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# **ASSOCIATION AGREEMENT: FROM PARTNERSHIP TO COOPERATION**

## **collective monograph**

**Edited by  
Maryna Dei  
Olga Rudenko**

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Created for scholars, research workers, postgraduates and students of higher education institutions, as well as for all those interested in the implementation of the Association Agreement.

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- 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 Ministers 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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#### 1.9. HUMANITARIAN SPHERE AS A PUBLIC ADMINISTRATION OBJECT

In the development of modern civilization, also called technogenic, the constant search and application of scientific technologies in all spheres of social life play the crucial role, which transform science into a priority value. In this, science, education, technological progress and the global market give rise to a new way of thinking and living, and transform traditional culture and cognitive methods. Thanks to scientific and technological progress and economic growth, mankind has gained some achievements: new quality of life, increased levels of consumption, better quality

of medical care, increased life expectancy. At the same time, a human turns into a person of a mass society, there is a depreciation of the individual, a person does not go forward on his/her way of self-development. Scientists call this phenomenon a global anthropological crisis that carries world dangers: alteration in the gene pool of mankind; increasing pressure of stress loads on man; reconstructing the biological basis of man [5, p. 8-9]. All this leads to a threat to the existence of mankind. Therefore, the focus of the policy of all the states, the world community as a whole is on the humanitarian sphere. Today, the ability to think human-centeredly – to perceive a person as the highest social value – is necessary, first of all, to every state person and local self-government official, who is responsible for the increase of the present and future level of both a certain person development and the country in general.

The synthesis of scientific literature gives grounds to assert that in contemporary Ukrainian scholarly works proper attention is not paid to the study of the state of the national humanitarian sphere as an independent sphere of social activity. There are only a few scientific works in which scholars highlight trends in the humanitarian sphere of the Ukrainian society as integral social activities, the conceptual vision of the state humanitarian policy, and the mechanisms for its implementation. A certain contribution to the study of the public administrative aspect of the functioning and developing of the humanitarian sphere in its broad sense has been made by Ukrainian scientists in the field of public administration science. However, researchers mostly focus on the investigation of its separate segments. In general, it should be noted that scientific research is not sufficient in administrative scientific practice, in which the humanitarian sphere would be regarded as an object of public administration. This has led to the choice of the research topic.

In our opinion, it is appropriate to start examining the humanitarian sphere as an object of public administration with the definition of the essence of this sphere. First of all, we note that the concept of "humanitarian sphere" is based on the idea of humanism. In the history of mankind these ideas have changed in time, evolved, had certain preconditions for development, developed and declined within some periods. The humanist orientation has been a part of world's history, since ancient times, but in every era they find a new shade. In particular, the search for a new humanistic idea arose after the Second World War, when the myth of technical progress, which was dominant in the Western culture, blew up. Participants of the "Discussion on the Cultural and Philosophical Relations Between East and West", held in December 1951 at the initiative of UNESCO, noted the intellectual deviations referring to the lost all spirituality and the crisis of humanism. They stated that Western humanism was a space for the self-realization of people who embodied outstanding values, but at that time people sought to become the master of themselves and of the world around them through isolated intellectual work. Though, now man must return to a generalized perception of the essence, endowed with a living soul [13, p. 27]. Also, the participants of this event emphasized the importance of general spiritual progress, which requires to strengthen relations between East and West. Thus, the first steps of a humanistic project on the convergence of western and eastern cultures were carried out, and therefore, the idea of "new humanism" was proclaimed.

Modern humanism is represented by various ideological currents, whose representatives seek to separate moral ideals from religious doctrines, metaphysical systems and ethical theories in order to vest them independent power in personal lives and in social relations. In order to continue the search, reflection and clarification of the content of new humanism UNESCO organizes meetings of prominent figures from all over the world. Thus, in 2011 in New York, at the UN headquarters, High Panel on Peace and Dialogue among Cultures was organized, where the goal of a new humanism was proclaimed – "creating an atmosphere of mutual understanding and a sense of belonging to the community." [14, p. 2]. It was stressed that the progress made in the sphere of human rights can never be considered once and for all, and its continuity would depend on the constant readiness to respond to the challenges of the modern world. The final document of this meeting noted that new humanism should become an integral part of cultural diversity, dialogue in the era of new technologies and reconciliation between the North and the South.

The above mentioned gives grounds for the conclusion that due to the fact that in today's world the challenges thrown to humanity have been changing, the content of humanism itself, concerning above all the spiritual changes and respect for cultural diversity, has also been changing. Humanism today is a system of views on the values of man and society; a philosophy that seeks to protect the dignity of a person in his/her everyday life. It should become the basis for the general reflection of mankind on world problems and problems of a particular person.

Regarding the essence of the humanitarian sphere, the Ukrainian scientists believe that the humanitarian sphere is "not a separate (separated from the economy and politics) sphere of social existence, but social being as such, characterized (evaluated, thought, organized) through the prism of human priorities and human values. This is a special cut of social integrity; namely, the cut in the intersection and maintenance of human interests" [6, p. 487]. Given this, the humanitarian sphere should have a separate subject or sectoral content.

It should be noted that the vast majority of scholars consider the humanitarian sphere as a component of the social sphere, since it combines two distinct social components – the spiritual and social. The humanitarian sphere includes those sectors of society that are directly related to spiritual and social life. In this case the above-mentioned sphere of social activity is considered broadly. At the same time, there are scholars who consider the humanitarian sphere primarily in the narrow sense, namely, as the spiritual life of society, first and foremost, as its component – a spiritual culture. According to scientists, spiritual culture is a complex and multifaceted complex that includes all levels and forms of social consciousness, a system of education and upbringing, a system of cultural institutions, all

forms and types of literature, art, philosophy, religion, science and morality, and defines the external boundaries of the humanitarian sphere in the narrow sense of this term [7].

Thus, in determining the essence of the humanitarian sphere, scientists use two scientific insights: broad, relating to the spiritual and social life of individuals and human communities, and narrow, which is aimed at ensuring the development of the spiritual life of man and society. We are impressed by the opinion of those scholars who propose to consider the humanitarian sphere mainly in its narrow meaning, that is, only as a spiritual life of society. However, spirituality itself can be interpreted differently. Thus, V. Dzož argues that both the social and humanitarian spheres have certain types of spirituality behind these spheres, but they should be distinguished: the social sphere is based on spirituality, oriented more to morality and compassion; in the humanitarian sphere – spirituality, focused on the development of personality and a breakthrough to a new social quality [3, p. 62-63]. But then such spheres as education, science, health care, etc., can be attributed to the social and humanitarian spheres of social activity. It is such a misunderstanding that occurs in Ukrainian practical administrative activities. That is why it is necessary to identify specific areas related to the development of the humanitarian sphere.

The aforesaid makes it possible to conclude that the humanitarian sphere is a relatively independent sphere of social activity that has a focus on ensuring the spiritual life of man and society, consisting of a set of industries focused on maximizing the disclosure of the potential of each person and society as a whole, the development of creative and intellectual abilities of the individual, preservation of cultural diversity [8, p. 18].

An analysis of literary sources suggests the existence of a variety of approaches to defining the components of the humanitarian sphere. This area, for example, includes the ideology of state-building, the development of the Ukrainian language, culture, mentality, national intellectual potential, public health, protection of nature, the system of interaction with the international community, the formation of civil society, demographic policy, the formation of the national elite, education, science, upbringing, ideological and religious freedom of people, their social protection and assistance, development of urban and rural types of settlements, informatisation of the society, etc. However, the given spectrum of components of the humanitarian sphere covers both spiritual and physical life of a person, as well as his/her activity.

Approaches to the humanitarian sphere are characterized by some specificities at the global level. In particular, there are international organizations whose activities are aimed at ensuring the development of the humanitarian sphere in the world or in a particular region. So, in the UN structure, there is Third Committee, which deals with social, humanitarian and cultural issues. Also, issues of education, science and culture are taken care of by UNESCO, whose purpose, in accordance with the Statute is to "promote peace and security by expanding peoples' cooperation in the fields of education, science and culture in order to ensure universal respect for justice, the rule of law and human rights, as well as the fundamental freedoms enshrined in this document, for all peoples without distinction of race, gender, language or religion" [10, p. 9].

The activities of the Organization for Security and Co-operation in Europe (OSCE) are directed at the development of the humanitarian field in the European region. In 1975, the Helsinki Final Act of the Conference on Security and Cooperation in Europe (CSCE, since 1995 - OSCE) was concluded, which, among other things, considered issues of cooperation in the humanitarian sphere: contacts between people (contacts and regular meetings on the basis of family ties, marriages between citizens of different states, travel for personal or professional reasons, improvement of conditions for tourism, meetings among youth, sports, expansion of contacts); information (improvement of distribution of information, access to it and information exchange, cooperation in the field of information, improvement of working conditions of journalists); cooperation and exchange in the field of culture (expansion of contacts; mutual acquaintance; exchange and distribution; access; contacts and cooperation; spheres and forms of cooperation); cooperation and exchange in the field of education (expansion of connections; access and exchanges; science; foreign languages and civilizations; teaching methods) [11, p. 38-56].

At the same time, the issue of cooperation in the humanitarian field was raised at the Vienna meeting of representatives of the member states of the CSCE (1986), which for the first time formulated the concept of "human dimension of the CSCE" based on the fact that the main condition for solving any issues of humanitarian character is the protection and promotion of human rights and fundamental freedoms. In the final document of this meeting special attention was paid to cooperation and exchange in the field of culture [12].

Thus, consideration of the content of certain provisions of international legal instruments shows that international law has different approaches to defining the branches of the humanitarian sphere. It includes communication, information, culture, education, demographic processes, protection of human rights and freedoms, etc. However, the majority of countries still include such fundamental areas as education, science and culture to the humanitarian sphere, since they are a measure of the pace and quality of civilization progress and the development of society. It is these branches that are aimed at the spiritual and intellectual component of the development of society. However, the above-mentioned approaches do not contradict, but complement each other, emphasizing the significance of the central element of the humanitarian sphere - a person.

It should be noted that in the Ukrainian literature there is also no unity in the approaches to the definition of the constituent elements of the humanitarian sphere. So, some scientists identify and explore such components of the humanitarian sphere as the ideology of state formation and national idea, culture, education, science, information, ethno-ethnic relations, religion and church, health care, tourism, physical culture and sports [7]. Others argue that the

humanitarian sphere is a complex formation associated with the realization, in the majority of cases, of the spiritual potential of the human person, and there are three large horizons of this potential: cultural, educational and religious, and it is noted that each of them is aimed at providing spiritual perfection of man [1, p. 13].

Summing up, we conclude that both at the international and national levels scientists and practitioners attribute a large number of branches of social activity to the constituent elements of the humanitarian sphere, which are related to the physical, spiritual and professional life of a person. However, in order to achieve the stated goals and objectives of the state policy of Ukraine in the development of the humanitarian sphere, in our opinion, it is necessary to attempt to separate the social and humanitarian spheres clearly defining their constituent elements at the national level. Thus, for the formulation of the components of the humanitarian sphere, only fundamental branches such as education, science and culture should be taken.

It should be noted that public administration in the Ukrainian scientific environment is determined differently: the right of citizens to influence the activities of the authorities; public control over the activities of the government apparatus of the state; a specific type of administrative activity under the conditions of a social transformation that includes state-administrative, business and community components; a kind of socially useful activity carried out by a set of subjects, in particular by public authorities, etc. Consequently, public administration is carried out by various actors, among which the authorities occupy a significant place. The need for public administration in the humanitarian sphere is primarily due to the need to ensure compliance with legislative and regulatory acts in this area and the implementation of the state humanitarian policy. Therefore, it is expedient to clarify the content of public administration in the humanitarian sphere and the definition of object-subjective relations.

We will emphasize that the understanding of the essence of state administration as a result of the development of democracy and civil society in the world has evolved. Today, in the scientific literature, various definitions of "state administration" can be found. It is considered: as the activity of bodies and institutions of all branches of state power (legislative, executive, judicial) on the development and implementation of regulatory, organizational and coordinating influences in all spheres of society in order to meet its changing needs; as a practical, organizational and regulatory influence of the state on the social life of people in order to organize, preserve or transform it, based on its power; as one of the activities of the state, the essence of which is the establishment of administrative organizational influence with the help of executive powers through the implementation of laws, the implementation of administrative functions aimed at comprehensive socio-economic and cultural development of the state, its separate territories, as well as ensuring the implementation of state policy in the relevant spheres of public life, creating conditions for citizens to exercise their rights and freedoms; by the subjects of state-administrative activity in a broader sense the state administration covers the activities of the bodies of all branches of state power in developing and implementing regulatory, organizational and coordinating influences on the life of society in order to meet its needs; in a narrow interpretation – this is a special and independent kind of activity of the state, which is carried out by a separate system of special state bodies; as a joint effort of a certain group in the context of the state; covers all three branches of power (executive, legislative, judicial), as well as their interconnection; plays an important role in shaping public policy and is part of the political process; is essentially different from private management; is closely connected to numerous private groups and individuals in the provision of public services; as a form of practical implementation of executive power; as the management of society, that is, the development and implementation of actions of aimed deliberate influence on the social system in general and on its individual components.

In view of this it can be argued that scientists differ in their definition of the essence of the notion of "state administration", considering it both in broad and narrow terms. We will focus on the definition given by Ukrainian scientists in the field of public administration science, since it is, in our opinion, more complete: "... public administration is a deliberate organizational and regulatory influence of the state on the condition and development of social processes, consciousness, behavior and activities of a person and a citizen in order to achieve the goals and fulfill the functions of the state, reflected in the Constitution and legislative acts, by the introduction of state policy, the developed and legally established political system through activities of public authorities which have the necessary competence" [2, p. 32]. Consequently, taking into account these statements and definitions of the humanitarian sphere, we can conclude that the state administration of the humanitarian sphere is a deliberate organizational and regulatory influence of the state on the condition and development of the humanitarian sphere, which is aimed at ensuring the spiritual life of man and society and consisting of a combination of industries, aimed at maximal disclosure of the potential of each person and society in general, development of creative and intellectual abilities of the person, preservation of cultural diversity, by means of the observance of the state humanitarian policy developed by the political system and legally enshrined, through the activities of state authorities, endowed with the necessary competence [8, p. 27]. Hence the goal of public administration in the humanitarian sphere is to create conditions for maximizing the disclosure of the potential of each person and society as a whole, as well as creating conditions for the implementation of intellectual, cultural and creative capabilities of the individual. According to the goal, the following tasks can be defined: creation of conditions for optimal functioning and development of spiritual relations, person's self-regulation of his/her socio-cultural potential, formation of conditions for sustainable human development in the society, intellectual security, formation and strengthening of the system of spiritual values, creation of proper conditions for the development of ethno-national and religious relations, creation of conditions for satisfying the needs of the citizen in physical and spiritual perfection, in strengthening health, etc.

Summarizing the foregoing and grounding on the research of domestic scientists, one can identify objects and subjects of state administration in the humanitarian sphere. In the scientific field of public administration, it is believed that the object may be "society as a whole, administrative-territorial entities, processes, relations in various fields, spheres of activity, organizations, teams, individuals, at which the leading, organizing and controlling activities of the relevant subjects of administration are directed" [4, p. 487]. It possesses such properties as the presence of its own goals and interests, self-activity, the ability to self-control its own life and development, adaptability to changing conditions of operation and the ability to influence them. Hence, the object of public administration in the humanitarian sphere is, above all, society or social communities that are formed on various grounds, for example: belonging to certain groups of the population and national minorities, place of residence, common interests, views, occupations, etc. Also, the object is the person him/herself, to whom the activities of the relevant subjects of administration in the educational, scientific and cultural fields are directed.

Note that a person can act as an object and a subject of public administration in the humanitarian sphere. And the person possesses the main place among all subjects of the humanitarian sphere. In addition to a human, Ukrainian scientists ascribe the state, society, public organizations, groups, etc. to the subjects of the humanitarian policy. They emphasize that an important condition for enriching the content of social and spiritual development of society is the expansion of the number of subjects of humanitarian policy, a variety of ways, forms of their activities to streamline the development of the humanitarian sphere [7, p. 33].

The subject of public administration may also be represented by an authoritative body, an institution, a division of the administrative apparatus or an official, who develop government-administrative decisions to exercise an administrative influence on subordinate objects of administration, or to regulate certain processes of relations in various spheres of social life [9, p. 48]. Functioning and development of the humanitarian sphere implies the need for its regulation, which greatly enhances the role of such subjects of state administration.

In general, summarizing the results of the study, it can be argued that in determining the essence of the humanitarian field, scientists use two scientific insights – broad and narrow. In their works scholars are more inclined to conduct a study of the humanitarian sphere in its broadest sense, that is, concerning the social and spiritual life of individuals and human communities, although they express their opinion that the development of the humanitarian sphere should provide only the development of the spiritual life of man and society. However, it is precisely from the measurement of the understanding of the essence of the humanitarian sphere that the definition of specific constituent elements (sectors) of this sphere will depend, the development and functioning of which will be the basis of the state humanitarian policy.

If we take as a basis that the components of the humanitarian sphere should reflect the state of the spiritual life of man and society, then only such fundamental branches as education, science, culture and their sub-sectors should be such components: education levels, upbringing, physical culture, branches of science, scientific research, scientific activity, culture, information environment, sports, tourism, religion, ethnic relations, etc. As a result of the well-defined and legally established components of the humanitarian sphere, an attempt can be made to divide the two spheres of social activity (social and humanitarian) into the development and implementation of the outlined goals of the state humanitarian policy. So this will be depended on the development and effectiveness of the functioning of the organizational structure (the totality of administrative elements) of an integrated system of public administration in the humanitarian sphere, which includes, inter alia, the system of public administration.

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### **1.10. COOPERATION IN THE FRAMEWORK OF THE EU INITIATIVE “EASTERN PARTNERSHIP”**

The initiative of the European Union (hereinafter – EU) “Eastern Partnership” – is an EU policy which aims at strengthening partnership relations with the EU eastern neighbors. On 07 May, 2009 at the summit, held in Prague (Czech Republic), the EU Member States and representatives of the Republic of Armenia, Republic of Azerbaijan, Republic of Belarus, Georgia, Moldova and Ukraine made a decision to launch the EU initiative “Eastern Partnership” in order to implement political association and economic integration between the EU and its eastern partner countries. This policy was initiated by Poland and Sweden.

The Eastern Partnership is based on mutual interests and commitments of the parties, as well as on the principles of general participation and accountability, transparency and existing bilateral contractual relations. In addition, cooperation within the Eastern Partnership is carried out in accordance with the principles of international law and fundamental values, including democracy, the rule of law, respect for human rights and fundamental freedoms, market economy, sustainable development and good governance.

The main goal of the Eastern Partnership is to create the necessary conditions to accelerate the process of political association and further economic integration between the EU and interested partner countries.

In view of this, within the framework of the Eastern Partnership support of political and socio-economic reforms is provided in the partner countries, contributing to their convergence with the EU.

The main objectives of the Eastern Partnership are to establish a political community, create Deep and Comprehensive Free Trade Areas (DCFTA), and a desire to abolish the visa regime.

Initiative participants are 28 EU Member States, on the one hand, and the EU eastern neighboring countries – the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, Georgia, the Republic of Moldova and Ukraine, on the other.

Cooperation above mentioned is realized within the framework of four multilateral thematic platforms:

- **Platform 1** “Democracy, Good Governance & Stability”;
- **Platform 2** “Economic Integration & Convergence with EU Policies”;
- **Platform 3** “Energy Security”;
- **Platform 4** “People-to-People Contacts”.

Goals and objectives in the relevant policy areas are determined within the thematic platforms. The activity of each thematic platform is provided by numerous meetings of experts (so called Panels) in various areas.

#### **WORKING GROUP (PANEL) ON PUBLIC ADMINISTRATION REFORM**

Thematic Platform 1 “Democracy, Good Governance & Stability” is focused on promoting democratic and economic reforms in the partner countries of the Eastern Partnership. Its aim is to develop stable democratic institutions (including electoral standards, legislation on the media, anti-corruption measures) and effective state structures. The objectives of this platform are security, stability and sovereignty of the territorial integrity of partner countries through the implementation of multilateral measures aimed at building confidence and creating early warning systems.

The Working Group (Panel) on Public Administration Reform is focused on the following areas:

- “Civil service, public administration organizations and their functioning (human resources management, rules of recruitment, statutes)”;
- “Transparency, e-governance and data protection”;
- “Local / regional government and decentralization”;
- “Effective management of technical assistance”

#### **THE SCOPE OF THE CIVIL SERVICE AND THE SYSTEM OF THE CIVIL SERVICE MANAGEMENT IN EASTERN PARTNERSHIP COUNTRIES**

Legal regulation of the civil service in Eastern Partnership countries is carried out by the Laws. This Law regulates relations between state and civil servants in the area of civil service and issues related to the legal status of civil servants, in particular: