that local communities, as the primary subjects of local self-government, as well as bodies and officials endowed with municipal power, can contribute to the effective implementation of each of them. The European Sustainable Cities Platform (2020) testifies to the municipalization of global human problems. As is known, the countries of the European Union, as well as their respective municipalities, have long been concerned about issues related to further regional and urban development in the context of globalization. The creation of an economically, socially and ecologically balanced local space, the so-called “smart city” and “smart settlement” is one of the priority tasks facing territorial communities, bodies and local government officials of European countries.

**Table 1:** European normative-institutional bases of modern community-oriented local development

Regulations and strategies	Description of community-oriented approach
Sustainable development goals, 2015	Goal 11 “Ensuring openness, security, sustainability and environmental sustainability of cities and other settlements” at the local level provides: to ensure the availability of housing; to create conditions for the development of settlements and territories exclusively on the basis of integrated planning and management with the participation of the public; to ensure the preservation of cultural and natural heritage with the involvement of the private sector; reduce the negative impact of pollutants on the urban environment through the use of innovative technologies; to ensure the development and implementation of local development strategies aimed at economic growth, job creation, tourism development, recreation, local culture and local production; maintain positive economic, social and environmental links between urban, suburban and rural areas.
Aalborg Charter, 1994	It is a framework international document on sustainable development, focused mainly on the municipal law level. It provides promotion of the idea of sustainable development of large and small cities of Europe. It substantiates that the adaptation of humanity to global challenges is

Regulations and strategies	Description of community-oriented approach
	possible only on the basis of sustainable development. A positive effect is possible only with local changes. Small-town communities can be a driving force in promoting sustainable development, but only if they have the knowledge and experience.
Declaration of local sustainability, 2010 p.	It aims to create innovative, sustainable and inclusive communities. It assumes that powers, resources and responsibilities are transferred from the central government to the localities, because only in this way a strong state can be built, resistant to political changes inside and outside influences.
European strategy for innovation and good governance at local level, 2007	It aims at mobilising and stimulating the activities of all actors (central and local authorities, national associations of local governments, NGOs, research institutions, educational institutions, the general public, etc.) to strengthen democratic self-government, local democracy, improve governance and the quality of services provided to people.
Guiding principles of sustainable spatial development of the European continent, 2000	It is the basis of European spatial development policy. It takes into account, along with continental and regional interests, also local-territorial, i.e. municipal interests. Based on the principles of assistance and reciprocity, it strengthens cross-border competition, cooperation and solidarity between local and regional authorities, while promoting the stability of democracy. The guidelines for sustainable spatial development take into account the needs of the population of all regions, without restricting fundamental rights and opportunities for the development of future generations. They are aimed, in particular, at harmonizing social and economic requirements for the territory with its ecological and cultural functions, which in turn contributes to long-term, large-scale and balanced spatial development.

*Source: formed by the authors based on the analysis of EU regulations*

In general, it should be noted that the European campaign for the sustainable development of small and large cities in Europe dates back to the end of the last century, namely in 1994, thus having more than twenty years of history. In 1994, in Aalborg, Denmark, the first European Conference on the Sustainable Development of Europe's Large and Small Cities took place, which was, in fact, a reaction of European municipalities to the adopted in 1992 by the UN at the International Conference on Environment and Development in Rio de Janeiro “Agenda for the 21st century”, i.e. the action plan to ensure sustainable development.

The above European Conference resulted in the adoption of the Aalborg Charter, which was signed by more than 3000 local authorities from more than 40 countries, thus providing a “start” for the further development of the concept of local sustainable development and the subsequent emergence and operation of the Platform on the European continent (European Sustainable Cities Platform, 2020). Having laid the foundations for further promotion of the idea of sustainable development of large and small cities in Europe, as well as for its normative objectification, the Aalborg Charter of 1994 has not lost its relevance, acting as a framework international document on

sustainable development, focused mainly on municipal-legal level. And most importantly, the mentioned Conference and its final document are a proof that municipalities, bodies and officials endowed with municipal public power have long been concerned with global problems at the local level, trying to discuss and solve them in a consolidated manner.

As of today, the normative basis of the European Platform for Sustainable Development of Large and Small Cities of Europe, including the Aalborg Charter 1994, is already eight documents (reports) adopted at the relevant conferences (Charter of European Cities..., 1994; The Lisboa Action Plan, 1996; The Hannover Call..., 2000; Aalborg+10 – Inspiring Futures, 2004; The Dunkerque Local..., 2010). Of particular note are the Aalborg Commitments (2004), which resulted from the 4th Conference on the Sustainable Development of Europe's Large and Small Cities. They have 10 commitments to ensure the sustainable development of European cities. One such commitment is to maintain a society in which every member of the community has a place and support. To this end, municipalities must take measures to alleviate the situation of the poor; ensure equal access to public service, education, employment opportunities, professional development and information at the local level; guarantee good living conditions, etc.

It should be noted that the Aalborg Commitments are interesting not only because they mention the problem of poverty and discuss steps to overcome it at the municipality level, in terms of introducing the idea of sustainable (balanced) development (Vincent et al., 2019; Parkhomenko et al., 2020). Overcoming poverty and social exclusion, as noted in the above-mentioned document, is also an effective means of tackling the challenges of globalisation, in particular the pressures of economic globalisation and advanced technologies. In this context, the provisions of the Declaration on Local Sustainability adopted at the 6th Conference on Sustainable Development of Europe's Large and Small Cities in 2010 in Dunkirk (France) are equally noteworthy. After all, it is directly aimed at promoting the creation of innovative, sustainable and inclusive communities.

Sustainable development and a long-term focus are also one of the main principles of the European Strategy for Innovation and Good Governance at Local Level, approved on October 15-16, 2007 in Valencia (approved by the Committee of Ministers of the Council of Europe in 2008). Aiming to mobilize and stimulate the activities of all actors (central and local authorities, national associations of local governments, NGOs, research institutions, educational institutions, the general public, etc.) to strengthen democratic self-government, local democracy, improve management and quality of services provided to people, the adoption of the European Strategy was an extremely important step in the further development of local democracy.

At the same time, one of the expected results from the implementation of the provisions of the European Strategy for Innovation and Good Governance at the local level was to ensure continuous improvement of the management system and services of local governments in accordance with the 12 principles set by the Strategy. Among them, the principle of sustainable development and focus on long-term results is enshrined in No. 9, thus designed to take into account the interests of future

generations in preserving the national (local) heritage. It is worth noting that sustainable (balanced) development is laid down as the basis for European spatial development policy, which takes into account, along with continental and regional interests, also local and territorial interests, i.e. municipal interests.

This is confirmed by certain provisions set out in the document entitled “Guiding Principles for Sustainable Spatial Development of the European Continent” (2000), adopted at the 12th Session of the European Conference of Ministers responsible for Regional Planning. The guidelines aim to enable all regions and municipalities to take an active part in the process of European integration and democratization. The implementation of the principles of sustainable development, which operate at the pan-European level, should be organised equally at the national and regional levels, as well as at the local (municipal) level. The Guidelines protect the principles of subsidiarity and reciprocity as necessary conditions for democracy and a means of preserving the “unity in diversity” inherited by Europe, based on its history and geography (Guidelines, 2000).

As is known, the modern world demonstrates the growing role of space in social development. This is due to the fact that space is considered not only as a passive container of various activities, but also as a complex bio-socio-economic system, which due to its differentiated features actively influences the choice of decisions about the directions and intensity of its use. And this, in turn, increases the role of spatial planning as an effective tool for integration in specific areas not only local, regional and national interests, but also various sectoral interests, reasonable determination of prospects for their sustainable development (Kuybida & Tolkovanov, 2010). The diversity of structural and spatial measures in the context of spatial development policy requires the integration and cooperation of all political institutions and public authorities, including municipal ones. Their function is to create a basis for transnational, interregional and inter-municipal decisions. At the same time it is necessary to avoid contradictions and increase synergy.

Legal regulation of public relations related to ensuring the concept of sustainable (balanced) development at the level of functioning of both the national legal system as a whole and their relevant sectoral regulations, including municipal law, is a necessary objectively urgent requirement of the present time, the key to the future progressive and rational development of human, local communities and society as a whole.

#### **4. Characteristics of inclusiveness as a leading element of the functioning of local society**

Having revealed the conceptual features, as well as some European legal frameworks of modern local (municipal) development, the authors turn to issues related to the direct participation of local communities in the process. In fact, it is about the importance of participatory democracy, legal regulation of legal relations related to the inclusion of residents of territorial communities in the management processes of municipal law, including those related to local development. At the same time, an inclusive approach to the development and adoption of provisions that determine the directions of local



development is important. Thus, it is possible to identify two key principles of European community-based local development (Table 2).

European legal standards for inclusive development. In a general sense, inclusiveness (from the Latin include – involve, conclude) is the process of participation of all people in society, when all stakeholders are actively involved in public life. Inclusiveness involves everyone in the life of a community, as well as the absence of any discrimination. Inclusive decision-making involves a process of taking full account of the interests of all people, where all participants have the opportunity to freely and openly participate in decisions that affect them, without any harassment or humiliation. Prerequisites for enabling inclusive decision-making include the rule of law, adherence to fundamental democratic principles, political will, favourable legislation, clear procedures, long-term support and resources for a sustainable civil society, and a common space for dialogue and cooperation” (Azin & Baida, 2015).

It should be noted that in the scientific literature, inclusiveness is used in various aspects and contexts. In particular, it is possible to find such concepts as inclusive society – a society that does not focus on racial, gender, class, age and geographical differences of individuals and social groups and ensures equal opportunities and involvement of all members of society in the creation of social institutions, which regulate social interaction; inclusive institutions, i.e. institutions that allow and encourage large numbers of people to participate in economic activities in order to make the best use of their talents and skills, and to enable people to choose what they want (The Sustainable Development Goals, 2015); inclusive growth, i.e. economic growth, which creates maximum opportunities for all segments of the population for employment and participation in all spheres of life of a country, as well as ensures a fair distribution of labour results; inclusive education involves the creation of an educational environment that would meet the needs and capabilities of each child, regardless of the peculiarities of its psychophysical development; flexible, individualised system of education of children with peculiarities of psychophysical development in the conditions of mass general school at the place of residence, where education (if necessary) takes place according to the individual curriculum, is provided by medical-social and psychological-pedagogical support; inclusive decision-making is a process where all participants have the opportunity to freely and openly participate in decision-making that concerns them without any harassment or humiliation.

The idea of inclusive decision-making reflects a philosophical and practical approach to joint planning, problem solving and decision-making. It helps to ensure the active participation in the decision-making process of those who are affected by these decisions and those who are responsible for their implementation. The idea of an inclusive approach to decision-making emerged as a key factor in ensuring the equality of all people, including those with disabilities. This idea is implemented by ensuring that policies and services designed to protect the rights of people with disabilities and to integrate them into all spheres of society are shaped by the experiences of those to whom they are addressed. It also raises the question of society's expectations of people with disabilities, positioning them as active participants in their own lives; and also strengthens their desire, positive vision of themselves and society (Baida, 2015).

In relevant European practice, special programs can be found, in particular “Inclusive solutions at the local level”. This program seeks to strengthen local governments so that they can more effectively address the risks of instability at the local and national levels. Based on the content of the program, this goal is possible to achieve by: strengthening the responsibility and efficiency in the provision of public services by local authorities; increasing the level of inclusiveness and transparency in decision-making processes at the local level; coordination of actions of associations of local authorities, etc. (Katsoulacos, 2019; Pohoretskyi et al., 2020).

**Table 2:** European principles of modern local community-oriented development

Principle	Characteristics	Estimated figures of implementation
Inclusive development	Inclusive development implies sustainable rapid development of all sectors of the economy, which attracts a significant part of the country's labour resources and is characterised by equal opportunities in access to the labour market and resources (Global Monitoring Report 2014/15, 2015). The Organisation for Economic Cooperation and Development interprets inclusive development as stable and comprehensive in terms of employment opportunities; development that needs support from public institutions to address labour market problems (OECD, 2020)	<ol style="list-style-type: none"> <li>1. The median household income USD per day</li> <li>2. Gini coefficient – stratification of society by income from 0 to 100</li> <li>3. Poverty rate %</li> <li>4. Gini coefficient – stratification of society in terms of welfare (Humeniuk et al., 2019).</li> </ol>
Participatory democracy	Participatory democracy implies the process of involving a wide range of participants in the formation and functioning of relevant political systems. Participatory democracy is a legal and legitimate form of direct participation of citizens in public life at the local level, which allows continuing to ensure the solution of issues and solutions to local issues through public discussion, coordination, public hearings and/or voting, etc. One of the key ideas in the theory of “participatory democracy” is the transition from a globalised society, dominated by elites, to a decentralised one.	<ol style="list-style-type: none"> <li>1. The number of appeals of citizens (individual and collective).</li> <li>2. Number of general meetings of community members at the place of residence.</li> <li>3. Existing local initiatives, public hearings, public councils.</li> <li>4. Number of rallies, social surveys.</li> <li>5. Availability of local commissions for public monitoring and control.</li> </ol>

*Source: formed by the authors based on the analysis of EU regulations*

Inclusiveness is also one of the characteristic features of the local level of society, i.e. territorial space (city, town), where a territorial community exists and operates, thus setting a precedent for the separation at the doctrinal level of such a category as inclusive municipal space. In fact, it is a matter of looking at inclusiveness through the

prism of the spatial parameter of municipal individual rights. In the above context, the experience of individual European countries is interesting. Thus, in particular, Poland, which is an EU member state, has been actively involved in EU initiatives in the field of local development with the participation of the community itself. The purpose of such initiatives is to promote the creation of conditions for the functioning of equal, inclusive communities, the maximum involvement of members of these communities in the joint efforts to eliminate existing economic and social disparities between individual territories within a single state and EU member states. The legal consolidation of such initiatives at European level is embodied in Regulation (EU) No. 1303/2013 of the European Parliament and of the Council of December 17, 2013 (Regulation (EU) No 1303/2013..., 2013), paragraph 3 of the introduction which states that according to the EU's strategy for smart, sustainable growth that promotes community involvement, the EU and its Member States seek to achieve these goals by promoting the harmonious development of the EU and reducing its regional disparities.

In accordance with the Regulation of the European Parliament and of the Council (EU) No. 1303/2013 of December 17, 2013, which established the institutional and legal mechanism of local development, the Polish legislator adopts the Law on Local Development with the participation of the local community of February 20, 2015 (The Act on Local..., 2015), which defines the principles:

- 1) of organisation and activities of local action groups, which in accordance with p. b, paragraph 2 of Article 32 of Regulation No. 1303/2013, include representatives of public authorities, local social and economic partners and residents, while making decisions neither public authorities – defined in accordance with national law – nor any of the interest groups has more than 49% of the right to vote);
- 2) implementation of the choice of local development strategy under the leadership of the community (within the meaning of paragraph 19 of Article 2 of Regulation No. 1303/2013, the Strategy of local development under community leadership should be understood as a cohesive group aimed at achieving local goals and meeting local needs that contributes to implementation of the EU Strategies for Intelligent, Sustainable Community Engagement, developed and implemented by local action groups);
- 3) providing support with the participation of individual funds listed in paragraph 1 of Art. 32 of Regulation No. 1303/2013, namely the European Agricultural Fund for Rural Development (EFRROW), through the LEADER program implemented in rural areas and can be supported by the European Regional Development Fund (ERDF), the European Social Fund (ESF) or the European Maritime and Fisheries Fund (EMFF), funding is provided through the FARNET (European Fisheries Network) program, collectively referred to as the European Structural and Investment Funds (ESIF).

Also, community-led local development is supported under the programs provided in paragraph 6 of Art. 2 of Regulation No. 1303/2013, if such support was provided in these programs. According to Art. 4 of the Polish Law on Local Development with the participation of the community, local action groups are created as public associations

that have the status of a legal entity. In accordance with paragraph 1 of Art. 33 of the Regulation No. 1303/2013 The community-led local development strategy includes at least the following:

- a) definition of a territory and population covered by the Strategy;
- b) analysis of needs and potential of a territory in the field of development, including analysis of strengths and weaknesses, opportunities and risks;
- c) a description of a strategy and its objectives, a description of the integrated and innovative nature of a strategy and a hierarchy of objectives, including target values for products or results.

As for the results, the target values can be quantitative or qualitative. The strategy should be consistent with the relevant programs of all involved funds; d) a description of the process of community involvement in the development of the Strategy (the Strategy should be participatory in nature, as it is developed not so much for the community as with its active participation); e) an action plan indicating how the objectives are implemented in the action; e) a description of Strategies management and monitoring decisions that demonstrate the potential of the local action group to implement the strategies, and a description of specific evaluation mechanisms; e) the financial plan of the Strategy, including the planned allocation from each relevant ESIF.

According to paragraph 2 of Art. 33 of Regulation No. 1303/2013, Member States define the criteria for choosing a community-led local development strategy. In accordance with Polish law, in addition to the elements specified in paragraph 1 of Art. 33 of Regulation No. 1303/2013, the Strategy should include a communication plan with the local community; the territory covered by the Strategy must be spatially integrated, with a population of no more than 150000, and quantitative restrictions are also possible depending on the Fund from which the Development Strategy will be financed (for example, in the case of co-financing only from the European Regional Development Fund). The strategy covers only a city or part of it, in this area at least 20 thousand inhabitants must live).

Among the arguments that point to the benefits of using local development with the participation of the local community are:

1. At the helm are people who have a certain need or face a problem. It is the local actors who develop strategies and select projects. This is the most characteristic feature of local development with the participation of the local community and its greatest privilege. Compared to other classical local approaches, previously passive people, “beneficiaries” of politics are becoming active partners and participants in managing local development.
2. Local development strategies can respond to growing diversity and complexity.
3. Community-based local development strategies can be more flexible than other approaches.
4. The scope of local development with the participation of the local community has been expanded so that local strategies can focus on issues such as social integration,

climate change, segregation of Roma and other disadvantaged groups, youth unemployment, deprivation in urban areas, connections between a city and a village, etc. Although the community-based approach to community development was first developed for rural areas with support from EFRROW (European Agricultural Fund for Rural Development) and then applied to fisheries and coastal areas through EFR funding, its capabilities are now extended to areas normally covered by the ESF (European Social Fund) and the ERDF (European Regional Development Fund).

5. Community-led local development is based on links between sectors and actors in such a way as to have a multiplier effect on local development and key programs.
6. Community-led local development is about innovation and achieving results that bring lasting change.
7. Participation in community-led local development gives access to a large and ever-growing European network and experience.
8. The local development strategy is a financially attractive tool for implementing local development.

The time and resources needed to start implementing a community-led local development strategy and partnership depend to a large extent on local conditions, as well as on the experience and capacity of local actors and organisations. However, even in experienced communities, it usually takes six months to a year to complete the entire cycle. The beginning of a community-led local development process can be divided into a series of successive steps or cycles of designing and forming three main elements – strategy, partnership and territory.

1. Defining what people want to change (strategy). Responding to local needs comes first, and funding is seen as a means to an end.
2. Forming trust and alliance with people who can help make changes (partnership).
3. Defining the boundaries of a territory of local development.

Also, in European legal standards of community-based local development, much attention is paid to the use of land resources. Of particular note is the fact that land resources are considered not only as the basis of production (biomass, food) and the spatial foundation of socio-economic structures but also as part of the metabolic cycle in nature, genetic reservoir, source of minerals and water, and also the basis of cultural and historical heritage. In particular, the Recommendation of the Committee of Ministers of the Council of Europe No. R (89) 15 “On the rational use of land: the basis and limits of the development” states that land is a limited, non-growing resource, the restoration of which is difficult and expensive, and in this regard, deserves adequate protection measures, however, it is also necessary to link this protection with the requirements of development, which must be environmentally sustainable (consistent).

Therefore, the developed EU countries consider land resources not only in terms of economic development, but also in the context of environmental and historical and cultural. The necessity for an integrated approach to land resources in the legislation of individual countries, especially in the context of community-based local development, is beyond doubt. The Annex to the above Recommendation states that land use as a final

resource should be determined by the principle of sound management. Another positive aspect is the allocation of soil as a separate object of legal regulation. Recommendation of the Committee of Ministers of the Council of Europe No. R (92)8 “On Land Protection” (adopted on 18 May 1992) emphasises that soil protection should be a matter of general public interest and integrated into environmental and future development policies. In addition, soil protection should always be taken into account in all areas, such as agriculture, forestry, industry, transport, urban planning and spatial planning. Every soil protection policy should provide free access to information and public participation in its implementation.

In the context of land relations and land use, special emphasis is placed on land management. In particular, according to the European Charter of Land Management, it is recognised as a guarantor of land use – the spatial implementation of economic, social, cultural and environmental policies of society. In general, there is a tendency to green European standards of community-based local development. Land use policy at the local, regional, national and international levels should primarily take into account the set of interests involved and consider them in the long term, rather than adhering to short-term decisions.

European legal standards of participatory democracy. Participatory democracy is a separate vector of European standards of community-oriented local development. The task of bringing local self-government and territorial organisation of power in line with European standards is important today. Recommendation of the Committee of Ministers of the Council of Europe RES “On the participation of citizens in local public life” (Recommendation RES..., 2001) emphasises the necessity to pay special attention to those categories of citizens who face greater difficulties in participating, or those that de facto remain on the side-lines of local public life. In addition, the importance of equitable representation of women in local politics and the potential of children and youth for the sustainable development of local communities must be recognised, and the role they can play should be emphasised. Access to information on local issues (Committee of Ministers of the Council of Europe) should be guaranteed and improved for all citizens.

Recommendation 182 of the Congress of Local and Regional Authorities of Europe “On Public Participation in Local Affairs and Elections” (2005) emphasises the necessity to increase citizen participation in elections. Measures to encourage citizen participation in elections may include: ensuring greater publicity during elections, developing postal and proxy voting, as well as electronic voting, increasing the working hours of polling stations, and creating appropriate conditions for voting for people with special needs. The basis for the development of a participatory approach is the recognition of the importance of citizen participation in local referendums, which raise any issues related to decisions or those adopted by local government or national government and which directly affect the local community by giving these local referendums or consultative status, or the status of a referendum in which decisions are taken, in accordance with the constitutional traditions of each Member State.

In the context of implementing a participatory approach to community-oriented local development, the European Convention on the Participation of Foreigners in Public

Life at Local Level (Council of Europe Convention..., 1992) provides for the right of all foreign residents to elect or be elected to local authorities if they are law-abiding citizens, permanently reside in a country for five years before the election. This rule is implemented in the legislation of Finland, in particular, St. 26 of the Finnish Law on Local Government of March 17, 1995 states that citizens of Finland and citizens of the other Member States of the European Union, as well as Iceland and Norway, who have reached the age of 18 on election day and who reside in the relevant municipality, as provided by the Law on Permanent Residence (201/2004), have the right to vote in local elections held in the municipality. Other foreigners also have the right to vote in local elections if they have been permanently resident in Finland for three years.

In France, a community-based approach to local development is also reflected in national legislation. In particular, the General Code of Territorial Units of November 21, 1996 states that territorial units have the same rights as the state in matters of governance and land use, economic development, social security, health care, culture and science, anti-discrimination, equality between women and men, protecting the environment, combating global warming, controlling and managing energy, and improving living conditions. Moreover, national law allows, on the basis of the fourth paragraph of Article 72 of the Constitution, local authorities to amend on an experimental basis the laws governing the exercise of its powers. Such a law should specify a purpose of an experiment and its duration, which may not exceed five years, as well as a list of provisions that may be repealed. The law also defines the legal nature and features of the local authorities that are allowed to participate in the experiment and, if necessary, the cases in which the experiments may be accepted. It sets a period within which local authorities that change the conditions set out in this Law may apply to participate in the experiment.

The implementation of the provisions of European legal standards that define the foundations of modern local development of territorial communities is an extremely important and necessary process. The conceptual basis of such development is the idea of sustainable (balanced) development, which is actually a megatrend of modern European municipalism. Based on the above provisions of key European legal standards that define the principles and features of community-based development, in particular in their retrospective aspect, it can be concluded that at the beginning of their adoption the emphasis was on standardization in economic relations, when the key is environmental and social spheres.

The demonstrated relevant European practice shows that the awareness of the fact that the current activities of local self-government cannot but take into account the needs of future generations is becoming more and more important. Decisions at the local level must take into account all types of costs, such as environmental, structural, financial, economic or social, in order to prevent the transmission of problems to the next generation. There must be a comprehensive and strategically broad, long-term vision of the future of a local community with an understanding of what is necessary for such development. Moreover, the residents of a community must be directly aware of the importance of appropriate development, through inclusive processes to actively participate in its direct implementation, thereby demonstrating the importance of the functioning of forms of participatory democracy in the life of local society.

## 5. Conclusions

Based on the analysis of the provisions of the above European legal standards of community-based local development, the importance of such a category as “inclusion” can be concluded. After all, with the help of this category it is possible to qualitatively characterise the level of development of local society, its actual humanistic direction, to assess this development. In a general sense, inclusiveness (from the Latin include – involve, conclude) is the process of participation of all people in society, when all stakeholders are actively involved in public life. Inclusiveness involves everyone in a life of the community, as well as the absence of any discrimination. Given this, inclusiveness at the municipal level indicates a local level of organisation and functioning of society, where not only people with special needs, but also other social groups – children, pregnant women, the elderly (including vulnerable groups), fully involved in the life of the local community, have the opportunity to freely exercise their constitutional rights and freedoms, which, in turn, interpreted at the local level of society, become the municipal rights of the individual; to take an active part in the decision of bodies and officials of local self-government issues concerning both them directly and the macro-community as a whole.

Inclusiveness in the municipal-legal dimension, in particular in the context of local community-oriented development is considered in the following meanings: as one of the qualitative ways of realisation of municipal rights of an individual; as a characteristic feature of the process of making managerial decisions at the municipal level (one of the principles of exercising municipal power) with the direct involvement of community residents; as a characteristic component of the municipal legal space, municipal institutions within which the latter operate; as an institutional mechanism for implementing the municipal strategy of sustainable (balanced) community-oriented development.

## Authorship

All authors contributed equally to the study. V.Ye.D and N.V.B. conceptualized and designed the study. V.Ye.D. was responsible for overall project supervision. A.Yo.B., S.O.K., and V.A.S. were responsible for data curation and analyses. S.O.K., and V.A.S. led manuscript preparation and all authors contributed to manuscript drafting.

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The authors declare no conflicting interests.



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