

Dissemination of Environmental Information in the E-Governance system: World Trends and Experience for Ukraine

By Viktor Ladychenko¹, Olena Chomakhashvili², Olena Uliutina³, Julia Kanaryk⁴

Abstract

The UN E-Government Survey 2016 on «E-Government in Support of Sustainable Development» offers a brief overview of e-government trends in the world. According to the survey, more and more governments are using information technology to provide services and engage people in decision-making processes in rural areas in their countries. Talking about the emerging economies in East Europe, the Ukrainian economy is growing faster with 50% of population living in rural areas, which develops incredible pressure on the government to give more focus on many ways of environmental safety of Ukraine. Ukraine is predominantly rural country and in order to improve the environmental conditions it is important that both central and local governments carried out national environment information activity. Modern information technology helps to disseminate environmental information in rural areas and is a major provider of information opportunities for the rural population. By 2020 Ukrainian government has a goal to achieve interaction at all levels by electronic mode. There are various electronic databases that are already functioning at the national level such as the Real Estate Register, Public Cadastral Map, etc. that can help the Ukrainian government to achieve greater transparency and successful governance. However, access to such registers is currently not possible for regional communities. Therefore, disposing of environmental information, avoiding environmental threats to the local population and enhancing the effectiveness of local governance is a goal for local governments. This paper offers a modern vision of information technologies in the field of natural resources management. E-government projects and ways to solve problems in the sphere of dissemination of information in rural areas in order to improve e-governance in contemporary Ukraine were explored.

Keywords: Environmental information, information human rights, sustainable development, EU environmental policy

1. Introduction

Talking about the emerging economies in East Europe, the Ukrainian economy is growing faster with 50 % of population living in rural areas, which develops incredible pressure on the government to give more focus on many ways of environmental safety of Ukraine. Ukraine is predominantly rural country and in order to improve the environmental conditions it is important that both central and local governments carried

¹Doctor of Law, Professor, Head of the Department of International Law and Comparative Law of the National University of Life and Environmental Sciences of Ukraine

²PhD., Associate Professor of the Department Theory and History of State and Law of the National University of Life and Environmental Sciences of Ukraine

³PhD., Associate Professor of the Department of Administrative and Financial Law of the National University of Life and Environmental Sciences of Ukraine

⁴PhD., Associate Professor of the Department of Civil and Commercial Law of the National University of Life and Environmental Sciences of Ukraine

out national environment information activity. Modern information technology helps to disseminate environmental information in rural areas and is a major provider of information opportunities for the rural population. By 2020 Ukrainian government has a goal to achieve interaction at all levels by electronic mode. There are various electronic databases that are already functioning at the national level such as the Real Estate Register, Public Cadastral Map, etc. that can help the Ukrainian government to achieve greater transparency and successful governance. However, access to such registers is currently not possible for regional communities. Therefore, disposing of environmental information, avoiding environmental threats to the local population and enhancing the effectiveness of local governance is a goal for local governments. This paper offers a modern vision of information technologies in the field of natural resources management. E-government projects and ways to solve problems in the sphere of dissemination of information in rural areas in order to improve e-governance in contemporary Ukraine were explored.

The UN E-Government Survey 2016 on "E-Government in Support of Sustainable Development" offers a snapshot of trends in the development of e-government in countries across the globe. According to the Survey more governments are embracing information and communication technologies (ICTs) to deliver services and to engage people in decision-making processes in all regions of the world. The 2016 UN E-Government Survey provides new evidence that e-government has the potential to help support the implementation of the 2030 Agenda and its 17 sustainable development goals. The Survey indicates a positive global trend towards higher levels of e-government development as countries in all regions are increasingly embracing innovation and utilizing new ICTs to deliver services and engage people in decision-making processes. It underscores that one of the most important new trends is the advancement of people-driven services - services that reflect people's needs and are driven by them. At the same time, disparities remain within and among countries. Lack of access to technology, poverty and inequality prevent people from fully taking advantage of the potential of ICTs and e-government for sustainable development (Estevez, 2013).

2. E-Governance System as a Part of a Public-Service State

Today, although a number of institutes are characteristic of a public-service state, there is still no unified vision of the basic principles of a public-service state, and institutes that are implemented, though covering different spheres of society, still have a point character, every new decision, the law, ordered by central government, only affects the specific scope of administrative services instead of initiative manifested locally and implementation of public-service state was comprehensive.

The transition from the term "management services" to the term "administrative services" has been completed in the Ukrainian science. It is based on the characteristics of the entity providing such services, which shows that Ukraine has changed its vision from the state-governor to the state-administrator. Due to the lack of a common understanding of the concept of "public-service state", there are still many concepts that are used to refer to a human-oriented state whose task is to provide high-quality public service to an unclassified circle of persons. The main tendency of reforming the state

power is to appeal to the person and his fundamental values (Ladychenko, 2007).

Modern law defines the most sophisticated notion of the civil service as "public, professional, politically impartial activity in the practical fulfillment of the tasks and functions of the state" (Ladychenko, 2016).

In the EU, the concept of an administrative act is contained in the introductory note to Resolution No. (77) 31 on the protection of a person against acts of administrative bodies, adopted by the Committee of Ministers of the Council of Europe on 28 September 1977, according to which "administrative acts" are any individual measures or decisions which have been adopted during the exercise of authority and which by their nature directly affect the rights, freedoms or interests of individuals.

E-public services around the world are one of the systemic elements in the interaction between the state (no matter who acts on behalf of the state - a public authority, a local government body or other entity empowered by the state to exercise power) and the individual and the citizen. The administrative and legal doctrine of European and North American countries has a well-developed, over a decade, mechanism for providing e-public services, and therefore gives a fairly clear picture of the function of a democratic state in relation to the individual and society (Babaev, 2004).

A number of countries, both Anglo-Saxon and Continental, have in their time implemented such a model of governance as a model of new public management and good governance. These models imply a gradual transition from executive-administrative form of management to oriented to meet the needs of the individual and citizen of public-service governance.

The concept of "New Public Management" was introduced in the United Kingdom, the United States of America and a number of European countries (first of all Western European countries) in 1980-1990. This model (Keeling, 1972) envisaged a departure from the traditional bureaucratic system (public administration) to a new, characteristic feature, which was managerialism. The very concept of "new public management" includes the concept of management, and it was new in comparison with the "old" bureaucratic system (public administration). Managerialism is the philosophy or practice of managing an organized group's affairs through the planning and guidance of professional managers. It places the right organization of work in the first place, which consists in a clear allocation of roles and proper management, instead of performing the functions of a direct executor. Other features include the orientation of the entity's power to the consumer of public services, the existence of competition in the provision of services, the organization of work through the setting of tasks, instead of formulating the rules necessary to perform (the above gives more rights to employees while laying on them responsibility for the tasks), investing in results rather than intentions, introducing incentives, including material ones, for a successful task (Osborne, 1992).

There are a number of principles that underpin new public management, such as decentralization in the organization of work, the use of teamwork and a focus on providing services on a market basis. The implementation of these principles creates new problems, but they are widely used in modern administrative reforms in different countries, including Ukraine (Shavkun, 2017).

For example, the list of powers of the project manager of the Reforms Delivery Office of the Cabinet of Ministers of Ukraine, created on the principles of new public

management in the course of administrative reform, include the following: participation in the development of draft action plans, reform schedules, draft legislative acts in the relevant direction of reform; monitoring the status of implementation of tasks envisaged by the plan of activities in the direction assigned to it; taking measures to ensure the coordination of the work of the working groups in different areas of reform, and in case of identifying issues that need to be worked out in another area of reform, raising of issues before the respective project manager of reforms; analysing of documents and materials received from ministries, other executive bodies, local governments, enterprises, institutions and organizations, and preparation of appropriate proposals.

Another concept of good governance implies that public administration should be based on the principles of separation of powers in order to govern the affairs of the state at all levels, and imply the widening of the spheres of government in which the public is involved. In general, there are several approaches to interpretation of the content of the term characterizing the concept as returning to the welfare state (Argynades, 2006), or as one of the inevitable cycles of reform during which rapid division and reintegration of state actors occur (Atkins, 2007).

The very concept of "good governance" was first introduced in 1992 at the World Bank's annual conference on economic development, at which the main provisions of the future concept was outlined.

However, as a separate governance model, good governance was formed in 1997 and was announced in the United Nations Development Program on Governance for Sustainable Human Resource Development. According to this program, proper governance requires transparency, accountability, effectiveness, equality and the rule of law. In addition, the model provides for the widest possible public participation in decision making process, as well as the construction of all political, economic and social priorities of the state on the basis of a common accord, which provides for the votes of the poorest and least socially protected segments of the population.

In the EU, since the 1970s and 1980s, there has been a gradual but large-scale transition to new forms of public administration, the most important of which is the creation of a state-service provider which main task is to ensure the well-being of citizens.

Legal regulation of the provision of public services in the territory of the EU is carried out by legislative acts that extend their effect to the whole range of administrative and procedural relations, including the scope of these services. For example, in Germany, Austria, Switzerland there are laws on administrative procedure, in Finland - the Act on Administrative Procedures, in the Netherlands - the Act on General Administrative Law, in Sweden - the Law on Public Administration, in Poland - the Code of Administrative Procedure, in the Czech Republic - Code of administrative procedures, in Lithuania - the Law on Public Administration, etc. (Ladychenko, 2018).

3. Access to Public Information

Access to environmental information has been repeatedly explored by us (Ladychenko, 2018), including in the context of global climate change (Ladychenko, 2019). Environmental policy and environmental standards have been the subject of research by many scientists (Funta, 2016; Golovko, 2019; Gulac, 2019; Kachur, 2020;

Ladychenko, 2017; Shkurti, 2019; Shulga, 2020, Yara, 2018; Zicha, 2019).

According to the Law of Ukraine "On Access to Public Information", the information provider was obliged to provide and publish information, except in cases provided by law. Specific structural units or officials organizing access to the information in their possession are provided to the information providers. Access to environmental information is characterized by the maximum simplification of the request and information procedure, the ability to access meetings of collegial authorities, except in cases provided by law. The possibility of exercising parliamentary, public and state control over the observance of the right of access to public information and ensuring legal responsibility for violation of the law on access to public information should be noted.

The power of information rights to gain access to public information should be ensured by: 1) systematic and prompt publication of information in official print media and on official websites on the Internet, on the state web portals, information stands or in any other way; 2) providing information on requests for information. According to Art. 6 of the Law of Ukraine "On Access to Public Information" information with restricted access is: 1) confidential information; 2) classified information; 3) business information.

When investigating a civil servant as a subject of information relations, two areas of information circulation emerge: official notification or response mechanisms for the information requested and informal ways, among which social networks are highlighted (Ladychenko V, Maksymenko Yu., 2019)

On the one hand, the transfer of information of a considerable volume and its processing has accelerated. On the other hand, of serious concern is the spread of facts of illegal collection and use of information, unauthorized access to information resources, illegal copying of information in electronic systems, theft of information from libraries, archives, banks and databases, breach of information processing technologies, the launch of virus programs, destruction and modification of data in information systems, interception of information in the technical channels of its leakage, manipulation of public and individual consciousness, etc. The definition of the category under consideration depends primarily on the specific area of knowledge or public life in which the research is conducted (subject area of public relations, organization of social system management, etc.), and the nature of the tasks for which this concept is introduced. Thence, the information we receive becomes new information phenomena, which makes it necessary to consider issues related to the information and its subjects.

Today's development of public relations shows that society is focused on obtaining reliable information, so it is necessary to carefully consider information that reflects the nature of information provided to society. The information should reflect the real state of things needed in order to use reliable information (Svitlychnyj, 2017). As an example, if we turn to the Law of Ukraine "On Land Cadastre", part one of Art. 1 contains information about lands located within the state border of Ukraine, their intended purpose, restrictions on their use, as well as data on the quantitative and qualitative characteristics of land, their assessment, the distribution of land between owners and users. The information specified in the law is the basis for making the right management decision, the basis of which is the credentials fixed in the rule of law. Distortion of credentials can adversely affect the decision of both the individual and the interests of an

unspecified circle of persons, and the misrepresentation affects only the interests of the person who provides or stores such information. The actions of an official are aimed at illegal actions concerning change the category of land in the State Land Cadastre, and consequently providing false information about the land plot, violate both the state interests and the interests of a particular individual owning the land plot. It is no coincidence that the legislator in the Law of Ukraine "On Information" uses such concepts as "information", "right to information", "responsibility", etc. After all, socially relevant legal information must be provided to citizens through state or official media, the appropriate authority, which, based on legal facts, guarantees its accuracy. Otherwise, the authority subject to the dissemination of the information that is not accurate should be responsible.

It should be noted that restricting access to information implies compliance with such a restriction only in the interests of national security, territorial integrity or public order to prevent disturbance or crime, to protect public health, to protect the reputation or rights of others, to prevent the disclosure of confidential information or to maintain the authority and impartiality of justice, disclosure of information may cause significant harm. The harm of disclosing such information outweighs the public interest in receiving it.

The information must comply with the three-part test: 1) solely in the interests of national security, territorial integrity or public order to prevent disturbance or crime, to protect public health, to protect the reputation or rights of others, to prevent the disclosure of information obtained privately or to uphold the authority and impartiality of justice; 2) disclosure of information may cause significant harm to these interests; 3) the harm from the disclosure of such information outweighs the public interest in obtaining it.

To complete the study of the dissemination of environmental information, it is necessary to identify the subjects of information: 1) the requester of information - individuals, legal entities, associations of citizens without the status of legal entity, except for the authorities; 2) information providers; 3) structural unit or person responsible for access to public information of the information providers.

Conclusions

Ukraine should take the following steps to improve its administrative service delivery system: improve the legislative framework in the sphere of providing qualitative administrative services to the public; create alternative service delivery systems; to train providers and specialists in the field of public administration in the implementation of quality-oriented development of services; to introduce the latest information technologies in order to better meet the administrative needs of citizens and provide services to public authorities using electronic networks; to modernize the civil service and the services of bodies of local self-government by improving the system of incentives for employees, improving the monitoring of their activity, and evaluating the results of its final results.

It is necessary to develop electronic trust services in accordance with the requirements of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July

2014 on electronic identification and trust services for electronic transactions in the internal market. In order to ensure public access to environmental information, it is important to develop an open data infrastructure based on a single state open data portal integrated with other open data web portals, etc.; publishing and updating datasets in the form of open data; promotion of open projects and services (social, public, media and commercial) based on open data, in particular in cooperation with authorities, to increase openness and effectiveness of their activities, provide quality services and develop innovative businesses.

References

- Argynades, D. (2006). Good Governance. Professionalism, Ethics and Responsibility. *International Review of Administrative Sciences*, 72, 155-170.
- Atkins, B., Hurley, J., McIntyre, C. (2007). *Delivering good governance in local government. Interim guidance note for police authorities and forces in England and Wales / Bob Atkins, James Hurley, Cat McIntyre.* – CIFPA, 2007. – 66 p.
- Babayev, V. (2004). *Urban Management: Theoretical and Applied Aspects.* Kharkiv: Harri Nadu.
- Estevez, E., Janowski, T. (2013). Electronic Governance for Sustainable Development — Conceptual framework and state of research. *Government Information Quarterly*, Vol. 30, 94-109.
- Funta, R., Golovko, L., Juriš, F. (2016). *Európa a európske právo.* Bratislava: Iris.
- Golovko, L. (2017) Implementation of EU Water Policy in Ukraine: Problems and Perspectives. *Proceedings of the 8th International Scientific Conference Rural Development*, 605-610.
- Golovko, L. (2019). Adaptation of Ukrainian Legislation to EU Law in the Field of Food Safety, *Proceedings of the International Conference on European Dimensions of Sustainable Development*, April 23-24, 2019. – Kyiv: NUFT, 60-61.
- Golovko, L. (2019). Legal Regulation of Food Security, *Human. Law. Environment*, Volume 10, № 1, 128-133.
- Golovko, L., Yara, O., Kutsevych, M., Hubanova, T. (2019). Environmental Policy Integration in Ukraine and the EU. *European Journal of Sustainable Development*, Volume 8, № 3, 221-227.
- Gulac, O., Dubchak, L., Iarmolenko, I., Yanchuk, J. (2019). Cooperation of Ukraine and the European Union in the ecological sector: directions and prospects. *European Journal of Sustainable Development*, Volume 8, № 1, 22-30.
- Kachur, V., Protosavitska, L., Zasukha, L., Golovko L. (2020). The Role of Legal Culture in Maintaining Social Stability and Countering Separatist Movements: Case of Ukraine. *European Journal of sustainable development*, Volume 9, № 1, 294-299.
- Keeling, D. (1972). *Management in Government.* London: Allen. Retrieved from: <http://www.bookyboop.com/management/management-in-government-royal-instituteof-public-administration.pdf>
- Krasnova, Yu.A., Deineha, M.A., Honcharuk, L.Yu., Svyatchenko, L.O. Ecological court as the guarantee of protection of rights of human and citizens. *Bulletin of NAS RK*, 2019, № 4, 185–191
- Ladychenko V., Melnychuk O., Golovko L., Burmak O. (2020). Waste Management at the Local Level in the EU and Ukraine. *European Journal of Sustainable Development*, Volume 9, № 1, 329-329.
- Ladychenko, V. (2007). *Humanistic foundations of the organization of state power: a monograph.* Kyiv: Kyiv National University of Trade and Economics. 2007. 407p.
- Ladychenko, V. (2015). The Place of the Right to Drinking Water in the Human Rights System. *Scientific Notes of the International Humanities University*, 23, 62-65.
- Ladychenko, V. (2017). Information Policy in the Environmental Sphere in the Context of Sustainable Development of Ukraine and the EU. *Proceedings of the 8th International Scientific Conference Rural Development*, 1145-1150.
- Ladychenko, V. (2019). Framework Mechanism for Access to Environmental Information in Ukraine and EU, *Proceedings of the International Conference on European Dimensions of Sustainable Development*, April 23-24, 2019. – Kyiv: NUFT, 27.

- Ladychenko, V., Golovko L. (2018). The Right to Access to Environmental Information in Ukraine and the EU. *European Journal of sustainable development*, Volume 7, № 3, 455-459.
- Ladychenko, V., Golovko, L. (2013). Legal Regulation of the Common Agricultural Policy in the EU. *International Scientific Electronic Journal Earth Bioresources and Quality of Life*, 3. Retrieved from: <http://www.gchera-ejournal.nubip.edu.ua/index.php/cbql/article/view/102>
- Ladychenko, V., Golovko, L. (2015). Legislative support for drinking water supply in the United States. *Scientific Notes of the Institute of Legislation of the Verkhovna Rada of Ukraine*, 5, 39-43.
- Ladychenko, V., Golovko, L. (2017). Implementation of European Environmental Policy in Ukraine: Problems and Prospects. *European Journal Of Sustainable Development*, Volume 6, Issue 3, 333-339
- Ladychenko, V., Golovko, L. *Achieving sustainable development through environmental accounting and disclosure of environmental information: experience of Ukraine and the EU*. Sustainable development under the conditions of European integration: collective monograph, Ljubljana, Slovenia. Part II., p.182-194.
- Ladychenko, V., Golovko, L., Kapplová, O. (2019). Municipality as Regulator of Household waste Management. *Scientific Papers of the Legislation Institute of the Verkhovna Rada of Ukraine*, 5, 38-45.
- Ladychenko, V., Kolomyichuk, V. (2016). Legal bases of competitive selection in the civil service system. *Scientific notes of the Institute of Legislation of the Verkhovna Rada of Ukraine*, 2, 94-100.
- Ladychenko, V., Maksymenko, Yu. (2019). Chiefs as officials of the system of local self-government in Ukraine: historical and legal aspect. *Scientific notes of the Institute of Legislation of the Verkhovna Rada of Ukraine*, 2, 8-18.
- Ladychenko, V., Melnychuk, O., Yara, O., Kanaryk J. (2019). International Mechanism of the Environmental Information Access and Cooperation Framework for Climate Change Protection. *European Journal of Sustainable Development*, Volume 8, № 4, 131-139.
- Ladychenko, V., Yara, O., Golovko, L., Serediuk, V. (2019). Groundwater Management in Ukraine and the EU. *European Journal of Sustainable Development*, Volume 8, Issue 1, 31-39
- Ladychenko, V., Yara, O., Uliutina, O., Golovko, L. (2019). Environmental Liability in Ukraine and the EU. *European Journal of Sustainable Development*, Volume 8, № 2, 261-267.
- Ladychenko, V., Yemelyanenko, K. (2018). Formation of Executive Committees of United Territorial Communities. *Scientific Notes of the Institute of Legislation of The Verkhovna Rada of Ukraine*, 5, 14-20.
- Osborne, D., Gaebler, T. (1992). *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector*. Reading, MA: Addison-Wesley. Retrieved from: <http://cms.mildredwarner.org/summaries/osborne1992>
- Proceedings of the World Bank Annual Conference on Development Economics 1991. Washington. (1992). Retrieved from: http://www-wds.worldbank.org/external/default/WDSCContentServer/WDSP/IB/1993/03/01/000009265_3970716142307/Rendered/PDF/multi0page.pdf.
- Resolution № R (77) 31 On the protection of the individual in relation to the acts of administrative authorities. (1977). Retrieved from: <https://rm.coe.int/16804dec56>
- Shavkun, I., Dibchinska, Y. (2017). New Public Management as a Concept of Public Management Humanitarian. *Bulletin of Zaporizhzhya State Engineering Academy*, 69 (1), 195-201.
- Shkurti, A. (2019). Analysis of the Western Balkans power market prices within the entso-e framework. *European Journal of Sustainable Development*, Volume 8, № 1, 229-236.
- Shulga, I., Kurylo, V., Gyrenko, I., Savych, S. (2019). Legal Regulation of Energy Safety in Ukraine and the European Union: Problems and Perspective. *European Journal of Sustainable Development*, Volume 8, № 3, 439-447.
- Svitlychnyj O. (2017). The subject of authority as a participant of information relations. Retrieved from: http://legalactivity.com.ua/index.php?option=com_content&view=article&id=1617%3A070917-21&catid=19%3A2-102017&Itemid=238&lang=ru
- Yara, O., Uliutina, O., Golovko, L., Andrushchenko, L. (2018). The EU Water Framework Directive: Challenges and Prospects for Implementation in Ukraine. *European Journal of Sustainable development*, Volume 7, № 2, 175-182.
- Zicha, J., Golovko, L. (2019). Legislation of the European Union Related to Municipal Waste and its Reflection in the Association Agreement with Ukraine, *Human. Law. Environment*, Volume 10, № 14, 180-186.