

Національна академія державного управління
при Президентіві України

Дніпропетровський регіональний інститут державного управління
кафедра української та іноземних мов

**АКТУАЛЬНІ ПРОБЛЕМИ
ДЕРЖАВНОГО УПРАВЛІННЯ ТА МЕНЕДЖМЕНТУ**

Матеріали
студентської науково-практичної конференції
(м. Дніпро, 23 травня 2016 р.)

За загальною редакцією І.М. Заярної

Дніпро
ДРІДУ НАДУ
2016

УДК 351
А 43

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А 43 **Актуальні** проблеми державного управління та менеджменту : матеріали студент. наук.-практ. конф. / за заг. ред. І. М. Заярної. – Д. : ДРІДУ НАДУ, 2016. – 34 с.

Уміщено матеріали доповідей учасників студентської науково-практичної конференції «Актуальні проблеми державного управління та менеджменту» щодо стану та перспектив розвитку України на етапі входження в Європейський Союз, а також актуальні проблеми менеджменту.

Розраховано на слухачів і студентів Національної академії державного управління при Президентові України, а також буде корисним для всіх, кого цікавить окреслене коло проблем.

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CIVIC COMPETENCE FORMATION OF NETWORK PARTICIPANTS OF LOCAL DEVELOPMENT IN UKRAINE

У статті "Формування громадянських компетентностей учасників мережеских систем місцевого розвитку в Україні" розглядається підхід до місцевого розвитку, орієнтованого на громаду, що передбачає активну участь людей у вирішенні питань місцевого значення та задоволенні потреб громад.

Keywords: approach, community, public involvement, local issues, community needs, problem issues solving, common activity, decision-making.

Among many policies that ensure the development of territories most common is the community-based local development approach, which involves the active people participation in solving local problems and meeting the needs of the community, a common definition of ways of solving local problems and joint activities with the implementation of decisions [5–9].

The approach is based on the understanding that any person, organization or authority is not able to solve all local problems only through their own efforts. This requires active community, private sector, local authorities' partnership at various levels. Identifying local priorities, their conforming to local authorities, planning and joint efforts for their implementation helps communities build trust between their members and all partners [7].

Such unsatisfactory situation with local development in Ukraine is based on several reasons. The main obstacle [1], the author defines, is "ineffectiveness of the mechanisms of communities representation": members of communities do not play an important role in local development processes; people attraction to participate in planning and decision-making process is unsystematic and formal. This is largely caused by low expansion of civic competence.

Development and implementation of joint projects attracts a larger number of people for collaboration, increasing public interest in the local government issues, sets the feedback with the community. If a person understands his or her individual involvement in a territorial community and his or her opportunities in this regard, participation in solving local problems is an indicator of the formed civil society [2].

However, we note that the approaches to local development communities that have been applied and continue to apply in Ukraine as international and government programs more focused on the concept of community-driven development, than provide system resource using of local beneficiaries (territorial communities, local businesses, community organizations, etc.) for improving the local community life (the concept of community-based development) [6].

We consider that under decentralization in Ukraine the situation has to change and a key role in the approach to oriented community local development will play complex network systems which are forming now. These systems include, in particular:

- a network of local development agencies;
- a network of local authorities associations;
- a network of Community Development Resource Centers;
- a network of local project offices;
- a network of communities practice [3; 11-14].

The participation of local government officials, representatives of NGOs and civil society activists in these network systems of local development will contribute to their civic competence. Civic competence as a key competence of the individual component provides:

- gaining of the basics of integrated knowledge about democracy, pluralism, civil society, the adoption of democratic ideals and values that are integrated in the context of national culture as personal values;
- understanding of belonging to a particular nation (the desire to preserve national identity, national identification);
- developing of constructive and critical thinking, communication skills, initiative, independence, responsibility, ability to avoid social conflicts;
- obtaining of civic experience, democratic behavior and effective communication [10].

Basic approaches to the civic competence development are defined by the Charter of Education for Democratic Citizenship and Human Rights Education adopted on the 11th of May 2010 the 120th meeting of the Committee of Ministers of the Council of Europe [4]. Among the criteria and principles stipulated in the Charter the possibility of education for democratic citizenship and human rights education for every citizen within the formal general education and vocational training, higher education, and participation in the processes of democratic governance is defined.

Thus, mechanisms of civic competences of members of the network of local development in Ukraine need further scientific study, including the conditions of the development of the network of Regional and local development, community development resource centers as well as innovative community practice.

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NEW ATTEMPTS OF CORRUPTION OVERCOMING IN UKRAINE

У статті "Нові спроби подолати корупцію в Україні" розглядаються реформи що проводяться з метою подолання корупції в Україні.

Ключові слова: corruption, reform, fighting corruption.

Since the early beginning of the modern independent Ukrainian history “corruption” has been the top problem.

According to the results of the national poll (2015) made by the Kyiv International Institute of Sociology Ukrainians still have doubts about current methods of fighting corruption.

Honestly, some reforms were successful. For example, Eka Zguladze (Ukrainian Deputy Interior) headed police reform and helped to attract new recruits who refused to take bribes. Anyway, the complete judicial reform still remains the most demanding initiative in Ukraine. It will take years. The right idea is to start with the High Council of Justice members, the body which is responsible for appointing judges. Despite the common idea that judges are independent, their integrity still remains disputable.

Due to the high pressure from Western countries, some anticorruption positions as well as anticorruption agencies were set by Ukrainian government. The National Agency for Prevention of Corruption was created to expose corruption among senior officials by monitoring their asset declarations and other data.

Honestly, the issue on taking back stolen assets is one of the most painful political themes. Members of the former regime transferred billions of dollars abroad, while average capita income is around \$3000. Representatives of anticorruption agency express disappointment that they are almost unable to return back that was transferred in 2014. In 2015 the situation became better and almost \$250 000 were frozen in the foreign European banks, but, unfortunately, were not returned back.

In conclusion it should be mentioned that the high level of corruption in Ukraine still exists and the only way to overcome it is total culture cure, but this process is long and involves not only judiciary, but also the public. In order to join the European Union we have to perform readiness for great changes. Rebuilding current institutions and forming the new ones should become the top priority. The formation of special anticorruption agencies has both pluses and minuses.

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DECENTRALIZATION AND LOCAL GOVERNMENT REFORM

У статті "Децентралізація та реформа місцевого самоврядування" йдеться про передачу значних повноважень і бюджетів від державних органів органам місцевого самоврядування.

Keywords: decentralization, local government, reform, local communities, public authorities, powers, local and regional levels, capacity, public resources, development of communities.

Today decentralization of public power is the topical issue in Ukraine. The decentralization of public power means a method of determining and division of tasks, functions and powers, in which most of them are transferred from the central level to the lower level. These local authorities govern in the administrative-territorial units independently from the state authorities, being out of their subordination.

Decentralization is a significant transfer of powers and budgets of the state bodies to local authorities to give greater powers those bodies that are closer to people, where such powers can be implemented most successfully.

As for local government reform, it should be noted that according to Article 140 of the Constitution of Ukraine "local government is the right of a territorial community to solve local issues within the Constitution and laws of Ukraine". People elect local councils and their chairmen, who are empowered to resolve most issues. Local authorities are responsible for school and pre-school education, primary health

care level, institutions of culture and improvements of street lighting, road conditions, cleaning, public order and many other important everyday issues.

So the essence of local government reform is to give the right to decide all these issues of communities – inhabitants of villages, towns, cities.

The essence of transformations that are provided by decentralization is that executive bodies and local authorities will finally deal with their peculiar matters. And people will be able to manage (through elections) local authorities in the community, district and region. In turn, local governments at various levels – community, district, and region – will receive the powers and necessary resources. We will introduce the responsibility of local government to the voters for the effectiveness of their work, and the state for legitimacy.

Due to the decentralization of public power in Ukraine, its effectiveness will be raised to a new level, which will increase the capacity of local governments and promote the reform at the local and regional levels.

Decentralization of power is possible and expedient if all stakeholders are interested in its implementation, the interests of users of public resources are coordinated and the quality of life is improving.

The reform will give impetus to the full development of communities. The reform will affect everyone in Ukraine. Decentralization will not only change the system of government in Ukraine. The changes will affect all aspects of daily life. The reform will make possible to improve life in the community and the country as a whole.

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INTERACTION BETWEEN THE STATE AND SOCIETY

У статті "Взаємодія держави і суспільства" йдеться про удосконалення взаємодії громадянського суспільства та держави; залучення громадськості до формування та реалізації державної і регіональної політики.

Ключові слова: interaction, state, society, public society, the public, state and regional policy, local community, powers, local and regional level.

Nowadays the public involvement in management processes is expected to solve urgent problems in Ukraine. The solution of local problems in order to achieve

the common goal depends largely on the activity and initiative of the public, their responsibility and ability to mobilize.

Civil society is the "aggregate of non-governmental organizations and institutions that manifest interests and will of citizens".

Civil society is different from society as a whole that attracts people to collective action in the public sphere to express their interests, ideas, exchange information, achieve a common goal, and make demands to the government and appeals to the responsibility of officials. It mediates between the private sphere of people's life and government, brings together a huge diversity of formal and informal organizations. The formation of a society is connected with corresponding stages of development of human society, state and law.

The experience of democratic countries in the world shows that the interaction of public authorities with the public increases the level of trust of citizens to the government.

In order to implement the Action Plan as to the state policy to promote civil society in Ukraine in 2013 the analysis of the condition of ensuring the structural units of executive authorities, responsible for public relations functions to promote the development of civil society and involve the public in the formation and implementation of state and regional policy was made.

The results showed that most of the executive bodies ensured the functionality of the structural divisions on the issues of interaction with the public, its proper staffing, and logistical support. The vast majority of the executive bodies adheres to the requirements of the Procedure for conducting public consultation, provides legal, organizational, technical, awareness-raising activities to promote the development of civil society in Ukraine. There are, however, shortcomings in the work of some executive bodies on ensuring of public participation, in particular:

- 1) lack of independent structural units on issues of interaction with the public;
- 2) overload of employees of divisions on the issues of interaction with the public by functional duties;
- 3) insufficient attention to the elaboration of indicative plans for public consultation;
- 4) failure to comply with specified procedures for public involvement in the process of formation and implementation of state and regional policies.

Public participation in implementation of the state policy in Ukraine is the key to a developed civil society.

To improve interaction between civil society and the state it is necessary to ensure the structural units of the executive bodies, responsible for public relations to promote the development of civil society and involving the public in the formation and implementation of the state and regional policy.

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REFORM OF CIVIL SERVICE AS A TYPE OF PUBLIC SERVICE UNDER THE PUBLIC MANAGEMENT SYSTEM REORGANIZATION IN UKRAINE

У статі "Реформування державної служби як виду публічної служби, в рамках перебудови системи державного управління в Україні" йдеться про основні зміни, які передбачає законодавство України щодо реформування державної служби, в рамках Адміністративної реформи, у тому числі досліджено основні проблеми, державної служби, а також новації Закону України "Про державну службу" від 10 груд. 2015 р. № 889-VIII.

Ключові слова: reforming, civil service, public management, public administration, public service.

Ukrainian public management system does not meet country's requirements against implementation of comprehensive reforms related to different aspects of the state policy and European choice as well as European standards of independent government of a state.

Ukraine has been ranked at the bottom of the worldwide public management competitiveness list.

According to rankings of the Global Competitiveness Index (GCI) highlighted during World Economic Forum (by 2015) Ukraine retains 130th place (among 144 countries) in "government efficiency", 103rd place in "accountability of state policy" and 115th place in "disutility of government regulation". According to Global Bank Doing Business rankings Ukraine looks more attractive – 83rd place in 2016 summary top list. Significant improvement is observed in business establishment area – Ukraine runs from 70th place in 2015 to 30th place in 2016. [1]

Constitution of Ukraine [2] determines Ukraine as a low-bound state divided into legislative, executive and judicial branches. The main aspect that presents the unified state authority whatever branch is public service as social-legislative institution assures fulfillment of the state and public authorities targets, on the one hand, and advocacy, defense of legal entities rights and relationships with the state, on the other hand. Thus, state functioning as well as civil society depends on professional, competent, sustainable, secured and defend abilities of the state.

Civil service as a part of public service is proceeding actively, among other things, the regulatory framework of public service and public management is in progress at the moment.

Public management is based on civil service. Improvement of civil service is one of the key reforms afforded by Association Agreement between Ukraine and European Union [5], Growth policy "Ukraine 2020" [4] and Ukraine Ministry

mission as well, is exclusively valuable for countries with transition economy. To change the country and assure democratic government is the responsibility of skillful civil servants.

The main problems of civil service in Ukraine are in failures in human resources based on workmanship, political neutrality, sociability and visibility of civil servants, responsible and organized. There were no unified standards of civil service joining as well as appointment and promotion procedures were not clear. The most authorities did not apply modern tools of human resources management. As a result high labor fluctuations of civil servants and promotion of subjectivity are observed. Gender inequality is also common for public management in Ukraine: whereas in contrast 75 percent of female personnel against 13 percent are authorized to take decisions only (according to data of Global report of United Nations Development Program (UNDP) regarding gender equality in public management, 2014). Balance between women and men, who are law makers, senior officers and managers is 38 to 62 in Ukraine. In general, Ukraine retains 67th place among 145 in Gender Equality Index by 2015 (in comparison with 2014 as 56th place among 142). [1]

Updated wording of Ukrainian Civil Service Act was approved on 10th of December, 2015[3]. It is necessary to notice that during the wording main clauses of public service acts valid in European Union countries are considered. The amended act corresponds to State government principals, reflected positive findings of European experts (SIGMA program) and solves main problems of civil service.

The revised Ukrainian Civil Service Act reflects division of political and administrative positions.

Civil servant degree is legally simplified from 7 to 3 as well as quantity of ranks is reduced from 15 to 9. The act foresees remuneration of reforming in order to increase competitiveness in labor market and level of justice.

Major review of targets and functions of state authorities will attract skillful servants as well as people with no experience in order to update civil service according to European standards and best management praxis.

Priority target in Civil service reform is to complete 100 percent appointments of state secretaries and 50 percent of outside experts as to reforms appointed to Cabinet Office, ministries and other central executive bodies by the end of 2016, and 100 percent appointments of those experts – by the end of 2017.

Ukrainian Civil Service Act with amendments may be implemented in each ministry and other central executive bodies by a team of reform experts which includes senior executives, experts and experienced managers who meet SIGMA criteria for civil service performance evaluation.

Thus, effective implementation of abovementioned Act during the reforming of civil service under the public management reorganization in Ukraine is the biggest challenge for Ukrainian government and society in the nearest future.

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DIFFICULTIES AND ACHIEVEMENTS OF TRANSITION PERIOD TO DEMOCRACY IN UKRAINE

Розглядаються проблеми та виклики на шляху до демократизації суспільства в Україні. Називаються здобутки суспільного розвитку, громадянського суспільства та процесу реформування соціально-економічної галузі країни.

Key words: large-scale transformations, upgrade of civil service staff, democratic development vector, economic funds, corruption, national human resources, a big threat, produce positive changes

Ukraine succeeded to defend its democratic development vector in 2014. It cost much for Ukrainian people: thousands of passionaries, students and national patriots sacrificed their health and even lives for Ukraine’s future democratic prospects. But the battle for democracy and civilized society in our country has not been completed. Now Ukraine is faced two main kinds of menace in its efforts to build democratic society together with its European partners. **The first kind of the menace is the war set by Russian invaders against Ukraine.** The war has been going on for two years and is distracting big economic funds from Ukraine’s democratic reconstruction.

Moreover, our best national human resources are exposed to danger in the front and suffer from being seized hostages in the Russian jails. **The second kind of the menace which is not less dangerous is the internal problems regarding democratic reconstruction of Ukrainian society.**

Interpreting the myriad of recent Ukrainian state governance problems, we can't help mentioning the events which have taken place and current events which are taking place in our everyday life. Let us mention some of the important political events in Ukraine.

- A visit paid by the US Vice-President Biden, who delivered a message that the United States continued supporting Ukraine. But he also recognized the fact that corruption still remained as a big threat for Ukraine like that of the Kremlin's aggression.

- Political, Governmental and Parliamentary crisis; which may put Ukraine's IMF program at risk.

- Hot debates in Ukrainian society regarding the further steps in the country development, taking into account growing poverty of the Ukrainians and economic stagnation of the country;

- Parliamentary coalition being at risk of its further existence which can cause new general elections in autumn;

- Problems in the Prosecutor General's office.

- Corruption scandals among the top officials of the country.

What can one make of it? There can be two opposite views on the facts mentioned. On the one hand one can see it as a painful process of democratic purification of both Ukrainian authorities and Ukrainian public society. It can be considered as an essential part of the democratic reconstruction of Ukraine. This is an optimistic view. The pessimistic one is that it is the clear evidence of chaos and a retreat to the old habits. To my mind, as with most things in life, the truth is somewhere in the middle. We will consider the issue in the following way:

1. What is good? (positive indices)

In spite of all the wrong steps taken and challenges set, today we have **the Cabinet**, where the majority of Ministers are prepared to do the right things and try their best to go ahead with the reforms' agenda. Working as a team they can produce positive changes. **The Parliament**, in spite of its dysfunctions, now has a number of patriotic and devoted young MPs, who have integrity and strong desire to drive fundamental changes in the country. Our **President** is well received, understood and supported in the most of the world's capitals. Our neighbors to the north are very worried today that the success of democratic and strong Ukraine might ruin the Kremlin's kleptocracy.

We have to acknowledge the fact that our country has made some positive changes on its way to democratic development which can be regarded as our achievements. They are:

- Establishment of the anticorruption agencies;
- The launch of a new police service;

- Decentralization of the state budget in favor of the local communities;
- Liberalization of the natural gas market legislation;
- Mustering political will to change communal services tariffs;
- Restoration of the foreign currency reserves of the National treasury;
- Ukrainian banking system refinement by closing many so-called pocket-banks which helped to renew trust to the banking system of Ukraine;
- Meeting all the key requirements for the visa liberalization with the EU;
- The launch of the transparent public procurement system “Prozorro” (there is such system in the Dnepropetrovsk region);
- Taking the major steps to reform corporate governance of the public companies;
- Adoption of the new “Law on Civil Service” which is the basis for substantial reformation in public administration.

This list of positive changes is just the beginning. We can witness the first shifts of positive changes in society life. But, of course, it is not enough and the development process seems to be very slow sometimes. But nevertheless, it will take some time before the people of Ukraine agree that we have achieved real results to feel the difference.

The New - post- Maidan – elites: younger generation of MPs, civil society activists, and volunteers are the driving force of Ukraine's transformation. They have their own vision of future Ukraine, they bring new energy, and slowly, but surely, they are pushing on the old political elites to find the way to democratic changes in Ukrainian society.

2. What is bad? (negative indices)

- Combating corruption has not had good results so far, and someone may argue that this battle will never be won. The fact is that it is a hard job and we have no one to blame, but ourselves.

- The need to overcome political and governmental crisis is still urgent.

The matter is that old elites are defending the status quo. But we have to rely on the new democratic public society that is developing rapidly and is on guard of democratic changes in Ukraine, besides we are supported by the foreign allies.

3. How to overcome difficulties?

- to go on combating corruption in all spheres in society life;
- to begin reformation of judicial system and the system of state prosecution;
- to put adopted progressive laws into practice;
- to set the system of personal and collective responsibility in all branches of power institutions;
- to set up favorable conditions for small businesses development and to improve social standards of citizens.

New public and political elites with little political experience, but a lot of ambition, have been involved in this complicated process of combating corruption in Ukraine. They have new views and approaches to governing the country and country

further economic and social development. It is the evidence that new progressive public society has germinated in Ukraine. The question is how fast it will be able to overcome the old elites' resistance on their way to new Ukraine as a member of the civilized world society. And the job of this new generation of politicians and public leaders is to make urgent reforms required for Ukrainian society to join European democracy.

There is a pessimistic prediction that common Ukrainians can be tired of the prolonged process and new political elites can be disappointed by the insufficient and quick results. Such social frustration can result in giving up their struggle for the new Ukrainian democratic society. As for me, I do not agree with such a prediction. The fact is that Ukraine has paid high price for its democratic prospects. We cannot forget the victims and heroes of Maidan and our heroes killed in the front, volunteers and patriots who perished in the great battle for the better future of our children. That is the reason for us not to have the right to give up, on the contrary, we have to increase our efforts overcoming all the difficulties on our way to democracy and to win the battle.

4. What is irreversible?

Though, the petty political theater and the old power-players that tried to stop democratic development in Ukraine, the real tectonic shift in Ukrainian collective psyche has already taken place. Before Maidan, our nation did not have clear vision; it lacked both identity and unity. Today, our people share a sense of a common goal and the pride of being Ukrainians. Today, like never before, we are willing to take responsibility for our destiny. Millions of Ukrainians are ready to contribute to their country's freedom – either by volunteering or joining the army, actively participating in political processes and building civil society, working on democratic development campaigns or joining public service. The Ukrainian identity is no longer about ethnicity or language - every other person in Maidan spoke Russian. It's about value and unity of purpose. This is all very new for our country.

In the world of the good, the bad, and the irreversible, I'm convinced that the irreversible will come true. When our grandchildren read about the post-Euromaidan Ukraine in the history books, none of the scandals we've been worrying about in the recent weeks will even be mentioned. There is no way back for our country, and, as the New 2016 Year has arrived, I am more optimistic than ever that we will succeed as a European, democratic, and prosperous country.

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GRONDS AND PROSPECTS FOR PUBLIC ADMINISTRATION REFORM IN UKRAINE

Роз'яснюються основні засади реформи державної служби України та позитивні наслідки цієї реформи на розвиток державної служби як складової демократичних змін у суспільстві та упровадженні ефективного менеджменту держави.

Key words: civil service, European standards of life, civil service reform, key indicators, the principles of a professional civil service, merit-based principles, priority objectives.

We are in civil service and it is naturally we are interested in learning more as for reforms in civil service. Our country is going to implement them according to the newly adopted changes to the "Law on civil service". We wonder what changes have been introduced and how we should get ready for them.

To begin with, I 'd like to say that civil service reform is taking place now in Ukraine on the basis of the Strategy for Sustainable Development Program "Ukraine-2020" which was signed by the President of Ukraine on January 12, 2015. The Strategy for Sustainable Development of Ukraine until 2020 determines the main goals (reforms) and sets indicators of their achievements. The purpose of the reforms is to achieve the European standards of life and to join European Community. The Strategy includes 62 reforms. There are 8 reforms and 2 programs which are the top priorities of the country development. The Strategy also defines 25 key indicators which show successful state development.

If we deal with the comprehensive reform of public administration and civil service in particular, it focuses on the European principles of public administration.

Some progress has been made in the civil service reformation. On 30 March, 2015 the Government submitted to the Verkhovna Rada the following draft of laws:

- 1) The law "On Civil Service"(Reg. No. 2490), which takes into account successful experience of relevant reforms in European countries, primarily – Poland, recommendations of SIGMA experts on the principles of a professional civil service.

The draft of the law introduces a number of key innovations, namely: separating political and administrative positions, regulating the status of a public servant, introducing competitive selection and recruitment to the civil service, including to senior civil service positions, guaranteeing equal access to civil service, linking the system of remuneration to performance assessment, giving priority to the career system of civil service, increasing personal responsibility for performance of official

duties, creating conditions for transparent activity of government bodies and decent remuneration to public servants based on a well-grounded model with the minimization of managerial discretion component, and career development exclusively on merit-based principles.

2) The law “On Service in Local Self-government Bodies” (Reg. No. 2489), which establishes the legal framework for raising the prestige of the service in local self-government bodies; regulating the status of a local government official; ensuring equal access to the service in local self-government, based exclusively on merit; transparent recruitment to local self-government bodies; stimulating career growth; depolarization; new models of remuneration that minimizes managerial discretion; introducing the efficient mechanism for preventing corruption; enhancing the social and financial protection of employees. This law draft was elaborated on the basis of European principles of public administration and harmonized with the Law of Ukraine “On Civil Service”.

In the annual report of the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy those laws were positively evaluated by SIGMA (the joint EU-OECD initiative on Support for Improvement in Governance and Management).

The Reform Strategy of civil service and service in local self-government bodies for the period till 2017 was adopted, and the Action plan for its implementation was approved by the Cabinet of Ministers of Ukraine on 18 March 2015 (Resolution No. 227). The Strategy identifies problems that require urgent solution, the overall goal of the reform of the civil service and service in local self-government bodies, the ways and indicators of its implementation, and contains a set of priority objectives and measures aimed at ensuring the development of civil service and service in of the local self-government bodies.

The new law “On Civil Service” in Ukraine that was adopted on December 10, 2015 and comes in force on May 01, 2016.

Let us single out the changes have been introduced:

1. Appointments to positions are made on the basis of transparent competition.

Before - Officials were appointed to their positions in the result of competition which was rather formal. Public society did not have any opportunity to influence the process.

Now - The open transparent competition for the appointment of civil servants is judged by a certain competition commission, one third of which consists of public society representatives. **This is supposed to ruin political corruption in Ukraine.**

2. Civil society is able to participate in appointing the top civil servants.

Before - Society could not influence appointment to the top civil service positions.

Now - a special commission considers the appointment of A category top-bureaucrats. The commission includes representatives from the President’s Administration, the Parliament, the Cabinet of Ministers, the Anticorruption Bureau,

the Trade Unions, and civil society representatives. The probability of them to come to collusion is very low. **This is supposed to provide fair appointment process and to involve better experts in civil service.**

3. Civil servants are prevented from lobbying interests of political parties

Before - Ukrainian political parties suggested their representatives to the officials' positions, gaining control over large state financial streams.

Now, membership in political parties for the A category bureaucrats is prohibited and is limited for categories B and C. This separates politicians from civil service and makes civil service non-political.

4. Non-political civil service.

Now, a new position of a state secretary is introduced to manage the apparatus of a Ministry. The Secretary will be a civil servant appointed through a competition. If the Secretary performs professional responsibilities properly, she/he will retain the position when the Cabinet of Ministers is reappointed. This separation of administrative and political positions is being practiced in all EU countries.

5. The term of bureaucrats' service is limited.

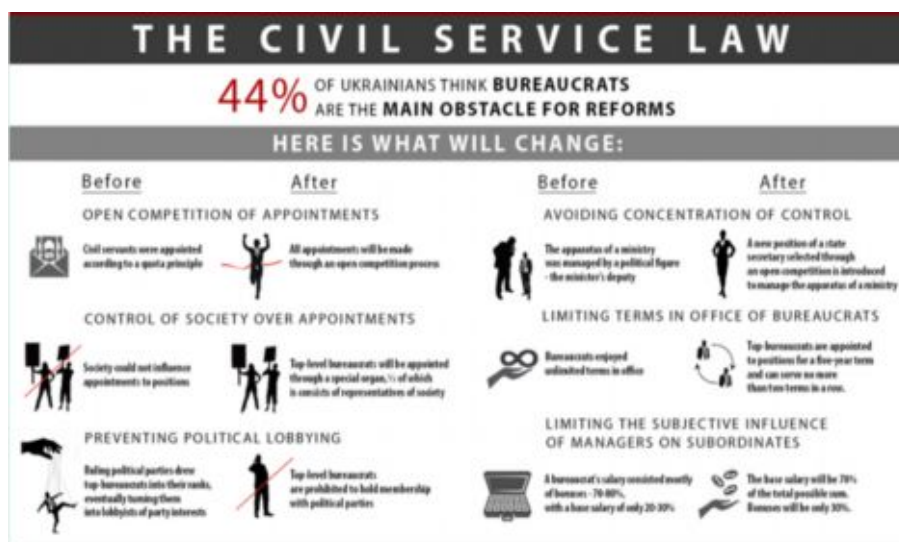
Before - Bureaucrats enjoyed unlimited terms in office.

Now - Bureaucrats are appointed to positions for a five-year term and can be in office not more than two terms in a row

6. Superiors cannot manipulate their subordinates with salaries any more.

Before - 70-80% of a bureaucrat's salary consisted mostly of bonuses.

Now, bonuses make up only 30% of salary.



Apart from that, the number of civil servants is predicted to drop by nearly two thirds. As a result of decentralization, 30% of the civil service sector is going to be shortened, because the functions of civil servants working on the central level are transferred to their colleagues in the local self-governance. E-governance will lead to additional cuts of numbers of bureaucrats. The salary fund for civil servants is not planned to be decreased but it will rise the average salaries of civil servants.

In addition, I would like to remark, that under the new Law “*On Civil Service*” one of the new requirements for applicants in civil service is knowledge of English. It concerns those candidates who apply for the positions of the A category civil servants.

The President Petro Poroshenko signed the Decree “On Declaring 2016 the Year of English Language in Ukraine”.

The Cabinet of Ministers was instructed to elaborate and approve the complex of measures for 2016 and the following years aimed to intensify learning English in Ukraine.

It is necessary to develop mutual exchange of pupils and students between educational facilities of Ukraine and foreign states where English is the main language of communication. Ukrainian general education institutions should take active part in the EU program “E-Twinning Plus”.

The Government should introduce gradual certification of teachers of foreign languages in accordance with the European one to determine their proficiency level.

It is also planned to establish TV and radio programs of learning English for different categories of people and demonstrate movies in English with Ukrainian subtitles.

Under the Decree, it is necessary to evaluate public servants’ knowledge of English and organize language courses. Learning English should be included in the training programs for public servants and local government officials.

The British Council conducts professional English courses for civil servants in Ukraine. The Ukrainian government has set European integration of our country as a priority vector of its foreign policy and therefore knowledge of English is the essential feature.

Participants of the program are higher (top, senior) and middle level servants of the apparatus of the Parliament of Ukraine, the Cabinet of Ministers, Ministry of education, Ministry of foreign affairs and Ministry of justice. The total number of participants reaches almost 300 people. Deputy Ministers, heads of departments of international cooperation and European integration and other officials are being trained during the current year and until March of the next year. Therefore, the British Council drafted training programs especially designed to meet the needs and demands of the civil servants in their respective areas – such as legal, educational and international issues.

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LIBERALIZATION OF THE VISA REGIME WITH THE EUROPEAN UNION FOR UKRAINE AND THE ROLE OF THE STATE MIGRATION SERVICE OF UKRAINE IN THE PROCESS

Йдеться про важливість введення безвізового режиму з країнами Європейської Співдружності та завданнями України для реалізації цього процесу. Окреслюються задачі Міграційної Служби України для практичного втілення безвізового режиму для України.

Key words: visa-free travel regime, Schengen area, European standards, the Association Agreement, biometric passports, strengthens of confidence, border check, visa requirements.

First of all let us clear up what visa liberalization process is. Nowadays the main Ukraine's aim is integration of our country to the European Union or to become the member of this democratic association.

The matter is that getting the visa-free travel regime with Schengen area is one of the most important stages on the way to EU.

It should be noted, that now the legal basis of relations between the European Union and Ukraine is the Association Agreement. It was signed in 2014.

Let us determine what the visa-free travel regime with the EU countries means.

It means that Ukrainians do not need to get a short-stay visa to visit these countries. Thus, we may travel to the countries of the Schengen area without getting a visa for the term of not more than 90 days every 6 months. But that rule spreads only on persons who travel with biometric passports.

At that, it should be noted that Liberalization of the visa regime doesn't mean that Ukrainians may live, study or work in the countries of the European Union permanently. Also it doesn't cancel border check.

At the same time there are some *advantages*. Liberalization of the visa regime with the European Union gives Ukrainian citizens: *cancellation of the visa charge* and *simplification of traveling* to the countries of the Schengen area.

Besides, in political sense liberalization of the visa regime also strengthens of confidence to our country from another countries European Union member-countries as well as guarantees Ukraine's state border security.

There is the Visa Liberalization Action Plan which consists of 2 *phases*. They are: Legislative and policy framework; Benchmarks for effective implementation.

Also the Visa Liberalization Action Plan consists of 4 *blocks*. They are:

-Document security, including biometrics;

- Illegal immigration, including readmission; public order and security; external relations and fundamental rights.

The EU-Ukraine Visa Liberalization Dialogue was launched in October 2008 and the VLAP was presented to the Ukrainian authorities in November 2010.

For the last 5 years the Commission has adopted 6 *progress reports on Ukraine's implementation of the VLAP*.

On April 20, 2016 the Commission presented a legislative proposal to the Council and the European Parliament to lift visa requirements for Ukrainian citizens holding a biometric passport .And now we are waiting for the Council's and the European Parliament's decrees. According to the President of Ukraine it may take a few months.

Now let us determine the state agencies, which are responsible for the implementation of the Visa Liberalization action plan in Ukraine. They are the following:

- the Ministry of Internal Affairs of Ukraine;
- the Ministry of Justice of Ukraine;
- the Ministry of Foreign Affairs of Ukraine;
- the State Migration Service of Ukraine and
- the State Border Guard Service of Ukraine.

We will focus on the State Migration Service of Ukraine first. That Agency was responsible for the first 2 blocks implementation. And according to the European Commission's report, these blocks have been completely fulfilled. I would like to clarify what kind of state agency the State Migration Service of Ukraine is.

This agency belongs to the central executive state bodies. Its activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine.

The main objectives of this agency are: *to realize the state policy in the field of migration and propose public policy in this area.*

To sum up I would like to single out what has been done by this agency as far as liberalization of visa regime with EU countries is concerned. It has reached a progress on issuing biometric documents for traveling abroad. The State Migration Service of Ukraine has provided verification of fingerprints on the second line control at border crossing points. It also has strengthened the capacity on combating illegal migration.

We should acknowledge the fact that Ukrainian state agencies are working much at the new tasks which are set to them by new democratic development of Ukraine. They are sometimes slowly but surely undergo democratic reformation according to the EU standards.

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THE EFFECT OF THE REFORM OF POWER DECENTRALIZATION IN UKRAINE ON THE LOCAL SELF-GOVERNMENT DEVELOPMENT

Розкривається сутність закону про децентралізацію влади. Демонструються перші результати втілення цього закону на прикладі Дніпропетровської області.

Key words: power decentralization, delegation of authorities, allocation of economic resources, effective local self-government performance, to provide local services, additional incomes to the local budget, to allocate funds, local taxes and duties.

Describing the process of Ukrainian efforts of power decentralization, we should start with the first attempts to introduce the decentralization of state power in Ukraine which date back to 1998. However, the turning point in transition from the centralized to the decentralized system of public administration was the Revolution of Dignity. It was the evident fact that concentration of power in so called “one hands” is a real threat to the existence of the independent democratic state and its further development. Thus, after the Revolution of Dignity in 2014 there was the democratic initiative to make the local self-government reform and provide decentralization of state power for the sake of introducing democratic principles and ensure economic and social stability in Ukraine.

The issue of power decentralization in public administration has become one of the priorities for the new Ukrainian government in 2014. On the one hand it is the indicator of the Ukrainian society democratization, on the other hand, it provides delegation of some authorities and allocation of economic resources to the local communities. Such changes affect almost all areas of society life: education system, healthcare, social and cultural sphere, housing, communal services, administrative services, budgeting, taxation, land resources utilization, self - organization of citizens, civil society development, etc.

Decentralization of state power is a form of democracy which provides local citizens free access to governing their community. This way it involves local public society in considering the community problems. Besides, it saves the local taxpayers' money on the state apparatus maintenance.

There are some historical stages of this reform. We will consider them.

In 1990, Ukraine adopted the law “On the local and regional self-government”. However, in comparison with Poland, Ukraine did not receive the local government

structure required for effective local self-government performance (the village councils' level).

The matter is that village councils were too small to perform substantial local government functions. That is why, considerable economic and managerial functions must have been delegated to the higher levels of the local government. Thus, some functional kinds of the local self-government authorities could be delegated only to the level of cities and regional councils according to the Polish, French, or Latvian reform models. The fact was that Ukraine could not use that model and needed its own local government reform style which would take into account some elements of positive experience of the countries mentioned above.

Unlike other former socialist states, Ukraine does not have much time for reforms and has to implement simultaneously the reforms in local self-government, administrative structure, and state regional policy. And at last, the decentralization of power reform concept was adopted in 2014-2015.

The Ukrainian model of the power decentralization reform of 2014-2015 has such legislative basis:

- The Law “On cooperation of territorial communities” was adopted;
- The Law “On voluntary amalgamation of communities” was adopted;
- The Law “On fundamentals of state regional policy” was adopted;
- A number of laws on urban development were amended;
- The Budget of decentralization was adopted.

Let us consider what has been changed in the budget system of our cities and villages. As a result of power decentralization, the local budgets have been substantially increased because local taxes and duties were left on the local level.

It should be mentioned that the main idea of the current decentralization of power reform lies in transformation of the economically weaker small settlements into the territorial communities that are able to provide local citizens with the appropriate local services.

There was an EXTENSION OF GENERAL FUND RECEIPTS to the local budgets owing to additional incomes:

- 100 % of the state duty
- 100 % of payments for administrative services provided at the local level and paid to the state budget (all of them will be sent back to the local budgets)
- 10% of the corporate income tax in the private economy sector

Moreover, additional revenues to the local budgets have appeared.

1) It is the fee for retail sale of excisable goods with the rate of 2%-5% of the sold product price.

2) Besides, there are transfers from the development budget:

- the tax on immovable commercial (non-residential) property (extension of the tax base of the real estate tax);

- the single tax;

3) Transfer of the environmental tax (except for radioactive waste) from the special fund, with the crediting ratio increased to 80% (effective norm – 35%)

Thus, fiscal decentralization since January 1, 2015 has provided redistribution of assets in favor of the local budget in such quantities:

- 10% of the income tax,
- 80% of the environmental tax,
- 100% of the real estate tax;
- 100% of the excise duty (the duty on such goods as alcohol, cigarettes, oil products), which is a new local excise duty.

The existing local budgets system varies at different local government levels.

There are 3 budget levels: **regional budgets, budgets of cities and city districts, districts, budgets of unified territorial communities.** And respectively there are 3 types of receipts to be aligned:

- **corporate income tax 10% (goes to the regional budget) ,**
- **individual income tax 15% (goes to the regional budget),**
- **individual income tax 60%(goes to the budgets of the cities of regional subordination and districts budgets of unified territorial communities).**

In the result of the decentralization of power reform we have got:

- a lot of cooperation agreements between the territorial communities which have been made;

- 159 amalgamated communities have been set up with the further local elections;

- revenues of the local budgets have increased from 20% to 40%.

- funds at the regional level are not to be distributed ‘manually.’

In conclusion we should sum up that the local government transformations are in progress and the process is not an easy one. And it is accompanied by a lot of problems to be solved:

- the normative-legal basis needs accurate definitions;
- relating institutional capacity needs strengthening;
- active cooperation of the local government agencies and public organizations needs further development;
- integrated center of the reforms implementation is needed;
- coordination of donor programs is required.

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CREATION OF PUBLIC MANAGEMENT AS A BASIS OF STATE AND BUSINESS PARTNER RELATIONS DEVELOPMENT

Розглядаються поняття «державне управління» та «менеджменту» та різниця між цими концепціями відносно адміністративних реформ, які мали місце починаючи з кінця 20 сторіччя та застосування нових понять у системі державного управління.

Key words: management, public administration, managerialism, administrative reform, industrial financial groups.

Dissatisfaction of citizens with rigid forms of public administration brought up its active reformation which has resulted in administrative reforms at the end of the twentieth century. Processes which began in the countries of Europe and the USA were not simple changes in the style of management; they reflected the changing role of public administration. An idea was forming at the same time with increasing democracy in a society that the authorities were formed by people and had to rule by these people's task. The main idea of administrative reforms was to try to create more flexible and more effective system of public administration, directed at the client-citizen, to perform a transition from administration to management [1].

There is a difference between the concepts of public administration and management. Public administration is the practical, organizing and regulative activity of the state over the social and private life activity of people in order to organize, maintain or transform it which is supported by its authoritative power. A management is a process of planning, organizing, activation and controlling an organization with the purpose of achievement of human and material resources coordination necessary for effective achievement tasks. Yuri Sharov relates to these concept notes in his monograph that public administration focuses on procedures and control of orders correct implementation [1]. There is often a situation when the observance of rules planned as a method transforms into a goal in itself, and managers come forward as persons who execute orders received from someone. A management not only embraces a governing process, but also foresees clear view of an ending socially defined result, maximally effective organization of actions for aims achievement and real responsibility for a result [1].

A term "managerialism" appeared at the beginning of the 90th. Ideology of managerialism asserts that management principles have a universal character and in an equal degree can be applied to governing a state and business to an owner's good. Managerialism gets in to the system of public administration in the process of

importing methods of business management, where criteria of a quality performance are such factors as:

- the profitability;
- the efficiency;
- the responsibility for a result.

Purposes are clear in the ideal world of managerialism. Personnel is highly motivated, there is an attentive attitude towards material expenses and procrastination is eliminated. This ideal is being realized by means of introducing best business practice adopted from a private sector [2].

Since Ukraine came to independence it has become evident that the existent system of public administration is unable to provide the transition of the society to the new high-quality state, the leading sign of which is consideration of a person, citizen with his/her needs and interests as the main source of determination of imperious and administrative structures activity aims. Realization of large-scale administrative reform in Ukraine is seen not as one of the many circles of redistribution of power authorities but as conceptually conscious transition to the new "philosophy" of management.

To our opinion this question can be solved with bringing to consideration questions of large businesses representatives and top-managers of industrial financial groups (IFG), which theoretical knowledge is actually needed and successfully use them in practice. Speaking about IFG it should be mentioned that they have the strategy of the development program. On IFG registration these groups are given the technical and economical project of IFG forming, conclusions of corresponding branch ministry or department of Ukraine, State property fund Ukraine, Antimonopoly committee of Ukraine in relation to expediency of IFG forming, concerning technically economical substantiation report and General Agreement that plays an important role in economic development of a country.

Thus it is seen to be proper to bring in to patronage service top-management on positions of advisers and secretaries of ministers. Due to it managers will develop the strategic program of the state development on the basis of political direction. For the receipt of excellent results every ministry must develop the intermediate short-term plan of operating for next year and hold the responsibility for his introduction. Except for once in a quarter it is necessary to collect the council of ministers and their advisers for implementation control of the development program. At the end of a year it is necessary to oblige ministers to lay out job results and financial statement on the internet sites of respective ministries and in MASS-MEDIA for the public could get acquainted with them.

Certainly there is a question about lobbying interests on the part of large business representatives. A possible decision to this question may be preferences granted on the side of the state. Thus it is possible to improve partnership relations of executive authorities and large business.

In relation to partnership relations at a local level a very effective direction is a contract management in public administration. Due to it city authorities will get not

only high-quality services but also will learn to fold a corresponding competition to the private enterprises. Such competition will assist to development at least two factors:

- 1) business qualities of civil servants;
- 2) respect to the client (in our case to local community).

But in such relations the state must remain a strong supervisory and regulative factor. The state must be a guarantor and partner of both strong economy and civilized socially incorporated society, initiator or engine of a whole series of additional democratic mechanisms at central and local levels.

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FIVE REQUIRED STEPS FOR RUNNING THE REFORM OF DECENTRALIZATION IN UKRAINE

Досліджуються основні підходи до визначення децентралізації. Обґрунтовано необхідність децентралізації влади для України.

Key words: decentralization, approach, definition, European experience, local government, instrument, economic growth.

Developed countries experience in the sphere of economic growth shows the modern way to optimal, balanced and effective economy which leads to social well-being. This way is decentralization of power in Ukraine.

Decentralization has become an important international development in the public sector of European countries in recent years. The introduction of self-governing trusts serves as a paradigm case of public sector decentralization, managerialism and marketization. Local managers are able to develop their own arrangements in order to improve their economy.

In accordance with the Strategy for Sustainable Development "Ukraine 2020" the decentralization of power is one of the immediate priorities of implementation of the Strategy.

Decentralization means delegating considerable authority and budgets from the state bodies to the bodies of local self-governance, to entrust as much authority as possible to the bodies operating closest to public, where this authority can be exercised most successfully.

There are five required steps for running reform:

Step 1 - Defining the territorial boundaries of the local self-governance bodies and executive power. According to Reform Concept we are building simple and logical system of the local self-governance. This system can ensure normal and comfortable life for the residents of the Ukrainian villages and settlements. That is the way the local power provides services for the population, the streets' lighting or garbage disposal, while the government deals with macro-economy or state policy.

Step 2 - Dividing the competences between the local self-governance bodies of different levels. Competences most vital for peoples' life should be transferred to the power level closest to them.

Competences within the community:

- Preschool and school education
- Primary medical care and first aid
- Utilities
- Public safety and order
- Fire department
- Social protection

Competences within raion:

- Specialized school education
- Sport schools, boarding schools etc.
- Secondary medicine, general hospitals

Competences within the region:

- Vocational schools
- Specialized medical care, oncology centers, cardio-centers and others

Regional development planning реження

- Natural resources preservation
- Roads and other components of regional infrastructure

Excessive competences at the oblast' or regional level lead to the decline of the local self-governments. Therefore the life of local communities will be bad.

Step 3 - Dividing the competences between the local self-governance bodies and executive power bodies. Delegating the competences of the local state administrations to the local self-governance bodies. The executive power will retain only control functions. Over the recent year power has been only centralized further. More and more functions were transferred to the executive power. Even permits for construction or marriage licenses were within state executive power authority. The

budget expenses were growing. Meanwhile corruption chains taking bribes from citizens were growing too.

Step 4 - Identifying the scope of resource needed at each level. The budget system should be renewed completely. When the size of raion or community increases additional resources appear at local level. They could be efficiently used. The residents of villages and small towns will only win, because it is the very level at which money is needed, for example for public works – road repairs, law and order, elementary school, fire service etc. All the local budgets will uphold direct contact with the state bodies. Therefore, the money to the local community will be floating stably and expenses would be predictable. Local taxes will become the basis for the local budget, which depends directly on community and its power. It will motivate the authorities to collect taxes and the residents – to pay them. The capacities of local budget will be enhanced. This is the necessary condition for the development of the local economy. The administrative obstacles for small and medium businesses development in the larger community areas will be removed. New work places will be created. The revenues of the local budget will increase.

Step 5 - Making local self-governance bodies accountable to their voters and to the state. People will become aware that the quality of the local power operation will depend on their voting. So the quality of life will depend on the residents themselves. We will introduce the local self-governments' accountability not only to their voters for their successful operation, but also to the state – for its legality. The reform is needed so that Ukrainian citizens could elect their own respected local authorities. They will have competences, sufficient resources and responsibility. Decentralization will give people a chance to form their own future, in which they will live, bring up their children, take care of the elderly [3].

According to the monitoring of the National Council reform, the tasks of decentralization which were set for 2015 are met by 84%. 159 united local communities were formed in 2015, which included 794 village and city councils. They have already passed the first election of heads of councils.

According to the amendments to the Budget and Tax codes local governments received the additional budget authority and the stable revenue sources for the implementation of regional projects. In 2015 the volume of own resources of local governments increased by 42.1% - to 29.6 billion grn.

The legislative changes were adopted to transfer functions of the State Architectural and Construction Inspection in building sphere to the places.

The bodies of local government get full control of the development the implementation of urban development projects - from the allocation of the land to the adoption of objects in exploitation [4].

These approaches are oriented on describing how governments can improve social planning and maximize the welfare of local citizens with using most effective instruments.

So, decentralization process in the developed country analysis allows making the following conclusions:

Nowadays decentralization has become effective instrument of European countries' economic growth. In the context of European integration it's necessary for Ukraine to use such positive experience for economy optimization.

Developed European countries experience shows the democratic way of political and administrative system reforming that can be investigated and practically approved in Ukraine.

Different viewpoints on decentralization understanding are explained by different approaches which are using by European economists.

European experience is absolutely meaningful and needs to be more investigated. But the European model of economy can't be fully implemented in Ukraine because of differences in historical issues. Ukraine must find its own optimality given its tradition, geography, economy, income level, social structure and political choices. The choice between centralization and decentralization is the main part of political economy perspective.

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GUARANTEES OF CITIZENS' RIGHTS AND FREEDOMS IN UKRAINE

Аналізуються підходи щодо гарантування прав та свобод громадян в Україні, включаючи права національних меншин. Пропонуються перелік невідкладних заходів щодо впровадження прав та свобод громадян в Україні.

Key words: human rights and freedoms, protection of minority rights, respect for the rule of law and human rights.

There is an urgent need to ensure full respect for the rule of law and human rights in Ukraine in order to guarantee the enjoyment of human rights for all,

including minorities. In doing so, it is proposed that immediate recommendations on overcoming human rights challenges be implemented as a matter of priority. However, underlying human rights violations that are among the root causes of the protests and continue to negatively impact on the situation must also be addressed in the long-term. It is important that the Government demonstrates commitment and pursues a public and inclusive debate on necessary legal and policy reforms, and where possible, takes concrete steps towards the implementation of some of the long-term recommendations, as outlined in this report.

As a matter of priority for the Government during this crucial period, is to immediately address possible instances of speech that advocates national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence in order to de-escalate tensions and ensure an environment that is conducive to the holding of free and fair elections. Political leaders should be encouraged to send messages of inclusiveness and counter hate speech and other manifestations of extremism. That will play an important role in promoting a culture of tolerance and respect. Any public statements that incite national, racial or religious hatred should be unequivocally condemned, promptly investigated and adequately sanctioned, to ensure that such discourse is not condoned in society.

During this sensitive period for the country, the protection of minority rights is clearly both a human rights imperative and key to conflict prevention. In the current context, the adoption of measures to reassure all members of minorities regarding respect for their right to equal participation in public affairs and public life is urgently needed. The conduct of public affairs covers all aspects of public administration, as well as the formulation and implementation of policy at international, national, regional and local levels. Therefore, a mechanism should be put in place to ensure full consultation of minorities, including numerically smaller minorities, in decision-making processes at the central, regional, and local levels.

A number of priority human rights concerns and corresponding reforms need to be addressed in the short, medium and long term. Irrespective of the fact that systemic shortcomings may be only remedied in the medium and long-term, it will be important to pave the way immediately through a series of initial measures that will build confidence and reassure all people, including minorities, that their concerns will be addressed. The international community and the UN in particular, can and should play a role in supporting an environment where the human rights of all, including minorities and indigenous peoples, can be best promoted and protected. Without an independent and objective establishment of the facts and circumstances surrounding alleged human rights violations, there is a serious risk of competing narratives being manipulated for political ends and leading to divisiveness and incitement to hatred.

Recommendations for immediate action

1. Ensure accountability for all human rights violations committed during the period of unrest, through securing of evidence and thorough, independent, effective and impartial investigations, prosecutions and adequate sanctions of all those

responsible for these violations; ensure remedies and adequate reparations for victims.

2. Ensure that any lustration initiatives are pursued in full compliance with fundamental human rights of persons concerned, including right to individual review and right of appeal.

3. Ensure inclusivity and equal participation of all in public affairs and political life, including members of all minorities and indigenous peoples and establish a mechanism to facilitate their participation.

4. Ensure that legislation on minorities, in particular on linguistic rights, is adopted following full consultation of all minorities concerned and according to relevant international and regional human rights standards.

5. Ensure the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the International Covenant on Civil and Political Rights. A conducive environment to the forthcoming elections will also require the Freedom of expression, assembly and association, which are essential conditions for the effective exercise of the right to vote and must be fully protected. This includes: freedom to engage in political activity individually or through political parties and other organizations; freedom to debate public affairs; to hold peaceful demonstrations and meetings; to criticize and oppose; to publish political material; to campaign for election; and to advertise political ideas.

6. Ensure freedom of expression for all and take all measures that will ensure the safety of journalists, media professionals and human rights defenders so that they are able to play their full role in the run-up to elections, in shaping the future of their country.

7. Adopt legislation and other measures needed to ensure the right to peaceful assembly in compliance with the requirements of article 21 of the International Covenant on Civil and Political Rights. In particular, ensure that the principles of necessity, proportionality, non-discrimination and accountability underpin any use of force for the management of peaceful assemblies.

8. Prevent media manipulation by ensuring the dissemination of timely and accurate information. Take action against deliberate manipulation of information, in compliance with international standards of freedom of expression and in full respect of due process guarantees.

9. Combat intolerance and extremism and take all measures needed to prevent advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and punish such incitement or acts of violence, which is of fundamental importance. A careful balancing act must however be maintained, with fully respecting the right to freedom of expression.

10. Take resolute steps to prevent negative stereotyping of minority communities in the media, while fully respecting the freedom of the press. Efforts to train media professionals must be increased, including by further promoting the visibility and effectiveness of the work of the national union of journalists in this regard.

11. Put in place, as a matter of priority, all legislative and policy measures needed to effectively eradicate corruption.

12. Closely cooperate with the HRMMU and act upon its recommendations and steps needed to provide protection for persons at risk.

13. Reform the administration of justice system so that it functions independently, impartially and effectively; reform the security sector so as to ensure that it functions in full respect of international norms and standards; provide for full accountability for human rights violations.

14. Strengthen rule of law institutions so that they fully comply with relevant international and regional human rights norms and recommendations of human rights mechanisms.

15. Review legislation and policies applicable to the management of peaceful assemblies, and if necessary, modify them to ensure their compliance with human rights standards. In particular, these should specify that the principles of necessity, proportionality, non-discrimination and accountability underpin any use of force for the management. In this regard, particular attention should be paid to the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

16. Ensure that such policies, practices and instructions are observed through rigorous training for the personnel involved. In particular, effective internal oversight mechanisms must be put in place in order to review all incidents of injury or loss of life resulting from the use of force by law enforcement personnel as well as all cases of use of firearms during duty.

17. Ensure the institutional independence of the State Bureau of Investigation, under Article 216 of the new CCP, which provides for its creation within five years (as of 2012) to enable it to investigate allegations of human rights violations committed by judges, law enforcement officers and high-ranking officials. It will be very important to ensure that this new body is independent from the Prosecutor's Office. Public accountability and sufficient resourcing is essential to enable it to function effectively, promptly, independently and impartially.

18. Take concrete steps to redress disparities in standards of living and equal access to and quality of health, education, employment, and social support structures for all, including marginalised communities throughout the country.

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Наукове видання

**АКТУАЛЬНІ ПРОБЛЕМИ
ДЕРЖАВНОГО УПРАВЛІННЯ ТА МЕНЕДЖМЕНТУ**

Матеріали
студентської науково-практичної конференції
(м. Дніпро, 23 травня 2016 р.)

Доповіді друкуються в авторській редакції

За точність викладеного матеріалу відповідальність покладається на авторів

Формат 60x84 1/16. Папір № 1. Ум. друк. арк.2,25. Обл.- вид. арк. 2,03.

Дніпропетровський регіональний інститут державного управління
Національної академії державного управління
при Президентіві України

Україна, 49044, Дніпро, вул. Гоголя, 29
Свідоцтво про державну реєстрацію
ДК № 1743 від 06.04.04