

## International standards and citizens assessment of public administration and local government reform in Ukraine after 2014

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**Abstract.** *The aim of this research is to define the forms of implementation of the international standards of the public administration and local democracy in Ukraine after the Revolution of Dignity and to estimate the assessment of their implementation by the citizens. The scope of the research is defined by the support of the principle agreement that one of the main factors of the implementation of reforms, particularly in the field of public administration, was the factor of the international environment, firstly, of the European regional structures.*

*The delay in adopting the necessary legislative decisions in the field of public administration, in particular decentralisation and implementation of administrative-territorial reform, and their financial, advisory and communication support, resulted in unsatisfactory evaluation of this process by citizens, reducing the level of their support for these reforms, despite the fact that in the first Post-Maydan years they were the most popular among Ukrainians.*

**Keywords:** *Public Administration; Local Government; Ukraine; International Standards; Citizens Assessment.*

**Raktiniai žodžiai:** *viešasis administravimas; vietos valdžia; Ukraina; tarptautiniai standartai; piliečių vertinimas.*

### Introduction

According to the World Economic Forum, as of September 2017, Ukraine was ranked 81st among 137 economies in the global competitiveness index, rising by 4

positions per year. At the same time, according to the indicator of the institution's activity, the country occupied only the 118th place, which already demonstrates the ineffective functioning of the public sphere, hindering the overall progress of the country in the international dimension (Ukrainian Global Competitiveness Index 2017–2018).

Note that the Ukrainian crisis, which began in 2013 with EuroMaydan, was primarily due to the corruption of the management system, the prevalence of informal institutions, such as patron-clientism, nepotism, and the usual practice of offenses committed by civil servants, which led to the gap between the existing democratic institutions and clientelist management practices. Following the removal of the powers of the President of Ukraine Viktor Yanukovich in February 2014, the reform of the public administration system, the democratisation of governance through decentralisation of power were included in the list of top-level tasks for the new government, in particular in the context of signing of the Association Agreement between Ukraine and the EU.

The aim of this research is to define the forms of implementation of the international standards of public administration and local democracy in Ukraine following the Revolution of Dignity and to estimate the results of their implementation by the citizens.

As already mentioned in one of the previous publications of the author, in the environment of researchers of transformation processes in the region of Central and Eastern Europe (CEE) there was a principle agreement that one of the main factors of implementation of reforms, particularly in the field of public administration, was the one of international environment (Лендъел, 2008, с.44). International organisations use the so-called 'policy of political conditionality' in their relations with national states, which is intensification of national reforms by international actors for the promotion and establishment of political changes. States that did not make the necessary institutional changes were deprived of 'rewards', in particular, the prospect of membership.

In the early 2000s, the study of European integration began to take place in the context of the influence of EU structures on the political process among the political systems of member states and states that adhere to other forms of cooperation. This new theoretical and methodological focus of research was called the concept of Europeanisation. The most recent aspect of this study is the so-called Europeanisation outside Europe, that is, the impact of political norms developed within the EU on the political life of non-EU countries that have no prospect of accession in the short and medium term, and therefore, for which it is not possible to apply the reward policy (Schimmelfennig, 2007).

A simplified approach to understanding the process of Europeanisation is based on the assumption that, as of the early 1990s, policies in the EU and, indeed, in Brussels are subject to common laws, trends and have a common political impact. Proponents of this approach studied, first of all, the speed of the process of political

adaptation in individual member countries and sought the most optimal—for the time and other resources spent—mechanisms for this harmonisation.

Supporters of the second approach consider Europeanization not as a more complex phenomenon, but rather as a set of different phenomena. First of all, the interaction between European and national (subnational) levels of the political process, in particular management, is studied. Europeanisation is defined as a process within which the scope of national domestic policy becomes the subject of European policy-making (Borzal, 1999). Moreover, the concept of 'multi-level governance' was formed within the framework of the study of Europeanisation. The concept of multi-level governance treats Europeanisation primarily as a process of constant political change and also points out that European integration cannot be perceived merely as a practice of bilateral relations between national states and the EU. The list of actors, in addition to the traditional structures of the EU and national states, is supplemented by regional and local governments, 'Quang', semi-public structures, civil society institutions, organisations representing business interests (Rhodes, 1997).

Modern studies emphasize that the principles of *good governance*, the meaning of which was explained by the author in previous publications (Лендѐл, 2007; 2008), it is necessary to apply symmetrically to the civil service, local self-government and other public structures, and, consequently, changes in all these areas can be analysed using the concept of Europeanisation. At the same time, the role of public servants is critical, as they can, on the one hand, can take into account the cultural, value characteristics of societies, the legal environment and, on the other, act as agents of change that help integrate European administrative systems and the field of local self-government through the dissemination of best management practices (Nemec, 2005).

To determine the level of adaptation of legislation in the field of public administration in Ukraine before and after 2013 to European standards developed by the Council of Europe, it is necessary to analyse their norms in the context of the 'spirit' of the SIGMA Principles of Good Governance, the European Charter of Local Self-Government (The Principles of Public Administration; European Charter of Local Self-Government), the conclusions and recommendations of experts on the state of local democracy in Ukraine, issued in October 2013 and March 2015.

The integrated indicator of the efficiency of public administration, the authorities as a whole assesses the activity and the level of public confidence in the management structures (state- and self-governed). Considering that the purpose of this analysis is to determine the level of effectiveness of international assistance for the implementation of recognized standards of public administration, in particular in the implementation of administrative and territorial reform and the strengthening of the foundations of local democracy, an important source of data is the surveying of citizens about their assessment of these changes. This was done by sociological services and analytical centres: Ilko Kucheriv Democratic Initiatives Foundation, the Razumkov Centre, Centre 'Sofia' and others.

A useful source of data could be an assessment of governance in Ukraine in the baseline SIGMA (*Support for Improvement in Governance and Management*), i.e. one of the European analytical centres established under the initiative of the OECD, whose experts carry out this activity in the EU Member States, the candidate countries and countries associated with the European community. However, since such evaluation of the system has not been implemented in Ukraine yet, an alternative source could be an assessment of the changes taking place in Ukraine, performed by domestic and foreign experts, including representatives of governmental organisations, international organisations, united in the *Donor Board on Decentralisation Reform in Ukraine* (Європейська інтеграція Вишеградських країн).

### **Institutional framework of Ukraine's public administration and local government before 2014 as the reason for the current reforms**

Reformation of the governance of the public domain on a democratic basis began in most CEE countries as systemic transformations at the turn of the 1980s and 1990s. Its organic component was the implementation of an administrative-territorial reform, as well as the decentralisation of power. This process either slowed down in the post-Soviet period or the reforms did not start at all.

In Ukraine the spatial organisation of power was based on the Soviet legacy of the administrative-territorial system and, at the same time, the introduction of a new system of distribution of powers between its various structures in accordance with the 1996 Constitution, the Laws of Ukraine 'On Local Government', 'On Local State Administrations'. The new legislative framework introduced in the late 1990s was characterised by rudiments of the Soviet type of government, in particular the identity of the functions and powers of public structures at various levels, including the intersection of the competences of local state administrations and local self-government, the lack of own powers and necessary resources in the latter, which did not promote the quality of providing administrative services, the economic competitiveness of communities and territories.

The current crisis in Eastern Ukraine, the latent expansion of Russia only actualised a long-standing public debate about the territorial system, enshrined in the Constitution of Ukraine. As for the institutionalisation of local democracy, the regime of which is recommended by the Council of Europe at the local level, its framework in Ukraine was formed only in the late 1990s. This lagging behind the neighbouring Central European societies was due to a combination of several factors, of which the most important was the uncertainty of the model of government and state structure until 1996, when the Constitution of Ukraine was adopted.

Other formalised details of the implementation of the citizens' right to local self-government, such as the status of institutions of self-government, the scope of their competence (their own, delegated and contingent), the characterisation of the structure of its bodies and officials, were envisioned by the same law, adopted in May 1997. In

general, the legislation adopted in the late 1990s was characterised by rudiments of the Soviet type of government, in particular, the intersection of the competences of local state administrations and local self-government bodies, the lack of proper authority and necessary resources in the latter.

An unfavourable factor for the formation of local self-government was also the selfishness of national elites who did not want to share the powers and resources with local elites, were hesitant to preserve the previous administrative-territorial structure and organisational forms of governance.

### **Cooperation with international organisations on the implementation of the public administration reform**

The reform of the local government and the system of territorial organisation of power was identified as one of the priorities of the new government of Ukraine, which was formed after the suspension of Viktor Yanukovych as the President of Ukraine on 22 February 2014. It was envisaged to introduce the necessary constitutional changes in the short term to allow for the division of powers among different territorial levels, the adoption of laws on community unification, the new system of territorial organisation. Already in March 2014, the Ministry of Regional Development established a *Working Group on the Reform of Local Self-government and Territorial Organisation of Power*, which included, among others, experts of international programmes of technical assistance to Ukraine, representatives of the public. A more systematic approach to the coordination of international assistance to Ukraine was proposed only a year later, when *the Advisory International Council of Reforms* was set up, the task of which was to attract the best experts to develop the strategy and implement the necessary transformations in practice.

The EU has focused on decentralisation and changes in the public administration system. In particular, it was one of the priorities of *the Ukrainian Support Group*, created at the initiative of the European Commission. The main result of the collaboration between the Group and the government, in particular SIGMA experts, on the implementation of the Principles of Public Administration was the approval of the Strategy of PAR by the Cabinet of Ministers of Ukraine on 24 June 2016. Strategic planning, policy formulation and coordination; public service and human resources management; accountability; more efficient provision of administrative services and management of public finances were identified as the secondary priorities.

Another institution that should encourage transformation in Ukraine is the *Strategic Advisory Group for Supporting Ukrainian Reforms*, led by well-known Central European ex-politicians L. Balcerowicz and I. Miklos. According to foreign experts, the main problems of Ukraine, for example in 2016, was the deceleration of decentralisation through the influence of external political factors, in particular, the linking of changes to the Constitution to the settlement of hostilities in the Donbass, and the incomplete voluntary association of territorial communities. At the same time,

the EU noted the inefficient use of European resources allocated for the reform by the European community, taking into account the lack of proper programming of the tasks, results and indicators, as well as budget planning practices by the Government of Ukraine. It is also inappropriate, according to the European experts, to have several coordination mechanisms for technical and financial assistance to the EU that did not contribute to the effectiveness of reforms and effective spending of money.

For a successful tactical implementation of the public administration reform, the EU contributed to the formation of *the Reform Support Teams* at the end of 2016, which consisted of domestic and foreign professionals who began temporary work in various Ukrainian ministries, including finance, economic development and trade, agriculture and food. A *Reforms Delivery Office* was created at the office of the Prime Minister with the task to coordinate reforms.

The *Council of Europe*, which, in accordance with the charter, implements the principles of local democracy, considers the reform of local self-government to be one of the main areas of cooperation of this international organisation of Ukraine. It was with its support that the Concept for Reforming Local Self-Government and the Territorial Organisation of Power in Ukraine (April 2014) was developed, outlining the main steps to be taken in this area.

The programme *Decentralisation and Territorial Consolidation in Ukraine*, implemented by the Centre of Expertise for Local Self-Government Reforms of the Directorate General for Democracy, II General Secretariat of the Council of Europe (July 2015–December 2017), had among the priorities the support of the territorial reform, in particular, the association and cooperation of communities, and assistance to Ukrainian government institutions in planning decentralisation activities. In April 2015, the Joint Statement on Co-operation for the Strengthening of Local Self-government in Ukraine was approved. One of the obstacles to the development of effective governance at the local level was the excessive dispersion of territorial communities.

Initiatives in the field of public administration were supported by other international programmes, however, radical transformations are not possible without constitutional changes that are considered in the context of determining the status of the temporarily occupied territories of the Donbas.

### **Citizens' assessment of reforms in the field of public administration and decentralisation in Ukraine after the Revolution of Dignity**

The requirements for effective public sector management are developed by the experts of the European SIGMA programme in the format of Principles of Public Administration, which are, de facto, a list of criteria for the compliance of management in a particular country with the principles of good governance. These principles were formulated on the basis of international standards, best practices of the EU Member States and/or the OECD countries. The principles are adapted to the needs of

the countries that have the status of an EU neighbour, including Ukraine, and envisage that the reform should take into account the main social challenges, carried out in accordance with clearly defined strategies and plans, to be monitored continuously. Note that SIGMA carries out, upon the request of the European Commission, an assessment of the implementation of the public administration reform in countries preparing for accession to the EU or its neighbours.

The main document defining international standards of governance at the local level is the European Charter of Local Self-Government, to which Ukraine acceded in 1998. During the last monitoring mission of the Congress of Local and Regional Authorities of the Council of Europe, which lasted from 2012 to 2013, it was noted that the system of local self-government in Ukraine had a number of Soviet features. In general, it was concluded that the sphere of public administration needed constitutional changes and legislative innovations, in particular regarding the division of functions between the state and communities, changes in the administrative-territorial structure, inter-budgetary relations (local and regional democracy in Ukraine). The Roadmap for the Government of Ukraine, developed by the CoE experts within the framework of post-monitoring cooperation, indicated that none of the draft amendments to the Constitution of Ukraine on decentralisation, for which the conclusions of the Venice Commission and the Congress of Local and Regional Authorities were presented, were submitted to the national parliament Verkhovna Rada. Unresolved issues were related to the control over the activities of decentralised authorities, and institutional formats of regional and district executive bodies. At the same time, a legislative act that encouraged community associations and was based on the principles of good governance was assessed positively.

This inaction of Ukraine, even after the Revolution of Dignity, can be partly explained by the subjective fact that only in April 2016 the Cabinet of Ministers of Ukraine had a designated person responsible for the implementation of the public administration reform, namely, Vice Prime Minister I. Klimpush-Tsintsadze. More important reasons were the false dependence of the Ukrainian constitutional process on the decentralisation of the issue of settling the status of temporarily occupied territories of the Donbas and, consequently, the impossibility of adopting legislative acts requiring a previous amendment to the Constitution of Ukraine, and the lack of political consensus among the elites and their sufficient motivation for the implementation of the reform.

The lack of political will to carry out systemic reforms was negatively perceived by Ukrainian citizens. In early 2015, according to the Razumkov Centre, Ukrainians viewed the speed and effectiveness of these transformations as low: assessments of the status of the reforms in most areas tangent to public administration were in the range of 2 to 3 points on a scale of 1 to 10 (*see Table 1*).

**Table 1. Please, evaluate the course of reforms in Ukraine and the actions of the authorities in various spheres on a ten-point scale, where '1' means that the reforms are almost or completely absent, and '10' means that the reforms are as successful as possible**

DIRECTIONS OF THE REFORMS	AVERAGE SCORE
Power update and lustration	2.90
Judicial reform	2.39
Decentralisation and local self-government reform	2.53
Public administration reform	2.44
Deregulation and entrepreneurship development	2.27
Reform of the law enforcement system	2.60
Reform of the national security and defence system	2.95
Healthcare reform	2.23
Tax reform	2.38

*Source:* Оцінка громадянами ситуації в Україні та стану проведення реформ, ставлення до політиків та суспільних інститутів, електоральні рейтинги, Результати соціологічного дослідження Дослідження проведене соціологічною службою Центру Разумкова з 6 по 12 березня 2015 року, [http://old.razumkov.org.ua/upload/1427287523\\_file.pdf](http://old.razumkov.org.ua/upload/1427287523_file.pdf)

The scepticism by the overwhelming majority of Ukrainians was prompted by the fact that the reforms were perceived as not affecting the well-being of citizens or having a negative impact (see Table 2). In particular, such trends were evident in the assessment of the decentralisation reform: 11.3% of respondents said the transfer of power had positive changes, 16.6% said they had negative changes, and 74.6% of respondents viewed them as not leading to any significant changes. The public administration reform was perceived by the Ukrainian public almost identically: 8.8%, 15.4%, 75.3% respectively.

**Table 2. Please evaluate, positively or negatively, how the reforms and actions of the authorities in different spheres affect your personal situation.**

Direction of the reforms	Impact			
	Positive	Negative	Absent	No response
Power update and lustration	17.0	24.0	58.5	0.5
Judicial reform	8.4	16.6	74.6	0.5
Decentralisation and local self-government reform	11.3	14.55	73.7	0.5
Public administration reform	8.8	15.4	75.3	0.6
Deregulation and entrepreneurship development	5.9	18.0	75.7	0.4
Reform of the law enforcement system	13.4	17.5	68.6	0.5

Reform of the national security and defence system	20.2	19.7	59.7	0.4
Healthcare reform	10.2	34.3	55.1	0.4
Tax reform	5.2	29.1	64.7	0.9

*Source:* Оцінка громадянами ситуації в Україні та стану проведення реформ, ставлення до політиків та суспільних інститутів, електоральні рейтинги, Результати соціологічного дослідження Дослідження проведене соціологічною службою Центру Разумкова з 6 по 12 березня 2015 року, [http://old.razumkov.org.ua/upload/1427287523\\_file.pdf](http://old.razumkov.org.ua/upload/1427287523_file.pdf)

As shown by the recent public opinion polls (autumn 2017) carried out by the Democratic Initiatives Foundation and the Kyiv International Institute of Sociology, the vast majority of Ukrainians do not believe in the success of the reforms, even four years after the start of the EuroMaydan, despite the fact that at the government level institutional transformations are considered to be the main political trend. Only 5% of the citizens believed in their success, 22% believed in progress, but with certain doubts, 27% almost did not believe in the effectiveness of this process, 40% did not believe in the success of the reforms at all. It should be noted that in late 2016, the number of sceptics was less (28%).

Similarly to the opinion of the citizens, in November 2014, Ukrainian and Central European experts assessing the interaction of Ukrainian institutions with EU structures, Visegrad countries in advancing reforms, identified the main intrinsic obstacles to the European integration. These are the low efficiency and institutional failure of the public administration system, the lack of coordination of European integration, and the high level of corruption. The EU's assistance was perceived as necessary for most of the key domestic reforms in Ukraine, including public administration. Effective EU assistance mechanisms have identified the involvement of European experts in providing the necessary consultations, support for think tanks, in particular in monitoring and evaluating the implementation of reforms, the creation of special programmes of financial and technical assistance to Ukraine (Європейська інтеграція Вишеградських країн).

Key stakeholders and stakeholders of decentralisation, i.e. citizens, regional decentralisation experts, heads of the united territorial communities (UTC), representatives of district state administrations, believed, as the focus studies have shown, that the main result of these reforms was the formation of the UTCs. The main incentives for the merger were the opportunity to obtain additional financial resources through state subsidies, new sources of revenues to local budgets, as well as additional powers. The greatest resistance to the reforms was shown by the heads of the small communities that were to dissolve in the UTCs, and representatives of district state administrations, who lost their influence as a result of the evolution of power. At the same time, the research showed that one-third of Ukrainians had not even heard about the decentralisation reform, and 54% – only a few, also contributed to the effectiveness of

the process of redistribution of power vertically. Among the well-known citizens, 30% supported the transformation, while 23% did not.

Nevertheless, the vast majority of Ukrainians (42%) continued to support the steps that the Ukrainian authorities had been making towards decentralisation. 27% of the respondents viewed the activities of the authorities in this area negatively. A similar distribution of supporters and opponents of the decentralisation reform could be observed in 2016 (43% supported, 32% did not) (see Table 3).

**Table 3. Do you support the steps taken by the authorities in terms of the decentralisation of powers?**

	<b>August 2016</b>	<b>June 2017</b>
Yes, of course	9.5	7.5
Rather yes	21.9	34.5
Rather no	13.7	16.3
Absolutely not	9.3	10.4
I don't know anything about this	27.4	-
Difficult to say	18.3	31.4

*Source:* Громадська думка населення щодо реформи децентралізації, <http://dif.org.ua/article/gromadska-dumka-naselennya-shchodo-reformi-detsentralizatsii>.

Unfortunately, in 2017 the population's confidence that the local authorities would be able to cope with the additional powers to be received in the course of decentralisation was somewhat weakened. In autumn 2017, those who were absolutely confident accounted for only 10% (15% in 2016), mostly confident comprised 32% (37% in 2016), while 29% had serious doubts (20% in 2016), and 17% were convinced that the local self-government would be unable to cope (10% in 2016). At the same time, the majority of the respondents thought that the decentralisation took place too slowly (36.7%) or it did not take place at all (22.2%) (see Table 4).

**Table 4. In your opinion, is the pace at which the decentralisation of powers in Ukraine is happening...?**

	<b>June 2017</b>
Too fast	2,2
Normal	12,2
Too slow	36,7
No changes are happening at all	22,2
Difficult to say	26,7

*Source:* Громадська думка населення щодо реформи децентралізації, <http://dif.org.ua/article/gromadska-dumka-naselennya-shchodo-reformi-detsentralizatsii>.

Thus, the delay in adopting the necessary legislative decisions in the field of public administration, in particular decentralisation and implementation of the administrative-territorial reform, and their financial, advisory and communication support, resulted in unsatisfactory indicators of evaluation of this process by the citizens, reducing the level of their support for these reforms, even though in the first post-Maydan years, they were the most popular among Ukrainians.

## **Conclusions**

1. It will not be an exaggeration to conclude that the discrepancy between the legal forms established in Ukraine and the realities of the political process, i.e. the lack of transparency in decision-making, the lack of access points for citizens to politics, the corporatisation of power in certain administrative-territorial units, the limited resources available to the public authorities, and corruption as a decisive characteristic of management, has led to the crisis in Ukraine. This crisis began in November 2013 with the withdrawal by the Government from the signing of the European Union Association Agreement. In February of the following year, it led to a change in the constitutional structure and the removal from power of the odious president V. Yanukovych, developing at present in the format of a hybrid war with Russia.
2. We adhere to the position that the future of the Ukrainian statehood and sustainable development of its society depends directly on the effectiveness of the public administration reform and decentralisation of power. In particular, in view of external challenges: the desire to integrate into the European Union and the military-political conflict with Russia, which has a hybrid war format that used the tool of manipulation of regionalism. The local democracy standards developed by the Council of Europe and an effective public administration, proposed by SIGMA, with the support from the EU, in fact, helped to formulate a clear roadmap that can help the Ukrainian government officials implement the necessary reforms. At the same time, their implementation, despite the sufficient presence of the international experts is hampered by the technical assistance due to the lack of political consensus among the elites, the lack of its motivation, the artificial attachment of the constitutional reform to the question of the status of the occupied Donbas territories.
3. We support the thesis that the success of the public administration reforms depends on the level of citizens' engagement in the policy-making process. So Western donors should orient their programme in support of the bottom line of the citizens, particularly in communities where housing associations, farmers unions, credit unions, teachers' associations and business associations may be effective. In addition, Europeans must realise that the

process of transformation in Ukraine will be lengthy, taking into account all the external and internal challenges that hinder positive change. On the other hand, without radical transformation of the society, European integration is impossible.

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**Tarptautiniai standartai ir piliečių viešojo administravimo ir vietinės valdymo reformos vertinimas ukrainoje po 2014 m.**

Anotacija

Šio tyrimo tikslas yra apibrėžti viešojo administravimo bei vietos demokratijos tarptautinių standartų įgyvendinimo formas Ukrainoje po vadinamosios Orumo revoliucijos, o taip pat nustatyti, kaip ši įgyvendinimą vertina piliečiai. Tyrime remiamasi bendruoju susitarimo principu, jog vienas svarbiausių veiksnių, įgyvendinant reformas, ypač viešojo administravimo sektoriuje, yra tarptautinės aplinkos, ir visų pirma, Europos regioninių struktūrų veiksnys.

Būtinųjų įstatymų leidybos sprendimų priėmimo vilkinimas viešojo administravimo sektoriuje, o tiksliau, administracinė decentralizacija, administracinės teritorinės reformos įgyvendinimas bei jų finansinės, patariamąsios ir komunikacinės paramos politika, iššaukė nepalankų šio proceso rezultatų vertinimą piliečių akimis, o taip pat sumažėjusį pasitikėjimą šiomis reformomis, nors pirmaisiais metais po Maidano įvykių, tarp ukrainiečių jos buvo labai populiaros.

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