

## **DEVELOPMENT OF INTERACTION MECHANISMS BETWEEN SOCIETY AND AUTHORITIES AS THE BASIS OF GOOD GOVERNANCE IN UKRAINE**

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### **INTRODUCTION**

The state as authority institute isn't a self-sufficient formation with autonomous existence. It is being produced by society development on certain stage. The state exists in society which keeps mentioned institute. In this context the state is interpreted as a mechanism of society self-government and an instrument of society problem-solving<sup>1</sup>. In society-to-state ratio the society is a primary and more global formation, therefore the state as a part of society has to carry out social mission, including through governing activity. In our opinion, this social mission is to forecast and provide society problem-solving and to prevent occurrence of such problems, if it is possible, to serve to citizens effectively, and to provide formulation and implementation of society development strategy.

The fundamental factor for state institutions to carry out social mission is interaction with society. Therefore, the attention to problems of such interaction is objective entirely because it corresponds to modern global trend consisting in transition from traditional government administration to good governance. An occurrence of good governance model was caused by the set of social processes such as increasing and significant development of non-governmental organizations' sector, crisis in citizens' trust to authority institutions, decreasing of citizens' participation in official democratic procedures and so on. But it is worthy to pay special attention to the trend to complicating of society development processes and problems with which state authorities deal. According to the law of necessary variety, it is necessary for creating the government administration system capable to govern effectively by certain spheres,

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<sup>1</sup> Управління суспільним розвитком: словн.-довід. / за заг. ред. А.М. Михненка, В.Д. Бакуменка. Київ: Вид-во НАДУ, 2006. С. 42; Бакуменко В.Д., Дзвінчук Д.І., Поважний О.С. Державне управління: курс лекцій. Івано-Франківськ: Місто НВ, 2011. С. 23–24.

fields, and kinds of society activity that variety of such system wouldn't be less than these spheres, fields, and kinds of activity<sup>2</sup>.

The variety of society groups and stratum, and relations between them on all levels, and interaction intensity has increased significantly in recent decades, and many global problems have arisen. As a result of mentioned processes it became more and more hard for the state authorities to make and implement policy effectively, leaning on own limited forces only. In many countries governments became aware gradually that they don't possess the necessary variety for making quality state decisions according to social reality without involvement of the intellectual and informational potential of society<sup>3</sup>. Moreover, interaction with citizens allows executing made decisions better because people become participants of the process. Probably, the beginning of such participation was made in ecological sphere where the public had started to intervene actively in authority decisions. In this relation it is necessary to mention adoption in 1998, June 25 the famous Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (widespread abbreviated title is the Aarhus Convention). Thus, the rights and mechanisms of public participation in making authority decisions concerning ecology were recognized on the international level.

In Ukraine poor development of the civil society institutions, and insufficient efficiency of the interaction mechanisms between authorities and society result in many cases to ignoring citizens' interests by state authorities, to low quality of public services, to red tape in questions solving of the society life. In sum, it lowers the society trust in authority, and decreases social effectiveness of the government administration, and aggravates the socio-political situation. In particular, one of the main causes of mass anti-government actions with revolutionary direction in 2004 and 2014 was the absence of sufficient possibilities for citizens to influence really on authority decisions by official way.

Taking this into account, the National Strategy for Promotion to Civil Society Development in Ukraine on 2016–2020 defines, in particular, the

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<sup>2</sup> Державне управління: основи теорії, історія і практика: навч. посібник / за заг. ред. П.І. Надолішнього, В.Д. Бакуменка. Одеса: ОРІДУ НАДУ, 2009. С. 75.

<sup>3</sup> Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 20–21; Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: [http://read.oecd-ilibrary.org/governance/citizens-as-partners\\_9789264195561-en#page1](http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1) (дата звернення: 5.06.2019). Р. 19–20.

following strategic directions: providing for effective procedures of public participation while formulation and implementation the state and regional policy, and solving the questions of local significance; stimulating the participation of civil society organizations in socio-economic development of Ukraine<sup>4</sup>. Thus, it is important for state authorities to introduce to their practical activity the instruments of effective cooperation with citizens and society institutions on all levels of government.

## **1. Theoretical Framework for Interaction between Society and Authorities**

According to the Encyclopedia of Public Administration, the good governance is the system of values, policies and institutions by mean of which society governs by own social, political and economic affairs through interaction within and between government, civil society and private sector<sup>5</sup>. It is worth to mention that according to the regularity of communication, any social system, including the state or other organization, isn't isolated from environment and related to it by set of communications which are to be considered in processes of the state governing and decision making<sup>6</sup>. Therefore, some mechanisms of interaction between society and authorities exist always, even in totalitarian states. But these mechanisms may be efficient or inefficient from viewpoint of real citizens' influence on state authorities' decisions. Hence, the good governance model emphasizes on efficiency of given mechanisms.

Efficient functioning and developing the mechanisms of interaction between society and authorities require, first of all, clear understanding the essence of such interaction. According to the Great Explanatory Dictionary of Contemporary Ukrainian, an interaction means interrelation between subjects in action, and also coordinated action between someone or something, mutual influence of bodies or parts causing the change of their move conditions<sup>7</sup>. From viewpoint of philosophy, an interaction is interpreted as philosophy category reflecting special type of relation

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<sup>4</sup> Про сприяння розвитку громадянського суспільства в Україні: Указ Президента України від 26 лютого 2016 р. № 68/2016 / Президент України. *Урядовий кур'єр*. 2 березня 2016 р.

<sup>5</sup> Енциклопедія державного управління: у 8 Т. / наук.-ред. колегія: Ю.В. Ковбасюк (голова) та ін. Київ: НАДУ, 2011. Т.7: Державне управління в умовах глобальної та європейської інтеграції. 2011. С. 465.

<sup>6</sup> Державне управління: підручник: у 2 Т. / ред. колегія: Ю.В. Ковбасюк (голова), К.О. Ващенко (заст. голови), Ю.П. Сурмін (заст. голови) та ін. Київ: Дніпропетровськ: НАДУ, 2012. Т. 1. С. 41.

<sup>7</sup> Великий тлумачний словник сучасної української мови / голов. ред. В.Т. Буссел. Київ: Ірпінь: ВТФ "Перун", 2005. С. 125.

between objects in which every object acts (influences) on other objects causing changes of them, and, in turn, other objects act (influence) on this object changing its conditions. Philosophy claims that all human activity in real world and our existence in whole and feeling of its reality (non-illusiveness) are based on different interactions<sup>8</sup>. In the Encyclopedia of Public Administration the notion of governing interaction is given as participation of the governing subjects in joint activity in process of achievement the necessary goals for society. It is emphasized that the governing interaction is tied closely to the social interaction which is broader kind of social communications. In the process of social interaction a mutual influence and conditionality of separate social phenomena occur, and as a result they are changed and supplemented by each other, and an integrated social system is formed<sup>9</sup>.

Proceeding from shown definitions, an interaction between state institutions and society has at least two key characteristics. First, the state not only produces governing influences, implements them, monitors the society changes caused by these influences, and corrects influences if needed. Interaction means that the state doesn't remain "the Firm Sphinx" but is changed under feedback influence from society in the value basis of state, authority system, processes and methods of governing etc. Only in this case the government administration remains adequate to social transformations and, accordingly, capable to realize own social mission in new conditions. Second, interaction means that state and non-state institutions act jointly and in coordination. Thereupon it is expediently to appeal to such new scientific field as the synergetics in government administration. This field learns so called synergetic effects which arise as a result of interaction between different governing institutions of society. I.Pysmennyi emphasizes that arising of synergetic effects in the triad "society – state – person", i.e., providing for transferring this triad to the new qualitative level of development, may be only under conditions of state support of the self-organization forces in civil society and natural (non-violent) directing these forces to achievement the significant social goals in accordance with society expectations and individual needs<sup>10</sup>.

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<sup>8</sup> Філософський енциклопедичний словник / гол. редкол. В.І. Шинкарук. Київ: Абрис, 2002. С. 77–78.

<sup>9</sup> Енциклопедія державного управління: у 8 т. / наук.-ред. колегія: Ю.В. Ковбасюк (голова) та ін. Київ: НАДУ, 2011. Т.2: Методологія державного управління. 2011. С. 99.

<sup>10</sup> Письменний І.В. Формування та реалізація синергетичного потенціалу публічного управління в умовах суспільних трансформацій: автореф. дис. ... д-ра наук з держ. упр.: спец. 25.00.01. Київ, 2013. С. 12.

On the contrary, mentioned synergetic effects disappear if the state, business, civil society organizations, and the wide public don't cooperate with each other. In this case it is practically impossible to execute any great-scale projects for society development, to conduct social reforms etc. Hence, the problem of interrelations and feedback adjustment from society to authority institutions acquires special urgency in the present Ukrainian conditions. Successful solving of this problem requires change of the population mentality at whole from passive paternalistic position to active civic position in relations with the state. However, citizens have to perform responsible activity within legislation rather than anarchical actions outside of legal field.

The mechanisms of interaction between society and authorities could be divided according to outlined levels of the citizens' participation in government administration. In particular, the famous S.Arnstein's Ladder of Citizen Participation supposes 8 such levels: Manipulation; Therapy; Informing; Consultation; Placation; Partnership; Delegated Power; Citizen Control<sup>11</sup>. Citizens' interaction with authority institutions is executed in this model on the following levels:

- Informing – one-way providing for citizens by some data on the state authorities' activity without possibility of feedback;
- Consultation – collection of citizens' opinions about decisions and actions of the state authorities;
- Placation – providing for citizens the right of consultative voice in decision-making by state authorities;
- Partnership – joint decision-making by state authorities and citizens through negotiations and achievement of compromises;
- Citizen Control – granting to citizens the powers to check and correct decisions and actions of state authorities within certain limits.

M.Gramberger proposes the simpler model including 3 levels of citizens' participation in decision-making by state authorities<sup>12</sup>.

1. Information – one-way relationship in which authority structures produce and provide information for using by citizens. This activity covers both delivering access to information on citizens' demands and active measures of state authorities to spread information among the wide public.

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<sup>11</sup> Arnstein S.R. A Ladder of Citizen Participation. *Journal of the American Planning Association*. 1969. Vol. 35. № 4. P. 216–224. URL: <http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html> (дата звернення: 5.06.2019).

<sup>12</sup> Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 17–18.

2. Consultation – two-way relationship in which citizens give their opinions and viewpoints to the state authorities on questions determined by these authorities. The state bodies determine themes of consultations, and make lists of questions, and manage the process of citizens' invitation to obtain their judgments.

3. Active participation – active involvement of citizens to formulating the content of state authorities' decisions and processes of their making. This activity recognizes the equal rights of citizens in relations with state bodies during problems formulating, alternatives offering for problem-solving, and dialogue building, although the responsibility for final decisions remains with authorities. However, the state bodies create mechanisms to guarantee, to some extent, including in final decisions the statements developed jointly with citizens.

Comparison of described models allows to make the following conclusions. The information level is common for both models. The partnership level from S.Arnstein's model corresponds to the active participation level from M.Gramberger's model. The levels of consultation and placation from the first model in aggregate correspond to the consultation level from the second model. The additional level in the S.Arnstein's model is the citizen control. Proceeding from these conclusions, the mechanisms of interaction between society and authorities are expedient to divide, in general, into 4 groups according to such levels of citizens' participation: information; consultation; partnership; citizen control. In the next part we will consider these 4 groups of the interaction mechanisms between society and authorities in Ukraine.

## **2. Present Conditions of Interaction Mechanisms between Society and Authorities in Ukraine**

First group of the interaction mechanisms between society and authorities covers **mechanisms of information delivery for citizens** on the state authorities' activity. These mechanisms include appropriate legislation, institutional mechanisms and technological tools.

The basic legislative mechanism for citizens' information is the **special law** with title, as a rule, "On Access to Information" or "On Freedom of Information". This law establishes and describes in detail the citizens' rights to obtain information which the state institutions

possess<sup>13</sup>. It aims to provide legal basis for implementation of the transparency principle in state authorities' activity. Based on expert opinions, the transparency of state authorities' activity is delivery for citizens a full, objective, precise, and clear information (besides complete and narrow set of exceptions determined officially) about activity of these authorities and officials<sup>14</sup>. Therefore, the Law on Access to Information establishes that the open access to documents held by state authorities is a rule, and security is an exception.

From the UNDP viewpoint, efficient Law on Access to Information has to contain the elements shown in the Table 1.

Table 1

**The elements of efficient Law on Access to Information\***

<b>The element of law</b>	<b>Description</b>
Presumption of openness	Citizens have the right on access to information without explanation of request causes, but the state authorities have to give reasons of refusal in information delivery, to report on what information they possess, to spread the wide massive of materials on one's own initiative, to arrange and structure information
Clearly defined and limited set of exceptions	The list of secret information has to be defined clearly by law. Such exceptions have to concern a information content rather than its type, and any application of information limitations must be checked on more harm for society interests than information disclosure
Mechanisms of access to information	Conditions of requests, the list of limitations on access to information, and the maximal terms of answers, and the rules of information delivery, including payment for it, obligations of state authorities to explain causes of the information refusal etc.
Effective control mechanism	Presence of the special control institutions, besides courts, performing supervision for observance of Law on Access to Information, namely, ombudsman or information commissioner

\* Source: UNDP and the right to information: Seminar report. Oslo: Oslo governance centre, 2006. 22 p. URL: [http://www.undp.org/oslocentre/flagship/access\\_information.html](http://www.undp.org/oslocentre/flagship/access_information.html)

<sup>13</sup> Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: [http://read.oecd-ilibrary.org/governance/citizens-as-partners\\_9789264195561-en#page1](http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1) (дата звернення: 5.06.2019). Р. 28; Доступ до інформації та електронне урядування / авт.-упоряд. М.С. Демкова, М.В. Фігель. Київ: Факт, 2004. С. 25.

<sup>14</sup> Ібрагімова І.М. Прозорість влади: основи забезпечення інформаційної взаємодії державних органів з громадськістю (презентаційні схеми). Київ: ПРООН, 2002. С. 5.

In Ukrainian practice, appropriate matters are regulated by the Law on Access to Public Information determining that such information is open besides the cases established by law<sup>15</sup>. The public information is defined as information represented and documented by any means and on any mediums, and this information was obtained or created by public authority subjects on performing of their duties according to law, or this information is held by public authority subjects and other information administrators determined in law.

The Law on Access to Public Information determines rules and procedures to perform the right of citizens on access to such information. In particular, Article 19 of the Law establishes that the requesters (physical or legal persons) have a right to ask information from the administrators (public authority subjects or other public organizations) without explanation of request causes, irrespective of whether information concerns the requesters personally. Unlike, the administrators are obligated:

- to state the motivated causes of refusal in information delivery, and the procedure of appeal against refusal (Article 22 of the Law);

- to publish on what kinds of information they hold (Article 15 of the Law);

- to register the documents which they possess in special system, and, if needed, to check correctness and objectivity of information delivered, and to refresh information published (Articles 14 and 15 of the Law);

- to publish a wide range of information, in particular on own websites if those exist (Article 15 of the Law).

Article 20 of the Ukrainian Law on Information separates open information and information with limited access according to the access procedure<sup>16</sup>. Any information belongs to open information except what is referred to information with limited access. The last is divided into confidential, secret, and limited service information. In compliance with Article 20 of this Law the confidential information is information about physical person, and which is limited in access by physical or legal person, excepting public authority subjects. E.g., the Ukrainian Law on Defense of Personal Data regulates legal relations concerning defense and processing

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<sup>15</sup> Про доступ до публічної інформації: Закон України від 13 січня 2011 р. № 2939-VI / Верховна Рада України. *Голос України*. 9 лютого 2011 р.

<sup>16</sup> Про інформацію: Закон України від 2 жовтня 1992 р. № 2657-XII / Верховна Рада України. *Голос України*. 13 листопада 1992 р.



of personal data<sup>17</sup>. Such data are defined as data or data collection about the physical person who is identified or may be concretely identified (Article 2 of the Law). Personal data may be referred to the confidential information by law or by appropriate person. Personal data aren't confidential information if these data concern to performing an official powers by person who holds a post related to execution of functions of the state or local government (Article 5 of the Law).

Article 8 of the Ukrainian Law on Access to Public Information refers to the secret information an information for which disclosure may do harm for person, society, and state, in particular, an information containing state, professional, banking, investigation and other secret provided by law. E.g., in accordance with the Ukrainian Law on State Secret this secret is a kind of secret information including data in spheres of defense, economy, science and technology, foreign relations, state security, and law order protection for which disclosure may do harm for national security of Ukraine, and these data are recognized as state secret in the order established by the Law and are subjected to the state protection (Article 1 of the Law)<sup>18</sup>. Information is referred to the state secret by motivated decisions of the state experts of secret questions at their own initiative or at requests of executives of appropriate state authorities or local bodies, enterprises, institutions, organizations, or citizens (Article 10 of the Law). Based on decisions of state experts the Security Service of Ukraine forms and approves by order the Set of Data composing State Secret.

According to Article 9 of the Law on Access to Public Information, the following information may belong to limited service information:

- it is contained in documents held by power subjects, and these documents concern internal official correspondence, reports, and recommendations, if they are related to development of direction of the institution activity, or to performance of control and supervising functions of the state authorities, or to decision-making process before public discussion;

- it is collected in process of operative-search activity, and counterintelligence activity, or in the national defense sphere, if it not fell into the state secret.

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<sup>17</sup> Про захист персональних даних: Закон України від 1 червня 2010 р. № 2297-VI / Верховна Рада України. *Голос України*. 16 вересня 2010 р.

<sup>18</sup> Про державну таємницю: Закон України від 21 січня 1994 р. № 3855-XII / Верховна Рада України. *Голос України*. 10 березня 1994 р.

Article 6 of the Law on Access to Public Information establishes that access limitation is possible under the set of following conditions:

- only for interests of national security, territorial integrity, or public order for the purpose of prevention of excitements or crimes, for society health protection, for defense of reputation or rights of other persons, for disclosure prevention of information confidentially obtained, or for support of justice authority and impartiality;

- information disclosure may do much harm for mentioned interests;

- harm because of disclosure of such information prevail over society interest on its obtaining.

It's important that access limitation is applied to information rather than document. If some document contains information with limited access then information with unlimited access is provided for the public.

The Law establishes that information request may be personal or collective. It may be submitted in oral, written, or other form at the requester choice (by mail, fax, phone, or email) (Article 19 of the Law). The information administrator has to answer to information request not later than 5 working days from day of request receiving. If request concerns delivery a large volume of information or demands information search in significant amount of data then information administrator can extend the term of request consideration until 20 working days (Article 20 of the Law). Information for request is free of charge. If request satisfaction is related to making documents' copies in amount of more than 10 pages the requester is obligated to refund copying and printing (Article 21 of the Law). The information administrator has a right to reject request satisfaction if information requested belongs to information with limited access, or if legal demands aren't observed to information request (Article 22 of the Law). Appeals against decisions, actions, or inactions of information administrators may be submitted to executives of administrators, to high authorities or courts (Article 23 of the Law).

Implementation of the citizens' right on access to information demands the **institutional mechanisms**. These mechanisms include, at first, the special communicative departments in state bodies performing such groups of tasks: communications with media; information delivery to citizens; analytical processing of information for its publishing; information services for public servants; making and coordinating of the

information policy in state bodies<sup>19</sup>. In line with Article 14 of the Law on Access to Public Information every information administrator is obligated to have a special structural department or to appoint responsible officials for providing access of citizens to information and for its publishing. E.g., in the Secretary of the Cabinet of Ministers of Ukraine such department is the Office for Providing Access to Public Information, in the Ministry of Education and Science of Ukraine – the Office of Information Policy and Communications, in the Ministry of Economic Development and Trade of Ukraine – the Department for development of information and communication technologies, document flow and electronic services, in the State Administration of Kyiv City – the Office of Providing for Information and Access to Public Information, etc.

The important institutional mechanism is also the independent institute performing supervision for activity/inactivity of state authorities concerning observance of the Law on Access to Information. As a rule, such institute is ombudsman (e.g. Australia, Belgium, Iceland, Netherlands, New Zealand, etc.) or information commissioner (e.g. UK, Ireland, Canada, Hungary, etc.) which are appointed by parliament and accountable to him<sup>20</sup>. In Ukraine the first variant is chosen in line with the Law on Commissioner of the Verkhovna Rada of Ukraine for Human Rights<sup>21</sup>. Article 14 of the Law establishes that the Ukrainian Ombudsman performs parliamentary supervision for observance of the right on access to public information.

Citizens' informing demands using of the **special technological tools** divided in practice in accordance with **two approaches to information delivery**. The first approach supposes providing access to information by state authorities in response to citizens' requests<sup>22</sup>. Using of Internet is most expedient because it has become accessible for the most of citizens. In majority of countries, including Ukraine, all state authority institutions have own websites which are united in the general government portal.

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<sup>19</sup> Доступ до інформації та електронне урядування / авт.-упоряд. М.С. Демкова, М.В. Фігель. Київ: Факт, 2004. С. 62.

<sup>20</sup> Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 33–34; Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: [http://read.oecd-ilibrary.org/governance/citizens-as-partners\\_9789264195561-en#page1](http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1) (дата звернення: 5.06.2019). Р. 34–35.

<sup>21</sup> Про Уповноваженого Верховної Ради України з прав людини: Закон України від 23 грудня 1997 р. № 776/97-ВР / Верховна Рада України. *Голос України*. 20 січня 1998 р.

<sup>22</sup> Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: [http://read.oecd-ilibrary.org/governance/citizens-as-partners\\_9789264195561-en#page1](http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1) (дата звернення: 5.06.2019). Р. 32.

These websites are divided into sections and subsections for simplification of information search, and they also include the mechanisms of application of concrete information requests from citizens and answers for these requests. In particular, websites of Ukrainian ministries include the special section "Access to Public Information". This section contains the official procedure of requests submission on public information and answers making to those in appropriate ministry, and request form and other necessary data. Examples of such section may be obtained at the following links: <http://www.minagro.gov.ua/dostup-do-publichnoi-informacii>; <https://mon.gov.ua/ua/ministerstvo/gromadskosti/dostup-do-publichnoyi-informaciyi>; <http://mtu.gov.ua/content/publiczna-informaciya.html>; etc.

Moreover, special websites or portals are opened on which information concentrates about important state problems or directions of governmental activity. The examples are Ukrainian websites "Implementing reforms" (<http://reforms.in.ua>), "Civil Society and Authority" (<http://civic.kmu.gov.ua>), "Decentralization" (<http://decentralization.gov.ua>), United State Portal of Administrative Services (<http://my.gov.ua>), etc.

The very wide array of information products is published on websites of state bodies. Generalization of appropriate international practice is reflected, e.g., in the Draft Model Law of the Subject of Russian Federation "On Implementation of the Citizens' Right on Participation in Governing by State Affairs in the Subject of Russian Federation". This draft law supposes the obligation of state authorities to publish on own official websites the following information about their activity<sup>23</sup>:

- all legal and normative acts of the state authorities in force, and official explanatory notes and appendixes to these acts, and also drafts of legal and normative acts;
- rules of procedures (administrative regulations) of state authorities and subordinate organizations;
- lists of information resources which they possess, and also lists of services for citizens and organizations;
- news about official measures organized by state bodies and subordinate organizations, about made decisions on these measures and their implementation;

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<sup>23</sup> Акрамовская А.Г., Веприкова Е.Б., Савва М.В. Модельные законы субъекта Российской Федерации "О реализации права граждан на участие в управлении делами государства в субъекте Российской Федерации" и "О государственных гарантиях права населения на осуществление местного самоуправления в муниципальных образованиях субъекта Российской Федерации" с комментариями. Москва: Гриф и К, 2007. С. 14-15.

- texts of official statements and speeches of the top officials of state bodies;
- targeted and other programs in which state authorities are developers, customers or executors, and data about performing of these programs;
- analytical notes, reports, and reviews about state authorities' activity;
- statistical data and forecasts on dynamics of society spheres development in line with competence of state authorities;
- information about citizens' entering to the public service, and lists of available vacancies, and qualification demands for nominees on these vacancies, and conditions and results of appropriate contests;
- information about interaction between state bodies and subordinate organizations, and other state and local bodies, and nongovernmental organizations, political parties, trade unions, and other organizations, including international institutions;
- data about executives of state authorities, and their structural departments and offices, territorial bodies, and subordinate organizations;
- information about state authorities' structure, tasks and functions of their structural departments, postal addresses, communication phones, and other requisites;
- phones, address requisites, and data about activity procedures of the departments on public relation.

According to Article 15 of the Law on Access to Public Information, the information administrator must publish:

- information on organization structure, mission, functions, powers, main tasks, directions of activity, and financial resources;
- adopted legal and normative acts, and individual acts (except intra-organizational), and draft decisions for discussion, and legal and normative basis of administrator's activity;
- list and conditions of services delivery by administrator, and forms and samples of documents with rules of their filling;
- procedure of creating and filing a request on information, and appealing against decisions, actions, or inactions of administrator;
- information on mechanisms or procedures by which the public can represent own interests or influence in other way on realization of administrator's powers;

- plans of holding and agendas of open meetings;
- information on places where necessary forms are provided for physical or legal persons;
- general rules of institution working, and rules of internal procedure;
- reports, including about meeting requests on information;
- information about institution's address, its requisite elements, website, officials, their phones, email addresses etc.;
- other information according to the Law.

The information administrators are also obligated to deliver public information in the Open Data format on requests, and to publish and to refresh such information on the United State Portal of Open Data and on own websites (Article 10-1 of the Law). The Cabinet of Ministers of Ukraine approved the Regulations on datasets subjected to publish in the Open Data format<sup>24</sup>. These Regulations determine the list of mentioned data, demands on their format and structure, and the interval and the procedure of their publishing. The Government also approved the Procedure of maintenance of the United State Portal of Open Data<sup>25</sup>.

The second approach to information delivery for citizens consists in active informing by state authorities at own initiative<sup>26</sup>. Such active informing is executed directly or indirectly by means of channels which, accordingly, authority-controlled or independent of these authorities. Mechanisms of direct spreading of information, first, consist in preparation and allocation of the information products at appropriate themes in media. It concerns especially TV considering a popularity of this media and its potential influence on audience. In particular, Ukrainian public TV channel "УА:Перший" has the TV program "The government on communications with citizens" aimed at informing an audience about activity of state executive bodies. The guests of this TV program are ministers, heads of services, inspections, and other state agencies<sup>27</sup>. Parliamentary TV channel "Рада" covers parliamentary sessions, activity of parliamentary fractions

<sup>24</sup> Про затвердження Положення про набори даних, які підлягають оприлюдненню у формі відкритих даних: постановва Кабінету Міністрів України від 21 жовтня 2015 р. № 835 / Кабінет Міністрів України. *Урядовий кур'єр*. 24 жовтня 2015 р.

<sup>25</sup> Деякі питання оприлюднення публічної інформації у формі відкритих даних: постановва Кабінету Міністрів України від 30 листопада 2016 р. № 867 / Кабінет Міністрів України. *Урядовий кур'єр*. 19 грудня 2016 р.

<sup>26</sup> Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: [http://read.oecd-ilibrary.org/governance/citizens-as-partners\\_9789264195561-en#page1](http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1) (дата звернення: 5.06.2019). Р. 33.

<sup>27</sup> УА:Перший. Уряд на зв'язку з громадянами. URL: [http://1tv.com.ua/programs/na\\_zviazku](http://1tv.com.ua/programs/na_zviazku) (дата звернення: 5.06.2019).

and deputy groups, and work of committees of the Verkhovna Rada of Ukraine, etc<sup>28</sup>.

The one more means consists in execution of special measures such as exhibitions, seminars or contests, and also in allocation of the advertising materials in public places for citizens' informing in different formats. In particular, websites of state authority bodies contain special sections in which announcements of events, messages on different measures, and notifications are represented, e.g., <http://moz.gov.ua/pres-centr>, <http://www.minagro.gov.ua/uk/pressroom>, [https://kyivcity.gov.ua/dlya\\_zmi](https://kyivcity.gov.ua/dlya_zmi), etc. The mechanism of sending messages to citizens by e-mail is also worthy. These messages can be subscribed via websites<sup>29</sup>. Such subscription can be made on websites of state executive bodies of Ukraine, e.g., <http://sae.gov.ua/uk/newsletter/subscriptions>, <http://adm.dp.gov.ua/ua/timeline?type=posts>, <http://www.dei.gov.ua/posts>, etc.

As for mechanisms of indirect information delivery experts note the media mediation and the cooperation with nongovernmental organizations<sup>30</sup>. The first mechanism supposes publishing the state authorities' activity in different media (TV, radio, the press, Internet publications) by means of press releases, press conferences, interviews, publicist materials, etc. But state bodies don't control form and content of the final materials therefore the adjusting of close cooperation with media is needed. These materials may be published on websites of state authority bodies, e.g., [http://mon.gov.ua/ua/news?&type=posts&category\\_id=7&category=usivnovivniinterview](http://mon.gov.ua/ua/news?&type=posts&category_id=7&category=usivnovivniinterview), <http://moz.gov.ua/pres-centr>, [http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art\\_id=134337&cat\\_id=32887](http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=134337&cat_id=32887), etc.

Efficient mechanism of information delivery for citizens is the cooperation with nongovernmental organizations specializing in significant problems and directions of society development (human rights, ecology, corruption prevention, health, education, etc.). Such organizations can both spread the official information independently and execute the joint

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<sup>28</sup> Державне підприємство "Парламентський телеканал "Рада". URL: <http://tv.rada.gov.ua> (дата звернення: 5.06.2019).

<sup>29</sup> Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 57–58, 75–77; Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: [http://read.oecd-ilibrary.org/governance/citizens-as-partners\\_9789264195561-en#page1](http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1) (дата звернення: 5.06.2019). Р. 46, 84; IAP2's Public Participation Toolbox. URL: <http://icma.org/documents/iap2-public-participation-toolbox> (дата звернення: 5.06.2019).

<sup>30</sup> Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 58–59.

information campaigns with state authorities. Departments for public relations are responsible for such cooperation in Ukrainian state authority bodies.

Second group covers **consultation mechanisms between state authorities and citizens in processes of decision-making**. The **legislative mechanisms** for such consultation include a set of legal statements in following directions.

1. Government-initiated referenda designed in constitutions of many countries. E.g., the holding of referendum is obligatory in Switzerland for many questions, including changes to constitution.

2. Citizens' right to direct appeals, including petitions, individually or in group with demands, offers, and complaints to the state authorities obligated to consider these appeals and to answer reasonably in line with law.

3. Taking consultations to procedures of decision-making by state authorities, and citizens can put a questions and defense own interests in these procedures.

4. Special consultations with some social groups if decisions of the state authorities concern the interests of such groups (e.g., aboriginals in Canada or New Zealand).

Article 15 of the Constitution of Ukraine determines that citizens have a right to take part in national and local referenda<sup>31</sup>. Articles 72-74 of the Constitution suppose that national referendum is being assigned by the Verkhovna Rada of Ukraine or the President of Ukraine according to their constitutional powers. The questions on territorial changes of Ukraine are being solved by national referendum exclusively. But national referendum isn't allowed for draft laws on taxes, budget, and amnesty. In line with Article 156 of the Constitution the draft law on making changes to its part I, III, and XIII is being approved by national referendum assigned by the President of Ukraine. Article 143 of the Constitution declares that territorial communities of villages, settlements, and cities provide for performance of local referenda and implementation of their results directly or through local bodies created by communities.

Article 1 of the Ukrainian Law on Appeals of Citizens establishes their right to appeal with notices, complaints and offers to the state authorities, local bodies, and officials according to their functional duties concerning their statutory activity, with statements or petitions concerning

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<sup>31</sup> Конституція України. URL: <http://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80> (дата звернення: 5.06.2019).



realization of citizens' socio-economic, political, and personal rights and legal interests, and with complaints on violations of these rights and interests<sup>32</sup>. The appeal may be submitted individually or in group (Article 5 of the Law). Appeals properly made and submitted have to be accepted and considered as obligatory (Article 7 of the Law). State authorities and local bodies, and officials are obliged to consider appeals and to inform their authors about results of consideration (Articles 14-16 of the Law). The special form of collective appeal of citizens is electronic petition to the President of Ukraine, to the Verkhovna Rada of Ukraine, to the Cabinet of Ministers of Ukraine, or to local body, and such petition is being submitted and considered in line with Article 23-1 of the Law.

The Resolution of the Cabinet of Ministers of Ukraine, 2010, November 3, № 996 determines the Procedure of consultations with the public on making and implementing of the state policy<sup>33</sup>. According to this document executive power bodies compose annually the preliminary plan of consultations with the public concerning drafts of legal and normative acts. Civil society institutions and public councils can initiate consultations on matters not included to the preliminary plan. If the offer concerning consultations on some matter is submitted not less than from three civil society institutions such consultations are obligatory. Mentioned Procedure supposes that the results of consultations with the public are being considered by executive power bodies in making final decisions or in further activity. The Procedure determines also the set of directions in which consultations with the public are obligatory, from constitutional rights, freedoms, and duties of citizens to performing regulative activity in some sphere.

**Institutional mechanisms** of consultations suppose execution of them between state bodies and nongovernmental organizations. Based on publications, the main kinds of such mechanisms may be outlined as follows<sup>34</sup>:

– including some representatives of nongovernmental organizations to collective boards which created in state bodies;

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<sup>32</sup> Про звернення громадян: Закон України від 2 жовтня 1996 р. № 393/96-ВР / Верховна Рада України. *Голос України*. 22 жовтня 1996 р.

<sup>33</sup> Про забезпечення участі громадськості у формуванні та реалізації державної політики: постанова Кабінету Міністрів України від 3 листопада 2010 р. № 996 / Кабінет Міністрів України. *Урядовий кур'єр*. 11 листопада 2010 р.

<sup>34</sup> Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 37, 65; Реформа государственного управления: Институционализация консультаций между институтами власти и неправительственными организациями в странах СНГ. Условия, формы, практика / глав. ред. С. Сироткин. Братислава: ПРООН, 2002. С. 42-45.

- organizing of working groups for designing of draft decisions with participation of representatives of nongovernmental organizations;
- multilateral meetings with representatives from non-governmental organizations in format of seminars, round tables, workshops etc.;
- tripartite consultations between representatives of state authorities, business, and trade unions;
- creating the permanent consultative bodies (commissions, councils, committees, etc.) under state authorities with participation of representatives of nongovernmental organizations.

The main institutional mechanism of consultations between state bodies and the public in Ukraine is an activity of public councils. These are created in line with the Typical regulations on public council under a ministry, other central executive body, the Council of Ministers of Crimean Autonomous Republic, a state administration of region and district, a state administration of Kyiv city and Sevastopol city, a state administration of district in Kyiv city and Sevastopol city, approved by the Resolution of the Cabinet of Ministers of Ukraine, 2010, November 3, № 996<sup>35</sup>. Public councils are temporary consultative-advisory bodies with such main tasks:

- promoting in realization of citizens' constitutional right on participation in governing by state affairs;
- performing public control over activity of state executive bodies;
- promoting in taking a public opinion to consideration by these bodies in making and implementing of state policy.

Membership of public council may consists of representatives of civil society institutions executing their activity in sphere related to activity of appropriate body, if charters (regulations) of these institutions determine appropriate goals and tasks. Membership of public council is being formed by constituent assembly through a rating vote for persons who are presented at assembly and are nominated by civil society institutions. Decisions of public council are recommendatory and obligatory for consideration by power body.

Based on Articles 14, 22 of the Ukrainian Law on Central State Executive Bodies the collegiums are created for preparing recommendations on fulfilling tasks of these executive bodies<sup>36</sup>. These

<sup>35</sup> Про забезпечення участі громадськості у формуванні та реалізації державної політики: постанова Кабінету Міністрів України від 3 листопада 2010 р. № 996 / Кабінет Міністрів України. *Урядовий кур'єр*. 11 листопада 2010 р.

<sup>36</sup> Про центральні органи виконавчої влади: Закон України від 17 березня 2011 р. № 3166-VI / Верховна Рада України. *Голос України*. 9 квітня 2011 р.

collegiums are consultative-advisory bodies consisting of, among others, representatives of scientific and educational institutions, public associations, and other persons. The collegiums work in line with the Typical regulations approved by the Cabinet of Ministers of Ukraine. Others permanent or temporary consultative, advisory, and subsidiary bodies may be created in central state executive bodies for considering scientific recommendations and for professional consultations on significant matters of executive bodies with participation of representatives of nongovernmental organizations.

Article 39 of the Ukrainian Law on Local State Administrations establishes that heads of administrations create consultative, advisory, and other subsidiary bodies, services and commissions for assistance in executing powers by administrations<sup>37</sup>. Representatives of nongovernmental organizations participate in such bodies frequently. E.g., a majority of consultative, advisory, and other subsidiary bodies under the state administration of Kyiv city includes many representatives of the public<sup>38</sup>.

Article 9 of the Ukrainian Law on Social Dialogue in Ukraine determines institutional mechanisms of such dialogue between representatives of workers, employers, state executive bodies, and local bodies on making and implementing of state social and economic policy, regulating of labor, social, and economic relations<sup>39</sup>. In particular, the National tripartite socio-economic council and territorial tripartite socio-economic councils are created for maintaining a social dialogue. Branch (inter-branch) tripartite or bipartite socio-economic councils and other tripartite bodies (committees, commissions, etc.) of social dialogue may be created at the initiative of parts.

Special **technological tools** of consultations are divided according to two general approaches. The first approach supposes the feedback obtaining from citizens by means of the public opinion studies with using the set of following widespread techniques<sup>40</sup>.

<sup>37</sup> Про місцеві державні адміністрації: Закон України від 9 квітня 1999 р. № 586-XIV / Верховна Рада України. *Голос України*. 12 травня 1999 р.

<sup>38</sup> Перелік діючих при виконавчому органі Київської міської ради (Київській міській державній адміністрації) та її структурних підрозділах консультативних, дорадчих та інших допоміжних органів. URL: [http://dsk.kyivcity.gov.ua/files/2019/3/6/KDO\\_2019.pdf](http://dsk.kyivcity.gov.ua/files/2019/3/6/KDO_2019.pdf) (дата звернення: 5.06.2019).

<sup>39</sup> Про соціальний діалог в Україні: Закон України від 23 грудня 2010 р. № 2862-VI / Верховна Рада України. *Голос України*. 18 січня 2011 р.

<sup>40</sup> Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: [http://read.oecd-ilibrary.org/governance/citizens-as-partners\\_9789264195561-en#page1](http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1) (дата звернення: 5.06.2019). P. 28, 84; Nicholson L. Civic Participation in Public Policy-Making: A Literature Review. Edinburgh: Scottish Executive Social Research, 2005. URL: <http://www.webarchive.org.uk/wayback/archive/20180519014538/http://www.gov.scot/Publications/2005/08/11>

1. Collecting and analyzing of offers, demands and complaints contained in written and electronic appeals, including petitions, of citizens. These offers may contain useful governance ideas, and demands and complaints point out necessary changes in governmental policy.

2. Publishing draft decisions by state authorities with offering for citizens to give recommendations and notices during defined period. At the present time state authorities allocate messages on official websites about publishing of these drafts, start of consultation, means and terms of sending written or electronic comments.

3. Using of FAQ lists formed by means of special computer programs. FAQ list helps for state authorities to determine widespread needs of citizens more clearly and to handle these needs in decision-making.

4. Focus groups supposing the group formation from 6 to 10 citizens by random way with criterion of residence or the target social stratum for the short time, perhaps, for 1-2 hours. Participants are provided for information on some problem, and then asked for their opinions personally or in group.

5. Public opinion polls demanding to form the statistically valid representation of population, as a rule, from 1 to 2 thousands of citizens in line with special technique. The list of questions is proposed to respondents according to structured questionnaire been developed and tested previously on the small audience. Such polls are executed not only by personal contacts but also by mailing, phone or via Internet. Collected answers are processed statistically and considered in decision-making of state authorities.

The Resolution of the Cabinet of Ministers of Ukraine, 2010, November 3, № 996, calls the feedback obtaining from citizens as studying a public opinion (indirect form of consultations). The Resolution supposes following tools of this studying:

- conducting sociologic researches and observations (polls, questioning, content analysis of information papers, focus groups, etc.);
- establishing phone hotlines, and monitoring comments, responses, interviews, and other materials in printed and electronic media;
- publishing draft decisions by state executive bodies with offering for citizens to give written offers and notices to defined postal address during established period (not less than 15 calendar days);

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142601/26031 (дата звернення: 5.06.2019). P. 28; Caddy J. Promise and problems of e-democracy: challenges of online citizen engagement. Paris: OECD, 2003. URL: [http://read.oecd-ilibrary.org/governance/promise-and-problems-of-e-democracy\\_9789264019492-en#page1](http://read.oecd-ilibrary.org/governance/promise-and-problems-of-e-democracy_9789264019492-en#page1) (дата звернення: 5.06.2019). P. 56-57; IAP2's Public Participation Toolbox. URL: <http://icma.org/documents/iap2-public-participation-toolbox> (дата звернення: 5.06.2019).

– processing and generalizing offers and notices expressed in appeals of citizens.

Moreover, the Resolution separates electronic consultations with public as special direction. Procedure of electronic consultations supposes that state executive body publishes an information message about electronic consultations, and a draft document under discussion on own official website and on the governmental website "Civil Society and Authority". Participants of electronic consultations give offers and notices in written form to email address specified in information message about consultations, and through special services if these exist on official websites of state executive bodies and on the governmental website "Civil Society and Authority". Term of electronic consultations is being determined by state executive bodies, and it must be not less than 15 calendar days.

In line with Article 23-1 of the Ukrainian Law on Appeals of Citizens an electronic petition to the President of Ukraine, to the Verkhovna Rada of Ukraine, and to the Cabinet of Ministers of Ukraine is being considered if not less than 25000 signatures are collected on support of such petition during no more than three months starting from the day of its publishing. Demands to quantity of citizens' signatures on support of electronic petition to local body and term of signatures collecting are being determined by charter of territorial community. The President of Ukraine, the Verkhovna Rada of Ukraine, and the Cabinet of Ministers of Ukraine adopted special procedures of considering electronic petitions to these state institutions.

The second approach supposes the conducting of active consultations between state authorities and citizens by way of open public discussions with use of following widespread tools<sup>41</sup>.

1. Public hearings supposing the immediate meetings between representatives of state authorities and large groups of citizens for discussion of the draft decisions and activity results of power structures. Citizens hear prepared information from the authority representatives, and ask them, and make offers on these meetings. Special organization

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<sup>41</sup> Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: [http://read.oecd-ilibrary.org/governance/citizens-as-partners\\_9789264195561-en#page1](http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1) (дата звернення: 5.06.2019). P. 84; Caddy J. Promise and problems of e-democracy: challenges of online citizen engagement. Paris: OECD, 2003. URL: [http://read.oecd-ilibrary.org/governance/promise-and-problems-of-e-democracy\\_9789264019492-en#page1](http://read.oecd-ilibrary.org/governance/promise-and-problems-of-e-democracy_9789264019492-en#page1) (дата звернення: 5.06.2019). P. 53, 58; IAP2's Public Participation Toolbox. URL: <http://icma.org/documents/iap2-public-participation-toolbox> (дата звернення: 5.06.2019); United Nations E-Government Survey 2016: E-government in Support of Sustainable Development / direct. by J. Zhu. New York: United Nations, 2016. URL: <http://publicadministration.un.org/egovkb/en-us/reports/un-e-government-survey-2016> (дата звернення: 5.06.2019). P. 66-68.

committees form the final documents submitted to the state authorities for consideration in decision-making, and these documents are published also in media and on official websites.

2. Execution of the creative communication measures such as conferences, seminars, round tables, workshops and other similar meetings between representatives of state authorities, and invited groups of citizens, and representatives of nongovernmental organizations. The officials make presentations within every such measure, and open discussion follows then. The participants elaborate common approaches and offers on this basis concerning solving of some problem.

3. Public receptions providing the regular opportunity for citizens to speak with responsible officials directly in certain time on preliminary registration. Citizens can express notices and offers to officials concerning the state authorities' activity.

4. Citizens' panels supposing creation of the permanent groups of citizens with their consent on the basis of valid representation from all population or target audience, e.g. youth. These groups advise the state authorities permanently through giving own opinions concerning different problems via mailing, phone, or Internet. The quantity of panels' members varies, as a rule, from 750 to 2000 persons, and their membership is updated periodically to expand citizens' representation.

5. Online consultations through discussion forums, blogs, and social networks such as Facebook and Twitter.

The Resolution of the Cabinet of Ministers of Ukraine, 2010, November 3, № 996 establishes that the open public discussions are conducted through organizing and executing such public measures:

– conferences, fora, public hearings, round tables, assemblies, and meetings with public;

– Internet-conferences and video conferences.

Special protocols are being kept during these public measures, and oral offers and notices are being fixed in these protocols. Information about public measures (conferences, fora, public hearings, etc.) is being published as a rule on official website of state executive body in the section "Consultations with Public", e.g.: <http://menr.gov.ua/timeline/Konsultacii-z-gromadskisty.html>; <http://www.vin.gov.ua/gromada/konsultatsii-z-hromadskistiu>; <http://zhmerynka-rda.gov.ua/index.php/konsultatsii-z-hrom/anonsy-konsultatsii-2>; etc.

State executive body must conduct the open public discussion by such procedure:

- to develop a plan of measures for organizing and executing discussion (if needed);
- to provide for representation of social groups, economic subjects, civil society institutions, local bodies, and other interested parts;
- to publish an information about discussion on official website of state executive body or in other acceptable way if appropriate technical possibility misses;
- to collect and analyze an information about public assessment of decision proposed by state executive body;
- to form expert propositions on alternative decisions;
- to provide for considering the results of discussion in final decision;
- to analyze and publish the results of discussion on official website of state executive body or in other acceptable way if appropriate technical possibility misses.

Article 22 of the Ukrainian Law on Appeals of Citizens determines that executives and other officials of state government bodies and local bodies are obliged to receive citizens personally. The reception is made regularly in defined days and hours, in convenient time for citizens at place of their work and residence. Reception schedules are being published for citizens. All citizens' appeals expressed on personal reception are being recorded and considered by mentioned authority bodies. In practice the officials of authority bodies receive citizens according to schedules published on official websites with specifying addresses, contact phones, days and hours of reception. Examples of such schedules may be obtained at the following links: <http://mon.gov.ua/ua/ministerstvo/gromadskosti/grafik-osobistogo-prijomu-gromadyan>; <http://www.oblrada.pl.ua/index.php/oblrada/10741-provedennja-osobistogo-prijomu-gromadjan>; <http://izmail-rda.odessa.gov.ua/info/zvernennya-gromadyan>; etc.

Third group includes **partnership mechanisms between state authorities and citizens in processes of decision-making**. They represent a "new boundary" both for government and citizens.

The **legislative mechanisms** for such partnership include some legal statements, namely, citizen-initiated referenda and popular legislative initiatives concerning draft laws and constitutional changes

(e.g., Switzerland)<sup>42</sup>. The Constitution of Ukraine suppose a possibility to proclaim national referendum at popular initiative on demand of not less than three million Ukrainian citizens having a right to vote on condition that signatures for referendum appointment are collected not less than in two third of regions, and one hundred thousand signatures are obtained minimally in every region. The Ukrainian Law on Local Self-Government in Ukraine determines possible forms of citizens' active participation in local decision-making<sup>43</sup>. In particular, Article 7 of the Law proclaims that local referendum is a form of solving any questions of local significance by territorial community through direct will. Decisions made in local referendum are obligatory for implementation in relevant area. General meeting of citizens at place of residence is another form of their active participation (Article 8 of the Law). Decisions made on such meetings are considered by local bodies in their activity. According to Article 9 of the Law the members of territorial community have a right to initiate (on procedure of local initiative) considering of any question in competence of local self-government in local council. Local initiative is obligatory for consideration on open session of the council with the participation of community members representing the initiative.

The **lobbying activity** could be also considered as specific mechanism of active public participation in decision-making by state authorities. Proceeding from politological approach<sup>44</sup>, this activity may be defined as systematic and purposeful influence on the state and local authorities from private persons and organized society groups, including by means of specially employed professionals or organizations, aimed at making (non-making) decisions by these authorities in favor of mentioned persons and groups with using of legal methods. These methods are divided more often on direct and indirect ones<sup>45</sup>. Direct lobbying supposes immediate contacts

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<sup>42</sup> Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: [http://read.oecd-ilibrary.org/governance/citizens-as-partners\\_9789264195561-en#page1](http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1) (дата звернення: 5.06.2019). Р. 42; Грембергер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 38.

<sup>43</sup> Про місцеве самоврядування в Україні: Закон України від 21 травня 1997 р. № 280/97-ВР / Верховна Рада України. *Голос України*. 12 червня 1997 р.

<sup>44</sup> Гричина Н.А. Лоббизм як інститут сучасної демократії: автореф. дис. ... канд. політ. наук: спец. 23.00.02. Київ, 2009. С. 5; Любимов А.П. Лоббизм как конституционно-правовой институт. Москва: Ин-т гос-ва и права РАН, 1998. С. 18; Толстых П.А. GR. Практикум по лоббизму в России. Москва: Альпина Бизнес Букс, 2007. С. 20-22.

<sup>45</sup> Базілевич Д., Нестерович В., Федоренко В. Інститут лобювання в Україні та за кордоном: походження, проблеми, перспективи розвитку: наук.-інформ. видання. Київ: ФОП Москаленко О.М., 2015. С. 13; Нестерович В.Ф. Види впливу громадськості на прийняття нормативно-правових актів. *Вісник Луганського державного університету внутрішніх справ імені Е.О. Дідоренка*. 2014. Вип. 1. С. 34-41.



("face to face") between representatives of interest groups and state authorities aimed at achievement of necessary decisions for lobbyists. Indirect lobbying supposes active influence on the decision-making process through mobilization of public opinion in favor of (or against) some political positions.

The active and laborious work is executed in Ukraine concerning the special legal regulation of lobbying with wide involvement of public to the law-designing activity during 2009-2015. Many draft laws were being elaborated on this base. The last project is the Draft Law on Providing for Transparency and Legitimacy of Communications with Authority Subjects, 2017, September 20, № 7129<sup>46</sup>. This Draft Law is being processed at the present time in parliamentary committees.

The lobbying in Ukraine as a society phenomenon is being characterized by following main peculiarities:

- existing in the latent form as so called "quasi-lobbying";
- explicit politicization;
- misunderstanding the lobbying essence by both political elite and society as a whole;
- functioning as significant part of decision-making process by authority bodies;
- belonging to limited groups, and close link with corruption.

Some **technological tools** of active public participation are intended to involve ordinary citizens who don't belong to interest groups or lobby, and to provide for the widest representation of population in governance processes. These tools are divided on techniques of involvement of small groups and the wide public<sup>47</sup>.

The consensus conference is noted, first of all, among methods of involvement of small groups (USA, Denmark, Norway, etc.). Such method supposes that the group consisting of 10-15 ordinary citizens is formed through random selection, and these citizens aren't experts in problem considered. They ask experts and discuss the problem among themselves during several days. The citizens' group is the main operating subject on

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<sup>46</sup> Про забезпечення прозорості та законності комунікації з суб'єктами владних повноважень: проект Закону України від 20 вересня 2017 р. № 7129. URL: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=62573](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=62573) (дата звернення: 5.06.2019).

<sup>47</sup> Caddy J., Vergez C. Citizens as Partners: Information, Consultation and Public Participation in Policy-Making. Paris: OECD, 2001. URL: [http://read.oecd-ilibrary.org/governance/citizens-as-partners\\_9789264195561-en#page1](http://read.oecd-ilibrary.org/governance/citizens-as-partners_9789264195561-en#page1) (дата звернення: 5.06.2019). Р. 51, 84; Гремберггер М. Граждане как партнеры. Руководство ОЭСР по информированию, консультациям и активному участию общества в разработке политического курса; пер. с англ. Москва: Весь мир, 2002. С. 64.

conference, i.e., this subject determines key aspects of discussion, formulates questions for experts, selects them from invited specialists, and elaborates viewpoints on problem independently. Conference operation is supported by the special mediator. In sum, the citizens' group represents agreed viewpoints on solving the problem (consensus) at press conference. These viewpoints are provided as the final report for responsible officials and published in media.

The citizens' jury is very similar to prior method (Germany, USA, UK, etc.). Such jury consisting of 10-25 persons is selected among ordinary citizens by means of wide informing to population. These citizens ask experts and discuss the problem among themselves during 2-3 days at support of the special mediator. Survey of experts is executed similarly to the open court session. In sum, the jury presents conclusions and recommendations on the problem solving. These results are provided as the final report for responsible officials and published in media.

First of all, the citizens' fora are referred to main methods of the wide public involvement (UK, Australia, Norway, etc.). This method may suppose single or serial meetings for discussion of certain problems with participation of large groups of citizens and representatives of nongovernmental organizations aimed at joint elaboration of the policy alternatives and the draft decisions. These projects are provided then for the state authorities, perhaps, for top state officials immediately. Citizens' forum may also become permanent.

The widest involvement of citizens to making policy decisions can be achieved through the dialogue process uniting several approaches (Australia, Canada, New Zealand, etc.). At first, the set of open creative communication measures is held around the country (seminars, round tables, workshops, etc.) in which thousands of citizens participate in general. Then, the nation-wide (regional) conference (forum, etc.) is organized with participation of representatives of state authorities, interested groups, experts, and ordinary citizens. The draft policy decisions are elaborated on this wide-scale measure on the basis of ideas and offers developed during local measures. Formed projects may be completed again by means of additional open seminars, round tables, etc., and the final documents are provided then for the state authorities.

Single examples of using mentioned methods are known at the local level in Ukraine but mass implementation of those doesn't occur yet.

The Conception of E-government Development in Ukraine proclaims a necessity of developing the electronic tools "open budget" and "public budget"<sup>48</sup>. In particular, the "open budget" is being implemented for today more than in 1500 cities around the world. This tool supposes open decision-making process in which every inhabitant of settlement solves via voting the way of spending some part of local budget. Implementation of the "public budget" was also started in Ukraine from middle 2015, at first in Chernihiv, Cherkasy, and Poltava<sup>49</sup>. This tool was spread in many cities of Ukraine. The platform for performing the "public budget" in Melitopol city is a typical example of such tool – <http://melitopol-online.gov.ua>.

Fourth group includes **mechanisms of citizens' control over state authorities' activity**. Based on the control understanding as a governance function, the following definition could be made<sup>50</sup>. Citizens' control is the public subjects' activity consisting in identification of the nonconformities of state authorities' activity with legislative statements, expected state policy results, standards of public services etc., and influence on these authorities for elimination of such nonconformities and their causes.

The **legislative mechanisms** for citizens' control include the legal statements establishing appropriate citizens' rights, principles and techniques. On some scientists' opinion, the matters of citizens' control are expedient to solve in Ukraine in the special law on public control in which the forms and the means of such control must be determined<sup>51</sup>. Appropriate draft laws exist in Ukraine. E.g., the Draft Law on Civil Control over Activity of Authority Bodies, Officials, and Service Persons, 2018, August 7, № 9013 is being processed at the present time in parliamentary committees<sup>52</sup>. At the same time, the special law on citizens' control isn't adopted in Ukraine but legal statements on appropriate matters are contained in set of laws.

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<sup>48</sup> Про схвалення Концепції розвитку електронного урядування в Україні: розпорядження Кабінету Міністрів України від 20 вересня 2017 р. № 649-р / Кабінет Міністрів України. *Урядовий кур'єр*. 27 вересня 2017 р.

<sup>49</sup> Кравченко Т.А. Інноваційні інструменти реалізації громадянами права на участь у місцевому самоврядуванні в Україні. *Публічне адміністрування: теорія та практика*. 2015. Вип. 2. URL: [http://nbuv.gov.ua/UJRN/Patp\\_2015\\_2\\_22](http://nbuv.gov.ua/UJRN/Patp_2015_2_22) (дата звернення: 5.06.2019).

<sup>50</sup> Державне управління: підручник: у 2 Т. / ред. колегія: Ю.В. Ковбасюк (голова), К.О. Ващенко (заст. голови), Ю.П. Сурмін (заст. голови) та ін. Київ: Дніпропетровськ: НАДУ, 2012. Т.1. С. 443; Енциклопедія державного управління: у 8 Т. / наук.-ред. колегія: Ю.В. Ковбасюк (голова) та ін. Київ: НАДУ, 2011. Т. 2: Методологія державного управління. 2011. С. 255.

<sup>51</sup> Невмержицький Є.В. Корупція як соціально-політичний феномен: автореф. дис. ... д-ра політ. наук: спец. 23.00.02. Київ, 2009. С. 26.

<sup>52</sup> Про громадянський контроль за діяльністю органів влади, їх посадових і службових осіб: проект Закону України від 7 серпня 2018 р. № 9013. URL: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?id=&pf3511=64506](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=64506) (дата звернення: 5.06.2019).

In particular, in line with Article 21 of the Ukrainian Law on Corruption Prevention, public associations, their members, or empowered representatives have a right to exercise a public control over laws execution in corruption prevention with using legally allowed forms of control<sup>53</sup>. Article 17 of the Ukrainian Law on Access to Public Information suppose that public control for information administrators to provide access to public information is being exercised by local councils' deputies, nongovernmental organizations, public councils, and citizens personally through appropriate public hearings, public expertise, etc. According to Article 9 of the Ukrainian Law on Public Procurements, customers and participants of procurement procedures, and empowered government body in procurement sphere have to assist in public involvement to exercising a control in this sphere<sup>54</sup>. Other laws might be mentioned also in this relation.

As for **technological tools** the following important techniques of citizens' control are noted<sup>55</sup>.

1. Public monitoring, namely, effectiveness and productivity assessment of activity of state or local body, or state institution etc. Such monitoring is performed by public subjects by means of collecting and analyzing of open information about mentioned activity during certain period.

2. Public expertise, i.e., justified assessment of adopted legislative act, its draft, other decision, or action of the state body, the local body, or the state institution, etc. concerning certain problems of importance for society or great interest for the public. Such expertise is performed by independent group of citizens (public experts).

3. Public audit consisting in assessment performed by public subjects concerning the correspondence between publicly accepted obligations by officials (statements in media, pre-election promises, obligations fixed in documents, etc.) and performance of these obligations.

4. Public investigation, i.e., making research of facts and circumstances related to activity of the state body, the local body, or the

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<sup>53</sup> Про запобігання корупції: Закон України від 14 жовтня 2014 р. № 1700-VII / Верховна Рада України. *Голос України*. 25 жовтня 2014 р.

<sup>54</sup> Про публічні закупівлі: Закон України від 25 грудня 2015 р. № 922-VIII / Верховна Рада України. *Голос України*. 18 лютого 2016 р.

<sup>55</sup> Механізми взаємодії суспільства та влади: підручник / авт. кол.: А.М. Михненко (кер. авт. кол.), С.О. Кравченко, В.Ф. Мартиненко та ін. Київ: НАДУ, 2013. С. 160–164.

state institution, etc. causing violation of rights and legal interests of citizens.

Public expertise is the only technique implemented officially among described above in Ukraine. Other mentioned techniques of citizens' control are used occasionally in some spheres with assistance of public authorities. E.g., Article 9 of the Ukrainian Law on Public Procurements establishes that a public control over procurements is being provided, among other, through free access to analyzing and monitoring of information allocated in electronic system of procurements.

At the same time, public expertise is institutionalized in many laws and subordinate legislation. In this relation the main legal act is the Procedure of Assistance in Exercising of Public Expertise of Activity of State Executive Bodies, approved by the Resolution of the Cabinet of Ministers of Ukraine, 2008, November 5, № 976<sup>56</sup>. According to this document, public expertise is a part of democratic governance mechanism. It suppose that civil society institutions and public councils perform assessment of activity of state executive bodies and effectiveness of their decisions, prepare recommendations on solving significant society problems for consideration by state executive bodies.

### **3. Problems and Prospects of Development of Interaction Mechanisms between Society and Authorities in Ukraine**

Analysis made in previous paragraph shows that various interaction mechanisms between society and authorities are created in Ukraine, and these mechanisms are workable enough in practice. But the set of serious problems may be marked in appropriate sphere.

First, the set of systematic violations of the citizens' right on access to information is ascertained in the Annual Report of Commissioner of the Verkhovna Rada of Ukraine for Human Rights 2018<sup>57</sup>, namely:

– access limitation to information without "three-fold test" as the only cause for such limitation;

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<sup>56</sup> Про затвердження Порядку сприяння проведенню громадської експертизи діяльності органів виконавчої влади: постанова Кабінету Міністрів України від 5 листопада 2008 р. № 976 / Кабінет Міністрів України. *Урядовий кур'єр*. 14 листопада 2008 р.

<sup>57</sup> Щорічна доповідь Уповноваженого Верховної Ради України з прав людини про стан додержання та захисту прав і свобод людини і громадянина в Україні за 2018 рік / голова роб. групи Л.Л. Денісова. Київ: ВПЦ "Київський університет", 2018. URL: <http://www.ombudsman.gov.ua/files/Dopovidi/Report-2019.pdf> (дата звернення: 5.06.2019). С. 75-76.

- refusal in information delivery concerning administering by budget funds and state or communal property, in particular, concerning alienation of ground areas, buildings, and personal estate, etc.;
- incomplete information delivery with access limitation to another part of information;
- referring to absence of the goal of information request or offering to obtain requested information in the office of information administrator;
- answering not in the essence of request;
- refusal in information delivery about activity of state and communal organizations while such organizations are administrators of information on using budget funds and important matters for society.

Moreover, according to Article 9 of the Law on Access to Public Information, the list of data belonging to limited service information is being composed by state and local bodies. It means that wide range of information may be referred to limited service information, and such information is being closed for citizens at the discretion of public authority bodies.

In this relation the necessity follows to form complete and legally determined list of data which may be referred to limited service information, or to exclude such kind of information with limited access from legislation. In the case of continuation the notion of limited service information the unified procedure of "three-fold test" is expedient to introduce by special governmental act for checking legitimacy of appropriate access limitations. The "three-fold test" includes three conditions, namely, presence of the lawful interests in favor of which administrator can limit access to information, and much harm for these interests in the case of information disclosure, and advantage of the harm over society interest in access to information<sup>58</sup>.

Based on conclusions of the Annual Report of Commissioner of the Verkhovna Rada of Ukraine for Human Rights 2018, public authority bodies, especially at the local level, is needed to harmonize own official websites with Articles 10-1 and 15 of the Law on Access to Public Information as for publishing information and open data. It will reduce a quantity of information requests and, accordingly, an amount of work and

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<sup>58</sup> Головенко р.Б., Котляр Д.М., Слизьконіс Д.М. Доступ до публічної інформації: посібник із застосування "трискладового тесту" / за заг. ред. Д.М. Котляра. Київ: ЦПСА, 2014. С. 23.

expenditure for processing these requests<sup>59</sup>. It is also worthy to pay special attention to significant development of public authorities' cooperation with nongovernmental organizations in information delivery for citizens.

As for consultation between state authorities and citizens the serious problem consists in absence of legal and normative mechanisms for performance of national referendum and local referenda. For a long time the Ukrainian Law on National Ukrainian Referendum and Local Referenda was determining appropriate mechanisms, but it was repealed by the Ukrainian Law on National Ukrainian Referendum of 2012<sup>60</sup>. In turn, the last legal act was recognized as unconstitutional and became invalid by appropriate Decision of the Constitutional Court of Ukraine in 2018<sup>61</sup>. Thus, it is necessary to elaborate and adopt the new laws on National Ukrainian Referendum and on Local Referenda based on best international practice.

The Annual Report of Commissioner of the Verkhovna Rada of Ukraine for Human Rights 2018 marks the following typical violations of the citizens' right on appeals:

- non-acting of public authority bodies for solving questions brought up in appeals;
- breaking terms of written answers or non-answering to appeals;
- breaking the legislative demand forbidding to direct citizens' complaints to those authorities or officials whose actions or decisions are complained.

Mentioned violations are caused by non-regulation at the legislative level of some procedural matters of considering citizens' appeals. The other question is non-regulation of the matters of appeals submission of public associations as legal persons<sup>62</sup>. Now appropriate procedures are approved

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<sup>59</sup> Щорічна доповідь Уповноваженого Верховної Ради України з прав людини про стан додержання та захисту прав і свобод людини і громадянина в Україні за 2018 рік / голова роб. групи Л.Л. Денісова. Київ: ВПЦ "Київський університет", 2018. URL: <http://www.ombudsman.gov.ua/files/Dopovidi/Report-2019.pdf> (дата звернення: 5.06.2019). С. 79.

<sup>60</sup> Про всеукраїнський та місцеві референдуми: Закон України від 3 липня 1991 р. № 1286-ХІІ / Верховна Рада України. *Голос України*. 26 липня 1991 р. (закон втратив чинність); Про всеукраїнський референдум: Закон України від 6 листопада 2012 р. № 5475-VI / Верховна Рада України. *Голос України*. 28 листопада 2012 р. (закон визнано неконституційним).

<sup>61</sup> Рішення Конституційного Суду України у справі за конституційним поданням 57 народних депутатів України щодо відповідності Конституції України (конституційності) Закону України "Про всеукраїнський референдум" від 26 квітня 2018 р. № 4-р/2018. *Офіційний вісник України*. 2018. № 41. С. 77.

<sup>62</sup> Щорічна доповідь Уповноваженого Верховної Ради України з прав людини про стан додержання та захисту прав і свобод людини і громадянина в Україні за 2018 рік / голова роб. групи Л.Л. Денісова. Київ: ВПЦ "Київський університет", 2018. URL: <http://www.ombudsman.gov.ua/files/Dopovidi/Report-2019.pdf> (дата звернення: 5.06.2019). С. 73.

by each governmental body separately but general detailed rules are absent. Therefore the unified procedure of considering citizens' appeals is useful to be introduced by special governmental act to determine clearly rules, steps, terms, consideration results, citizens' actions in cases of dissatisfaction, etc. Moreover, the right of legal persons on appealing to the public authority bodies and officials is expedient to be established in the Ukrainian Law on Appeals of Citizens.

According to the Conception of E-government Development in Ukraine the institute of e-appeals and e-petitions is needed to develop<sup>63</sup>. In this relation the unified procedure of considering citizens' appeals above proposed has to contain the special rules of and handling, including demands on answering to these appeals, on content of answers, etc. The Ukrainian Law on Appeals of Citizens is expedient also to be detailed in part of format, means and demands for e-appeals submission. The example of such detailing is the Draft Law on Making Changes to the Ukrainian Law on Appeals of Citizens (as for Considering Electronic and Phone Appeals), 2017, October 12, № 7201<sup>64</sup>.

A range of authority subjects is expedient to be expanded concerning e-petitions, and all state executive bodies must be included to this range. Taking into account significant peculiarities of e-petitions the special procedure of their considering is expedient to be introduced by governmental act. It's meaningful especially at the local level because it will promote prompt responding of local state bodies to society challenges and public initiatives.

The main problems of public councils' activity under Ukrainian state executive bodies are marked by researchers<sup>65</sup>: disadvantages in forming the membership of these councils causing their activity as a tool for advancing limited groups' interests; lack of efficient procedure of councils' participation and inclusion of their constructive propositions in decision-making by executive bodies. For solving these problems, first, the influence of state executive body on forming the membership of public council has to be reduced significantly. Therefore the initiative group for

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<sup>63</sup> Про схвалення Концепції розвитку електронного урядування в Україні: розпорядження Кабінету Міністрів України від 20 вересня 2017 р. № 649-р / Кабінет Міністрів України. *Урядовий кур'єр*. 27 вересня 2017 р.

<sup>64</sup> Про внесення змін до Закону України "Про звернення громадян" (щодо розгляду телефонних та електронних звернень): проект Закону України від 12 жовтня 2017 р. № 7201. URL: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=62724](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=62724) (дата звернення: 5.06.2019).

<sup>65</sup> Механізми взаємодії суспільства та влади: підручник / авт. кол.: А.М. Михненко (кер. авт. кол.), С.О. Кравченко, В.Ф. Мартиненко та ін. Київ: НАДУ, 2013. С. 183.



preparing the constituent assembly of public council must include representatives of civil society institutions exclusively without executive officials. Secondly, the Typical regulations on public council under a ministry, other central executive body, the Council of Ministers of Crimean Autonomous Republic, a state administration of region and district, a state administration of Kyiv city and Sevastopol city, a state administration of district in Kyiv city and Sevastopol city have to be supplemented with clear and detailed procedure for public council's participation in considering and correcting drafts of legal and normative acts, obligatory taking efficient propositions of council into account, agreeing of positions between council's members and officials.

As for electronic consultations the problem consists in using only passive mechanisms of collecting offers and notices via e-mailboxes or web-forms for comments. Taking into account the best foreign practice it's necessary to provide for methods of active online consultations through discussion forums, blogs, and social networks by making changes to the Resolution of the Cabinet of Ministers of Ukraine, 2010, November 3, № 996. Moreover, it's useful for executive bodies, first of all at the local level, to introduce the citizens' panels as an effective tool of consultations with large groups of population being used in many European countries.

The set of problems concerns partnership mechanisms because this level of interaction between society and authorities is generally undeveloped in Ukraine. In particular, the problem is absence of legal and normative mechanisms for both referendum at popular initiative and popular legislative initiative. Possibilities for such activities of citizens exist in legislation but without performance mechanisms. In this relation the Draft Law on making changes to the Ukrainian Law on Appeals of Citizens (as for Citizens' Appeals with Electronic Proposal of Draft Law via Official Website of the President of Ukraine), 2015, September 16, № 3109 is worth to mention<sup>66</sup>. This Draft Law offers a framework for submission by any citizen the legislative electronic proposal to the President of Ukraine, and he must consider such initiative if not less than 100000 signatures are collected on its support. If the President of Ukraine supports mentioned proposal also, he introduces appropriate draft law to

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<sup>66</sup> Про внесення змін до Закону України “Про звернення громадян” (щодо звернення громадян з електронною пропозицією законопроекту через офіційний веб-сайт Президента України): проект Закону України від 16 вересня 2015 р. № 3109. URL: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=56486](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=56486) (дата звернення: 5.06.2019).

the Verkhovna Rada of Ukraine. The Draft Law above described has a set of disadvantages but it is expedient to be adopted after improvement. The performance mechanisms of referendum at popular initiative are also important to be included while elaborating the new laws on National Ukrainian Referendum and on Local Referenda.

The next problem is that the lobbying as substantial mechanism of partnership between society and authorities isn't regulated as the legal institute till now in Ukraine. Thus, its subjects, objects, legal forms, methods, and procedures aren't determined in law. This situation causes the necessity of legal institutionalization of the lobbying through adopting the special law. This law has to fix the lobbying institute, to interpret clearly appropriate society phenomenon, and to regulate the lobbying activity with sufficient degree of detailing.

Non-using technological tools of active participation of ordinary citizens in decision-making by state authorities may be considered as one more problem in Ukraine. Proceeding from international experience, such active participation is an important factor of building citizens' trust to authority institutions, and it allows solving society problems more effectively, first of all, in territorial communities or other similar units. Therefore at least some tools of active participation may be recommended for starting to be used in Ukraine, in particular, the citizens' jury at the local level and the dialogue process at the sub-regional level.

As for citizens' control over state authorities' activity the problem is absence of comprehensive legal basis and, in this relation, the narrow range of institutionalized effective techniques limited with the public expertise. Thus, based on scientists' opinion it may be recommended to adopt the special law on citizens' control in which organization and performance of such control have to be determined. The set of techniques conventional in foreign practice must be established in this law, in particular, the public monitoring, the public audit, the public investigation. Special attention is worth to be paid for public investigation, including journalistic investigation, because of its informal spreading in domestic practice.

## **CONCLUSIONS**

Contemporary interaction mechanisms between society and authorities implement such basic principles of good governance as openness,

transparency, public participation, consensus orientation, and accountability. This interaction, on the one hand, increases the citizens' trust to authority institutions, and, on the other hand, improves effectiveness of solving the society problems due to involvement of forces and intellectual potential of the public.

In the present article the mechanisms of interaction between society and authorities are divided into such 4 groups:

- mechanisms of information delivery for citizens;
- consultation mechanisms between state authorities and citizens in processes of decision-making;
- partnership mechanisms between state authorities and citizens in processes of decision-making;
- mechanisms of citizens' control over state authorities' activity.

Every group of mechanisms is represented in Ukrainian legislation and practice to some degree. In particular, partnership mechanisms between state authorities and citizens, and mechanisms of citizens' control over state authorities' activity are less developed than the others. Therefore, the first attention is expedient to be paid for developing mechanisms of active participation of wide public in decision-making by authorities, especially at the local and sub-regional level and also for developing strong legislative base and effective tools of public control over authorities.

As a whole, the understanding settles in Ukraine at the present time that the best results in advanced society development may be achieved under implementation of the partnership ideology between society and authorities<sup>67</sup>. Productivity of such partnership depends on both state institutions' efforts and citizens' ability to cooperate with power structures for solving the society problems. Thus, development of the civil society and formation of the modern model of interaction between society and authorities are important interrelated priorities of the Ukrainian state building in long-term prospect.

## **SUMMARY**

The article deals with interaction mechanisms between society and authorities in the context of forming the good governance in Ukraine. Proceeding from scientific conclusions, these mechanisms are divided into 4 groups according to such levels of citizens' participation: information;

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<sup>67</sup> Теоретичні та методологічні проблеми розробки і реалізації управлінських стратегій: монографія / за заг. ред. В.М. Князева. Київ: НАДУ, 2008. С. 27, 31–32.

consultation; partnership; citizen control. Appropriate legislation, institutional mechanisms and technological tools have been considered for every mentioned group from viewpoint of conventional foreign practice and Ukrainian practice. Problems and prospects of development of interaction mechanisms between society and authorities in Ukraine are marked on the basis of analysis performed. E.g., the main problem concerning citizens' access to information is that wide range of information may be referred to limited service information, and such information is being closed for citizens at the discretion of public authority bodies. In this relation the necessity follows to form complete and legally determined list of data which may be referred to limited service information, or to exclude such kind of information with limited access from legislation. As for consultation between state authorities and citizens the serious problem consists in absence of legal and normative mechanisms for performance of national referendum and local referenda. Thus, it is necessary to elaborate and adopt the new laws on National Ukrainian Referendum and on Local Referenda based on best international practice. As for electronic consultations the problem consists in using only passive mechanisms of collecting offers and notices via e-mailboxes or web-forms for comments. Taking into account the best foreign practice it's necessary to provide for methods of active online consultations through discussion forums, blogs, and social networks. The article concludes that partnership mechanisms between state authorities and citizens, and mechanisms of citizens' control over state authorities' activity are less developed than the others in Ukraine. Therefore, the first attention is expedient to be paid for developing mechanisms of active participation of wide public in decision-making by authorities, especially at the local and sub-regional level and also for developing strong legislative base and effective tools of public control over authorities. In general, the article emphasizes on formation of the modern model of interaction between society and authorities as important priority of the Ukrainian state building in long-term prospect.

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