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DIRECTIONS FOR PROVISION OF PUBLIC BODIES' TRANSPARENCY AND ACCOUNTABILITY IN CONDITIONS OF PARTICIPATORY DEMOCRACY DEVELOPMENT

Abstract. The article is devoted to issues of ensuring transparency and accountability of authorities in the conditions of participatory democracy (democracy of participation). It is argued that the public should be guaranteed not only the right for access to information but also the prerequisites for expanding its participation in state governance. These prerequisites include: the adoption of clearly measurable macroeconomic and social goals and the provision of control of the processes of their compliance with the government by citizens of the country; extension of the circle of subjects of legislative initiative due to realization of such rights by citizens and their groups; legislative definition of the forms of citizens'

participation in making publicly significant decisions, design of relevant orders and procedures, in particular participation in local referendum; outlining methods and procedures for taking into account social thought when making socially important decisions. The need to disclose information about resources that are used by authorities to realize the goals is proved as well as key performance indicators that can be monitored by every citizen; the efforts made by governments of countries to achieve these goals. It was noted that transparency in the conditions of representative democracy in its worst forms in a society where ignorance of the thought of society and its individual members is ignored does not in fact fulfill its main task — to establish an effective dialogue between the authorities and society. There is a distortion of the essence of transparency: instead of being heard, society is being asked to be informed — and passively accept the facts presented as due. In fact, transparency and accountability in this case are not instruments for the achievement of democracy in public administration, but by the form of a tacit agreement between the subjects of power and people, where the latter passes the participation of an “informed observer”.

Keywords: participation democracy, transparency and accountability of power, transparency, public participation, public administration.

НАПРЯМИ ЗАБЕЗПЕЧЕННЯ ПРОЗОРОСТІ ТА ПІДЗВІТНОСТІ ВЛАДИ В УМОВАХ РОЗВИТКУ ДЕМОКРАТІЇ УЧАСТІ

Анотація. Стаття присвячена питанням забезпечення прозорості та підзвітності влади в умовах партисипативної демократії (демократії участі). Аргументовано, що громадськості має бути гарантовано не лише право на доступ до інформації, а й виконання передумов розширення її участі в управлінні державою. До таких передумов віднесено: прийняття чітко вимірюваних макроекономічних і соціальних цілей та забезпечення контролю з боку громадян країни процесів дотримання їх урядом; розширення кола суб'єктів законодавчої ініціативи за рахунок реалізації таких прав громадянами та їх групами; законодавче визначення форм участі громадян у прийнятті суспільно значущих рішень, відпрацювання відповідних порядку та процедур, зокрема участі у місцевому референдумі; окреслення способів і процедур врахування суспільної думки при прийнятті соціально важливих рішень. Доведена необхідність розкриття інформації про ресурси, які задіяні владою для реалізації цілей; ключові індикатори ефективності, які може контролювати кожен громадянин; зусилля, які докладають уряди країн щодо досягнення цілей. Відмічено, що прозорість в умовах представницької демократії в своїх найгірших формах у суспільстві, де відбувається ігнорування думки суспільства та його окремих членів, фактично не виконує свого основного завдання — налагодження ефективного діалогу влади та суспільства. Відбувається спотворення сутності прозорості: замість того щоб бути почутими, суспільству пропонується бути обізнаним — і пасивно прийняти представлені факти як належне. Фактично прозорість і підзвітність у цьому випадку не є інструментами досягнення демократії в публічному управлінні, а формою

мовчазної угоди між суб'єктами владних повноважень і народом, де останньому відводиться пасивна участь “інформованого споглядача”.

Ключові слова: демократія участі, прозорість і підзвітність влади, транспарентність, участь громадськості, публічне управління.

НАПРАВЛЕНИЯ ОБЕСПЕЧЕНИЯ ПРОЗРАЧНОСТИ И ПОДОТЧЕТНОСТИ ВЛАСТИ В УСЛОВИЯХ РАЗВИТИЯ ДЕМОКРАТИИ УЧАСТИЯ

Аннотация. Статья посвящена вопросам обеспечения прозрачности и подотчетности власти в условиях партисипативной демократии (демократии участия). Аргументировано, что общественности должно быть гарантировано не только право на доступ к информации, но и выполнение предпосылок расширения ее участия в управлении государством. К таким предпосылкам отнесены: принятие четко измеряемых макроэкономических и социальных целей и обеспечение контроля со стороны граждан страны процессов соблюдения их правительством; расширение круга субъектов законодательной инициативы за счет реализации таких прав гражданами и их группами; законодательное определение форм участия граждан в принятии общественно значимых решений, отработка соответствующих порядка и процедур, в частности участия в местном референдуме; определение способов и процедур учета общественного мнения при принятии социально важных решений. Доказана необходимость раскрытия информации о ресурсах, которые задействованы властью для реализации целей; ключевые индикаторы эффективности, которые может контролировать каждый гражданин; усилия, которые прилагают правительства стран по достижению целей. Отмечено, что прозрачность в условиях представительной демократии в своих худших формах в обществе, где происходит игнорирование мнения общества и его отдельных членов, фактически не выполняет своей основной задачи — налаживание эффективного диалога власти и общества. Происходит искажение сущности прозрачности: вместо того чтобы быть услышанными, обществу предлагается быть осведомленным — и пассивно принять представленные факты как должное. Фактически прозрачность и подотчетность в этом случае являются инструментами достижения демократии в публичном управлении, а формой молчаливого соглашения между субъектами властных полномочий и народом, где последнему отводится пассивная роль “информированного наблюдателя”.

Ключевые слова: демократия участия, прозрачность и подотчетность власти, транспарентность, участие общественности, публичное управление.

Target setting. In recent times, the transparency of government action is viewed as a panacea for all the misfortunes. Transparency is ensured at the level of central and local authorities, ministries and departments, civil servants and parties, organizations and enterprises. Achieving transparency, as

planned, should help to fight corruption, financial instability of markets and state corporations.

However, the logic question arises: does transparency fully meet the fundamental interests of society? In the development of ideas of participatory democracy, transparency and accountability of government actions are necessary but insufficient condition for establishing an effective dialogue between the government and the society.

Analysis of recent studies and publications. Principles and approaches to ensuring the transparency of public finances are reflected in the scientific works of T. Yefymenko, S. Gasanov, R. Balakin, V. Kudryashov, I. Lunina. Financial reporting as an instrument for achieving transparency of the state sector of economy was considered in works by L. Lovinska, O. Tereshchenko, O. Chumak, and others. Public mechanisms for ensuring the transparency of public enterprises are disclosed by the author in publications [1; 2]. At the same time, it should be noted that the complexity of issues of transparency as well as its multidimensionality require constant research in this field, and the publication is dedicated to the problem.

Therefore, **purpose of the article** is to reveal the ways of ensuring the transparency and accountability of authorities in the circumstances of participatory democracy development.

Presentation of basic material of the research. Georg Wilhelm Friedrich Hegel, speaking about the necessity of publicity, wrote: "...the point of general awareness is asserted by publicity of the debate between caste representatives, first of all... This aware-

ness has generalizing point that only this way the public opinion comes to the truth and to the understanding of statement of the state and concept of the state and its affairs thereby reaching the ability to judge them more sensibly; in addition, the society is familiar with the affairs and learns to respect talents, charity and skills of state authorities and officials" [3, p. 351].

When ensuring transparency, public administration entities pursue their own interests and interests of society, which they should follow.

The state demonstrates transparency of its functioning to ensure public stability, to reduce the level of corruption, to scale the shadow economy, to convince the international community to be a democratic country that is responsive to the observance of all freedoms, and so on.

Local authorities have their own obligations to the community, and decisions on their development should be transparent and made public in accordance with current legislation.

State-owned enterprises act as economic agents of public interest. To comply with financial discipline, the results of their activities should be reflected in the financial statements, which, accordingly, are carefully monitored by financial bodies. The social significance of their production of goods and services involves control over the volume of manufactured goods and services, the use of production space, the level of productivity, etc.

At the same time, in the modern world, it is not enough to report on the performance indicators as stipulated by the legislation and what is subject to mandatory reporting. Additionally,

social reports reveal aspects of state-owned companies' activities, such as ethical standards, personnel development, human rights protection and environmental protection, community engagement, etc. Such integrated reporting pursues a dual goal: firstly, raising the level of confidence of stakeholders to the socially responsive functioning of the enterprise, the growth of its social capital; and secondly, expanding the social circle of trust, access to foreign markets of capital and obtaining additional sources of investment.

The European (international) community pursues the goal of approaching the national states ideology to the recognition of European (international) values. Values are reflected in international documents that form the vision of prospects for the development of global community. In particular, the 16th objective of sustainable development is directly related to the transparency of the Global Sustainable Development goals 2016–2030 (hereafter GSDG) adopted at the United Nations Summit on Sustainable Development at the end of 2015. In full, it is formulated as

“Goal 16: Promote just, peaceful and inclusive societies

Goal 16 of the Sustainable Development Goals is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels” [4].

At the same time, today, the interests of society of a democratic country, in our opinion, lie in a plane that is not limited to ensuring access to information, openness of government

actions and accountability of its institutions. The resources involved in the implementation of goals, key performance parameters that can be monitored by each citizen, and the efforts made by the governments of countries to achieve the goals should be disclosed and made public.

On December 20, 2004, General Assembly of the United Nations adopted resolution A/RES/59/201 on the treatment of democracy, which was officially published in 2005. The document highlights such elements of democracy as: respect for human rights and fundamental freedoms, inter alia, freedom of association and peaceful assembly; freedom of expression as well as the right to **participate in the management of state, directly or through freely chosen representatives**, the right to vote and to be elected on honest, periodic and free elections on the basis of universal, direct, equal suffrage, by secret ballot, guaranteeing free expression of will of people; pluralist system of political parties and organizations, respect for the rule of law, division of powers, independence of the judiciary, **transparency and accountability of public administration**, as well as free, independent and pluralistic mass media [5] (here and below — underlined by me — **O. I.**).

The Universal Declaration of the Inter-Parliamentary Union on Democracy clarifies the provisions on transparency and accountability as “the right of the public to have access to information about the government’s activities, the right to petition the government and the right to claim damages through unbiased administrative and judicial mechanisms” [6].

Consequently, these concepts are interpreted wider and provide for the development and implementation of appropriate management mechanisms.

In his studies on freedom of information, Toby Mendel notes: “Freedom of information is likely to be one of the most important foundations of democracy. Information stored in government bodies is not intended for officials and politicians, but for society as a whole. Everyone should have the right of access to this information if there are no valid reasons for limiting” [7].

New horizons of the development of democratic processes reveal new forms and kinds of democracy. First of all, it is participative or participatory democracy [8]. Such a form of democracy involves direct participation of citizens in the management of state or members of the territorial community in the management of community. In contrast, representative democracy means participation of citizens in the management not directly, but through the representation of their interests by authorized persons (deputies) who are involved in the processes of preparation, management decisions and control over their implementation.

Transparency in the conditions of representative democracy in its worst forms in a society where thoughts of society and its individual members are ignored does not in fact fulfill its main task of establishing an effective dialogue between government and society. There is a distortion of the essence of transparency: instead of being heard, society is being asked to be informed – and passively accept the facts presented as due. In fact, transparency and accountability in this case are not

instruments for the achievement of democracy in public administration, but by the form of a tacit agreement between the subjects of power and people, where the latter is provided with passive role of an “informed observer”.

It should be noted that in international documents that contain requirements for achieving transparency and accountability of public authorities, they are interpreted as the inherent components of the effectiveness of government.

The Global Steps for Sustainable Development specify goals for achieving each goal. In particular, in relation to the 16th goal it is indicated:

“...16.6 Develop **effective**, accountable and transparent institutions at all levels

16.7 Ensure responsive, inclusive, participatory and representative decision-making **at all levels...**

...16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements...” [4].

As can be seen from the paragraph, the emphasis is put on the creation of effective institutions, ensuring the participation of general public, taking into account the broad public interest in the exercise of rights to liberty. Some European countries have developed and implemented a public administration model, where publicity and accountability are closely linked to the ability of each member to participate in community issues. In particular, in Sweden, a “system of democratic institutions was created which allowed each member of society to influence the de-

cision of all issues affecting his/her life. The country has created a peculiar socio-psychological climate in the country, a sense of citizens' involvement in the affairs of the state and society" [9, p. 14]. That is, the approach was realized: transparency is not for the sake of access to information, but for ensuring complicity in solving important problems for society. It is best defined in the Swedish Freedom of Press Act "To encourage the free exchange of opinion and availability of comprehensive information, every Swedish citizen shall be entitled to have free access to official documents" (Chapter 2, Article 1, Freedom of the Press Act).

A number of prerequisites should be fulfilled in Ukraine in order to ensure public participation in making decisions that are important to the community, real openness and publicity of the authorities.

1. Adoption of clearly measurable macroeconomic and social goals with the control of society over their compliance by the authorities.

The most sensitive to the population of any country is the growth of government debt obligations, the excesses of which is a heavy burden on future generations. Most European governments have made commitments to limit the growth of sovereign debt. In particular, Sweden has set restrictions for net lending in the amount of 1 per cent of GDP on average over a business cycle. Estimated Gross Duty (so-called "Maastricht Debt") level in 2019 will be set in Sweden at 35 per cent of GDP. Balanced local budgets, limit for government spending, and so on are among other voluntary govern-

ment initiatives. A wide range of public controls these parameters, and the government reports to them [10].

Instead, in Ukraine, state debt is growing at an unprecedented pace, without any control over the pace of its growth on the part of public. It puts a huge burden on a generation of Ukrainians who will have a sovereign commitment since their birth.

2. Expansion of the circle of subjects of legislative initiative, determination of their rights.

Although the most legislative proposals laid before the Riksdag (Swedish parliament) are initiated by the Government, some bills may be based on suggestions put forward by the Riksdag or by private citizens, special interest groups or public authorities.

In Ukraine, neither citizens of the country nor their groups have the right of legislative initiative. The Constitution of Ukraine (Article 93) clearly states: "The right of legislative initiative in the Verkhovna Rada of Ukraine belongs to the President of Ukraine, people's deputies of Ukraine and the Cabinet of Ministers of Ukraine". Consequently, the concept of "public administration" is still rather blurred only in scientific postulates.

3. Legislative determination of the forms of citizens' participation in making publicly significant decisions, order and procedures for observance of this participation.

The incomplete list of such forms of participation include the following: referendums; public examination; public initiatives on a wide range of issues that need to be addressed in the community; conducting public hearings or

joint meetings of the authorities with representatives of the public; organization of public consultations, advisory polls of citizens (consultative referendum), etc. [8].

Of course, the referendum is the most significant of these forms. In most European countries, the law provides for the holding of referendum at both the state and local levels. In Ukraine, the Law № 1287-XII “On Ukrainian and Local Referendums” dated July 3, 1991, expired after the adoption of the Law of Ukraine № 5475-VI “On All-Ukrainian Referendum” dated November 10, 2015.

In accordance with Article 6 of the old Law, issues that are raised on local referendums: on the naming or renaming of village councils, settlements, cities, districts, regions; the question of unification of the same administrative-territorial units with the same administrative center into ones with the same names; the issue of changing the basic level of local self-government in rural areas; the issue of reorganization or liquidation of pre-school community schools, as well as pre-school educational establishments created by former agricultural collective and state-owned enterprises [11].

That is, a fairly wide range of issues is identified, which constitute the core of self-government at the local level. The new Law “On All-Ukrainian Referendum” contains detailed information on the procedures for conducting a referendum at the state level and does not reflect the procedures for conducting a local referendum, although this is guaranteed by Art. 38 of the Constitution of Ukraine. In April 2011, the Verkhovna Rada in the first reading

adopted a draft law “On Local Referendums in Ukraine”. After a negative feedback from the Scientific and Expert Board of the Verkhovna Rada of Ukraine, its further adoption did not take place [12, p. 66–67].

It should also be noted that the Law “On All-Ukrainian Referendum” does not provide for the participation of foreigners in a referendum, which is contrary to the provisions of the Council of Europe Convention on Participation of Foreigners in Public Life at the Local Level, adopted in 1992.

Finally, let us note that methods of taking into account public opinion should be outlined. Article 5 of the Constitution of Ukraine stipulates that the people exercise power directly and through the bodies of state power and local self-government bodies. In a sociological science, a whole arsenal of means for studying public opinion, including polls, experiments, interviews, observations, convention analysis, etc., was worked out. At the same time, there are no specific procedures for evaluating proposals and their accountability when making state-government decisions.

Conclusions. Under the conditions of participatory democracy, the provision of transparency and accountability of the authorities and their agents becomes important in the legislative regulation of a number of provisions. The public should be guaranteed not only the right of access to information but also the fulfillment of other prerequisites for expanding its participation in state governance. These include: the adoption of clearly measurable macroeconomic and social goals and the control of their compliance by the government with citizens of the coun-

try; extension of the circle of subjects of legislative initiative due to realization of such rights by citizens and their groups; legislative definition of the forms of citizens' participation in making socially significant decisions, form procedures for observing this participation; outlining methods and procedures for taking social thought into account when making socially important decisions. The main emphasis should be on disclosing the resources involved in achieving the goals, key indicators of the development of effectiveness that can be monitored by each citizen, and the efforts made by governments to achieve their goals.

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