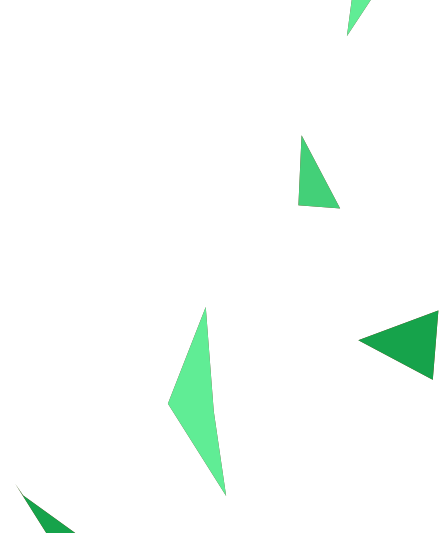




## ACRECREVIEW №1/2019

### **WHETHER TRANSPARENCY OF ACTIVITY CORRELATES WITH EFFICIENCY:**

ANALYSIS OF THE WORK  
OF PARLIAMENT



*Without any exaggeration it is possible to say that transparency is becoming a trend and this applies not only to Ukrainian society. Transparency in business is a tool for building a positive reputation. Transparency in governance is considered as the standard of legal and democratic state. The ability to monitor state activities by society gives a possibility to be critical concerning the effectiveness of public authority. But is the transparency of public authorities a guarantee of their effectiveness?*

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## ANALYTICAL PROBLEM

The parliament of any democratic country, including Ukraine, is considered as the central institution of democracy, on the effectiveness of which depends on the lion's share of the success of public administration. Because exactly the parliament is the body that establishes the rules which are subsequently applied by the judiciary and the executive branch, and according to which all Ukrainians live. However, the effectiveness of this body is the object of criticism of the public and expert communities [1; 2; 3], which correlates with the low trust of Ukrainians to the Verkhovna Rada of Ukraine (only 5.3% trust [4]).

There is no formal evaluation of the effectiveness of the legislature, and the vast majority of public experts use narrow evaluation criteria, namely the number of draft laws that have become real laws. This approach cannot be considered objective, because quantity is not equal to quality.

The place of transparency in the evaluation of efficiency is not well researched, although, mostly, it is considered as necessary. But is it expedient to spend costs on transparency of the activities?

Assessing the effectiveness of parliament is, of course, a difficult task, and depends on the choice of appropriate quality standards very much. However, we have formed broader criteria for evaluating the activities of parliament, which include not only quantitative but also qualitative approaches. We have done it

using a comparative analysis of scientific approaches, analytical materials, open data and surveys.

The place of transparency in the evaluation of effectiveness is quite well researched and is mostly considered as necessary, but taking into account the significant resources aimed at transparency, we propose to examine how ensuring transparency affects the direct function of parliaments.

Significant resources are involved to reach the maximum disclosure of information about the results of the legislators' activities (information portal "Rada", E-parliament, the program "Open Parliament", etc.). However, trust to the parliament has not increased (it has even decreased from 8.5% [4] in 2016 to 5.3% in 2017), and the place of transparency in the effectiveness of the parliament activities has not been determined yet – some consider it as key unit, other part of experts – secondary unit. We have analysed the activities of the most and least transparent Committees of the Verkhovna Rada of Ukraine (taking into account the rating of transparency [5]) concerning their effectiveness in accordance with the criteria defined by us, and clarified the nature of the relationship between these two concepts.

Thus, the aim of the study is to determine the correlation between transparency in the work of the Ukrainian Parliament (its separate committees) on the one hand and the effectiveness of this work on the other.

## THE DEGREE OF SCIENTIFIC DEVELOPMENT

The direct question developed by the authors of this policy study has not been the subject of analysts' research before. Researchers have usually raised the issue of transparency, openness and efficiency of parliaments or deputies, without investigation of the correlation of such indicators with the evaluation of the work of parliamentary committees.

A number of scholars in the field of public administration have made a significant contribution to the conceptualisation of the notions of transparency, openness and efficiency. However, they all consider these categories separately in their own researches, without mentioning the possibility of relationships between them. Thus, in her research, O. Tkachova considers the effectiveness of government agencies as socially significant results of their activities. O. Batishcheva [18] emphasises the need for invention and further scientific substantiation of methods for determining the effectiveness of parliament. A. Fengler, L. Prykhodchenko [13, 14] talk about value and orientation paradigms of openness. N. Timoshenko [23] explores the openness of government bodies itself as a tool that establishes a two-way relationship between public authorities and civil society. V. Nesterovych [20] similarly speaks about openness, calling it a key prerequisite for the establishment of participatory democracy. From the points of view of D. Dzvinchuk and V. Wenger [21, 28], it is necessarily to emphasise the importance of openness of government agen-

cies in order to follow the best Western practices. D. Bakumenko [9] points out that transparency is a component of trust formation to government. Y. Surmin [9] attempts to define terminologically these concepts, however, does not investigate whether a relevant connection between them is possible. These works cannot be purely applied to the issue raised in this policy study, because, as we see, they reveal the essence of openness, transparency, efficiency, emphasise their value and significance, but ignore the correlation between them.

## ANALYTICAL QUESTION

How does the transparency of parliamentary activities (on the example of two parliamentary committees) correlate with their efficiency?

## THE METHODS WE USE

Methods of information gathering – poll in the form of interviews with members of the Committees, their assistants, individual representatives of the secretariats. These persons, on the one hand, perform various functions and, on the other hand, are involved in the work of the committee and interested in its positive results; content analysis – during the consideration of regulations concerning the work of parliamentary committees (Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine”, “On Time Limit of the Verkhovna Rada of Ukraine”, summary records of the meetings, activity reports, analytical researches and sociological research results).

In addition, this study uses the analytical reports based on the results of monitoring the work of parliamentary committees conducted by non-governmental institutions over the past three years.

## PRESENTATION OF THE MAIN PART

In order to assess the relationship between the transparency of parliament and its efficiency, these concepts need to be defined.

## THE EFFECTIVENESS OF PARLIAMENT

## WHAT IS IT?

*In the practice of researches connected with the effectiveness of management, as a rule, two main terms are used: "efficiency" and "effectiveness" [6].*

The effectiveness of public administration (according to F. Kotler and N. Lee [7, p. 18]) is characterised by certain features that distinguish ways of assessing it from methods of assessing the effectiveness of the private sector. The main difference lies in serving the interests of citizens unlike to serving the interests of shareholders and profit maximisation. This allows to make a conclusion that the consideration of the effectiveness of the public sector through a quantitative indicator in the form of profit is impractical (the exception is state enterprises).

The next approach to efficiency determination is to compare the results of management and resources spent on their achievement [8, p. 32]. In many cases, it is acceptable to use it for management in both public and private sector (particularly in the process of providing administrative services). However, there

are cases in which this approach is not sufficient, because the results of management are not only economic but also social, political, socio-psychological [9]. A striking example is the work of parliament, under the efficiency of its work we understand the perfection and quality of governance, its compliance with the needs and interests of society.

## HOW DO WE MEASURE IT?

**Who is assessed?** This study will focus on the effectiveness of individual parliamentary committees, rather than individual deputies, factions, groups or parliament as a whole. This decision is stipulated by the fact that the main place of work of the deputy is the Committee. The committee is a body of the Verkhovna Rada of Ukraine, which is formed from the deputies of Ukraine to carry out, in certain areas, law drafting, preparation and preliminary consideration of issues related to the powers of the Verkhovna Rada of Ukraine, and to perform the control functions. Some deputies, which register a draft law, are not always agents of action (they are not authors, do not engage in advocacy, do not work on finalising the law, etc.). Parliament, from its part, makes decisions based on the work done on the draft law in the main committee. Thus, the acceptance of the draft law directly in the voting hall depends on the quality of preparation of a law in the Committee.

**How do we assess?** Committees of the Verkhovna Rada in accordance with the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine” have three main functions: legislative, organisational and control.

Taking into account: a) the limited scope for this format of work; b) the main specifics of the work of the parliament as a legislative body; and c) the most popular aspect of the work of the Verkhovna Rada in society – we focused on the first function and certain aspects of the second and the third only in the parts that affect the legislative.

The analysis of journalistic materials, speeches of representatives of the parliament and researches of the analytical centres illustrates the main focus on the quantitative aspect of the parliament work: how many draft laws were registered, voted, rejected; the presence of deputies, how many draft laws were submitted to their committee, to another committee, etc.

For example, web-portal “Today” [10] lists the number of draft laws over a certain period of time and the percentage of those that have become laws. The same applies to draft resolutions. Representatives of the parliament in their analyses also refer to quantitative data. Moreover, the quantitative analysis is carried out in different versions – both in general and for each individual committee [11]. In addition, a lot of attention is paid to the attendance of deputies at meetings, most often – in percentages [12].

Without denying that most of the adopted laws are the result of the colossal work of the legislature, in our opinion, this criterion is not the main one. A. Fengler's American study about the relationship between the productivity of legislators' work and their age showed that senior parliamentarians register draft laws twice less, but work more effectively on drafting laws which have more chances to be adopted, and which finally become laws [13].

This once again confirms that quantity matters only when it is reinforced by quality: the possibility of practical realisation of adopted laws and, that is most important, public benefit and demand. That is why we will focus on the analysis of the qualitative component of the Committee's work.

The approach of quality management assessment involves two important components:

- 1) the manager must constantly monitor and control the current needs of the citizen and ensure their qualitative and opportune satisfaction;
- 2) at the heart of the quality management system lies “process approach”, which is considered as the application of the system of processes within the organisation together with their definition and interaction, as well as process management [14, p. 80–85].



## CRITERIA FOR OUR ASSESSMENT

In order to assess the efficiency of the committees' work in a qualitative aspect, we investigated both scientific and practical approaches, and focused on the process (who? what? how? under what conditions?) of making legislative decisions. During the determination of the criteria for analysis, we used scientific positions, analytical documents of dedicated associations and civil society organisations [15; 16; 18], as well as polls (interviews) of representatives of the secretariats of individual committees, members of the committee and their assistants. Our efficiency criteria are as follows:

1) Proper realisation of **the legislative and control functions of the committee.**

We speak, first of all, about a timely analysis of draft laws in which the committee is determined as the main one, as well as other draft laws, if it is required by the Time Limit of the Verkhovna Rada; analysis of the practice of legislative acts application, preparation of proposals for their systematisation; analysis of public opinion, which indicates the need for the adoption of new legislation and, if necessary, the development of such initiatives. In accordance with the requirements of the Time Limit, the main committee must provide the conclusion concerning each draft law within thirty days. Not specialised committees during the consideration of the draft law must provide their conclusion in twenty-one days. Realising the problem of “legislative spam” or “leg-

relative tsunami”, as Pat Cox called it [28], we do not assess the insignificant deviation from these terms as a manifestation of inefficiency.

The control function is no less important. A good law is a law that is effectively realised in a way that is expected by legislators. Therefore, overseeing the legislation enforcement should be one of the main tasks of the committees. Thus, "hearings" and trips "on the fields" in order to study a particular situation or to check the work of public services is a necessary mechanism. [50] American scientist Dan Asher, investigating whether the economic effectiveness of legislation is connected with the effectiveness of parliament or the judiciary, which are designed to monitor the implementation of laws, concluded that the effectiveness of laws depends to a greater extent on the legislature [20]. Both theoretical and practical methods of analysis have shown that exactly this function of the committee provides: firstly, control over the realisation of adopted legislation, which makes it possible to understand its gaps, which should be corrected, and secondly, to stimulate executive bodies to implement the already adopted changes.

2) **Cooperation of committee members.** Both theory (research of K.

Gavande and T. Wheeler [17]) and practice have shown that the productivity of public authorities, especially in the legislature, is significantly influenced by such important factors as morality and cooperation [19]. The realisation of most other criteria largely depends on this criterion. However, we find it naive to believe

that all members of the committee will meet these requirements. Moreover, if we managed to evaluate cooperation, but morality – did not.

3) **Pluralism of representation.** The creation of parliamentary committees, taking into account the proportional correlation between the representatives of the coalition and opposition parties and the reflection of the entire party composition of parliament, is designed to prevent decision-making in accordance with individual party interests. We do not rule out that the decisions may reflect a party compromise or "barter" agreements. But in any case, the effective implementation of this criterion can ensure a stable and non-partisan decision-making process, and the chances of a single political force superiority may be lower.

4) **Regularity of committee meetings.** A committee whose members do not attend the meeting cannot be effective and the lack of a quorum slows down the decision-making. Practice shows that the provision of the last two criteria guarantees adherence of the following: the regularity of committee meetings should ensure timely processing and consideration of all relevant draft laws.

5) **Adherence legislative decision-making procedures.** We speak about the adherence of requirements of the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine” and the Law of Ukraine “On Time Limit of the Verkhovna Rada of Ukraine”, including openness of meetings, information about work of committee.

6) **Independent professional staff of the committee.** First of all, apoliticism and impartiality, the presence of levers to avoid pressure from politicians are important. Secondly, the number of resources of the committee. We mean logistical, financial and personnel support. It is impossible to ensure the proper quality of the committee's work if there isn't enough secretariat staff and no resources to hire other employees, including more professional ones. Involving young people to the work of the agency, in particular, through internship programs (with real access to the legislative process) and potential employment can become the factors of improving work efficiency.

7) Existence of an **appropriate level of examination of draft laws** before their consideration and participation of stakeholders and the civil society in the legislative process.

Expert consideration affects directly the quality of the adopted legislation. To carry out it, in addition to the professional apparatus, it is necessary to involve external, including international, experts.

This criterion has a huge impact on the quality of decision-making, because in the conditions of the absence of thorough expertise, communication with the public and the main stakeholders of the proposed changes, the draft law has an extremely low chances of “achieving socially significant results”, but great chances – to create even more problems. An effective process is decision-making not by formal adherence to procedures, but by inviting independent experts, carry-

ing out real discussions, and researching practice. In our clear belief, the awareness and support of stakeholders concerning processed and submitted to the parliament draft laws is the most important indicator of the quality of legislative products (both the draft laws themselves and the social consequences of their adoption), regardless of their number.

8) **Substantiation of decisions.**

Preparation of committee decisions on each draft law with appropriate substantiation of the decision. This will provide an understanding of both deputies and society on what basis certain decisions are made and what problems they are designed to solve.

In such conditions, the recommendations of Delcamp [50] are interesting. They are about the improvement of the efficiency of parliamentary committees based on international experience. The interest lies in the fact that it is possible to trace with the help of this research, what criteria, according to the researcher, define efficiency of parliamentary committees in general. Thus, he emphasises on taking into account the importance and specificity of committees compared to parliamentary factions: institutional importance and the importance of working behaviour (a committee is a place where adherence of technical formalities is sometimes as important, or even more important than party affiliation). In addition, he draws attention to the need to encourage committees to become places of synthesis of various draft laws in order to reduce the agenda of plenary meetings to key issues. In his study, Delcamp

also points out the importance of professional assistance, at least the ensuring of the proper functioning of the secretariat. The author attaches great importance to the control function of the parliament and the possibility of its combination with the legislative one.

## TRANSPARENCY AND OPENNESS

## WHAT IS TRANSPARENCY?

Transparency and openness are often not distinguished at all in researches [21]. Transparency is determined by the availability of information about the activities of a public body. The basic standards for the realisation of transparency principle and the requirements for openness of data which are at the disposal of public authorities are quite comprehensively set out in the Recommendations of the Committee of Ministers of the Council of Europe N°R (2002)2 "On access to official documents" dated 21 February 2002 [17].

At the same time, although the Recommendations mention the access to documents of public authorities, we think that transparency should be understood more broadly, namely as a principle of work of public authorities in general and the Ukrainian Parliament in particular. [22]

This principle, in our opinion, should be based not only on a certain order of access to documents (even with passing by the officials a three-part test in each particular case of request), but also on posting information within the statutory period on official web-portals. Transparency should be a kind of “work philosophy” of the public body, which includes that agency is guided not only by existing regulations of laws and bylaws, but also the body itself is the initiator of innovative changes in the work that facilitate access to public information

without applying making a request for access.

Thus, transparency is the degree to which citizens have access to public information, which is at their disposal (both on requests and on their own initiative).

It should be noted that all the official websites of the committees of the Ukrainian Parliament are similar in terms of web design and the way of posting information for users. They are designed according to a unified template. However, the level of content maintenance on the official websites of the committees differs.

Thus, the Committee of the Verkhovna Rada of Ukraine on State Building, Regional Policy and Local Self-Government offers a submenu with downloaded data about the activities of the committee, namely – materials of meetings, news about hearings and holding of “round tables” on its official website [52] at the transition to the main page in noticeable for users place. Regarding the materials of the meetings, the user has a great number of options such as: to read and download the agenda of the meeting, to listen to the audio recording of the committee meeting, to watch the video record of the meeting, to download the transcript, minutes of the meeting, and download additional materials that were used during the committee meeting. An example of such additional materials is the presentation of the analysis of the use of the state budget of Ukraine for



## TRANSPARENCY AND OPENNESS OF PARLIAMENTARY COMMITTEES

## THE LEVEL OF OPENNESS OF THE WORK OF THE COMMITTEES OF THE VERKHOVNA RADA OF UKRAINE.

If we speak about openness, first of all it is considered as the involvement of citizens in the decision-making process. Starting from free access of citizens and media representatives to parliamentary meetings (by a simple procedure) to taking into account the position of the public (CSOs, independent experts, business associations, specialised institutions, etc.) during the legislative process. This participation will be possible if the public understands the specifics of the committee's work, and it can be provided in the conditions of transparency of parliamentary work.

Independent monitorings of the openness of parliamentary committees indicate the widespread practice of not allowing members of the public and the media to the meetings or creating lengthy bureaucratic hurdles [26] (this concerns more the outdated procedure of entering to the parliament as a whole, then the committees themselves). During the decision-making process, the public's position was not taken into account – there was a deviation (sometimes “significant” according to observers’ estimation) from the agenda, observers compared the consideration of draft laws with the prepara-

tion of fast food. That is, the committee decides whether to support a particular draft law in just a few minutes. Without discussions among the members of the committee, without the involvement of experts and public representatives, without consideration of the remarks and conclusions of the expert departments of the parliament [27].

However, this is not the case for all committees. Thus, many active civil society organisations have established partnerships with specialised committees through secretariats' staff. Because of this, committee hearings (or any other committee events – round tables, conferences) are often organised together with relevant civil society institutions. In some cases, reverse situations happen when the committee itself initiated such a partnership. The impetus for this was the “legislative tsunami”.

## ON THE ISSUE OF TRANSPARENCY OF THE WORK OF COMMITTEES OF THE VERKHOVNA RADA OF UKRAINE.

NGOs offer their own approaches how assess the transparency of parliamentary committees. For example, the civic network “The Pillar”, the civil society organisation “The League of Interns”, and the World Bank representatives have conducted their own studies of the

transparency of the work of parliamentary committees at various times after 2015.

Twenty-seven parliamentary committees were evaluated and analysed by **“The Pillar” experts**. The developed by them methodology uses thirty-four indicators. Their formation takes into account the Regulations on web resources of the Verkhovna Rada of Ukraine, approved by the Order of the Chairman of the Verkhovna Rada of Ukraine №699 dated May 19, 2015. The Regulation defines the list of information which should be placed on the websites of the committees. The rest of the indicators are based on a list of information that, according to “Pillar” opinion, should be promulgated on the committees’ websites.

Thus, in the above-mentioned Regulation, among others, there are such indicators as the availability of information about the composition and structure of committees, access to minutes of meetings and their audio recordings, placing of work plans, feedback form and the availability of contact information. The organisation itself proposed to add information about regulations which regulate the activities of the committee, about video records of meetings, statistics of attendance of deputies at committee meetings, the results of draft law work at the committee level, etc. At the same time, "The Pillar" tried to show the numerical expression of such information (data), including percentage values.

The methodology to monitor the openness and transparency of parliamentary committees was also developed

by the **CSO “League of Interns”** on the basis of the same above-mentioned Regulation. Other criteria were not used in the developed methodology in order to avoid discrimination in evaluation (as an example they state that technical equipment for video broadcasting is not equally available to all committees) [23]. “The League” analyses and evaluates by points the availability of data lists in public domain on the committee’s web portals, taking into account how timely such data (information) appears there.

The Committee on State Building, Regional Policy and Local Self-Government, the Committee on Human Rights, National Minorities and International Relations are the best in “openness” of information about their activities. The worst indicators are shown by the Committee on National Security and Defence, the Committee on European Integration.

The transparency of the work of parliamentary committees was also studied by the **World Bank Representation**. [25] However, their study is unique in that it is based on the opinion of the regional media. The study was conducted on the Internet during July-August 2016 among representatives of traditional and electronic media all over Ukraine. As the official website of the Verkhovna Rada of Ukraine is the main source of information about the work of the Verkhovna Rada, the assessment of the timeliness of the information posting for the dissemination and use by the media took an important place in the survey.

Representatives of media named the following main problems of the realisation of the institutional mechanism of cooperation between the Verkhovna Rada and the media: the old bureaucracy apparatus; lack of understanding of the need for cooperation with the media; lack of necessary skills and knowledge of deputies and employees of the Verkhovna Rada; distrust to small regional media.

**So, what is the correlation between transparency and openness on the one hand and the efficiency of the committee activities on the other?**

After pointing the criteria of the efficiency of parliamentary committees and determining their nature, we can already say that in theory at least one of the ten criteria of effectiveness presupposes transparency, while a third of effectiveness criteria depend on openness. In addition, practice shows that without the realisation of transparency, the committee cannot be open (without its own initiative), because the public simply does not have a chance to influence on the consideration of issues because of the lack of information about the committee's activities (considered issues, the meeting time, possible participation procedure, etc.).

In accordance with all our ratings of transparency and openness, we propose to analyse the effectiveness of the two committees:

1) Committee on State Building, Regional Policy and Local Self-Government, which is consistently among the top three leaders. According to the monitoring openness initiatives, this committee did not show any violations.

2) The Committee on European Integration, which occupies the last steps in the rating of transparency and openness.



## COMMITTEE ON STATE BUILDING, REGIONAL POLICY AND LOCAL SELF-GOVERNMENT

Let's start from checking the effectiveness of the constant leader of the rating of transparency and openness.

During the eighth convocation, the Committee made many reforms in the following areas: public service reforms through the preparation and adoption of a new Law on Public Service, which became the first considerable political step in this direction since 1993 [49]; decentralisation through the adoption of the Law on Voluntary Association of Territorial Communities; regional policy through the adoption of the Law on the Principles of State Regional Policy, which provided an opportunity to realise programs and projects at the local level and beyond.

1) **The legislative function of the committee.** On April 2019, during the eighth convocation, the Verkhovna Rada of Ukraine adopted sixteen draft laws prepared by the Committee. However, the last draft law was adopted by the parliament in November 2017. It was from the Committee on State Building which was the main committee.

- One hundred and thirteen draft laws have been registered in total, in the consideration of which the committee has been determined as the main one. The Verkhovna Rada of Ukraine has not yet considered forty-eight draft laws, which have already been pre-

pared by the Committee for the first reading and three draft laws for the second. At the same time, the Committee did not provide conclusions concerning fifty-five draft laws for the first reading and one draft laws for the second, in the consideration of which it was determined as the main one. Many of these draft laws dated 2014, 2015, 2016 and 2017. According to the results of the work of the subcommittees [34], their consideration got stuck there. Representatives of the committee claim that all major draft laws are ready for consideration in parliament.

- In the end of April 2019, the Committee has not provided conclusions concerning any draft law registered during the ninth session (registered from September 3, 2018 to January 31, 2019).
- From 2017 to 2019, the Committee (on behalf of the majority of committee members) submitted 5 draft laws [47] regarding the regulation of the civil service and local self-government.

2) Regular realisation of the control function of the committee. Analysis of reports [35] and minutes of the committee indicated that the control function is performed quite regularly: inquiries are sent to the Cabinet of Ministers concerning the status of realisation of relevant laws and to local and law enforcement agencies about violations of the law; the specialised ministries and agencies are heard concerning the status of carrying out of the adopted legislation; analysis of the Accounting Chamber's reports about the use of budget funds for the implementation of profile reforms; control over the procedure of local election is carried out; the state of unification of territorial communities is monitored. In addition to the analysis of state structures' reports, the Committee was the beneficiary of "shadow reports" from independent CSOs concerning the civil service reform [40], decentralisation [41] and sociological surveys about the attitude of society to the profile reforms of the committee. Analysis of reports (VI-IX sessions) indicates the carrying out of control powers and analysis of the law usage practice almost monthly. The Committee periodically conducts retreats, round tables and trainings with the participation of committee members in different regions of Ukraine, in particular to explain the legislation to local communities in the context of decentralisation.

During the period of 2017-2019 (VII-IX sessions), the control function was realised fifty-eight times. During the period of 2017-2019 (VI – IX sessions), eight working groups were formed, the main

topic of which was the development of local democracies. In the vast majority of cases, the working groups considered existing legislative initiatives and rejected or sent them to be redrafted.

3) The Committee consists of seventeen members, eight of whom are representatives of the coalition (representatives of the Political Party "Narodnyi Front" and the Petro Poroshenko Bloc Party). Taking into account that three opposition deputies (Baloga I.I., Dobkin M.M., Matviychuk E.L.) do not attend the absolute majority of meetings (according to the data of the minutes of the committee meetings [32]), the actual number of members of the committee – fourteen. Thus, the composition of the committee, *de jure*, is pluralistic, *de facto* – the majority are members of the coalition. However, the chairman of the committee (who has significant powers and leverages to influence on the work of the committee) is a representative of the opposition – a representative of the party "All-Ukrainian Association "Batkivshchyna"". Thus, we conclude that **the pluralism of representation is ensured.**

4) Analysis of the minutes of committee meetings [32] and the results of an internal anonymous survey indicate that the cooperation of committee members is established – committee meetings are not blocked because of certain issues, participation in committees' work is active and productive. This is partly can be explained by the specifics of the committee's activities – decentralisation (united territorial communities). Half of the committee members are elected in

the constituencies. Therefore, during the meetings with voters, the issue of the unification of territorial communities (which is one of the central in the activities of the committee) stands out extremely acute. Thus, **we assess the cooperation of committee members at a high level.**

5) **The Committee meets regularly,** cases of impossibility to make a decision due to lack of quorum are not observed even during the election process [33]. For the period of 2017-2019 (VI-IX sessions) forty-one meeting were held. But all meetings were held during the plenary weeks, and no committee work was held during the weeks.

6) **Subcommittees actively work in the committee** [34]. All draft laws before consideration in the committee are distributed among the subcommittees for preliminary preparation [37]. Without such a preliminary analysis, according to the words of committee's representatives, decisions are not made on committee meetings concerning the draft laws in which the committee is the main one. It is additionally confirmed by information from the committee's reports.

7) **Compliance with legislative decision-making procedures.** The Committee complies with the requirements of the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine” and the Law of Ukraine “On the Time Limit of the Verkhovna Rada of Ukraine”. However, according to the information of the committee representatives, committee members in some cases speculate on gaps in the procedural issues of subcommittees’

activities (required number for quorum, possibility to make decisions without quorum, etc.). Taking into account that the final decision is made by a committee, not a subcommittee, we do not consider this as a violation.

8) **The committee has an appropriate level of examination of draft laws** before their consideration and it is possible to see the effective participation of the public in the legislative process. It is confirmed by interviews with committee representatives, experts who cooperate with the committee and analysis of protocols. Moreover, the materials placed on the committee's website indicate frequent requests from the committee to both national and international institutions for legal advice. No decision is made without conclusions from them. Central draft laws of profile reforms (decentralisation, civil service reform, decommunisation) were developed in working groups which consisted up to fifty profile experts.

The conclusions to most draft laws contain not only what the law requires – the position of the Main Scientific and Expert Department of the Verkhovna Rada of Ukraine, the conclusions of other committees, but also the position of the All-Ukrainian Association of Local Governments “Association of Ukrainian Cities”, other associations. However, the conclusions to the draft laws do not contain a broad substantiation for the adopted decision. In important cases, international experts, associations, and scientific institutions are involved to the analysis (in particular, the Draft Law on the Principles of Administrative and Ter-



## COMMITTEE ON EUROPEAN INTEGRATION

The committee has been functioning since 2002, but after the Revolution of Dignity it became even more important. Today, in a state of war, European integration is an economy, a way of its modernisation, overcoming technological backwardness, attracting foreign investment and the latest technologies, entry on the EU markets. In fact, it is a question of a possibility of involvement of the model of social and economic development which operates in the leading European countries [42]. Moreover, the strategic European integration course is enshrined in the Constitution.

In order to accelerate these processes, Ukraine has created a structure responsible for European integration: the government, ministries and parliament in the structure of the committee which we analysed. According to the government's position [44], the main function of the committee in the reform of European integration is parliamentary oversight. The competence of the committee [43] has a clear focus, in particular:

- ▶ adaptation of Ukrainian legislation to the legislation of the European Union (EU), ensuring its compliance with Ukraine's obligations in the framework of the Council of Europe (CoE);
- ▶ assessment of compliance of draft laws with Ukraine's international legal obligations in the field of European integration;

- ▶ state policy in the field of European integration.

In this regard, we will investigate the realisation of these functions by the committee and compliance with the efficiency criteria defined by us.

1) Legislative function of the committee.

· **Adaptation of Ukrainian legislation to EU legislation is a central competence.** The analysis of the committee's reports does not provide any answer concerning the results of its implementation. Instead, the Government's report [44] shows progress for recent years and makes it clear that all work is shifted on the government, and the parliament is not involved. In 2017, forty-seven percent of the plan was completed, in 2018 – already fifty-two. However, separately, the parliament has done twenty-eight percent of its commitments (overall progress) and forty percent (the current process in 2018).

In February 2018, a list of priority European integration draft laws was approved for consideration by the parliament. They were included to the “Roadmap” on 2018-2019 [55].

The document consists of three blocks: worked out draft laws which are ready for consideration in the session

hall; draft laws that require additional working out; and draft laws concerning which political consultations continue.

Within the framework of the Roadmap, the Verkhovna Rada of Ukraine adopted eleven European integration draft laws in the second reading and ten – in the first. However, this is the responsibility of the parliament as a whole, not the committee.

Concerning the work of the Committee, the analysis of the cards of the draft laws given in the first and second blocks showed that out of the twenty draft laws that are ready for consideration, fifteen do not have the conclusions of the Committee on European Integration on the cards of the draft laws. Among those that require additional working out, thirteen out of twenty-four also do not have the conclusions of this committee on the electronic cards of the draft laws.

· **Assessment of compliance of draft laws with Ukraine's international legal obligations in the field of European integration.**

In accordance with the requirements of the Law of Ukraine "On the Time Limit of the Verkhovna Rada of Ukraine", the Committee on European Integration is one of the three committees which must consider each registered in parliament draft law before the first reading. At the moment of the research seven thousand five hundred draft laws have been registered in the Verkhovna Rada [45]. Because of that the has factually

refused to perform this function, it had not enough resources to carry out it. The committee analysed only those draft laws which are connected with the Agreement on association. To compensate the performing of this function, the committee set up an advisory body "the Parliamentary Expert Group on European Integration" consisted of independent experts who remotely examined draft laws. However, their efforts were not enough to work out all the registered in the parliament and prepared for the first reading draft laws.

Because of this, such draft laws as “Buy Ukrainian, pay to Ukrainians” (№7206) and “On Amendments to Certain Laws of Ukraine on the Prohibition of the Use of Palm Oil in Food Production” (№3871) were adopted in the first reading without a decision of this Committee, although they potentially contain provisions that contradict with Ukrainian international obligations.

• **Control function of the Committee.** Analysis of the Com-

**Committee.** Analysis of the Committee's reports for 2017-2019 (VI-IX sessions) indicates that it considered only twelve issues concerning the monitoring of the execution of laws and regulations. The analysis of the protocols shows that the main type of control function during the committee meetings lies in hearing reports on the status of realisation of the Roadmap of legis-

lative support of the execution of the Association Agreement. The Committee almost does not conduct an analysis of the usage of the adopted legislation. According to the available information, the only measure for the last two years aimed at analysing the practice of usage of the adopted legislation was a meeting-discussion of the current state of implementation of draft laws in the field of transport directed at fulfilling obligations of the Agreement on association between Ukraine and the EU from 02/18/2018 [51].

## 2) Pluralism of representation.

Among the nine members of the committee, formally five members are represented by the “Bloc of Petro Poroshenko” faction, in fact, four, because one representative has applied to leave the faction. The secretary of the committee is a representative of the opposition party “Samopomich”.

3) The cooperation of committee members is evaluated as high-levelled.

The analysis of the minutes indicates the absence of problems with the quorum – meetings are held regularly, although they carried out only in plenary weeks. No committee meetings are held during the working weeks. Thus, five or six deputies almost always present, which gives a possibility to make decisions.

**4) Subcommittees do not function.**

The Committee has subcommittees, but they do not hold meetings. We could

not find any information about the activities of the subcommittees on the website or in the minutes. Interviews with representatives of the Committee also indicated that the subcommittees were not carrying out their activities and that representatives of the secretariat were not involved in logistics.

5) **Adherence to legislative** decision-making **procedures.** The Committee generally adheres to the requirements of the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine” and the Law of Ukraine “On the Time-Limit of the Verkhovna Rada of Ukraine” in the decision-making process, but, as it has already mentioned, does not perform the function of analysing all draft laws concerning the correspondence to European legislation and it has no functioning subcommittees. Meetings are often held on the sidelines of parliament rather than in the Committee room, so there are no transcripts of meetings.

**6) Expertise on compliance with EU legislation** requires special knowledge and time resources. The draft laws on which the Committee gives its conclusions are well-founded. The Secretariat does not have sufficient staff to conduct all the examinations required by law. Instead, thanks to the support of international partners, it was established a Parliamentary Expert Group on European Integration (PEG), which assisted the Committee in conducting such expertise during 2015-2017. However, without such a group and without the proper work of the subcommittees, five or six regularly present members of the Committee and

six specialists (and three heads) of the secretariat cannot physically work out all the draft laws examination of which is required by law. In this regard, and taking into account the international experience of similar committees, it is critical to strengthen the Committee on European Integration, namely include high-ranking officials and motivated deputies who represent various factions in parliament, as well as various sectoral committees (if it is possible) in it.

An analysis of the Committee's minutes indicates that the number of guests usually does not exceed three to ten, who are either deputies, initiators of draft laws, or representatives of ministries responsible for European integration. This confirms the close cooperation with the government. For 2017-2019, we recorded **only two meetings** (on April 12, 2017 and on February 6, 2019), where **representatives of civil society organisations** and experts of international projects **were invited**.

**7) The committee has an independent and professional secretariat.** The head of the secretariat has been working in the committee since 2002, since 2008 he has been leading the secretariat, which indicates the stability of the work of the staff and independence from changes of the political forces in the committee. Interviews with committee members confirmed the high level of competence of the secretariat's experts. However, it was emphasised that there was a lack of organisational and motivational capacity to analyse more draft laws as required by law.

The analysis of the activity of the Committee on European Integration confirmed, on the one hand, the high priority of the sphere of activity of the committee – adaptation of the Ukrainian legislation to the EU norms and the professionalism of the specialists who carry out such expertise. At the same time, the analysis of the cards of the draft laws included to “the Roadmap” of the most priority draft laws for European integration (the committee’s website, by the way, does not mention the map as such) and to the number of other draft laws that can potentially be adopted, indicates a lack of expertise of such number of draft laws, which is required by law. The control function of the committee is not performed often (according to the reports, which indicate only their number – twelve for the entire period from VI to IX sessions). Most of the information for analysis was obtained not from the Committee’s open data, but from the analysis of government reports, electronic cards of draft laws, web portals of partner organisations, and interviews with Committee representatives.



## CONCLUSIONS

Answering the analytical question: “How does the transparency of parliamentary activities (on the example of parliamentary committees) affect its efficiency?”, It can be argued that transparency does not affect efficiency, but efficiency affects transparency.

In general, the analysis showed that the Committee on State Building, Regional Policy and Local Self-Government adheres not only to high standards of transparency and openness, but also to high standards of efficiency:

1. The existence of all necessary information concerning the activities of the Committee on its website;
2. High quality and detailing of the Committee's reports (the latter was even visualised in infographics) with the aim of a deeper and at the same time easier understanding of the Committee's work by the public;
3. Active work of subcommittees: the issue is not submitted for consideration in the Committee without detailed working out of them;
4. Involvement of numerous stakeholders and international experts to improve the quality of analysis.

At the same time, the Committee on European Integration, ensuring a low level of transparency in its activities, at the same time did not use all opportunities to realise its powers more effectively:

1. The website contains the minimum necessary information that does not demonstrate the work of the Committee;
2. The one-page reports do not provide an idea of what the Committee was doing at the current session;
3. The Committee does not evaluate the implementation of the adopted legislation;
4. The subcommittees of the Committee do not work;
5. The Committee does not examine all the draft laws as required by law.

Both committees are responsible for the country's priority reforms. Both committees deal with the things which are in the circle of interest of the public.

The analysis showed that ensuring transparency requires significant resources and a principled position of the management, members of the committee and its secretariat. Transparency of the activity is the publication of the results of the joint work of the whole committee. Openness of the activity helps to bring the law into line with reality and its challenges by involving stakeholders. If the committee has something to show, it shows it. Thus, transparency is a report on one's own effectiveness.

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