

Monitoring of Public Policies - A Modern Tool of Good Governance

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Abstract

The article presents the role of monitoring public policies as a modern tool of good governance. Monitoring is part of the process of developing and implementing public policies. The purpose of monitoring is to correct deviations from the tasks and thus improve implementation of the public policy as well as facilitate the further development of the process. The article examines the right to good governance and good administration in the context of its European dimensions.

Keywords: management, good administration, monitoring, public policies

Introduction

Good governance has become a paradigm through which we put into practice democratic values and standards, human rights and the rule of law. "The concept of good governance has existed since the dawn of modern civilization. It is directly linked with the concept of statehood and governance. Even Plato and Aristotle, developing the ideas of the ideal state, had specified the characteristics of good governance that had distinguished it from mismanagement. This idea was developed during the Enlightenment in the writings of Locke, Montesquieu, and the ideas of human rights in the English Magna Charta¹. It ensures and protects the rights and interests of citizens from the actions of royal power"². The term "good governance and good administration" initially began to be used in 1970s, mainly in the field of sustainable development policy. This term designates a perception that public institutions must make their decisions, manage public resources and ensure human rights without permitting abuses and corruption and by respecting the rule of law. The main criteria of good governance and good administration are outlined in a series of documents and acts of the European Union, Council of Europe, the UN and international financial institutions such as the International Monetary Fund and the World Bank. As such criteria there are stated: the rule of law and human rights; predictability, transparency and efficiency in the work of the administration at all levels; accountability of state and municipal authorities; guarantees of civil participation in decision-making; equal opportunities and inclusion; consent policy and balance of interests in society³. The Charter of Fundamental Rights of the European Union⁴ defines as fundamental rights of the citizens the right to good administration service (right to good administration)⁵, and the right to complain to the European Ombudsman in cases of maladministration (poor administration)⁶.

¹ Magna Charta, June 15, 1215

² Cheshmedzhieva, M. (2014). The Right to Good Administration. American International Journal of Contemporary Research, pp. 64-67, Vol. 4, No. 8, p. 64

³ Ombudsman of the Republic of Bulgaria, (2009), about the scope and content of the right to good governance and good administration. [Online] Available: <http://www.ombudsman.bg/municipality/bulgaria/398#middleWrapper> (July 15, 2015)

⁴ Charter of Fundamental Rights of the European Union proclaimed in Strasbourg on 12 December 2007 (2007/C 303/01)

⁵ Art. 41 of the Charter of Fundamental Rights of the European Union. According to Art. 41 of the Charter of Fundamental Rights of the EU:

1. "Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.

2. This right includes:

On 6th September 2001 the European Parliament adopted a resolution approving the European Code of Good Administrative Behavior, which the institutions and bodies of the European Union as well as their administrations and their officials are obliged to respect in their relations with citizens⁷. The purpose of the Code is to thoroughly explain what the proclamation of the right to good administration in the Charter of Fundamental Rights of the EU means in practice. The European Ombudsman investigates possible cases of maladministration in the institutions and bodies of the EU in accordance with Art. 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman⁸. “Maladministration” (“bad management”) occurs when “a public body fails to act in accordance with a rule or principle which is binding upon it”. This definition has been approved by the European Parliament. Simultaneously with the approval of the European Code of Good Administrative Behavior; the European Parliament adopted a resolution calling on the Ombudsman to apply it in examining whether there is maladministration, to ensure the citizens' right to good administration in accordance with Art. 41 of the Charter of Fundamental Rights of the EU. The key role that is assigned to deliver good local and regional governance is confirmed by the adoption of the Council of Europe Strategy for innovation and good governance at local level⁹.

The main objective of the Strategy is to mobilize and stimulate actions on behalf of interested parties at national and local level, thus the citizens of all European countries benefit from good democratic governance by continuously improving the quality of local public services, engagement of citizens in public life and the implementation of policies which comply with the legitimate expectations of citizens¹⁰. A prerequisite for the implementation of the proposed in the Strategy 12 principles is that local authorities within the limits of the law, have the powers, responsibilities and resources to enable them “to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.”¹¹. These principles of good democratic governance at the local level are¹²: fair conduct, representation and public participation during the elections; 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; accountability. „Currently, there is no uniform classification of the principles of good governance.

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- the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;
 - the obligation of the administration to give reasons for its decisions.

3. Every person has the right to have the Community make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.

4. Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language”.

⁶ Art. 43 of the Charter of Fundamental Rights of the European Union. According to Art. 43 of the Charter of Fundamental Rights “Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the Ombudsman of the Union in cases of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role”.

⁷ The European Code of Good Administrative Behavior, The European Ombudsman, 2001

⁸ Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties, OJ L 113, 4.5. 1994, p. 15

⁹ Council of Europe Strategy on innovation and good governance at local level adopted at the 15th Ordinary session of the Conference of European Ministers responsible for Local and Regional Government held on 15-16 October 2007 in Valencia, Spain (MCL -15 (2007) 8)

¹⁰ In pursuance of this objective, the Council of Europe Strategy for innovation and good governance at the local level has three objectives: “Citizens are placed at the heart of all democratic institutions and processes”; Local authorities constantly improve their governance in accordance with the 12 Principles in the Strategy; States (or regional authorities) should create and maintain the institutional preconditions for the improvement of local governance, based on their existing commitments under the European Charter of Local Self-Government and other standards of the Council of Europe.

¹¹ Art. 3.1. of The European Charter of Self-Governance, Strasbourg, October 15, 1985

¹² Council of Europe Strategy for innovation and good governance at local level

Modern European administration has established common democratic principles in the administration in the Member States of the EU. They are formulated as basic, guiding principles in the public administration system¹³. There are a number of modern tools for effective public management. As a modern tool of good governance there can also be examined the monitoring of public policies. Monitoring is part of the process of developing and implementing public policies. This process consists of the following dimensions¹⁴: strategic planning; policy development; implementation; monitoring and evaluation. The term “public policy” can be defined as “a general term meaning activity/activities/ and implemented by a state body that has legislative, political and financial powers for it”¹⁵. The public policies are developed and implemented by various legal and normative acts, as well as through the preparation and adoption of the executive regulations and related with them general and individual administrative acts, concepts, programs and strategies. Key roles in the process of developing and implementing public policies have the executive authorities and their administrations. Within the context of the studied issues, the term “monitoring” is defined as: “an activity in systematic and continuous collection, analysis and use of information for the purpose of management control, identification and undertaking corrective actions in the implementation of policies and regulations”¹⁶. The purpose of monitoring is to correct deviations from the tasks set and thus improve the implementation of the relative public policy and facilitate the further development of the process.

Monitoring is carried out at all levels of administration, the emphasis being placed on¹⁷: the used resources/investments (input monitoring); planned activities and/or implementation processes (performance monitoring); received final/immediate results (results monitoring). Monitoring is an intense and dynamic process of programs and projects management, which results in systematically preparing periodic reports on the findings, evaluations, conclusions and recommendations on the progress made and the benefits to be expected from the implementation of programs and projects. The monitoring of public policies supports the process of managerial decision-making on the basis of a continuous flow of information. The main task of the monitoring of public policies is to monitor and measure the achievement of their objectives and their efficiency in the process of their implementation. As a result of the monitoring being performed there can be made timely adjustments in the way of implementing public policies. An important role in the long-term public policies and programs has the ongoing monitoring because it takes place in several phases. The realization of each successive phase may be preceded by monitoring and evaluation of activities and results of the preceding phases. Within the context of the issues studied the term “assessment” is defined as: “an assessment of public policies and programs based on their results, their impact and needs, which are intended to be met”¹⁸. The monitoring and evaluation of public policies are instruments of good governance in the implementation of the power at all levels. A prerequisite for their effectiveness is that they should be regarded as an integral part of the process of making decisions and management of the overall cycle of development, implementation and evaluation of public policies.

¹³Cheshmedzhieva, M. (2014). The Right to Good Administration. *American International Journal of Contemporary Research*, pp. 64-67, Vol. 4, No. 8, p. 66

¹⁴ Handbook for implementation, monitoring and evaluation of policies and legislation in Bulgaria, the consortium “Sema-Agrer-ENA” and administration of the Council of Ministers of the Republic of Bulgaria; PHARE project BG-0103.01 “Strategic planning and coordination” (2008). S., p. 4; Kresnaliyska, G. (2012). Application of monitoring in the context of an effective strategic management in the public sphere. *Festschrift of the International Conference “Law, Management and Media in the 21st century” on the occasion of the 20th anniversary of the Faculty of Law and History*, Vol. 1, pp. 451-456, Bl., p. 451

¹⁵ Handbook for implementation, monitoring and evaluation of policies and legislation in Bulgaria, the consortium “Sema-Agrer-ENA” and administration of the Council of Ministers of the Republic of Bulgaria; PHARE project BG-0103.01 “Strategic planning and coordination” (2008). S., p. 6

¹⁶ Handbook for implementation, monitoring and evaluation of policies and legislation in Bulgaria, the consortium “Sema-Agrer-ENA” and administration of the Council of Ministers of the Republic of Bulgaria; PHARE project BG-0103.01 “Strategic planning and coordination” (2008). S., p. 11

¹⁷ Handbook for implementation, monitoring and evaluation of policies and legislation in Bulgaria, the consortium “Sema-Agrer-ENA” and administration of the Council of Ministers of the Republic of Bulgaria; PHARE project BG-0103.01 “Strategic planning and coordination” (2008). S., p. 11

¹⁸ Handbook for implementation, monitoring and evaluation of policies and legislation in Bulgaria, the consortium “Sema-Agrer-ENA” and administration of the Council of Ministers of the Republic of Bulgaria; PHARE project BG-0103.01 “Strategic planning and coordination” (2008). S., p. 22

The role of monitoring and evaluation of public policies as instruments of good governance can be found in the following important areas¹⁹:

- Transparency of governance processes – the interested parties and the public have a direct access to the institutions, procedures and information. In this way, there is an opportunity for the public policies to be understood, monitored and evaluated. The transparent management system has clear procedures for public decision-making as well as open communication channels among all interested parties and public administration employees.
- Accountability - the monitoring provides information to what extent public policy achieves its objectives, how appropriate public resources are used, etc. Thus, there is a possibility for the interested parties to provide and receive information, which is crucial to detect fraud, corruption and protect their interests.
- Responsibility in management - during the conduct of public policies it is necessary that institutions constantly try to comply with the interests of all target groups and interested parties. The political leaders and officials from the public sector need to be responsible to the interested parties and the public in order to exercise their powers. They must take measures when there is such available criticism or requirements by the citizens, and to take responsibility in case of errors made and displays of incompetence.
- Improving the quality of implementation of public policies and achieved results, created products and provided public services. Institutions, organizations and communities that implement public policies improve and develop their capacity.
- Mechanisms for citizen participation - citizens are able to participate in the process of decision-making about the evaluation and changes in the implementation of public policies.
- Tools to reach an agreement – the good democratic governance takes into account and reconciles different views and interests, with the ultimate aim to achieve a broad consensus on what is in the interest of the community and where possible - to agree upon public policies.
- Efficiency and effectiveness of policies and the creation of a strategic vision - the institutions use the available resources in the best way to achieve results that meet public needs. The leaders and the public form a strategic vision for a good democratic governance and development.
- The results of the monitoring and evaluation support the development of measures and instruments for the development of appropriate public policy.

The main meaning and importance of the monitoring and evaluation of public policies is to assess options for welfare improvement, quality of life and prosperity of citizens.

Monitoring and evaluation of public policies enable the ruling ones to formulate key development priorities, seeking answers to many key questions²⁰:

- What is the significance of the effects of the implementation of public policy for various target groups and interested parties?
- Are there serious risks that threaten the realization of public policy or the successful achievement of the intended results?
- Is there a record of unforeseen negative consequences of the implementation of public policy?
- Is it necessary to make adjustments in the way of implementing public policy? If yes, what are these adjustments?

In summary, it can be pointed out that good governance is a prerequisite for all levels of public administration, as this type of management requires the implementation of more effective principles and tools. In this regard, the need to strengthen the role of monitoring public policies as a modern tool of good democratic governance stands out.

¹⁹Kresnaliyska, G. (2012). Application of monitoring within the context of an effective strategic management in the public sphere. Festschrift of the International Scientific Conference “Law, Management and Media in the 21st century” on the occasion of the 20th anniversary of the Faculty of Law and History, Vol. 1, pp. 451-456, Bl., p. 452

²⁰Kresnaliyska, G. (2012). Application of monitoring within the context of an effective strategic management in the public sphere. Festschrift of the International Scientific Conference “Law, Management and Media in the 21st century” on the occasion of 20th anniversary of the Faculty of Law and History, Vol. 1, pp. 451-456, Bl., p. 455

References

- Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties, OJ L 113, 4.5. 1994
- European Charter of Local Self-Government, Strasbourg, October 15, 1985
- Kresnaliyska, G. (2012). Application of monitoring within the context of an effective strategic management in the public sphere. Festschrift of the International Scientific Conference "Law, Management and Media in the 21st century" on the occasion of the 20th anniversary of the Faculty of Law and History, Vol. 1, pp. 451-456, Bl.
- Handbook for implementation, monitoring and evaluation of policies and legislation in Bulgaria, the consortium "Sema-Agrer-ENA" and administration of the Council of Ministers of the Republic of Bulgaria; PHARE project BG-0103.01 "Strategic planning and coordination" (2008). S.
- Ombudsman of the Republic of Bulgaria, (2009), About the scope and content of the right to good governance and good administration. [Online] Available:
<http://www.ombudsman.bg/municipality/bulgaria/398#middleWrapper> (July 15, 2015)
- Council of Europe Strategy on innovation and good governance at local level adopted at the 15th Ordinary session of the Conference of European Ministers responsible for Local and Regional Government held on 15-16 October 2007 in Valencia, Spain (MCL -15 (2007) 8)
- The European Code of Good Administrative Behavior, The European Ombudsman, 2001
- The Charter of Fundamental Rights of the European Union, proclaimed in Strasbourg on 12 December 2007 (2007/C 303/01)
- Magna Charta, June 15, 1215
- Cheshmedzhieva, M. (2014). The Right to Good Administration. *American International Journal of Contemporary Research*, Vol. 4, No. 8, 64-67.