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PUBLIC ADMINISTRATION REFORM AS MAIN PREREQUISITE FOR DEEPER COOPERATION WITH EU AND NATO

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Abstract

For Ukraine strategic partnership with NATO is an integral part of the European integration course as complementary to the process of internal reforms in the context of the implementation of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part.

The significant part of the thesis is devoted to classifications of indicators that measure the European integration progress. In addition to the existing classifications, the author suggests using a new one that analyzes all indicators according to two parameters: (1) as markers of how public administration values (legality, integrity/honesty, transparency, accountability, effectiveness) are adjusted and level of trust for public institution was changed over time; (2) as measurements of ability to integrate into different fields (policies, economy, law approximation, social field etc). The analysis of these indicators helped to generate their taxonomy to measure a progress. The author has specified that the lack of deep relations within regional trade agreements with democratic countries results in poor quality of regulation and ineffective governmental performance in Ukraine.

Key words

public administration, administrative reform, indicators, EU and NATO values, Eastern Partnership, Ukraine.

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1. Introduction

Since the collapse of the communist system in the countries of Central and East part of Europe, many reform processes have taken place. Some of them concern reforms of public administration in Ukraine.

Some countries of that region are more advanced in implementing administrative reforms, others less. For less advanced countries, assistance from international organizations and countries with greater experience in implementing New Public Management is important. Initially, the support was addressed to all countries in the region (see Camyar,

2010), currently mainly to countries lagging behind in this respect. Analyzing this support, one should bear in mind that its positive use depends on many factors. And you can find both examples of effective changes due to this support (Ivan, Iov, 2010; Swianiewicz, Mielczarek, 2010), as well as its not efficient use (Ionița, Freyberg-Inan, 2008; Karini, 2013). Unfortunately, Ukraine belongs to the second group of cases (Leitch, 2017; Solonenko, 2009).

The good governance block is the main objective of the administrative reform in Ukraine, in which the EU and NATO see improvement in the efficiency of implementation of legislation, greater ability to effectively use EU and NATO assistance with an emphasis on well-functioning public administration and directions for building a better and ethical civil service. However, these declarations are mostly still remain on paper and have not led to major changes in both efficiency and accountability (transparency) in the civil service system. In addition, a little attention is paid to resolving the conflict between individual values and principles of public management.

The beginning of the administrative reform in Ukraine in 2010 was marked by a drop in the number of ministries from 20 to 16 and a quarter of the number of employees in public administration. However, it was not accompanied by systematic actions aimed at increasing the efficiency and accountability of the government's activities (Kabmin..., 2010).

Under the pressure of international partners and NGOs (publication confirming this emphasis, here and to References), a regulation of the Cabinet of Ministers of Ukraine has been generated since June 24, 2016. № 474-p „Some issues of reforming public administration of Ukraine” (Rozporiadzenia..., 2016), in which the Strategy for reforming public administration of Ukraine for the years 2016–2020 has been defined, together with the action plan for implementation of the Strategy. In fact public administration reform was ongoing in 2017 with introducing the new (old – same changes were in yearly 2000's) position of state secretary across government ministries. These state secretaries are responsible for administrative work, taking the burden of human resources and administration from ministers. Some proper division of labor between ministers, deputy ministers, and state secretaries, and procedural changes were happened (Koliushko, 2017). The pilot restructuring of 10 ministries has already begun, with each ultimately containing directorates responsible for separate policy areas (10 pilotnych..., 2017).

This is the second attempt since the end of the 90s of the systemic approach to public administration reform. However, the pilot version of the document contains a small number of quantitative

indicators and little focus put on convergence with EU public administration values.

Another attempt to describe the integration dimension of the Eastern Partnership countries is the publication of the Estonian Eastern Partnership Center, where it focuses on the comparison of public management in the Eastern Partnership countries (Public Administration ..., 2011). The participants of this project have adopted the point of view which based on the European principles of public administration and proposed indicators that characterize these principles. This approach corresponds to the spirit of scientific knowledge and is more suitable for researching and developing a system of indicators to measure the quality of integration processes at the national level.

The fact that improving the quality of management has a direct impact on the quality of life, allows to look at the process of integration from the point of view of the household, which has the advantages of the integration process. But at the same time not least core government result is trust. Trust in government is both a driver of government effectiveness and economic development, and an outcome measure for government action (Government at a Glance 2017, 2017, p. 214).

The main goal of this study is examined current authoritative rankings (OECD, World Bank Group, etc.) approaches for measuring main parameters of public administration and explore their usability for assessing the principles of public administration in the management of integration processes framework.

2. Evolution of public administration issues in authoritative rankings

The SIGMA report “European Principles for Public Administration” defines the principles of fairness and predictability (legal certainty), transparency, accountability and effectiveness, which were to serve as a guidepost for public CEE governance systems on their course of necessary reform implementation (European Principles ..., 1999, p. 8). These rules have been taken from administrative law, constitutional and judicial decisions of domestic courts and the EU Court. It is worth noting that in the SIGMA report, the European principles of public administration are called the “non-formalized version of the *acquis communautaire*” (European Principles ..., 1999, p. 19).

Taking into account the contribution of SIGMA and the achievements of the European Commission in the sphere of building assessment framework, it

is safe to say that several important things should highlight, when talk concerning measuring the quality of integration processes management (Verheijen, 1999):

- sectoral capacity to implement the legislation developed, in the case of the EU this is a well-known *acquis*;
- development of coordination structures of the European integration process;
- horizontal reform of administrative bodies, including civil service rules and a comprehensive public management reform strategy based on the basic principles of SIGMA;
- “ability to implement”.

The requirement to implement the sectoral *acquis* directly comes from the conclusions of the Madrid Summit and the third group of the Copenhagen criteria. However, the principles of civil service reform and the coordination of European integration policy were only developed in the Commission’s proposals. In turn, the criterion for civil service reform has been divided into a number of specific requirements to develop a common strategy or reform plan, adoption of civil service laws that would guarantee professionalism and political independence of administrative authorities, create a professional system

and reform officials’ salaries, training requirements, reforms of local self-government, etc. As confirmed by A. Verheijen (1999), EU officials during the interaction with candidate countries have repeatedly stressed the need to develop a professional civil service and set it as a condition of membership even more than in the Commission’s proposals.

The most difficult element to understand is the latter, namely, the requirement to develop the institutional ability to implement the *acquis*. Unlike the previous EU accession, transposition of the *acquis* is no longer considered a sufficient measure for a post-communist candidate (Fournier, 1998). In addition to the implementation of horizontal management reforms, the candidate countries were also required to prove that their new institutions are robust and able to implement the *acquis* (this requirement is becoming more and more important, starting with Commission reports on the progress of the European integration process, which were published after 1998). This aspect of the enlargement process, that is the question of ‘verification’ (Mayhew, 2000), was not present in any of the previous enlargements, therefore it was not quite clear to the experts how the Commission would make sure that EU legislation is correctly implemented after transposition (your own

Tab. 1. Indicators used to measure the quality of public management in accordance with the European values of public administration

List of Indicators	European values – principles of public administration	Data source
Rule of law	<i>Legal certainty</i>	World Governance Indicators (WGI)
Political Stability and Absence of Violence/Terrorism		WGI
Favoritism in decisions of government officials		Global Competitiveness Index (GCI)
Judicial independence		GCI
Citizens freedom and political rights		Freedom House
Transparency of government policymaking	<i>Transparency</i>	GCI
Corruption perception		Transparency International
Press freedom index		Reporters without borders
Irregular payments and bribes		GCI
E-governance		UN database
Voice and Accountability	<i>Accountability</i>	WGI
Wastefulness of government spending		GCI
Polarization of trust in the governmental institutions (informed public vs. general population)		Edelman Trust Barometer, Razumkov Center
Regulatory Quality	<i>Effectiveness</i>	WGI
Government Effectiveness		WGI
Diversion of public funds		GCI
Doing business		IFC/World Bank

Source: Public Administration..., 2011; own proposals.

EU target for implementation is defined with regard to the level of transposition and allows a deficit ratio of no more than 1.5% (Dimitrova, 2002) But the importance of the values-principles underlying the functioning of the public management system is undisputed (table 1).

The second, more specialized block should contain indicators that will show progress in the relevant areas of integration interactions. Therefore, it is necessary to rely on the opinion of the expert community, because other approaches will not fully reflect the full picture of integration.

Unfortunately, a quite important element can't be added to this list regarding the fulfillment of valuable guidelines in the public service and the resolving conflict of values (even between transparency and effectiveness). This is due to the lack of a unified approach to the processing of this information, although they have a significant impact on the quality of public administration activities. The OECD member countries have published several reports on this subject, but the issue of introducing indicators assessing the value-based public management has not been successful. In turn, the European Commission, monitoring the progress of the candidate or neighboring countries, only emphasizes the presence or absence of strategies aimed at introducing codes of ethics and improving the quality of public administration through vocational training (Joint Staff ..., 2011).

3. Exploring the value-principles of public administration

Considering the first principle, it can be said with certainty that it mainly focuses on the legal certainty. This means that compliance is mandatory for everyone. In a democratic society, there is no one but the right, including the elected president. The state and its organs can't violate human rights and freedom. A person can do anything that is not prohibited by law, and the state and its organs operate within the limits defined by law. A person is considered innocent in committing a crime and can't be punished until his guilt has been proved in a lawful manner and determined by an inauspicious court judgment. The rule of law counteracts arbitrariness (prejudice), that is, the use of power in self-interest, conflicts of interest, etc. The rule of law requires a clear hierarchy of legal norms established by independent courts, and stipulates that state authorities are not entitled to act contrary to general principles approved and published by special normative and regulatory decisions. Therefore, it is proposed to include in the list

of indicators the following elements: the rule of law, privileges in government decisions, independence of the judiciary, personal autonomy and individual rights, political stability and absence of violence.

The second principle focuses on the transparency and openness of the authorities. In order for the government to be responsible to society, it should be given the opportunity to be fully aware of what is happening in the country. People should know what, for what purpose and how the authorities work. For example, transparent authorities organize public meetings and rallies with citizens. In a democratic state, the media and citizens have the opportunity to obtain information about the decisions taken. The following indicators were used to measure the extent to which the principle was achieved: transparency during policy development, corruption perception index, press freedom, irregular payments and bribery, e-governance. As noted earlier, the corruption perception index is a cumulative indicator that reflects the political and administrative elements of corruption that have different consequences for state policy. For greater probability, it is better to use one indicator, which is mainly related to administrative corruption.

The press freedom index will reflect the possibility conducting independent journalistic investigations against public officials and politicians, because they give impetus to inspections and litigation. The last indicator includes several components: e-services, readiness for e-management based on website evaluation, telecommunications index, e-participation index and human resources potential.

Accountability principle is considered as one of the core government result like effectiveness. It obliges elected and appointed officials to answer and inform the public about their activities. Officials should make decisions in a proper manner (deliberative approach) and perform their official duties, report to Parliament and the community. As this principle is supplemented by the principle of transparency, it is based on several indicators: accountability and freedom of expression, management of public funds and gap of trust in the governmental institutions between informed public and general population.

Another principle is also the cornerstone of the functioning of the public administration system. As mentioned earlier, its implementation often accompanies sacrifices of the previous principle. To measure progress in this area, it is proposed to such indicators as: the quality of the regulatory environment, government effectiveness, diversion of government spending, and the ease of doing business.

Tab. 2. Information sources with different rating scales

Sources	WGI	GCI	TI	Freedom House	UN database	Reporters without borders	Doing business	Eddelman trust barometer
Rating scale	-2.5 – +2,5	1 – 7	1 – 10	1 – 7	0 – 1	179 – 1	183 – 1	1-100
Period	every year	every year	every year	every year	every two year	every year	every year	every year

Source: WGI, CGI, TI, FH, UN, WFPI, Doing business, The 2018 Edelman....

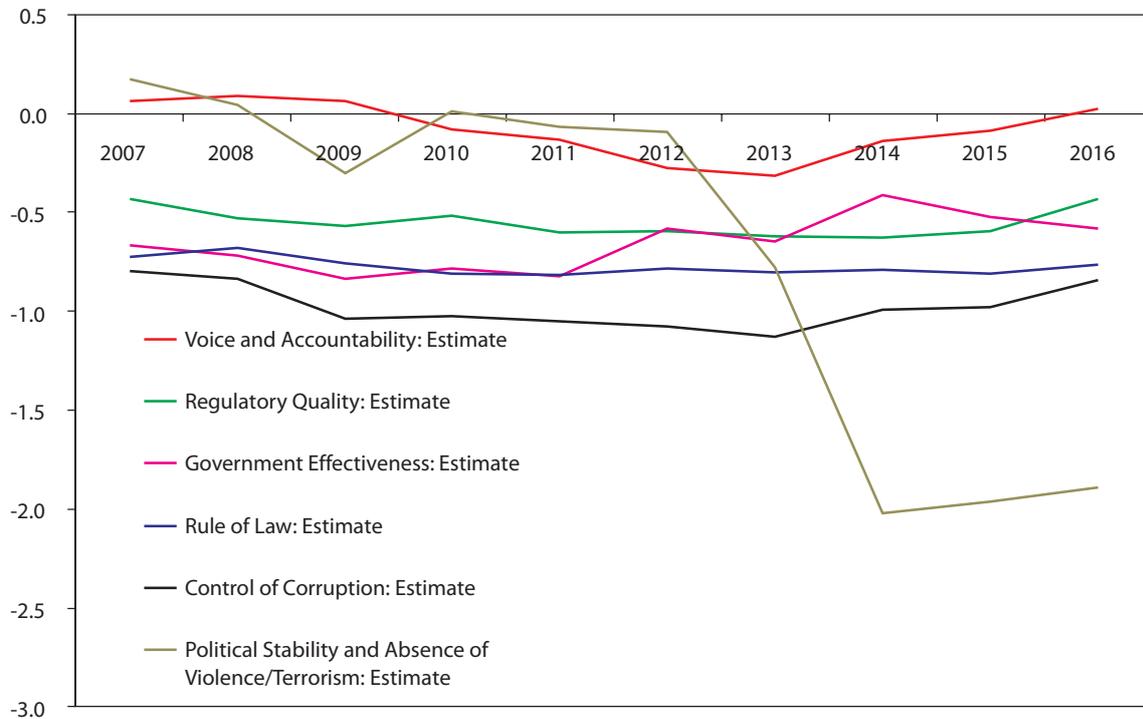


Fig. 1. Some WG Indicators used to measure the quality of public management in Ukraine

Source: WGI 2007–2016.

As can be seen from table 2, each principle corresponds to several indicators based on different information sources with different rating scales and periodic.

For greater convenience, measurements are proposed for rankings (doing business) in which the ranking of countries takes place, use a scale from 0 to 10 with the best and worst results, respectively.

A look at each of the indicators under the appropriate rule provides rather comforting information. Observance of the rule of law is a serious problem of the Ukrainian state throughout the entire history of independence (fig. 1). A slight improvement occurs only during the presidential election.

This situation with the rule of law reflects the state of total social anomie, where the value of the law is declared but not executed. Inappropriate compliance is a common practice. There are several reasons for this phenomenon. Conflict of legal norms, legal nihilism, shaped in times of lack of control by the state, lack of financial means for the state to fulfill its obligations. Such a situation is perceived

in both dislike and inability to comply with a court judgment. According to the report of the Commissioner for Citizens' Rights in 2017, only 18% of all court decisions were executed properly (Shchorichna dopovid..., 2018, p. 42).

A negative tendency to enter the area of freedom and justice is the number of complaints to the European Court of Human Rights (ECHR). Ukraine ranks first behind the number of complaints brought to the ECHR against domestic court decisions, which violating the rights of citizens fair justice. A positive confirmation of the situation is the ranking of civil liberties and political rights (Judicial independence, fig. 2; Freedom House, fig. 3).

The second set of indicators focuses on transparency. In this segment, Ukraine constantly maintains its middle position while improving its position (Transparency of government policy making, fig. 2). Incidentally, EU countries have an average of 5, which once again confirms the intentions of the state bureaucracy as part of network management,

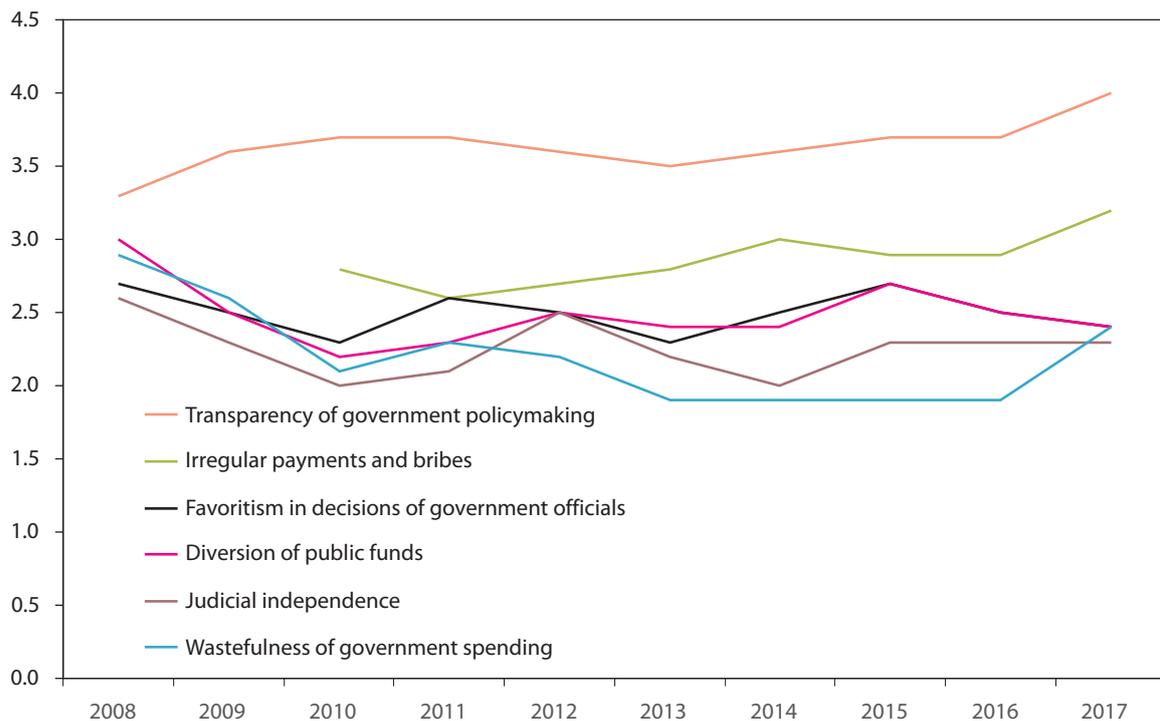


Fig. 2. Some indicators of Ukraine in the Global Competitiveness Index

Source: International... (2008–2017).

which seeks way to sacrifice transparency for a quick and effective solution.

In the field of integration, this is manifested both in the unavailability of information on the use by central authorities of budget support funds as part of international assistance, including the European Neighborhood and Partnership Instrument. This also applies to the implementation of agreements on the free trade area and trade with sanctioned countries. The situation is exacerbated by the fact that the Eurasian vector of integration (cooperation within Custom Union) with neighboring countries is associated with limited public participation. Even the parliamentarians themselves have no information about the intentions of top officials.

Totally different approach within the framework of Ukraine-EU relations, where many institutions have been institutionalized in order to involve civil society organizations and activists. In the Ukrainian part of the Cooperation Committee, an Expert Council is created as an advisory body. The European Commission's communication also proposed to support the further development of civil society organizations, in particular in 2009 the first Eastern Partnership Civil Society Forum (EaP CSF) took place to facilitate networking between organizations and their dialogue with the public authorities. Civil society organizations are an institutional partner of the EU, its Member States and the Eastern Partnership countries in the questions of planning,

implementing, monitoring and developing multilateral cooperation programs.

Another body involved in the multilateral format of relations is the Conference of Regional and Local Authorities of the Eastern Partnership (CORLEAP), whose first meeting took place in Poland on 8 September 2011. According to the organizers, the involvement of local and regional authorities in the implementation of the Eastern Partnership policy must strengthen foundations of local self-government in partner countries and bring this policy closer to the community. The conference consists of 36 heads of regional or local authorities, equally from the EU Committee of the Regions and six partner countries.

This means that there is a mismatch between the EU representation and the EaP countries. Therefore, the partner country can be represented by the supporters of one party, as in the case of Belarus. Ukraine is again not represented proportionally as part of the Conference because it has a much bigger population level compared to other Eastern Partnership countries.

The logical continuation of the topic of non-compliance with the principles of the rule of law is the high level of corruption (figures 1, 2), although in the last few years it can be observed positive dynamics. Insufficient control of compliance with values at public positions, non-comprehensive introduction of new methods of bureaucratic management, low financial motivation – all this creates favorable conditions for the development of social anomie

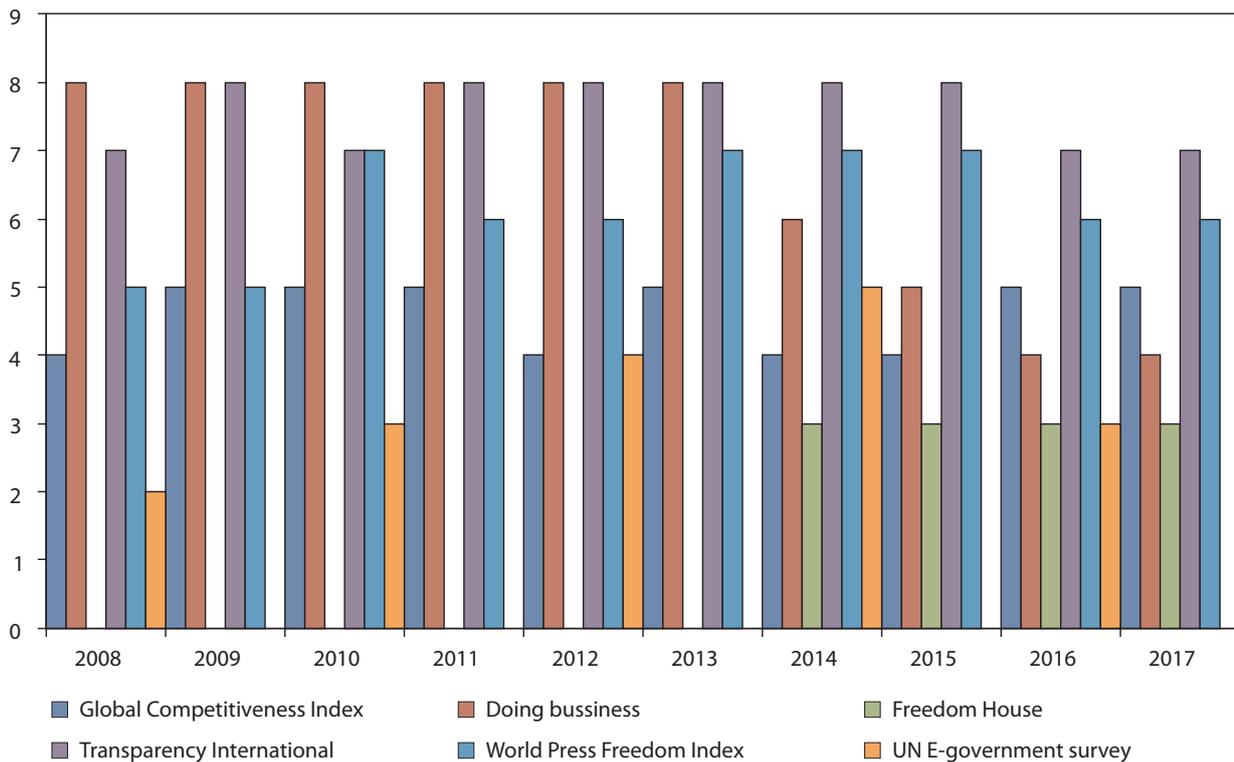


Fig. 3. Another Ukrainian public administration performance indicators changes

Source: GCI, TI, PFI, UN E-government survey, World Press Freedom Index, own calculation for unified scale (1 better-10 worse).

through Ukrainian civil service corps members. Negative rhetoric of European and American governments towards the anti-corruption policy in Ukraine also leads to a decrease in civil society's confidence in anti-corruption initiatives.

An important lever recalled to break the vicious circle of the temptation of officials who, according to polls, for the most part do not orientate themselves to the interests of citizens, are independent journalistic investigations and dissemination of such information in independent media (World Press Freedom Index (Reporters without borders), fig. 3).

Moreover, events related to the beating of journalists or difficulties in running a professional activity have a significant impact on the press freedom index.

At the same time, Ukraine is in a fairly good position in the ranking of e-government (E-government (UN E-government survey, 2018), fig. 3). However, there is unfortunately a disappointing tendency to aggravate the situation. Slightly more than one third of citizens, mainly in large cities, have access to the Internet. Digital inequality and diversity of approaches to creating databases are the main problems for introducing e-governance into the practice of public authorities' activities. Although a synergy can be noted by improving dialogue between the government, technical assistance projects, business and citizens.

It also can be observed a slightly, but better, situation in respect one of the basic values- accountability (Accountability and freedom of speech, fig. 3).

It is about the possibility of influencing the government's actions by dismissing or suspending its acts. Ensuring transparency means the openness of the process of making internal decisions, explaining how the government performs its tasks through various policy instruments. Transparency requires a clear formulation of the state policy strategy and the timely publication of all statistical data and forecasts. The logical consequence of the limited public participation in the implementation of public policy is a number of budget violations detected by the Accounting Chamber and the State Financial Inspection (Diversion of public funds, fig. 2).

The continuation of the problem chain is the low level of perception by the community of the government's ability to shape and implement a policy that promotes the development of the private sector, but the disclosure of positive dynamics in this area is mainly the effect of improving the conditions for setting up and running a business (Regulatory environment quality and government efficiency, fig. 1; The ease of doing business, fig. 3).

The unsatisfactory level of combating the negative effects of the financial crisis, which largely adapted Ukrainian exports and worsened the situation with public finances, are the main trends in

this category. The further development of relations with major trading partners is accompanied by the absence of a strategic vision for the development of trade and economic cooperation between the EU and Russia.

Setting up your own business is still one of the most important things for the initiative (ease of doing business, fig. 3). Although it's observed a significant improvement in the situation (from 140–150 to 70–80), but the Ukrainian economy has a distorted structure, where the most profitable areas are monopolized by companies that have different preferences, covered by other farm entities.

The high level of corruption (Karklis, 2005) is a testimony to the brutal violation of the value of public management and public pay for the lack of effective implementation of the value-based public management, civic passivity and political unwillingness to improve the operation of the state apparatus. Despite the adoption of legislation regarding access to public information, the ease of its reception has not changed significantly. A low level of accountability and freedom of speech is a logical sign of the problems of the entire public administration system.

Unfortunately, there is no statistical data on the number of cases of employment of redundant civil servants in the relevant private sector, which is considered a conflict of interest. The same situation with data evaluating trust in the governmental institutions differences between informed public and general population.

A serious drawback is the low public awareness of integration processes. The obstacle on this path is also the low level of autonomy of educational institutions which hinders the process of introducing new courses in the field of European integration. Only regularity in the activities of the media, analytical institutions and educational institutions can change this situation.

4. Conclusions and proposals

Summing up, it's obvious need to put a stress on the approach to the assessment of the ruling bodies to manage the European integration process, which involves the use of a dual indicator system (respecting the basic values of public administration, progress in the political, economic, legal, social and humanitarian integration).

The basis of the first subsystem is a set of indicators based on the key values of public administration used by various international and non-governmental organizations. The second subsystem is created on the basis of standards and indicators, compliance

with which should be ensured by the public management system in terms of integration.

One should agree with the theses of O. Kovryga and P. Nickel (2006) that after regaining independence, there was not enough necessitarian environment in Ukraine to implement reforms in the Western European style. In addition, the lack of deep relations as part of regional trade agreements with democratic countries resulted in low quality of the regulatory environment of Ukraine and low efficiency of government functioning, as evidenced by the indicators of achieving the value of public administration. The financial crisis has forced the state's presence in the economy, which together with the incomplete reform of the public management system contributed to the increase in irregular spending in the field of public procurement due to low transparency and accountability. Legally unregulated lobbying rules have helped to increase the level of protection in government decisions. You can also talk about the increase in the number of cases of employment of dismissed officials in the relevant private sector seen as a conflict of interest.

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