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BETWEEN POLITICS AND PUBLIC SERVICE (STATE SECRETARY OF THE MINISTRY IN UKRAINE)

Abstract. The article highlights the delimitation of functions between the political positions (Minister) and the public service (State Secretary of the Ministry) in a frame of present reform of public administration in Ukraine. It was proposed to limit the functions of the State Secretary of the Ministry and direct them on personnel management and general organizational issues within the Ministry (no responsibility for public policy sectors).

Keywords: state politics, public service, Minister, State Secretary of the Ministry, the delimitation of functions.

МІЖ ПОЛІТИКОЮ ТА ДЕРЖАВНОЮ СЛУЖБОЮ (ДЕРЖАВНИЙ СЕКРЕТАР МІНІСТЕРСТВА В УКРАЇНІ)

Анотація. У статті висвітлені питання розмежування функцій управління між політичними посадами (міністр) та посадами державної служби (державний секретар міністерства) на сучасному етапі реформування системи державного управління в Україні. Функції державного секретаря міністерства пропонується обмежити управлінням персоналом апарату міністерства та загальноорганізаційними (без прямої відповідальності за сектори державної політики).

Ключові слова: державна політика, державна служба, міністр, державний секретар міністерства, розмежування функцій.

МЕЖДУ ПОЛИТИКОЙ И ГОСУДАРСТВЕННОЙ СЛУЖБОЙ (ГОСУДАРСТВЕННЫЙ СЕКРЕТАРЬ МИНИСТЕРСТВА В УКРАИНЕ)

Аннотация. В статье освещены вопросы разграничения функций управления между политическими должностями (министр) и должностями государственной службы (государственный секретарь министерства) на современном этапе реформирования системы государственного управления в Украине. Функции государственного секретаря министерства предлагается ограничить управлением персоналом министерства и общеорганизационными (без прямой ответственности за сектор государственной политики).

Ключевые слова: государственная политика, государственная служба, министр, государственный секретарь министерства, разграничение функций.

Target setting. There are some current issues in Ukraine connected with its democratic way of development. They are the delimitations of political and administrative positions in the state bodies, including executive power positions. This is a longstanding problem that causes the other ones, and affects the effectiveness of the public administration system in Ukraine.

First of all this delimitation is related primarily to the delimitation between political and administrative functions within the Ministry headed by the Minister – is a politician and member of the Cabinet. Meanwhile

members of the Ministry are public servants.

Nowadays the modernization of public service in Ukraine is aimed at ensuring the political neutrality of public servants as well as the delimitation of political and public service positions.

Due to the Law of Ukraine “On Public Service” from May the 1st, 2016 [2] there were de jure introduced the positions of the State Secretaries (hereinafter – State Secretaries) of Ministries as heads of Public Service. According to the Law and contest the Deputies of Ministries take responsi-

bilities of State Secretaries of Ministries, however no longer than before the 1st of January, 2017 [2, p. XI]. De facto, the positions of State Secretaries in Ministries should be introduced since the 1st of January, 2017.

The State Secretary is the highest position in Public Service in public body [2, art. 2] therefore it is between politics (Minister) and the Public service (Ministry's structure, which is mainly represented by public servants).

Analysis of recent publications on issues has showed that the delimitation of positions in public administration including political and administrative ones challenges lengthy debate among researchers and practitioners. Formation and functioning of executive power in Ukraine was investigated by V. Averyanov, V. Bakumenko, O. Vavlevsky, N. Honcharuk, S. Dubenko, I. Koliushko, O. Krupchan, V. Malynovsky, V. Melnychenko, T. Motrenko, N. Nyzhnyk, V. Oluyko, N. Plakhotnyuk, S. Serohin, V. Tymoschuk and others. The debate is still going on, and the practice of public administration requires scientifically based developments. Further research should be determined to clarify unsolved aspects of that issue.

The purpose of the article is to investigate the delimitation of functions between political positions (Minister) and positions of Public Service (State Secretary of the Minister) in a frame of present reform of public administration in Ukraine.

The statement of basic materials. The Concept of administrative reform in Ukraine [3] from 1998 indicated the need to "enhance the role of ministers as politicians and delimitate the status

of Ministers from the status of public servants". Unfortunately, this concept has not been implemented. That is why a number of issues mentioned in the Concept are implemented from time to time because they still have sense nowadays. Nevertheless, certain issues should be clarified.

To our mind the most urgent issues [3] are:

- minister is a member of the Cabinet and therefore as a political figure (politician) is not a public official (servant);
- the Ministry consists of public servants and chaired by a public servant;
- the features of the "politician (politics)" status are in three key points: special order of appointment; special manner of dismissal; in specific aspects of responsibility such as public accountability for the consequences of any activities;
- Minister should perform all political functions in the ministry, the main of them are: to define the relevant government policy and ways of its implementation in the Ministry and certain sector of public administration;
- Other officials of the Ministry are public servants, together with the rest technical and other workers are the staff unit of the Ministry. That unit is headed by one of the deputy minister, who is a public servant and is appointed and dismissed by the Cabinet of Ministers on the proposal of the governing body of public service. The job title of deputy minister offered is the Chief of the Minist-

ry staff unit. That position gives opportunity to the Minister to be free from administrative and functioning responsibilities as well as ensure the stability, avoid the impact national policy and political figures changes, perform the professional succession in the work of the ministry staff unit.

It should be noted that Ukraine has implemented the state secretary and head of staff unit positions. 2016 saw “the State Secretary” (including ministry) again. However, due to the Law of Ukraine “On Public Service” [2] there were some changes in the text of the Law of Ukraine “On the central bodies of executive power” [5]: the words “Deputy Minister – Chief of Staff Unit” is replaced by “the State Secretary of the Ministry”.

We believe that the delimitation of positions is a part of modern system of public administration in Ukraine, meanwhile the essential elements of the concept of “position” in public administration are: social role, functions, level of power. The activities on political and administrative positions are absolutely different. Functions are essential features of “position” concept in public administration, activity in the political and administrative positions in government are fundamentally different [6, p. 133–135; 7, p. 57–62].

Political leaders (political positions in public administration) make political decisions, both in internal and external aspects, and take are personal responsibility for setting priorities and policy focuses. Thus, the most critical public and social needs were taken into account and settled while making their decisions. Politicians endowed with the

highest level of power. The Constitution of Ukraine [1] assigns these functions to the President of Ukraine; Verkhovna Rada of Ukraine; Cabinet of Ministers of Ukraine. The positions of the President, members of parliament and government of Ukraine are the nationally highest public positions. The responsibilities of political positions include the formation (acceptance, approval legislation) of state policy, legislation (legal framework) of our state, and the main directions of state policy and life of the society as a whole.

The political functions of the government consist in determining (shaping) of the Policy of Ukraine, together with such institutions as the Verkhovna Rada of Ukraine and the President of Ukraine. Political government functions are primarily written in the program of President’s activity. In our opinion, the Minister (Politician) should demonstrate political functions regarding relevant spheres of government policy and take personal responsibility for its effectiveness.

In this case, we can note that the positions of members of the Cabinet of Ministers of Ukraine belong to political positions, and they are not covered by the law on public service [4, p. 6].

Most of the administrative functions – administrative functions in public administration should be demonstrated by officials on administrative positions. The professional activities of public servants are in practical performing of the state (society) tasks and functions. They are responsible for development of proposals for public policies, priorities, preparation and reasoning of political decisions and their implementation.

According to the Law of Ukraine “On public service” [2] the State Ministry as the highest public service position demonstrates his duties on public service issues and organization of other workers in that state body [2, art. 2].

In our opinion, the Law of Ukraine “On public Service” [2] pays more attention to the State Secretary of the Ministry functions regarding staff management in the Ministry. Namely, State Secretary of the Ministry: 1) organize the planning of personnel work, including organizing the competitions for vacancies (public service categories “B” and “C”, provides transparency and objectivity of competitions in accordance with the requirements; 2) provides career planning, the planned replacement of public service professionals trained in accordance with the requirements of professional competence and encourages promotion; 3) ensure publication and informing the central executive body about vacant public service positions in order to create a general list of vacancies; 4) appoints citizens of Ukraine who passed the competitive selection for vacant public service positions in categories “B” and “C”, or dismisses from these positions; 5) confers public service rank to the public servants according to their positions of public service category “B” and “C”; 6) ensure the training of public servants of the state body; 7) plans trainings as to improve the level of state language of public servants as well as regional or minority languages specified by the law, or foreign language – the official languages of the Council of Europe, if that requirement is a must; 8) controls the executive and official discipline in the public body; 9) considers the com-

plaints against the actions or ignoring by public servants who hold the state “B” and “C” positions of public service; 10) take within their duties decisions on promotion and disciplining of public servants who hold positions of public service category “B” and “C”; 11) serves as the employer in respect of public employees who are not public servants; 12) provides the appropriate conditions and technical support; 13) performs other powers in accordance with that and other laws of Ukraine [2, art. 17].

At the same time the Law of Ukraine “On the central executive bodies” [5] focus shifts to the organizational functions of the Ministry, they are to: 1) organize the work of the staff unit of the ministry; 2) ensure the preparation of proposals on behalf of the Ministry and give for consideration to the Minister; 3) organize and control the Ministry regarding following the Constitution and laws of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, orders and instructions of the Ministry, Minister, and his Deputies, in addition report on their implementation; 4) prepare and give for approval of plans of the Ministry to the Minister, report on their implementation; 5) form the state budget policy in coordination with the central executive body, approve the staff unit list and budget of the Ministry [5, p. 10]. Also, besides the functions of Ministry human recourses management it is added the function [5] of regional human recourses management of different offices, enterprises, institutions and organizations belonging to the Ministry (p. 10–13, art. 10). In our opinion, it is the function of human recourses management of different of-

fices, enterprises, institutions and organizations belonging to the Ministry (appointment, dismissal of managers and their deputies, disciplining of managers) that should not be attributed to the functions of the Secretary of the Ministry. For the Secretary of the Ministry has to take responsibilities for administrative management of the staff unit of the Ministry, strict compliance with current legislation, stability and independence of the Ministry on change of politicians and promote the professional continuity in the work of the ministry staff.

Also it should be noted that the Law of Ukraine "On the central executive bodies" [5, art. 9] asserts that the post of first Deputy Minister and Deputy Ministers belong to political positions (they are not covered by legislation on public civil service). Minister defines the duties of the first Deputy Minister, Deputy Minister, division of their duties and responsibilities between the First Deputy Minister and Deputy Ministers, which they can carry out in his absence [5, art. 8]. The First Deputy Minister, Deputy Ministers give mandatory for public servants and staff of the Ministry and its territorial bodies [5, p. 9].

In practice, the function of Deputy Ministers in a certain way can interfere the functions of the State Secretary of the Minister, who is also responsible and under the control of the Minister. Therefore, the current legislation should clearly delineate the functions of Deputy Ministers and functions of State Secretary of the Minister.

It should be mentioned that Ukraine has no clear, legislated definition of sectors of public administration. In our opinion, it would be logical that the

Minister takes responsibility for formation and implementation of one or more sectors of public administration. Depending on that at fact the Minister would have one First Deputy, or in addition a number of Deputy Ministers, all of which would be responsible for certain shears of state policy. Thus, political function and responsibility of the Minister and Deputy Ministry (s) are divided constantly, but not only in period of absence of the Minister.

In our view, the functions of State Secretary of the Ministry should be limited and focused only on personnel management system and general organizational issues of the Ministry without direct responsibility for public policy sectors.

Conclusions. Thus, at the present stage of public administration reform in Ukraine there is a need:

- return to the Concept of administrative reform (new version) as a long-term holistic document;
- consider the delimitation of political and administrative positions as part of the streamlining of functions of current system of public administration in Ukraine;
- fix the dividing of public administration into sectors legislatively;
- fix the responsibility of the Minister as a politician (which he shares with his deputies) for a certain sector or sectors of public administration. Minister (politician) should demonstrate political functions regarding relevant spheres of governmental policy and take personal responsibility for its effectiveness;
- avoid identification or substitute the functions of Deputy Minis-

ters and State Secretary of the Ministry (State Secretary — is not the Deputy Minister (in fact), as it was “the Deputy Minister — Chief of Staff Unit”;

- clarify the function of State Secretary of the Ministry regarding administrative management of Staff Unit of the Ministry, strict compliance with current legislation, stability and independence of the Ministry on change of politicians and promote the professional continuity in the work of the ministry staff;
- delineate the functions of the Minister and State Secretary of the Ministry. Functions of the State Secretary of the Ministry should be limited and focused on personnel management in the Ministry and general organizational issues (no direct responsibility for public policy sectors).

Further scientific researches should be related to improvement of the functional and organizational structure of Ministries taking into account the process of delimitation of political and administrative functions.

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