

Good governance in public administration

Dobro upravljanje u javnoj upravi

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Abstract

Good governance is a common denominator for reform processes in public administration, which can potentially become supranational. It includes a set of doctrines and governance techniques in public administration. Considering the changes and challenges faced by the public administrations of countries around the world and the necessary reforms in response to them, this concept, with its universal potential, can serve as a kind of guide for them. It represents an aspiration to make public administration more open, transparent, and accountable. The principles contained in the concept of good governance should be understood as fundamental principles on which modern public administration rests and as a standard presented to national public administrations that should be strived for.

Keywords: accountability, civil society, integrity, good administration

Sažetak

Dobro upravljanje je zajednički imenitelj za reformske procese u javnoj upravi, koji ima potencijala da postane nadnacionalni. Uključuje skup doktrina i tehnika upravljanja u javnoj upravi. S obzirom na izazove sa kojima se suočavaju javne uprave zemalja širom sveta i neophodne reforme kao odgovor na njih, ovaj koncept svojim univerzalnim potencijalom može im poslužiti kao svojevrsan putokaz. Predstavlja težnju da se javna uprava učini otvorenijom, transparentnijom i odgovornijom. Principe sadržane u pojmu dobrog upravljanja, treba shvatiti kao temeljne, principe na kojima počiva savremena javna uprava, ali i kao standard predstavljen nacionalnim javnim upravama kojem treba težiti.

Кljučне речи: odgovornost, civilno društvo, integritet, dobra uprava

1. Introduction

Good governance is seen as an overall conceptual vision that has the potential to contribute to procedural reforms of public administrations worldwide (Khan, 2012). During the 1980s, the term governance became current by emphasizing the process and way of governance in sustainable development. In the meantime, organizations such as the World Bank, the IMF, the UN and its agencies, and non-governmental organizations have accepted the term governance and started using it in different contexts depending on their own sphere of activity.

Regardless, the concept of governance is ancient: it is already present in Aristotle's work, where good governance is mentioned in the description of a state headed by a responsible person who acts ethically and

fairly (Commission de Venise, 2011). Lately, the term "governance" has been increasingly used to refer to decision-making and decision implementation in various contexts, such as in international governance or corporate national and local governance.

2. Concept and elements of good governance

Good governance is becoming increasingly important in the international discourse of administrative reforms. Although there is still no consensus on what concretely includes good governance.

Kenneth Stowe broadly sets six criteria for defining good governance, namely: political freedom (freedom of expression and the right to vote); judicial and constitutional protection of individual rights;

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independence of the judiciary; maintaining a stable currency; the development of society through education and health and, finally, the accountability of the executive power to the freely elected parliament (Stowe, 1992). Some emphasize the need for strong local government. Numerous authors consider the concept from an economic aspect, understanding good governance primarily as the effectiveness of institutional mechanisms in the fight against corruption in a market economy.

Good governance implies the existence of the rule of law, the protection of human rights, fair and efficient government, accountability, transparency, predictability, and openness. This multitude of ideas related to good governance testifies to the elasticity of the term itself and the conclusion that it takes place on four social levels, namely: the level of public authority, the level of the private sector, the level of the non-governmental sector and the level of the individual, that is, the citizen.

The concept of good governance is based on the fundamental principles and values of the European democratic society, openness in dealing with citizens, transparency, accountability, efficiency, effectiveness, and the rule of law. The principles contained in the concept of good governance should be understood as fundamental, basic principles on which modern public administration rests, but also as a standard presented to national public administrations that should be strived for. The principles of good governance should be seen as a guide and as a kind of foundation for building an efficient public administration.

Principles and values can also be understood as a "toolbox", but their thoroughness and durability are essential to emphasize. According to the study of the Venice Commission, very few countries have integrated the concept of good governance into their legislation in the form of principle. One such example is the legislation of the Netherlands and Latvia, which shows the full breadth of this concept (Commission de Venise, 2011). Thus, the Media Act of the Netherlands stipulates that broadcasting corporations should develop a code of conduct to promote good governance and integrity for national broadcasters.

The Dutch pension law stipulates that the work of an administrative worker in a pension fund must be organized in such a way as to guarantee good governance, which means that he is responsible to persons who can apply for a pension or are entitled to a pension and also to employers, and that provided internal control, i.e., internal audit (Commission de Venise 2011).

3. Good administration and good governance

In addition to the concept of good governance, there is also an older concept of good administration that was used much earlier. Although these concepts are often used as synonyms in domestic and foreign literature, they have essential differences (Vukašinović Radojičić & Vučetić, 42-43) because good governance is more comprehensive, i.e., it also includes good administration.

The traditional, bureaucratic public administration model, characterized by formal control based on a strictly hierarchical model, with a significant influence of relevant political structures on its work and functioning, became inadequate in the 1970s and 1980s of the last century. This model of public sector governance, whose roots we find in Max Weber's doctrine, did not disappear overnight, in fact in practice it never completely disappeared, but its conceptual foundations were no longer considered relevant and appropriate to respond to the needs of a rapidly changing society.

In the mentioned period, the idea of good administration in the context of service users (Davinić, 2010) begins to be analyzed more and more; there is talk of administration as a kind of "service for citizens" or of good administration, as opposed to "bad administration", and when defining the positive and negative terms of bad administration takes into account the perspective of users of services, i.e., citizens (Davinić, 2013).

In the British legal system, there is no definition of bad administration, but the so-called "Crossman catalog", named after Richard Crossman, is often used, which defines the characteristics of bad administration as a form of bad governance by civil servants citing as examples, bias in decision-making, neglect of duty, tardiness, inattention, incompetence, inability, impudence, arbitrariness and the like (Pugh, 1978). Guided by Crossman's catalog, it is concluded that this list is not exhausted and that the meaning of bad administration can be constantly supplemented.

There have been attempts to identify all types of bad administration or to point out typical examples of this concept in concrete cases. Thus, even in the earliest stages of the development of the concept, there was talk of the importance of the availability of complete and accurate information to citizens, as parties to the proceedings, as one of the elements of good administration.

Often, the concept of good administration is defined by enumerating the principles that make it up, i.e., which are contained in it, such as equality, good administration as proper administration (in terms of proportionality and legitimate expectations of users), proper functioning of public administration, the establishment of a procedure for the prior hearing of users and provision of information, explanation of administrative decisions, the principle of access to administrative documents, the principle of judicial protection, etc. Particular emphasis is placed on the transparency of public administration, which is one of the essential components of good administration (Fortsakis, 2005).

Whether the principles of good administration are respected in a country should be determined in each case by the appropriate subjects of control. As stated by Lončar: "Control of legality is carried out by the administration, courts, and the ombudsman, expediency by the administration and the ombudsman, but the final judgment on the fairness, equity, and morality of the work

of administrative bodies is given by public opinion" (Lončar, 1995).

Although many theoreticians and practitioners use them as synonyms even after decades of use, it can be argued that the concept of good governance is broader than the concept of good administration, i.e., to include it, but also conceptually surpass it. These two concepts cannot and should not be assimilated, but their obvious connection cannot be denied.

Good governance is a broader concept, and one of its key elements is the concept of good administration. Good governance is a more comprehensive concept that aspires to the property of universality. It extends in three directions: towards the public sector, the private sector, and civil society, while good administration refers exclusively to the public sector, i.e., public administration. Good governance connects all three sectors and ensures a balance between them.

4. Good governance in documents of international and regional organizations

The term "good governance" was first mentioned in the World Bank report (1989) *Sub-Saharan Africa: From Crisis to Sustainable Growth: a Long-term Perspective Study* (The World Bank, 1989). In this report, the term "governance" describes "the need for institutional reform and a better and more efficient public sector in the mentioned region, but it is not explicitly indicated as good governance" (Bale, 1989, p. 15).

The World Bank played a central role in the emergence and development of the concept of good governance in the 1990s. The bank defines governance as "how power is exercised in managing the country's economic and social resources" (Kulshreshtha, 2008).

For the World Bank, "good governance refers to efficiency in the public service, the rule of law about contracts, an efficient judicial sector, respect for human rights, freedom of the press, and a pluralistic structure of institutions" (The World Bank, 2023).

The concept of governance was further developed in the Bank's 1992 publication "Governance and Development", and then, in 1998, the World Bank presented a more convincing concept of good governance in its annual report, "Governance in Asia, from Crisis to Opportunity", elaborating on its four essential components: accountability, transparency, predictability, and participation (Drake et al, 2002). The Bank's researchers emphasize the need to work on the legal functioning of institutions and legal reform, that is, the system's stability because it is unlikely that someone will invest in a state that cannot maintain the rule of law (The World Bank, 2023). The World Bank has significantly promoted legal reform as part of its good governance agenda.

In the early 1990s, the United Nations Development Program (UNDP) began developing the concept of good governance and emphasizing its role in fostering

development. The UNDP Conference on Sustainable Growth and Equity in 1997 highlighted the fundamental principles of governance, emphasizing institutions and the regulatory, normative activity of the government.

According to UNDP, the state's task is not to intervene directly in providing services but to create a regulatory framework and a favorable environment for private investors and service providers. Good governance is thus seen to relate mainly to the state sector but is not limited to it (The World Bank, 2023)

The Millennium Declaration, adopted by the UN General Assembly in 2000, provided a new context for discussing good governance. UNDP emphasizes the importance of good governance for human development and poverty eradication, setting human development "as a goal, good governance as a means, and the state, the private sector, and civil society as actors in that process" (UNDP, 1997). Thus, good governance has become an organizational concept for a wide range of activities of the United Nations in the areas of democracy, development, peace and security, but also, respect for human rights and freedoms (Qudrat-I Elahi, 2009).

In recent years, the United Nations, specifically the Office of the High Commissioner for Human Rights, has been intensifying work on the relationship between good governance and respect for "human rights, guided by the goals and principles of the United Nations Charter, the Universal Declaration of Human Rights and all other relevant international human rights treaties. The international community recognizes the harmful impact of corruption on human rights, the weakening of institutions, the weakening of public trust in the government, and the inability of governments to ensure respect for human rights" (United Nations Human Rights Council, 2008).

In this regard, the UN's position is that the responsibility lies with the national states, including their constitutional systems and legal regulations, which must be harmonized with international obligations and should insist on professionalizing public services. This implies compliance with the highest standards of efficiency, competence, and integrity, whose activity is based on the principles of good governance, including impartiality, the rule of law, transparency, accountability, participation, inclusiveness, and the fight against corruption (United Nations Human Rights Council, 2008).

The IMF promotes good governance in two main areas: „1) governance of public resources through reforms of public sector institutions and 2) development and maintenance of a transparent and stable economic and legal environment suitable for private capital investment“ (IMF, 1997). The IMF emphasizes transparency in various processes as a significant segment of good governance and encourages member countries to improve responsibility by increasing transparency in disclosing information of public importance through its transparency policy. To that end, it promotes good supervision, internal control, auditing, and public financial reporting as control mechanisms in these financial institutions (IMF, 1997).

To promote good governance within its organization, the IMF has adopted several measures to strengthen integrity, including a code of conduct for staff similar to the code of conduct for members. This institution pays much attention to corruption, emphasizing obvious connections and links between corruption and good governance, in the sense that bad governance is a more suitable ground, a more convenient and broader space for corruption. Promoting good governance, therefore, helps prevent corruption (De Beke, 2002).

In 2018, the Executive Board of the International Monetary Fund revised the guidelines "The IMF's Role in Governance Matters" adopted by the Executive Board in 1997 (International Monetary Fund, 2018). In the revised document, corruption is assessed as a serious problem, and the approach to corruption relies on a multi-directional strategy, which promotes not only specific measures to fight corruption but also broader regulatory and institutional reforms, taking into account the specific circumstances of the member state.

Many resolutions, recommendations, and guidelines have been adopted within the Council of Europe, directly or indirectly, concerning good governance in member countries. The decision of the Committee of Ministers of the Council of Europe in 2008 adopted 12 principles of good governance at the local level (Council of Europe, 2009). "They cover issues such as ethical conduct, the rule of law, efficiency and effectiveness, transparency, good financial governance, and accountability" (Council of Europe, 2009).

Accountability, as seen through the eyes of good governance, includes the traditional hierarchical approach of superiority and subordination but goes beyond it conceptually (Anđelković, 2023). Issues of good governance in the context of accountability also concern the efficiency and effectiveness of governance, elements of ethics (integrity), democracy, and legitimacy, but also transparency, decentralization, citizen participation, and cooperation with the civil sector (Dubnick, Frederickson, 2014). The civil sector plays a vital role in the realization of the principles of good governance, and the engagement of civil society promotes the legitimacy of democratic government in the search for defining and implementing public policies that directly affect citizens (Plumptre & Graham, 1999). Consequently, civil society organizations are increasingly recognized in all democratic systems as the most adequate actors and partners in creating and analyzing public policies.

According to the United Nations, "good governance is measured by eight factors: participation, rule of law, transparency, responsiveness, consensus-oriented, fairness and inclusiveness, effectiveness and efficiency, and accountability".

Responsiveness is closely related to the concept of accountability. In a sense, it is an extension of accountability. In essence, this "means that public officials and administrative bodies must respond to citizens' requests promptly and responsibly and that it is

forbidden to delay or leave any issue unresolved without an unreasonably unreasonable answer. When necessary, public officials should proactively seek advice from citizens, explain their policies to them, and regularly answer their questions" (Keping, 2018, p. 3)

In the White Paper of the European Commission (2001), five principles of good governance are highlighted, namely:

1. Efficiency,
2. accountability,
3. openness,
4. compliance,
5. participation.

The European Commission believes these principles are essential for establishing democratic public administration. The principle of openness implies transparency in the work of public administration institutions to strengthen trust in their work. Participation is of crucial importance for the creation of public policies, as well as their implementation. Accountability was a fundamental principle on which public administrations worldwide should rest. An administration without responsibility has no legitimacy and cannot count on citizens' trust, while the principle of coherence implies the connection of policies adopted within the European Union. These principles are closely related and intertwining so that the components of one simultaneously constitute the components of another principle.

5. Good governance and good administration in the documents of the Republic of Serbia

In the Republic of Serbia, the influence of the OECD and the SIGMA initiative is noticeable, especially when drafting public policy documents (strategic documents). As Serbia is a candidate country for EU membership, this is also a consequence of its obligation to implement institutional solutions consistent with European ones.

From a nomotechnical point of view, no law defines good governance, nor is it proclaimed in the form of principles, but numerous rules in strategic documents elaborate it. Thus, the Public Administration Development Strategy for the period 2021-2031. elaborates the principles of good governance into concrete measures and activities that should be implemented in the mentioned period. It could also be said that the entire Strategy and the Action Plans for its implementation contribute to good governance, i.e., improving the quality of public administration work. The same is the case with the Program for the Improvement of Public Policy Governance and Regulatory Reform with an Action Plan for the period 2021-2025, and the Program for the Reform of the Local Self-Government System in the Republic of Serbia from the period 2021 to 2025.

On the other hand, the institution of the Protector of Citizens in Serbia contributed to the elaboration of the concept of good administration, which contained in the concept of good governance, with its work on individual cases of eradicating cases of bad administrative behavior,

but also by drafting the Code of Good Administration. This Code affirms the basic principles of the functioning of public administration, such as the principles of legality, proportionality and expediency, prohibition of discrimination, impartiality and independence in work, objectivity, prohibition of abuse and excess of authority, politeness, fairness, the principle of legitimate expectations, correction of omissions in work, explanation of administrative decisions, etc. (Ombudsman RS).

Many of these principles are also found in the umbrella laws in this area: the Law on State Administration, the Law on Civil Servants, and the Law on General Administrative Procedure. This Code paved the way for many institutions to adopt their codes of conduct.

6. Conclusion

The fact is that there is a dispersion of principles of administrative law, both substantive and procedural, among various legal acts, from the constitution to those regulating the organization of public administration, administrative procedure, work of public servants, and the like. Therefore, the principles of good governance should be seen as a guide and as a kind of foundation for building an efficient public administration.

Looking at all international documents and those that define good governance, as well as good administration, as its integral part, their principles, and the theoretical conceptions of these terms, we conclude that good governance expands the dimensions of public administration accountability beyond the traditional forms of accountability. In fact, it looks for the causes of ineffectiveness with traditional forms of accountability. For example, the conventional type of accountability is the accountability of the public administration institution for damage with all the specifics of the legal personality of the state and its officials, i.e., special legal conditions for the responsibility of the state and its officials. To governance well within the public administration, it is not enough that the form of material responsibility gets an epilogue in court, it is necessary to determine the causes and reasons for the payment of large compensations by the state and to work on taking practical steps and measures, to prevent such outcomes in the future.

Another essential segment that contributes to the principle of responsibility, and thus to good governance, is the system of internal financial control in public administration, which results from a focus on goals, risks, and performance governance in public administration. Also, one of the indispensable components of principles of accountability and good governance, in general, is the building of a culture of integrity in public administration because the ethical infrastructure of public administration is the basis of the accountability of public servants.

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