

ETHICAL CONDUCT AS THE PRINCIPLE AND THE MEANS OF GOOD GOVERNANCE IMPLEMENTATION: UKRAINIAN CONTEXT

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INTRODUCTION

In terms of fundamental social change, the search and establishment of the fundamental bases of existence of the state, operation of the public administration institutions, and forming a space of dialogue and trust between government and citizens are particularly urgent. Ukrainian state is experiencing a period of significant transformation and seeks to build an updated model of public administration activity whereby the national bureaucracy will serve the people of Ukraine and every citizen properly, respond to social challenges adequately, and provide high-quality public administration services.

The concept of governance places a new emphasis on power-management relations. “Since governance is the process of decision-making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision”, state the Guidelines entitled *What is Good Governance?*, developed by the United Nations Economic and Social Commission for Asia and the Pacific¹.

These days, the concept of Good Governance have become increasingly popular in democratic countries. It provides for:

- building the public administration based on democratic principles of power separation, democracy, election and rotation of senior officials, accountability of executive institutions, rule of law, political pluralism and freedom of expression;
- efficiency of public administration as achievement of the set goals within the shortest possible period and with reasonable minimum consumption of public resources.

¹What is good governance? / United Nations Economic and Social Commission for Asia and the Pacific. URL: <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>. (дата звернення: 10.07.2019).

As the OECD Deputy Secretary General Mari Kiviniemi notes, "Good governance and effective functioning of the public administration system are essential for building and maintaining trust to the government, as well as developing the required structural reforms to improve living standards in community"².

Thus, the Overview, prepared by the Office of the High Commissioner for Human Rights (UN Human Rights) states that "there is no single and exhaustive definition of "good governance", nor is there a delimitation of its scope, that commands universal acceptance.... Depending on the context and the overriding objective sought, good governance has been said at various times to encompass: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance"³.

Construction of a new paradigm of "state – community" interaction requires special attention to moral and professional ethical components of public service. In this regard, the following aspects appear significant:

- moral values and professional and ethical principles professed and implemented at the level of the state, public service, organizations and individuals representing it,
- ethical behavior practiced by public servants, i.e. their implementation of professional and ethical standards in profession.

UN has identified 8 major characteristics of good governance, namely involvement, rule of law, transparency, responsiveness, commitment to consistency, fairness and openness, efficiency and performance, as well as accountability. All these characteristics have moral connotations.

Conceptual principles of good governance are embedded in the theory and practice of EU countries and reflected in EU Charter of Fundamental Rights.

The Council of Europe supports the implementation of Good Democratic Governance at local level and goes further in specifying its basic elements. Thus, the Declaration on a Council of Europe Strategy for

² Принципи державного управління / SIGMA, OECD, 2017. URL: http://www.center.gov.ua/component/k2/item/download/1059_3e518a4c7deb0237f31734179e9b17e0 (дата звернення: 10.07.2019).

³ Good Governance and Human Rights. URL: <http://www.ohchr.org/en/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx>. (дата звернення: 10.07.2019).

Innovation and Good Governance at Local Level defines 12 principles of Good Democratic Governance at local level: Fair Conduct of Elections, Representation and Participation; responsiveness; Efficiency and Effectiveness; Openness and Transparency; Rule of Law; Ethical Conduct; Competence and Capacity; Innovation and Openness to Change; Sustainability and Long-term Orientation; Sound Financial Management; Human rights, Cultural Diversity and Social Cohesion; Accountability⁴.

Thus, most importantly, Ethical Conduct is highlighted as a separate basic principle of good governance.

According to the SIGMA-developed Principles of Public Administration (November 2014), one of the key requirements put forward to the public administration is that "the civil service is clearly defined and observed in practice in a way that there were the existing policy and legal framework and institutional structure for professional civil service". And this also implies, according to principle 7, the establishment of measures on compliance with ethics, prevention of corruption and ensuring the discipline in the civil service⁵.

Good Governance strategy is based on the clear moral values and legal principles and, in turn, its ability is supported by ethical means. It means that ethical component plays the role of:

- basic semantic element of good governance;
- means and tools of such governance introduction.

In the context of social transformation, which is now occurring in Ukraine, the focus on implementation of good governance (including the ethical behavior) should become the guide for reforms in public administration and local government.

1. Ethical behavior as a principle of good governance in public service activities in Ukraine

As mentioned above, ethical behavior, above all, is a principle of good governance.

The principles of good governance are the fundamental ideas, guiding principles forming the basis of good governance and revealing its essence.

⁴ 15th Conference of European Ministers responsible for local and regional government (Valencia, 15–16 October 2007) – Valencia Declaration. URL: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d47c5. (дата звернення: 10.07.2019).

⁵ Гонціж Я. Державне управління в контексті європейської інтеграції / ГО «Лабораторія законодавчих ініціатив». Київ: Б.В., 2015. С. 25.

The principles contain the most generalized expression of moral requirements, set the direction, priorities forming the basis for good governance and which certainly should guide the public officials in their work.

Highlighting the ethical conduct as a principle indicates that it appears *integrated into a coherent system of good governance* and radically affects all its other components. Certainly, without observance of the ethical principle such as impartiality (including the political impartiality) in the activities of public officials, it is impossible to conduct fair elections; representation, involvement and accountability largely depend on the openness to dialogue and responsibility of the executive authorities; the feedback and sensitivity are implemented well when the officials realize their mission and social functions; openness and transparency demonstrate the willingness of the authorities to honest interaction with the public; efficiency and effectiveness, sound financial management work best when the goal is to serve the people and every citizen; the rule of law, focus on human rights are rooted in respect for the moral dignity; competence and capability are able to form the standards of bureaucracy professionalism only when combined with professional and ethical requirements; social cohesion is based on solidarity, mutual aid and trust as moral phenomena; taking into account the cultural diversity requires expression of tolerance; innovation and openness to change are determined by the desire to best respond to the community requests. And below are just some of the ethical dimensions of the good governance principles.

In my opinion, ethical component, also providing for ethical behavior of all the actors to the interactions, are *a profound value component, the basis for building good governance ideology*. It's no coincidence that designation of this type of governance as Good Governance refers us to its moral meaning.

In this context, it should be a balanced value-normative model of public service and public servant, relevant to the good governance goals.

Identification and clear articulation of the public service mission is the basis for building the entire system of public service and public servants' ethics; a factor of asserting the moral relations between government and citizens.

Professional purpose (mission) of civil servants in democratic countries is to serve their people and every citizen, and the mission of the

local self-government officials is to serve the local community and each of its representatives. A lack of this requirement in legal documents leads to misbalancing the value field of public service activity because it deprives the same of the central idea, the semantic foundation of the profession.

The Law of Ukraine on Civil Service defines that public, professional, politically impartial, effective, citizen-oriented civil service operates in the interests of the state and society.⁶ This approach, in my view, provokes semantic conflict of a civil servant in a situation where s/he needs to choose between the interests of the state and society. (In our analysis, we will focus more on the ethical principles of conduct of civil servants, since the common principles of service in local government will be subject to the same approaches as the government).

The General Rules of Ethical Conduct for Civil Servants and Local Self-Government Officials, clearly and with “democratic content” set forth the mission of service in the executive and local authorities; they focus not only on the service “focus” on citizens in general, but also the need to protect and promote the rights, freedoms and legitimate interests of each person and citizen. Therefore, they define that “the main goal of the civil servants and local self-government officials is to serve the people of Ukraine and local community, as well as to protect and promote the rights, freedoms and legitimate interests of a man and a citizen”⁷.

It is important what the civil officials believe to be the main purpose of their profession. In accordance with the survey conducted by the Democratic Initiatives Fund named after Ilko Kucheriv from 14 August to 7 September 2018, the civil officials call the following main purposes of their civil service: serving the people of Ukraine – 41.8%, protection and promotion of human rights and freedoms – 16.4%, ensuring a high level of social and economic development of the country – 15.7%, public welfare – 10.4%, timely and precise enforcement of resolutions passed by the state authorities – 9.7%, as well as serving the state – 6%.⁸ It means that civil servants have a diversity of views on their professional goals, and in this setting, the so-called bureaucratic governance values are predominating for a number of officials.

⁶ Про державну службу: Закон України від 22.01.2016. / Верховна Рада України. *Відом. Верховної Ради України*. № 4/2016. С. 60, Ст. 43.

⁷ Загальні правила етичної поведінки державних службовців та посадових осіб місцевого самоврядування. *Офіційний вісник України* від 27.09.2016. № 74/2016. С. 51, Ст. 2493.

⁸ Опитування державних службовців: Оцінка стану дотримання прав людини / ПРООН, Україна. URL: http://www.ua.undp.org/content/ukraine/uk/home/library/democratic_governance/civil-servants-survey-on-human-rights.html. (дата звернення: 10.07.2019).

Let's note that a specific feature of axiological sphere of modern public service is a focus on the complementarity of values:

- democratic, aimed at defending the democracy, i.e. to serve the public good, protection of human rights, citizenship, social justice, equality etc.;

- bureaucratic, aimed at rationality and proper fulfillment of duties, i.e. responsibility, professionalism, loyalty, diligence, accuracy etc.⁹.

If bureaucratic culture is a tool for the "top-down" deployment of a completed and initialed truth, the culture of democracy should be likened to a kind of... a device summing up the signals of thousands of rational sensors¹⁰. For a long time, there have been significant differences between bureaucratic and democratic culture in society.

The spread of bureaucratic values at the civil service of Ukraine is indicated by the answers of official respondents gave to a question about the principles of civil service, which are the most important for them as for civil servants (the respondent(s) could choose up to three options). So for 61.9% of the respondents, it is competent, objective and impartial performance of their official duties, as well as a continuous improvement of the civil servant's professional competence. The duty of a civil servant to act only on the basis, within the powers and in the manner envisaged by the Constitution and laws of Ukraine was called by 50.7% as one of the main principle. These guidelines reflect the focus of the Civil service of Ukraine on bureaucratic values. Instead, the democratic values, such as the priority of human rights and fundamental freedoms in accordance with the Constitution of Ukraine, as well as the dedication and faithful service to the people of Ukraine were called as the most important aspects by 46.3% and 28.4% employees, respectively. 29.9%, respondents consider the principle of integrity to be an important principle of civil service¹¹.

It should be noted that the focus of Ukrainian authorities not on service to people but on serving to the state or private interests led to the loss of understand the needs of the public, the community, and their individual social strata by governmental institutions, and partly to a lack of effective public service mechanisms.

⁹ Василевська Т. Е. Особистісні виміри етики державного службовця : монографія. Київ : НАДУ, 2008. С. 64.

¹⁰ Соловьев Э. Ю. Прошлое толкует нас : (Очерки по истории философии и культуры). Москва: Политиздат, 1991. С. 430.

¹¹ Опитування державних службовців: Оцінка стану дотримання прав людини / ПРООН, Україна. URL: http://www.ua.undp.org/content/ukraine/uk/home/library/democratic_governance/civil-servants-survey-on-human-rights.html. (дата звернення: 10.07.2019).

Currently, public administration and local government are doomed to stagnation, unless they "keep abreast" of public purposes, practice not only bureaucratic, but also democratic values in interactions with society, or attempt not to neglect the democratic methods in internal professional environment.

Identification of value foundations of public administration provides content and meaningfulness to public administration relations.

The behavior model of public administration representatives is largely shaped and maintained by traditions of relations between the people and authorities, their current practice of interaction, common understanding of the relationship between the individual, society and state, and determined by historical factors forming the deputies and the bureaucracy in various countries. For a meaningful reform of the public administration in general and public service in particular, it is important to know and take into account the social and national sections of their axiological sphere. Public administration institutions in Ukraine form an integral part of Ukrainian society and are influenced by its attitudes, spiritual guidelines and customs.

In turn, the values supported and implemented in public administration relations affect social axiological space, modify, enhance or distort it. In this context, the challenge (including the moral one) remains an issue of asserting one's own specificity in the context of globalization, universalization and unification trends.

This phenomenon is stressed by F. Fukuyama, repeating the Western analysts' opinion about the so-called "isomorphic mimicry", i.e. copying the external attributes of the government in developed countries, accompanied by the inability to replicate their results, as one of the biggest challenges for the state apparatus of developing countries¹². The researcher warns to fear the foreigners who bring the gifts of institutions. Foreigners rarely have sufficient knowledge of local temperament to understand what the design of a capable and robust state should be. The institutions are best created by the indigenous social actors able to use foreign experience and practice, who know well the constraints and opportunities arising from their history and traditions. Fukuyama's idea that nation-building needs to be supported by a parallel process of national construction is very important to understand the axiological basis of good governance in Ukraine and implement the principle of ethical behavior in public service

¹² Фукуяма Ф. Політичний порядок і політичний занепад. Від промислової революції до глобалізації демократії. Київ: Наш формат, 2019. С. 67.

activities. It adds moral component to the general norms and culture, common to all and reinforcing the legitimacy of the state¹³.

Ethical behavior of public servants as a principle of good governance, in turn, is based on certain values and principles.

The values of the democratically oriented civil service are human life, freedom and dignity, respect for it, justice, unity, solidarity, love of the native country etc. According to the aforementioned survey, the civil officials of Ukraine respect the same values as most citizens. Thus, the Top 5 basic values of civil servants included freedom (it was reported by 91.0% of public servants), fairness (84.3%), dignity (83.6%), security (80.6%) and equality (74.6%). The interviewed civil officials assigned the lowest rating to the value of wealth. Only slightly more than a third of the national poll respondent indicated it as the primary value¹⁴. The overall picture of the moral values of civil servants as subjects of good governance is rather attractive. However, questions about the sincerity of responses (confidence in the survey anonymity, lack of self-censorship, adequate self-esteem) and willingness to not only declare, but, most importantly, to implement the declared values remains open.

Regarding the principles of constructing the model of good conduct for civil officials, the ethical behavior of civil servants is based on the principles of public service, defined by the Law of Ukraine on Civil Service, as well as general requirements for the conduct of these persons, stipulated by the Law of Ukraine on Corruption Prevention¹⁵. Thus, the Law of Ukraine on Civil Service highlights the following principles: 1) the rule of law, 2) legality, 3) professional, 4) patriotism, 5) honesty, 6) efficiency, 7) equal access to public service, 8) political impartiality, 9) transparency, 10) stability¹⁶.

Summarizing the detailed analysis made earlier¹⁷, let me briefly mention that, in my opinion, when determining the principles of civil service, the legislators ignored such important principles as the principle of

¹³ Ibid. С. 321.

¹⁴ Опитування державних службовців: Оцінка стану дотримання прав людини / ПРООН, Україна. URL: http://www.ua.undp.org/content/ukraine/uk/home/library/democratic_governance/civil-servants-survey-on-human-rights.html. (дата звернення: 10.07.2019).

¹⁵ Загальні правила етичної поведінки державних службовців та посадових осіб місцевого самоврядування. *Офіційний вісник України* від 27.09.2016. № 74/2016. С. 51, Ст. 2493.

¹⁶ Про державну службу: Закон України від 22.01.2016. / Верховна Рада України. *Відом. Верховної Ради України*. № 4/2016. С. 60, Ст. 43.

¹⁷ Василевська Т. Цінності та принципи державної служби: етичні виміри. *Розвиток публічного управління в Україні: теоретичні, методологічні та практичні аспекти* : монографія / кол. авт. Горник В.Г., Кравченко С. О., Бакуменко В.Д. та ін.; за ред. Горника В.Г., Кравченка С. О. Київ: УкрСІЧ, 2018. С. 136–150.

democracy, humanity, impartiality (the Law provides for only one type of it, i.e. political impartiality), openness, tolerance, responsibility, and accountability. Lawmakers ignored the reflection of such an important principle as justice in the current Law of Ukraine on Civil Service. However, quite important principles of public administration activities, such as the principle of impartiality, accountability, meritocratic construction, equal access to civil service and, ultimately, the fairness, is a specific description of the principle of justice. Therefore, in my view, it is highly important to include the principle of fairness in the basic principles of civil service. Instead, only one of the manifestations of the principles of justice and the rule of law, i.e. ensuring equal access to the civil service, is fixed (in our opinion, unreasonably) as a principle. Also we should not isolate the principle of civil service such as stability, since it is an organizational consequence of the principle of political impartiality and so on.

If these principles are not stressed in the constructed model of activity and proper conduct of servants, it is very likely that they will be used in the actual practice of civil service.

2. Ethical behavior as a means of implementing good governance in Ukraine

Ethical behavior of public officials is not only a principle, but also the means of implementing the good governance. The tools of ethics allow achieving the results not reached by the other forms of social regulation, i.e. rights and traditions.

As for traditions, they preserve certain values, settings, and action algorithms, partly complicating and sometimes hindering the innovation processes in society. For example, in the system of public service of Ukraine the traditions of the priority of accountability to the state, not the people, absolute subjugation to immediate supervisors' decisions, leveling the personality, understanding public administration as the place to achieve wealth and personal privileges etc. are still tenacious.

Regulation of good governance actors is both a legal and a moral challenge. Morality, just like the law, declare the *need* to observe the behavior standards, but this need is completely different from the *coercion*. Forced morality devalues it as reasonable self-devotion and self-limitation. As A. Fernhem and P. Haven note, the people united by common ethical values, moral consensus and trust do not need a detailed contractual and

legal regulation of their relations¹⁸. In turn, *mixing* significantly different ways of control and regulation in the public service can lead either to "totalitarian" instructions, when the law would assume the functions of morality, or to anarchy in actions of public officials, in the case of moral regulation priority and neglect of the legal one.

Public officials sometimes find themselves in fairly complex situations of conflict between the requirements of law and morality, since legal provisions are not always consistent with moral demands. In these circumstances, it is difficult for the official to demonstrate with its behavior both commitment to laws and respect for moral principles, so s/he faces an ambiguous moral choice. Important factors in resolving such dilemmas are moral maturity and readiness of the bureaucracy representatives to such a choice.

The law is unable to regulate *all* aspects of the bureaucracy; legal mechanisms not supported by ethical guidelines may lose their effectiveness. Further, a number of violations are purely moral by nature, since they are not prohibited by law, but undermine public confidence in the government (vacation at luxury resorts, use of expensive housing, cars, the cost of which does not correspond to the welfare of citizens, public communication with dubious personalities not related to business, etc.). In the field of interpersonal professional communication, the law is unable to stand in the way of rudeness, arrogance, flattery, aplomb etc.

The scope of law is confined to evaluation of committed actions, while the morality evaluates both actions and thoughts of people. Thus, the moral (and professional ethics) guidelines for public service have a much broader influence than the legal rules. However, the ethical regulation should work not because the laws do not work or do not exist; it has its own peculiarities in arranging the public relations.

In this situation of the destruction of tradition and expression of the conservative nature of law, moral factors become the particularly important regulators of public administration relations.

Replacement external control (exercised through laws, codes, rules and standards of conduct, which can be avoided actually) with self-control provides for an automatic following of moral guidelines and a psychological ban on actions infringing the professional and ethical standards. Self-monitoring can be carried out both at the level of

¹⁸ Фернхем А. Хейвен П. Личность и социальное поведение; пер. с англ. Н. Мальгиной. Санкт-Петербург: Питер, 2001. С. 53, 55.

compliance, and the level of validation and internal recognition of standards. However, the proper moral self-regulation in professional life begins when a person does not merely *follow* the ethical rules, but also *acknowledges* and *internally recognizes* the mission of his/her profession and the rules serving its best possible implementation. The personal professional and ethical self-regulation can be supported by a belief in the moral maturity of a public servant, creating the opportunities for his/her full-fledged professional realization.

Still, to maintain high standards of the profession, it is important to distinguish and differentiate and search for the balanced ratio of areas of moral and legal regulation.

In my opinion, the realm of ethical regulation of public service in Ukraine has either been ignore or considered according to the "residual" principle, and now they cherish the hope that the established formal behavior standards will work automatically.

Since the beginning of the country's public administration reform, some progress has been made in the civil service reform. Specifically, the achievements in reforming the civil service and human resource management according to the experts is the introduction of the new Law on Civil Service, improved competitive selection for civil service; introduction of annual assessment of civil servants' performance; launch of the Civil service Applicants' Evaluation Center; protection of public servants against unlawful dismissal; strengthening the institutional capacity of the National Agency of Ukraine on Civil Service and staff management services; commencement of the reform of professional training of civil servants. All factors will certainly contribute to maintaining a healthy moral climate both in state sector and in society generally.

Regulation of the issue of ethics of civil servants is seen as a reform achievement. Ethical principles of Ukrainian public service, in addition to being outlined in the Laws of Ukraine on Civil Service and on Corruption Prevention have been clarified in the Order of the National Agency of Ukraine on Civil Service on the General Rules of Ethical Conduct for Civil Servants and Local Self-Government Officials, approved on August 5, 2016, which currently serve as the Code of Conduct for public servants in Ukraine.

It is worth mentioning that the rules, especially the ethical rules, "cover a wide range of actions as "standing orders", and though they

always mean a threat of sanctions, they are intended to achieve harmony without the need to resort to coercive sanctions for every action within their jurisdiction. They prescribe the actions to be taken under certain circumstances or context....our assessment of actions, their value, integrity, and acceptability, also depends on the context"¹⁹.

As F. Fukuyama notes, the best bureaucracy have the autonomy and use their own estimates to make decisions, taking the risks and innovations. The worst bureaucracies mechanically follow the detailed rules written by others. Ordinary citizens sometimes go crazy from officials unable to express common sense, insisting on thoughtless following of the rules²⁰.

Therefore, an important step in formation of good governance is not only compliance with norms and rules by officers, but also encouraging them to consider the ethical guidelines in the context of values.

I support the skepticism about the possibility of "implementing" the *moral* standards of conduct through legal means, since an act carried out under pressure loses its moral dimension. Concerns related to the legal consolidation of professional and ethical standards are related to the fact that legal regimentation narrows the field of ethical regulation; legislative confirmation hinders rapid response to changes in social and professional life; when there is a number of ethical violations, it is difficult to identify a clear legal guilt; in the law, which shall cover all areas of public service, it is difficult to take into account its peculiarities in various executive bodies; it is impossible to describe all possible violations of ethics in public service and carry out continuous monitoring of employees. Further, the outward directive intervention in the delicate sphere of personal moral values and principles is too rough, straightforward and may demonstrate disregard for the right to privacy and freedom of conscience of employees. Tight requirements may obstruct the leadership aspirations of managers.

I am convinced that, although often the codes of conduct in the system of public service usually represent the regulations, they become truly effective when they are understood philosophically, form a part of the man's personal world, enshrined internally and implemented in practice, that is acquire the nature of moral regulators. Otherwise, they function as

¹⁹ Стоун Д. Парадокс політики : Мистецтво ухвалення політичних рішень. Київ : Вид-чий дім «Альтернативи», 2000. С. 222.

²⁰ Фукуяма Ф. Політичний порядок і політичний занепад. Від промислової революції до глобалізації демократії. Київ: Наш формат, 2019. С.527.

external coercion; their implementation is associated with the danger of legalization of the forced "improvement" and violation of moral autonomy of the individual.

Currently, one of the significant indicators of good governance is compliance with the principle of integrity. The researchers are talking about the integrity of processes and organizations. Integrity is also an essential moral and ethical characteristic of the public servant's personality. The term of "integrity" is now used extensively to describe the requirements for public servants of Ukraine. The applicable Law of Ukraine on Civil Service considers integrity as one of the civil service principles.

In SIGMA report about the basic measures of implementing the Public Administration Principles covering the data for 2017 and key events until mid-May 2018, the value of the indicator for Ukraine for the key requirement of "civil servants' integrity" reaches only 2 points on a scale from 0 to 5. This indicator measures how laws, state policy and organizational structures promote integrity in the public sector, whether these measures are applied in practice, and takes into account the level of corruption perception in the civil service by the public²¹.

Regarding the legal framework and organization of the public sector integrity, the experts put high scores to the completeness of legislative framework and implementation of policy on the public sector integrity, whereas the availability of comprehensive policy and action plan on public sector integrity was rated very low. As for the public sector integrity in practice and its public perception, the perception of bribery in the public sector by business was rated at 2 points out of 4 possible, and the use of investigation in practice and bribery in the public sector in the eyes of citizens received 0 points. Therefore, the total score by the indicator of "civil servants' integrity" is 10 points out of 24 possible²².

Certain conclusions on the integrity of national civil servants can be drawn by looking at the ratings, in which our country participates. So, in 2018 Ukraine, ranked 120th among 180 countries in the global Corruption Perception Index (CPI), and 81st out of 137 countries according to the Global Competitiveness Index (GCI) in 2017–2018.

²¹ Звіт про базові вимірювання: Принципи державного управління. Україна червень 2018 року / SIGMA . URL: <https://rpr.org.ua/news/sigma-otsynyla-derzhavne-upravlinnya-v-ukrajini/> (дата звернення: 10.07.2019).

²² Звіт про базові вимірювання: Принципи державного управління. Україна червень 2018 року / SIGMA . URL: <https://rpr.org.ua/news/sigma-otsynyla-derzhavne-upravlinnya-v-ukrajini/> (дата звернення: 10.07.2019).

Apparently, ethical behavior in these documents is considered only in the context of integrity, which in turn is understood in the anti-corruption perspective only. This suggests a certain admiration of reformers at legal and institutional support measures for ethical climate in civil service.

The principle of Ethical Conduct is understood in the anti-corruption context and in Declaration on a Council of Europe Strategy for Innovation and Good Governance at Local Level, defining it as “to ensure that the public interest is put before private ones” and its content is revealed as:

- The public good is placed before individual interests.
- There are effective measures to prevent and combat all forms of corruption.
- Conflicts of interest are declared in a timely manner and persons involved must abstain from taking part in relevant decisions²³.

However, in addition to the fact that individual integrity describes that in the context of public service, the individual is considered virtuous (and integral), if s/he performs his/her duties honestly, competently and in full, integrity also means that the person has values in which s/he believes and what s/he stands for.²⁴ However, ethical conduct cannot be limited to these perspectives only.

Good governance requires continuous *combination* and *relationship* between *institutional* and *moral* means of its support.

So far, in the course of implementation of ethical principles, it was attempted to implement the so-called *structural approach* (compliance) in Ukraine, based on the generally accepted norms of obedience, compliance with the laws and development of codes of conduct as laws or regulations, an effective system of audit, control and various incentives for officials. However, in my opinion, a regulatory approach (integrity), focused on nurturing the bureaucracy, understanding its mission of the profession, proper professional socialization, awareness of employees about the values and professional ethical standards, promotion, trust in personal integrity, accountability and integrity of officials has a greater management capacity in our country.

I think that to introduce the ethical conduct, Ukrainian public service requires not only the introduction of a structural approach, but also an increasing focus on managerial potential of the regulatory approach.

²³ 15th Conference of European Ministers responsible for local and regional government (Valencia, 15-16 October 2007) – Valencia Declaration. URL: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d47c5. (дата звернення: 10.07.2019).

²⁴ Виховання доброчесності та боротьба з корупцією в оборонному секторі : зб. прикл. (компендіум) позит. досвіду : пер. з англ. / Тодор Тагарєв та ін. ; ред. Тодор Тагарєв. Київ; Женева : б. в., 2010. С. 200.

To make the moral support mechanisms for ethical conduct work as a principle and tool of implementing the good governance, it is required to:

- increased attention to the personal component of public service, cultivating respect for the personality of both the citizen and the servant;
- selection and promotion of staff, taking into account not only professional and ethical, but also a moral component of professionalism;
- emphasis on moral grounds of the code of conduct for a public servant;
- introduction of a number of tools, activating the internalization of ethical attitudes profession (expansion of the scope of freedom and personal responsibility of bureaucracy representatives etc.);
- increased attention to the professional and ethical training of public servants,
- formation of organizational culture, with the tightly integrated ethical values and standards of conduct for public servants;
- activation of reputational monitoring mechanisms and compliance with ethical standards in the course of professional activity;
- support of establishment of public servants' associations, the operations of which would be focused on the formation of authority of a professional group of public servants;
- establishment of an expert advisory network on the ethics of public servants;
- an extensive educational campaign among the public about the basic ethical requirements and standards of conduct of the authorities with the aim of establishing the relations of mutual respect and strengthening the importance of public control in maintaining ethical behavior of public servants.

I should point out to a significant role played by professional socialization in professional ethics support, in the course of which the value orientations of professionals are formed; they acquire the knowledge, abilities, skills of professional activities, and develop their professional competence. Professional and ethical training is a part of the entry into the profession, professionalism development and a factor supporting the professional ethics.

In this context, it is appropriate to:

- increase attention to studying the problems of professional ethics in the process of vocational training (introduction of professional ethics

courses in the regulatory part of vocational training programs, increase in the number of hours to study this discipline)

- the lectures, seminars, training, creation of online platforms to discuss the issues of professional ethics in the course of professional re-training and professional development;

- regular monitoring of ethical issues of professional life;

- sharing the best practices in support of integrity in the context of professional activity;

- studying the experience of the other countries in implementation of professional and ethical standards of conduct;

- facilitating the establishment of research centers on the issues of professional ethics, which would provide scientific analytical and teaching methodological advice on ethical issues of the profession.

In terms of new social and governance challenges facing Ukraine, the factor of a successful professional and ethical education is a close contact with relevant practical professional challenges. Therefore, the result of professional and ethical training has become not only gaining knowledge of professional ethics, but also:

- acquisition of skills in "ethical review" of decisions made,

- learning the professional ethical interaction techniques

- development of the algorithms of conduct in typical situations faced by a professional;

- forming the ability to address the non-standard issues of moral nature arising in the course of professional life;

- development of ethical sensitivity to professional and social issues.

CONCLUSIONS

Highlighting the ethical conduct of public servants as the principle indicates that it appears integrated into a coherent system of good governance and radically affects all other elements. The ethical component is an underlying value component, the basis for building the good governance ideology. On the other hand, it is important to develop a balanced value-regulatory model of public service and public servants appropriate to the good governance goals.

A lack of clarity in definition of the civil (public) service mission may provoke semantic conflicts for public servants. For a meaningful reform of public administration and public service, it is particularly important to

know and take into account the social and national sections of their axiological sphere. In the current environment, the civil servants in Ukraine have a diversity of views on their professional purpose, and among these settings, a rather strong position is occupied by the so-called bureaucratic values of public administration. The system of public service principles highlighted in the laws of Ukraine needs the further development and a more thorough detection of basic principles for ethical conduct of public servants.

The ethical conduct of public servants is not only a principle, but also the means of good governance implementation. Moral factors become a particularly important regulator of public administration relations in the present situation of the tradition destruction and expression of the conservative nature of law. To maintain the high standards of the profession, it is important to search for the best ratio of areas of moral and legal regulation. In Ukraine, the realm of ethical regulation of public service was either ignored, or considered according to the “residual” principle, or the hope that the established formal standards of conduct will work automatically was cherished. Currently, the regulation of the issue on the ethics of public servants’ conduct can be considered as one of the achievements in formation of good governance.

When implementing the ethical conduct, Ukrainian public service requires not only implementation of a structural approach, but also an increased attention to the management capacity of the regulatory approach, focus on nurturing the bureaucracy, understanding of its profession mission, proper professional socialization, awareness of values and professional ethical conduct of the servant, promotion, confidence in the personal integrity, accountability and integrity of officials. To make the moral support mechanisms for ethical conduct as a principle and means of implementing the good governance work, it is required to solve a series of management problems.

SUMMARY

The article considers the ethical behavior as the principle and means of implementing the good governance in the value-regulatory system and practice of Ukrainian public service. Highlighting the ethical conduct of public officials as a principle indicates its integration into a coherent system of good governance and the principal role in building the good

governance ideology. It is noted that an effective reform requires taking into account the social and national axiological sections of the public service. Some problems arising when building the value-regulatory system of public service in Ukraine are highlighted. We consider the ethical behavior of public servants as a means of implementing good governance and stress the need to find the best ratio of areas of the moral and legal regulation of public service. The urgency of applying a structural approach to supporting the ethical principles of the public service in Ukraine is stressed. A number of management tasks, the implementation of which will stimulate the moral support mechanisms for a proper conduct in public service is defined.

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