

Strategies for Achieving Accountable, Open and Transparent Government within a Democratic Society

by

Allan Rosenbaum*

Abstract

Because of its importance as an institution, ensuring the accountability and openness of government is a central concern of all democratic societies. In this essay, three categories of mechanisms to encourage governmental accountability, with a particular emphasis upon openness and transparency, are identified and examined. While the adoption of no one category, or approach within a category, will guarantee ethical government, the adoption of the various multiple approaches outlined here is the most likely way to make a significant difference in terms of encouraging governmental integrity within a democratic society.

Introduction

Ultimately, government is the most significant institution of any society for at least three reasons. First, it is the only institution of society which possesses the legitimate right to take away one's property, freedom and, ultimately, one's life. Second, as it organizes and structures any society, it becomes the critical enabling institution for all other societal institutions. Finally, while often not recognized, in reality government is frequently the most important source of policy and economic innovation in society (Mazzucato 2013; Rosenbaum 2014). For all of these reasons, the issue of ensuring accountability in government is absolutely critical to both individual and collective well-being. It is also very difficult, and sometimes very problematic, to ensure the existence of accountable government.

Without question, government can do many great things. Most of the major technological innovations of the past 75 years (the computer, radar, the internet, geographic information systems and vaccines that have brought major epidemics and diseases under control) are the product of government-conducted and/or -funded and -administered research and development. However, the holocaust, subsequent genocides in various parts of the world and many other kinds of deprivation are also the result of government action or, in some cases, conscious inaction. All of which is to say that the task of maintaining accountable government is absolutely central to the well-being of any society (Neshkova and Rosenbaum 2015).

*Professor, Department of Public Administration and Director, Institute for Public Management and Community Service, and Center for Democracy and Good Governance, Steven J. Green School of International and Public Affairs, Florida International University, United States

Vice Chairperson, United Nations Committee of Experts on Public Administration

Chairperson, International Commission on the Accreditation of Public Administration Education and Training Programs – IASIA

Openness and transparency are, in most cases, the critical building blocks for ensuring governmental responsiveness and, thus, the accountability of government. In this paper, we shall look at the institutional, procedural and cultural factors that shape degrees of openness and transparency and, in so doing, facilitate responsive government. Doing so will provide significant insight into the manner in which openness and transparency play critical roles in ensuring governmental responsiveness and, in turn, accountability.

It has been suggested that the quality of a country's government reflects the quality of its bureaucracy (Rosenbaum 2001; Fukuyama 2013). In turn, transparency, openness and accountability are among the main elements of an ethical bureaucracy and an effective public sector (Suwaj and Rieger 2009). For example, transparency and personal accountability are key issues in the British system and are included in the so-called "Seven Principles" of public life that have been endorsed by successive governments and have become the benchmark by which standards of government in the United Kingdom (UK) are assessed. In the UK, the standard of accountability means that holders of public office are accountable for their decisions and actions in matters of state. As such, they must submit themselves to whatever scrutiny is appropriate to their office. The standard of openness means that holders of public office should be as open as possible about all the decisions and actions which they take. They should give reasons for their decisions and restrict information only where the wider public interest clearly demands such action (Suwaj and Rieger 2009).

In its simplest form, accountability may be defined as any situation in which individuals who exercise power are expected to be constrained and, in fact, are reasonably constrained, by external means (e.g. administrative or citizen oversight, dismissal and/or judicial review) and by various societal norms, such as codes of ethics and professional training (McKinney and Howard 1998). Accountability means assuming responsibilities for implementing public policy in an open manner and acting accordingly. Transparency implies the disclosure of appropriate information which will give a true picture of government actions by providing information that is accurate and verifiable. Both internal and external communication must be clear and timely. As noted in EU Regulation, transparency "allows citizens to participate closer in the decision making process and guarantees that the administration is proud of a higher rightness, is more efficient and responsible to citizens in the democratic system." In addition, transparency contributes to the enhancement of democratic rules and respect for basic rights, as defined in Article 6 of the Treaty of the European Union and in the Charter of the Fundamental Rights of the European Union (Suwaj and Rieger 2009).

The reality is that there is no single best policy or strategy for ensuring either accountability or transparent and responsive government and/or politics within either a single community or the broader society. This is because there is not one best set of policies – no silver bullet or magic formula – which limits either the extent of, or the impact of, corruption on a society (Rosenbaum 2000). Certainly, as some research suggests, democratic societies are likely to have less, rather than more, corruption (Treisman 2000). But this is not, per se, simply because they are democratic. Rather, it is because they are much more likely to have put in place, and to continue to put in place, numerous safeguards – multiple procedures and institutions – that help to create an anti-corruption culture than are societies where political power and governmental authority are more highly concentrated (Neshkova and Rosenbaum 2015).

So, what are the critical factors which contribute to the discouraging of corruption and which encourage accountability, transparent and responsive government, especially on the part of public employees and elected officials (Neshkova and Rosenbaum 2015)? For analytic purposes, one might suggest that they fall into three very general categories. The first category is that of cultural factors, that is to say, the traditional qualities, norms and values of a society. The second category are the institutional arrangements which frequently have been established as part of the process of democratic institution-building; many of which do play a key role in helping to discourage corrupt behavior. Finally, there are procedural factors which include the various policies that regulate the behavior, performance and relationships of public employees and which have been designed to limit the opportunities for corrupt behavior and activities.

Procedural elements will be examined here first because, in most instances, they are the easiest and quickest steps to implement and, if implementation is carried out in a committed fashion, there can be significant impact. However, generally speaking, procedural factors are perhaps the least consequential over the long term since any procedure, when established by a government (or at least one of its agencies), can be changed, ignored or subverted. Institutional structures, on the other hand, especially those designed to assure the accountability of public officials, when effectively established, are more difficult to undermine or circumvent. Most assuredly, however, over the long term, arguably the most important factor in discouraging corrupt behavior, and encouraging accountable, ethical, transparent and responsive behavior, is the growth and development within any country, or society, of a culture that promotes, values and inculcates a very real concern about, and commitment to, transparent and accountable behavior on the part of public officials, government employees and the entire citizenry (Rose-Ackerman 1999).

Procedural Factors to Encourage Accountable, Responsive and Transparent Government

There are a myriad of procedural arrangements which governments around the world, and especially in more democratic settings, have adopted to combat corruption and encourage accountability and ethically responsive conduct on the part of public employees and political officials. In general, procedural approaches to maintaining responsive and accountable behavior tend to fall into two very broad categories – first, ensuring the availability of full and adequate information on governmental activities in order to enable the citizenry to exercise effective oversight over public officials and government employees and, second, the regulation of the individual behavior of public officials and governmental employees.

The former category includes the establishment of such procedural arrangements as the implementation of open records laws, requiring open meetings and holding public hearings generally (and especially on governmental budgets) and the provision of extensive, relevant documentary information to enable the citizenry to accurately assess the activities of their government and those who represent them. The latter includes making governmental statutes, regulations and rules readily available to the citizenry and providing clear and extensive written information about the activities, budget and programs of government and the organization and delivery of public services. All of this, of course, presupposes that government, its public officials and employees will be held legally accountable for any efforts to deceive the public by altering or withholding information in a manner that is not consistent with established law.

Of particular importance in terms of maintaining an accountable and ethical government is the availability of regular, accurate, understandable and highly specific information on government financial transactions. While many, if not most, practices which contribute to the availability of such information have been in use for some period of time in well-established democracies, in relatively new ones, such practices often do not exist or are very limited. Indeed, in many emerging democracies, the traditional practice has been to keep information about the implementation of government activities and programs quite secret – indeed, just the opposite of making information about government actions readily accessible to the public.

Consequently, many local and international organizations have placed an increasing emphasis on encouraging the adoption of procedures that make governmental information much more available in countries making the transition to democracy, and market economies, as a means of promoting more responsiveness on the part of government agencies and their employees. For example, the World Bank and the U.S. Agency for International Development have worked in many parts of the world to encourage the introduction of various types of public hearings, and other forms of citizen participation, in budgetary processes at all levels of government and especially at the local level. In at least some instances, these agencies have made efforts to go a significant step further and introduce open-records laws which require many, if not all, of a government's written documents – ranging, in some cases, from an individual's personal notes of a meeting to formal government records (generally with the exception of national-security documents and individual personnel records) – to be open to the scrutiny of the public and the news media.

Another approach to making adequate information available to the public involves institutionalizing various kinds of procedures that ensure the extensiveness and adequacy of the information that will be produced by government agencies. The introduction, for example, of effective management information, performance measurement and planning, program-budgeting systems can all contribute significantly to making more extensive governmental information available – thus enabling the citizenry to more effectively evaluate the performance and, in many instances, the integrity and accountability of their government officials. Various innovations, such as making available better and more detailed agency reports and informational documents, can be helpful – especially in those countries where the local media and/or non-governmental organizations have developed some level of investigative capacity. The use of new technologies, such as the establishment of web pages and making information available about government contracts via the internet, can all contribute to ensuring the openness, and thus the responsiveness, of government. In so doing, such initiatives help to encourage, if not ensure, both ethical and accountable behavior on the part of those whose job it is to serve the public.

Equally important for efforts to combat corruption and hold government accountable is the establishment of those procedures and processes that seek to ensure that when there is a question about the ethical behavior of government officials and public employees, adequate investigations can occur. Governments around the world have taken many different approaches to dealing with such matters. These include the establishment of clear policies and rules regarding handling complaints about and investigating questionable employee behavior, the creation of internal and external audit arrangements, the conduct of legislative oversight activity and the requirement of specified executive responsibility for the performance of government employees.

A second major approach to combating corruption and encouraging open, responsive and accountable government is to regulate the behavior of government employees and public officials. Frequently, this is done through legislation or statute. In some cases, it is supplemented by codes of ethics which (where laid out by professional associations) are enforced only through social pressure. In most instances, however, governments themselves have chosen to pass a variety of laws which regulate the performance of public employees and make those employees who deviate from the standard established in law liable for criminal penalty. Such arrangements are of critical importance in areas where financial matters are centrally involved – especially in the procurement for government of supplies, equipment and facilities. Similarly, the establishment of effective rules and procedures regarding the manner in which government services are provided to the public, and the programs doing so are managed, can also be of critical importance.

Another area in which the behavior of public employees is regulated in some countries is with regard to political activities. In some democracies, public employees are by law not allowed to engage in partisan political activity and, therefore, are assumed to be less susceptible to efforts to manipulate governmental activities in such a manner as to benefit one or another political party, or group of individuals, at the expense of others (Persson, Rothstein and Teorell 2013). Finally, it should be noted that increasingly, democratic societies are creating procedural safeguards to protect those public employees upon whom they sometimes must rely for the revealing of conduct and performance that is less than accountable or ethically responsive. Nevertheless, while more such laws are being put in place, the reality is that they are often not as effectively implemented as is needed.

In some democracies, it is typical, especially at the local government level, for government officials to contract with private-sector accounting and auditing firms to review the effectiveness and integrity of governmental financial and general management procedures. The companies contracted with are themselves subject to legal prosecution, should their reports on these matters be found to be negligent or misleading. Likewise, various kinds of procedures exist for oversight to be carried on internally within government itself. These range from simply requiring that the chief executive be held responsible in one manner or another for the performance of those who report to him or her, to requiring reviews of individual and agency performance on some regular routine basis.

Institutional Factors to Encourage Accountable, Responsive and Transparent Government

Without question, one of the most important structural arrangements helping to ensure responsive government involves the separation of contemporary government into different branches and levels in such a manner as to disperse power and authority. As the 19th century British political analyst Lord Acton commented, “Power corrupts, absolute power corrupts absolutely” (Dalberg-Acton 1986). Consequently, dispersing the ability to control government activity, and especially the allocation and disbursement of public funds, and other financial activity among different units, branches and/or agencies of government and individuals can be a critical factor in discouraging corrupt behavior and ensuring accountable government. Such arrangements limit the possibilities for the monopolization of power very significantly and provide a critical opportunity to encourage checks and balances among branches and levels of government.

A system of multiple independent branches of government requires making information available across branches and, thus, further helps to ensure open, effective and transparent government. Of particular importance, it encourages the responsiveness of government bureaucracies, and the people who staff them, by holding them accountable to the legislative branch of government, as well as to the chief executive of the government, and, ultimately, to the judicial system. Of particular note in this regard is the existence of a fair, impartial and effective prosecutorial and judicial system. Without such institutions, the likelihood for effectively minimizing the probability of corruption in any community or society is, at best, problematic. Without question, the independence and effectiveness of the prosecutorial and judicial systems are among the most critical factors for encouraging accountable, ethical, responsive and transparent government (Gibler and Randazzo 2011).

Also of note is the fact that many established democratic governments, and particularly those well known for responsiveness and integrity, rely very heavily upon the decentralization of governmental institutions. Especially notable in this regard are some of the countries of Northern Europe and North America, where a very high proportion of governmental expenditures occur at the sub-national level, thus providing citizens with the possibility to more closely understand the activities and workings of their government. This allows the citizen the possibility of a more direct relationship with, and a better sense of the workings of government that is close to them – as well as to more easily understand and gain access to information about government and its programs (Rosenbaum 2009).

Many democratic governments also have established, and rely heavily upon, various institutional arrangements which provide for the oversight of governmental activities. The Scandinavian countries introduced the office of the Ombudsperson, an institutionally independent government official, who possesses extraordinary investigative powers to determine if governmental agencies are acting appropriately as regards responsiveness to the citizenry. In the United States, at the national level, and in many state and local governments, the office of “Inspector General” has been established within individual government departments and/or agencies. These are officers within government agencies who are given extraordinary powers and the authority to investigate the normal operations of the government agencies of which they are a part in order to ensure the maintenance of the highest levels of professional responsibility and integrity.

Equally important is the authority given to the legislative branch of government, as well as the judicial branches, to carry out their investigative activities unimpeded by the executive branch of government. Often when legislative branches (usually through their committees) are given significant oversight authority, they will have various important resources (specialized staff expertise, high public visibility, etc.) which enable them to engage in independent investigations of the accountability and integrity of the executive branch and its various agencies (Gerring and Thacker 2004). When fully developed, legislative bodies will, in many cases, have the power to compel testimony from members of the executive branch on the threat of imprisonment. In addition, many legislative bodies establish audit agencies designed to exercise direct oversight over the fiscal activities of the executive branch. While many such agencies focus principally on issues of financial management and auditing, others have much more wide-ranging investigatory and evaluative authority.

There are many other slightly less common structural arrangements that democratic governments have established to encourage ethical, accountable, transparent and responsive government. These include, for example, institutional arrangements which directly involve private citizens in the policy-making and management of specific government programs. Thus, the United States relies very heavily upon volunteer citizen boards to advise, oversee and, in many cases, actually make critical policy decisions for government agencies. These boards will often have access to highly trained staff and have high levels of legal authority to require the provision of information by the government agencies they oversee or advise. The use of such boards enables citizens to gain better access to information as well as to develop specialized expertise in the area of policy for which the board is responsible. It also enables them to hold non-responsive agencies much more accountable and, in so doing, encourage and support the responsiveness and/or ethical behavior of public authorities.

There are other kinds of institutional arrangements which help to facilitate accountable government. For example, in the United States, especially at the local level, many governments have arrangements whereby individual citizens can initiate the removal of public officials from office by obtaining a designated number of signatures on a petition. This results in the conduct of “recall elections”, which, if the electorate approves, leads to the individual officeholder being removed from government prior to the conclusion of his or her term of office. In some communities, the participation of political parties in local elections is forbidden as a means of encouraging ethical accountability and responsiveness by limiting the potential for corruption that sometimes arises from intense party competition involving the control of patronage jobs and government contracts. Also, in some democracies a high reliance is placed upon the employment of professional, non-partisan managers in local (and to a lesser extent, national) government as another way of encouraging responsive, non-corrupt government and lessening the potentially corrupting influence of intense political competition.

Creating a Culture that Supports Accountable, Responsive and Transparent Government

As noted earlier, procedures established by government sometimes can be easily changed or manipulated. Likewise, institutional structures can, in some instances, be significantly altered – especially in newer or more fragile democracies. Consequently, in the end, the traditions, values and cultural norms of a society represent an equally important, perhaps the most important, means of sustaining the procedures and structures that ensure accountable, responsive, honest and open government. Certainly, one of the most important factors promoting honest, responsive and accountable government in many Western democracies is the tradition of a free and open investigative press (Brunetti and Beatrice 2003). Indeed, it is arguable that the existence of a strong independent media may represent the single most important force for encouraging and preserving integrity and accountability in government. While frequently attacked and criticized by government officials for being biased, in most democratic societies, media investigation is an extraordinarily important force in the promotion of responsiveness and honesty in government. However, because of the tradition of politicians routinely attacking the media, it has become increasingly important to provide constitutional or statutory protection for journalists who call attention to inappropriate and/or illegal behavior on the part of those within government.

Another key factor in promoting accountable government is the approach taken regarding educating and socializing the citizens of the country, and especially those who work in government. In academic programs, great emphasis must be placed upon the notion that the person

working in government is “a public servant” who is responsible and accountable to the citizenry. In educating those who will go into government there should be a widespread consensus that public officials must be responsive to the citizenry and be held accountable for high standards of integrity.

Thus, the culture of government, and the expectations of society (reflected in both public attitudes and professional norms), must place great emphasis upon maintaining high levels of integrity and responsiveness on the part of governmental employees. This, in turn, also requires for public employees to receive fair and adequate salaries. In too many developing democracies, and increasingly in more established ones, public-employee salaries are either inadequate or falling behind the escalating cost of living.

Also contributing in important ways to an honest, responsive and accountable government is the long-term political and economic stability of a country combined with the presence of an active civil society. Adequate funding of government is also very important. Stability and adequate funding help to facilitate the establishment of strong norms and expectations for ethical and effective individual and institutional performance. Similarly, the existence of an energetic civil society, which demands honesty and responsiveness on the part of government officials, is a critical factor in promoting governmental integrity and accountability. Many non-profit organizations and civic groups, through various means of financing, are able to employ individuals who become experts in particular areas of public policy and governmental activities. These individuals, through their investigative skill, represent an important check on the potential for corrupt and non-responsive behavior by government agencies and officials. Often such organizations take great pride in their capacity to investigate the activities of government officials and serve as “watchdogs” over government agencies.

Conclusion

There are many procedural, institutional and cultural factors that contribute to ensuring accountability on the part of public employees and government officials. No single approach – be it procedural, institutional or cultural – represents the one best way. The reality is that human nature is such that there will always be some degree of corrupt and unresponsive behavior on the part of public employees and officials which, in turn, can seriously undermine governmental accountability. Consequently, all countries must rely on many different approaches to address these issues. Procedural, institutional and cultural factors, when taken together, all play important roles in the institutionalization of responsive, accountable and transparent government.

Although neither the practitioner nor the academic community has been able to offer definitive advice on how to end corruption and ensure accountability, there is an increasingly better understanding of the shared attributes, structures, and methods of organizing administrative systems that serve to limit corruption. These systems are typically characterized by highly professional administration, suggesting that an effective, well-trained and fairly paid civil service should be one of the main steps in anticorruption efforts. More educated and professional civil servants are more likely to work toward broader public goals than toward their personal enrichment. However, in the end, laws aiming to reform the bureaucracy, increase transparency and curb corruption can remain just empty shells if not backed up by strong implementation and enforcement. Thus, of particular importance is the need for a strong, independent and competent judicial system.

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