

“Policy” and “Administration” in the Context of Regulating Ukraine’s Space Activities

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Updating the state policy of Ukraine in the field of space exploration and use of outer space and optimizing the administration of the space sector is an urgent task concerning the existing disparity between the possibilities and practical application of space potential in Ukraine. Taking into account the specifics of space activities, the specifics of international and national regulation of its implementation, it is relevant to study the concept of “policy – administration” in the context of regulating space activities in Ukraine. Providing such an opportunity is based on the combined use of methodological tools of scientific activity, combining general theoretical and special legal methodology of conducting scientific research. Thus, the dialectical method became the basis for revealing the philosophical foundations of the content and essence of the categories “politics” and “administration,” and the formally logical method made it possible to search for their common and distinctive features. As a result, we conclude that there is no clear correlation between the terms “politics” and “administration” in the context of domestic scientific thought and normative doctrine. Methods of comparison, analysis and synthesis provided an opportunity to find out the characteristic features of the domestic concept of “policy –

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administration” in the context of regulating the space activities of Ukraine. In particular, the necessity of normative rejection of domestic political and administrative subjects from Soviet approaches to the settlement of space relations, the transition to the concept of “Public Administration” with the understanding that although administration and politics are different spheres, they cannot be completely separated. In turn, with the assistance of the formal legal method, as well as methods of system analysis and generalization, it is concluded that public policy should be perceived as a tool for ensuring the legitimacy of actions, decisions and inaction of public administration and a guarantee of transparency and clarity of the established rules and conditions for the study and use of outer space. At the same time, public administration should ensure the existence of a legal regime for the implementation of space activities and the effectiveness, expediency and effectiveness of its existence.

Keywords: administration, policy, global space management, state policy, regulatory policy, public administration, space activities of Ukraine.

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Introduction

Space activities ensure the implementation of national interests in the field of national security and defense, industries that determine economic development, the general scientific, technical and technological level, ensuring sustainable development, and also contribute to improving the quality of life of Ukrainian citizens (On the, 2021). Therefore, improving the efficiency of using space potential is the main strategic task of Ukraine, because now there is a significant disparity between the level of space potential and its impact on solving current national and public tasks (On the, 2011).

The solution to this problem provides for updating the state policy of Ukraine in the field of space exploration and use and optimizing the administration of the space sector. And in order for the reforms to be effective, it is necessary to create a theoretical basis and, first of all, this concerns the differentiation of the concepts of “politics” and “administration,” which still have a “Soviet connotation” in Ukraine.

For quite a long time, it has been considered that there should be a clear distinction between “politics” and “administration” – making political decisions and implementing them. Therefore, the administration is outside the political sphere. This justification for the distribution of state functions was provided by Wilson in 1887 and received further scientific development within the sociological, political, and managerial branches of scientific knowledge. Probably, this idea originates from the fundamental principle of separation of power, which is the basis for organizing the state mechanism of many modern states. According to this principle, the institutions of legislative, executive and judicial power are independent and separate from each other. Such distribution ensures the proper protection of citizens’ rights, freedoms and interests, protecting them from tyranny and monopolistic uncontrolled concentration of power.

However, historical development has proved the fallacy of absolutizing such a view. Therefore, the evolution of views on the essence of political and administrative interaction ranged from the complete opposition of these two phenomena to the consideration of them as different components of one system (Conceptual, 2010: 82), because in the structure of the state and society they are closely related.

In general, the policy-administration dichotomy is based on a functional-structural view of the government’s powers, which divide them between elected and administrative positions in

functional areas. Thus, the executive institute has two areas of implementation of state functions: policy and administration (Tansu, 2009: 505). Therefore, in this context, it is important to find out the essence of the domestic understanding of the concept of “policy – administration” and the study of its features regarding the regulation of Ukraine’s space activities, because this area is now able to better ensure the implementation of Ukraine’s national interests.

General foundations of a theoretical and normative understanding of policy and administration in Ukraine

The term “policy” is ambiguous. In the legislation of Ukraine, the term “policy” refers to: 1) a set of documented decisions that are made for a specific purpose and a specific direction; 2) a set of goals, rules of conduct, as well as requirements that are collectively developed to achieve a certain goal; 3) basic principles and approaches that should be guided to achieve something; 4) a system of general approaches, principles and methods of forming managerial decisions; 5) a fundamental approach that should be taken to manage something; 6) approach, requirements, rules, restrictions, recommendations regulating the procedure for implementing something; 7) a set of documented provisions, rules and practices that define the goals and procedure for ensuring something; 8) general intentions, obligations and direction of actions; 9) a tool that contributes to the achievement of specific goals.

In general, this is an activity that involves a certain impact. Relatively speaking, this is a certain strategy for making and practically implementing mandatory decisions on a particular issue (Conceptual, 2010: 10).

The central actor of political life is the state. There is no legal definition of the term (state policy) in the legislation of Ukraine. Analyzing its branch varieties, such as state customs, maritime, industrial, regional, regulatory, technical policy, as well as state policy in the field of education, culture, and entrepreneurship, we can generalize that this is: 1) a system of principles and directions of state activity; 2) a set of goals, measures, means and coordinated actions of authorized state entities; 3) a system of regulated external and internal public relations; 4) certain activities of the Government with a clear direction; 5) directing and regulating activities of the state; 6) legal, regulatory (administrative, economic, financial) and public activities of state authorities and local self-government bodies; 7) purposeful legislative system of organizational-economic and legal measures; 8) activities aimed at achieving optimal regulation.

In fact, state policy is a way of exercising power at the strategic and tactical levels. In a general sense, an authorized entity, performing its direct duties (analyzing the current state of a particular problem, assessing future prospects and forming an action plan, public discussion, etc.), forms (in specific cases and implements) an action plan necessary to solve problems of public significance.

At the same time, an authorized entity cannot simply issue regulatory and legislative acts. He needs to convince the public of the necessity of their adoption and compliance with the established rules. To ensure this opportunity, citizens are given wide access to participate in management issues (Danylenko, 2019: 224), educational activities are carried out, and in the context of the space sphere, space technologies are also actively involved in the daily life of humanity.

In the scientific literature, there are at least two characteristics that public policy should meet: on the one hand, it should reflect the interests of broad social groups and contribute

to solving significant social problems (for example, ensuring security, stability, sustainable growth, etc.), and on the other – contribute to the formation of a strong and capable government that makes effective and fair decisions.

As for the term “administration,” there is no legal definition of it in Ukraine. Scientists have also not yet come to an agreement on its interpretation. The variability of scientific opinions can be easily explained – the lack of an official (legislative) interpretation of it and the subjectivism of the scientist when interpreting the hypercomplex of features that this process is endowed with.

In general, “administration” as a method of organizing public relations by authorized state entities with authority is a precursor to the modern legal structure of “public administration,” which over time has changed and acquired qualitatively new features and has changed its focus on the public (and not the state) well-being. Within the framework of domestic administrative and legal science, it is more acceptable to assume that public administration, as a category, has split into two independent parts, one of which remains with the same name, and the other is called “public administration.” What has always been called public administration abroad was state administration in Ukraine and is only now beginning to adapt to international standards as the cooperation of efforts of subjects of administrative-legal relations, expressed by joint activities to achieve public goals (Danylenko, 2020: 3).

In a narrow sense, public administration is associated with the executive branch of government and is considered as a professional activity of civil servants and persons working in the social sphere, in non-governmental organizations, institutions and organizations that have budget funding and exist on sponsorship funds in order to ensure the life of the country at the level of state, regional, local administration and carry out the study, development and implementation of public policy (Amosov, 2014: 12).

Public administration, in a broad sense, is associated with the functioning of all branches of government: legislative, executive, and judicial (Amosov, 2014: 12). Therefore, its content identifies state-administrative management with the process of carrying out relevant activities, that is, with a broad interpretation of Public Administration as a special and independent type of activity of state bodies, including executive authorities. The administrative aspect of administration is also directly related to this point (Pylypyshyn, 2015: 67).

Accordingly, domestic scientific thought and normative doctrine do not provide a clear correlation between the terms “policy” and “administration.”

Policy for regulating the implementation of space activities

In general, space policy can be defined as a system of laws, standards, regulatory measures, directions of action and funding priorities (Kilpatrick, 2000) aimed at improving the efficiency of using space potential and supporting national interests (Office, 2020; Soroka, 2020a: 45). In fact, its essence is represented through its managerial nature. That is, the authorized subject reacts to the problem, looks for optimal ways to solve it, which ensures the stability of the development of space activities.

It is reasonable to say that the policy of regulating the implementation of space activities concerns the national level. In other words, we should talk about state policy in the field of space activities, because, in our opinion, the international level of regulation of space legal relations is objectified within the framework of global space management. It is represented by a set of international, regional or national laws, as well as regulatory institutions and actions,

methods and processes for managing or regulating affairs or activities related to the space sphere. Global space governance also includes tools, institutions, and mechanisms; national laws, regulations, technical standards and procedures; codes of conduct and confidence-building measures among actors working in space; all of which are discussed, formulated and implemented at different levels of government. Taken together, these measures allow us to formulate, monitor compliance and ensure the implementation of space activities (Goguichvili et al., 2021). We are not considering their effectiveness now.

Currently, global space governance is based on quasi-legal tools for ensuring global law and order in this area. On the one hand, there are mandatory or regulatory documents, and on the other – the voluntary achievement of an international consensus. The basic document representing its foundations is the Treaty on the principles of state activities for the exploration and use of outer space, including the Moon and other celestial bodies (the Treaty on space) (Treaty, 1967). Details and methods of its implementation are specified in other UN thematic documents.

A special feature of global space management is its focus – the regulation of relations between all actors in space activities. This means that states that, by signing the Space Treaty and other UN thematic documents, undertake to develop (implement) standards and rules in the national policy for regulating the implementation of space activities that are the same for everyone. However, most of these rules and standards are either generalized, outdated or not applicable in modern conditions, or do not provide for specific mechanisms necessary for the settlement of international space relations due to the lack of strict instruments of influence on space actors who are not parties to the treaty process. As an example, today the current problems are the regulation of space ecology and the extraction of space minerals. Currently, only voluntary, non-binding standards and guidelines developed by the UN ICC, the International Organization for Standardization (ISO) and the International Telecommunication Union (ITU) apply to activities with space objects and the prevention of space debris formation (Kosenkov & Shtodina, 2016: 24).

In our view, at the international level, it is necessary to adopt a normative legal act, for example, in the form of a convention, which should regulate the commercial space activities of countries and their private corporations. It also needs to define a number of legal definitions such as outer space, national space interests and global space interests, commercial space activities, and the principles of such activities.

The national policy of regulating the implementation of space activities differs from the global management of space by the ability of an authorized entity to establish those rules, legal regimes and priorities for its implementation that correspond to the national interests of a particular state. But at the same time, the national interests of a particular state in the space sphere should not encroach on global space interests. After all, space is the “global heritage” of humanity.

The national policy of regulating the implementation of space activities in Ukraine is presented as the state policy of Ukraine in the field of space exploration and use. It is characterized by evolutionary development and consistent reform. Its main principles are established by the parliament. Detailed information is provided by other regulatory legal acts. Currently, the state policy of Ukraine in the field of space exploration and use is aimed at:

- Ensuring the development of space technologies and their integration into the real sector of the national economy and the sphere of national security and defense;

- Obtaining new knowledge, increasing the scientific and technical potential of the state and the educational level of its citizens;
- Improvement of rocket and space technology and technologies for its creation;
- Implementation of an effective industrial policy and modernization of production;
- Ensuring the commercialization of space activities;
- Deepening international cooperation in the field of space activities (Concept, 2011).

Analyzing the components of the organization of space activities in Ukraine, it is worth noting that the state has taken on a significant share of ensuring the development of the industry through two interrelated processes: state support and investment attractiveness of space activities (Shestakovska, 2019).

The essence of public administration in the field of space activities in Ukraine

Under the public administration of the sphere of space activities in Ukraine, it is necessary to understand the varieties of organizational power, providing, security and other influence of public administration on socio-economic processes, consisting in the introduction of a set of measures aimed at 1) providing new opportunities for space activities; 2) the development of modern space technologies and the implementation of scientific space research; 3) effective use of space potential for further development of outer space based on the priority of environmental safety and economic interests; 4) formation of a system of target-oriented activities of subjects implementing space programs; 5) ensuring technological renewal of the national economy (Soroka, 2020b: 225).

From this definition, it can be concluded that public administration should translate into reality the guidelines and directions of state policy in the field of space exploration and use.

The Ministry of strategic industries of Ukraine is responsible for ensuring the formation and implementation of the state policy of Ukraine in the field of space exploration and use. This is the central executive authority, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine (Some, 2020). The Ministry of strategic industries of Ukraine was established by resolution No 624 of the Cabinet of Ministers of Ukraine, dated July 22, 2020. According to the regulation on the Ministry of strategic industries of Ukraine, approved by resolution of the Cabinet of Ministers of Ukraine No 819 of September 7, 2020, its main powers are concentrated within the framework of rule-making, coordination, conciliatory, control, representative and organizational actions.

So exclusively in the field of research, the Ministry of strategic industries of Ukraine: 1) develops the conceptual framework of the state policy in the field of research and use of outer space for peaceful purposes and in the interests of state security, coordinates their implementation; 2) coordinates the development of the conceptual framework of the state policy in the field of research and use of outer space for peaceful purposes and in the interests of state security, coordinates their implementation; 3) coordinates together with ministries, other central executive authorities and the National Academy of Sciences the implementation by the relevant subjects of the measures of the national target, scientific and technical, space program and ensures its implementation; 4) is a state customer of research works on the research and use of outer space, research and development works on the design, manufacture and testing of space technology, in particular international space projects; 5) organizes the provision of subjects of space activities in Ukraine with the necessary regulatory documentation;

6) organizes cooperation of Ukraine with other states and international organizations in the space industry, as well as ensures the preservation and development of existing international relations and participates in the preparation of international treaties of Ukraine in the field of space activities; 7) approves the procedure for the activities of the customer’s representative offices-SCA for quality control and acceptance of space technology and other products; 8) provides support in the preparation and implementation of international projects in the field of space exploration and use; 9) takes measures aimed at improving Ukraine’s foreign economic relations with other states in the field of space activities (Some, 2020).

Another central executive authority that implements the state policy of Ukraine in the field of space exploration and use is the state Space Agency of Ukraine. Its activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Vice Prime Minister of Ukraine-Minister for strategic industries (On the, 2015).

Due to the introduction of amendments to the law of Ukraine “On space activities” in 2012, the state Space Agency of Ukraine lost its position as the only competent state body that ensured the formation and implementation of space policy (Bogatyuk et al., 2021: 136).

Currently, the state Space Agency of Ukraine has conciliatory, analytical, technical, organizational, registration, monitoring, supervisory and other powers. As an example, the State Space Agency of Ukraine carries out measures for the development and operation of the certification system of space technology of Ukraine (Ukrst), provides subjects of space activities in Ukraine with the necessary regulatory documentation or maintains a State Register of unique objects of space activity, carries out state supervision of their condition and use, takes measures to support them or registers space technology (On the, 2015).

A set of special powers in the field of space activities belongs to the Ministry of Defense of Ukraine, which, in particular, within its competence, develops the conceptual framework of the state policy of Ukraine in the field of research and use of outer space and the national target scientific and technical space program of Ukraine in terms of related to the creation and use of military space technology. Together with the state Space Agency of Ukraine, the Ministry of foreign affairs of Ukraine is responsible for the implementation of the association agreement between Ukraine and the EU in terms of the implementation of international norms and cooperation in the field of space activities (Bogatyuk et al., 2021: 136-137).

Consequently, public administration is a process that ensures the functionality of public policy in the field of space exploration and use, which involves the use of the necessary tools by authorized entities to influence a specific range of space relations in a variety of ways.

Conclusions

The political and administrative components of the state are more unique, because each state has passed its own path of formation and development. For quite a long time, the domestic doctrine appealed to outdated terms and legal categories, which have now exhausted their need for the application to describe legal processes and phenomena. By choosing a course toward European integration, Ukraine actually recognized the need for a radical restructuring of the established model of public affairs management. This is how the category of “public administration” appeared, which gradually changed the idea of political and managerial functions of the state.

Interpreting this to the sphere of space activities, we can note that even now the law of Ukraine “On space activities” appeals to the concept of “state regulation and management in

the field of space activities.” This concept combines with its content the implementation by authorized persons of the political and administrative function of the state by:

- Legislative establishment of the basic principles, norms and rules of space activities;
- Development of a conceptual framework for state policy in the field of exploration and use of outer space for peaceful purposes and in the interests of State Security;
- Formation of the National target scientific and technical space program of Ukraine;
- Planning and financing of space activities at the expense of the state budget of Ukraine, as well as assistance in attracting other sources of financing that are not prohibited by the current legislation of Ukraine;
- Targeted training of personnel at the expense of the state budget of Ukraine; introduction of the declaration on the implementation of economic activities in the field of space activities;
- Introduction of permits for the right to carry out certain types of space activities and ensuring control over the implementation of such activities;
- Control over the implementation of foreign economic activity by subjects of space activity (On Space, 1996).

This indicates the lack of clarity in the domestic understanding of the concept of “policy – administration” in the context of regulating Ukraine’s space activities and, therefore, their inseparability.

In our opinion, the state policy of Ukraine in the field of space exploration and use and public administration in the field of space activities relate to each other as two independent legal phenomena. The state policy of Ukraine in the field of space exploration and use is more of a strategic phenomenon that sets guidelines and directions for the development of this industry, and public administration in the field of space activities is designed to ensure all the processes of its functionality by responding to the current state of affairs in this area.

However, these two legal phenomena cannot exist in isolation from each other or even singly. Without development vectors and strategic planning, as well as without organizational power, providing security and other influence of public administration, it is impossible to improve the efficiency of using space potential.

Therefore, it is necessary for domestic political and administrative entities to abandon Soviet approaches to the settlement of space relations, to switch to the concept of “Public Administration” with the understanding that although administration and politics are different spheres, they cannot be completely separated. Public policy should be perceived as a tool for ensuring the legitimacy of actions, decisions and omissions of the public administration and a guarantee of transparency and clarity of the established rules and conditions for the exploration and use of outer space. In turn, public administration should ensure the existence of a legal regime for the implementation of space activities and the effectiveness, expediency and efficiency of its existence.

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