Independent Reporting Mechanism (IRM): Ukraine Progress Report 2016–2018

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Executive Summary: Ukraine

Independent Reporting Mechanism (IRM) Progress Report 2016–18

The third national action plan covers major priority themes for Ukraine, including flagship transparency commitments on public contracting, disclosure of asset declarations, and beneficial ownership. The next plan needs to deepen and expand the achievements of anticorruption initiatives. Moving forward, the government could improve the action plan drafting process by clearly identifying the intended changes for the targeted policy areas.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Ukraine began participating in OGP in 2011. The Independent Reporting Mechanism (IRM) carries out an annual review of the activities of each country that participates in OGP.

The Cabinet of Ministers of Ukraine is the leading office responsible for coordinating Ukraine's OGP process and action plan. Two persons from the Secretariat of the Cabinet of Ministers coordinate national OGP activities. A multistakeholder group formed in October 2017, the Coordination Council, oversees the implementation of the national action plan. The council is required to have 14 members, from both public authorities and civil society.

OGP Process

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The action plan development process was participatory and involved multiple government bodies and civil society organizations. Both in-person and online consultations were held to gather proposals for commitments. The Coordination Council acts as the multistakeholder forum and is monitoring the action plan through four thematic working groups. However, the council has not been meeting regularly. The Secretariat of the Cabinet of Ministers published the self-assessment report in September 2017.

At a Glance:

Member since: 2011
Number of commitments: 13

Level of Completion:

Completed: 15% (2)
Substantial: 46% (6)
Limited: 39% (5)
Not started: 0% (0)

Commitment Emphasis:

Access to information: 69% (9)
Civic participation: 31% (4)
Public accountability: 0% (0)
Tech & innovation for transparency and accountability: 46% (6)
Unclear: 15% (2)

Commitments that are

Clearly relevant to an OGP value: 85% (11)
Of transformative potential impact: 23% (3)
Substantially or completely implemented: 62% (8)
All three (✪):   15% (2)

Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. The Ukraine action plan contains 13 commitments. Table 1 summarizes each commitment's level of completion and potential impact. Table 2 provides a snapshot of progress for each commitment and recommends next steps. In some cases, similar commitments are grouped and reordered to make reading easier.

Note that the IRM updated the criteria for starred commitments in early 2015 in order to raise the standard for model OGP commitments. Under these criteria, commitments must be highly specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete. Ukraine received two starred commitments (Commitments 8 and 9).

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
✪ Commitment is measurable, clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
1. Quality and transparency of administrative services	■	■	■		■	■		
2. Introduce administrative e-services	■	■	■		■	■	■	
3. Filing and publication of e-declarations	■	■			■	■	■	■
4. Free public access to urban planning documentation	■	■			■	■		
5. Ultimate beneficial owners' verification system	■	■	■	■	■	■		
6. Introduce CoST standards	■	■	■		■	■	■	
7. Online transparent budget system	■	■	■		■	■	■	
✪8. Openness and transparency in public procurement	■	■	■	■	■	■	■	
✪9. Implement EITI	■	■	■	■	■	■		
10. Public monitoring of the state of the environment	■	■	■		■	■	■	
11. Community policing system	■	■	■		■	■	■	
12. Draft law on public consultations	■	■	■		■	■	■	
13. Elaborate e-democracy roadmap	■	■			■	■	■	■

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	RESULTS
1. Quality and transparency of administrative services • OGP Value Relevance: Unclear • Potential Impact: Moderate • Completion: Limited	This commitment seeks to continue reform efforts of a 2012 law and subsequent amendments that begun decentralizing a range of administrative services to the municipal and local levels, increasing the transparency and quality of their provision. The commitment requires the passage of new regulations to further delegate administrative services to local governments and administrative service centers, renewed monitoring of functioning of administrative service centers, and engaging in a targeted public awareness campaign on how to access administrative services. Although supplemental to a commitment from the previous action plan, the commitment's overall relevance to OGP values is unclear.
2. Introduce administrative e-services • OGP Value Relevance: Unclear • Potential Impact: Moderate • Completion: Substantial	This commitment entails adding 60 additional e-services to the unified state portal and introducing electronic identification of individuals and legal entities. As of November 2017, 52 e-services were available on the portal, covering the areas of construction, land, real estate, and entrepreneurship among others. The government has issued regulations to improve the ability to use and exchange information between government resources and has carried out a pilot project of a test interaction between basic public registries. Regulations on the electronic identification of individuals and legal entities were not developed. While the usability of the portal can still be improved, the government believes the reform has resulted in significant time savings and a considerable reduction in bureaucracy. The State Agency for E-Governance could launch a public awareness campaign on the availability of new e-services.
3. Filing and publication of e-declarations • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Complete	This commitment builds on the previous action plan and introduces an online registry for filing and publicizing declarations of income, property, and expenditures of national or local government officials, in accordance with Ukraine's anti-corruption law. The commitment references a specific article in the law regulating who should submit e-declarations, how, and when. The e-register will centralize past, physical documents and future electronic declarations, as well as increase transparency and access to the assets of public officials. The unified e-declaration registry launched on 1 September 2016. To sustain the intended results, the system needs to allow for comparison of declarations over time and provide independent authority to the National Agency on Corruption Prevention to verify declarations.
4. Free public access to urban planning documentation • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited	This commitment intends to guarantee free public access to urban planning documentation, information that has been historically scarce in Ukraine. The government has elaborated two relevant draft laws that oblige local authorities to publish master plans, further decentralize urban planning, delegate urban zoning to local councils, conduct public hearings on urban construction rules, and publish adopted rules within nine days. According the Ministry of Economic Development and Trade, the digital cadastre system requires a large amount of funding and a centralized IT solution. The Cabinet of Ministers adopted a decree on opening and publishing urban planning documentation online in May 2017. The IRM researcher recommends swift adoption of the draft laws by Parliament and the inclusion of a similar commitment in the next

	action plan.
5. Ultimate beneficial owners' verification system • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Limited	Under current law, the full name, state of citizenship, passport, and tax identification data on ultimate beneficiaries is published in the State Register of Legal Entities, Individual Entrepreneurs and Public Organizations (United State Register), which is publicly accessible and usable by tax authorities. This commitment seeks to improve the mechanism for verifying information on ultimate beneficial owners by updating the software for the register. The verification mechanism would need to be legally mandated by Parliament, and technical details need to be set out in a decree by the Cabinet of Ministers. A regulation in May 2017 authorized the transfer of information on beneficial owners to the Global Beneficial Ownership Registry and the publication of this information for the general public in an open format. Technical support for the development of the software to complete the transfer for verifying information about ultimate beneficial owners is still needed for on-time completion. The IRM researcher recommends carrying this commitment forward to the next action plan to enhance the mechanism's monitoring and control of links between ultimate beneficial owners, bidders, and authorities conducting public tenders.
6. Introduce CoST standards • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	To instill accountability in Ukraine's publicly funded construction work, this commitment seeks to apply Construction Sector Transparency (CoST) standards to four pilot projects on roadway improvements. CoST standards have been implemented in the four pilot infrastructure cases. CoST Ukraine notes significant interaction with the public during the implementation of the pilot projects, suggesting the importance of these reforms. CoST Ukraine presented conclusions and recommendations about the monitoring of public procurement, contracting, and public spending at the four pilot cases in respective reports, which are available online. The IRM researcher recommends scaling up the successful pilots and having the government adopt the CoST recommendations as a nationwide standard. Civil society recommends a more comprehensive reform, including through an integrated IT product to better track infrastructure projects.
7. Online transparent budget system • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited	Public access to budget information in Ukraine is limited, and sometimes officials use improper accounting procedures and physical records. This commitment seeks to develop the technical prerequisites for an integrated Transparent Budget information and analysis system, which includes a Budget for the Citizens subsystem. A lack of specificity on what budgetary information will be displayed and what features the system will have lowers the commitment's potential impact. The IRM researcher recommends carrying this commitment forward and explicitly specifying the intended results for full development and use of the Transparent Budget system.
✪8. Openness and transparency in public procurement • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Substantial	Ukraine's Parliament adopted a Law on Public Procurement in December 2015. The law introduced an online public procurement system for all state bodies. It also mandated that from 1 August 2016, all public authorities use the system for tenders of publicly purchased goods and services or works over minimum financial thresholds. Ukraine uses the ProZorro public procurement system, which publishes all tender announcements to be bid upon by interested businesses online. This potentially transformative commitment aims to expand on the ProZorro functionalities by introducing elements that enhance

	monitoring. The commitment comprises several milestones, such as publication of procurement data in the Open Contracting Data Standard (OCDS). Other milestones involve linking this data to public databases of ultimate beneficial owners and the State Treasury, and creating a public feedback mechanism for reporting procurement violations. Milestone also include establishing a multilateral monitoring group to discuss that feedback and determine follow-up steps for the relevant public bodies. Completion is substantial. The OCDS has been introduced. The multilateral monitoring group has been created. The group's mode of operation has been finalized, and the public feedback mechanism was activated through the DoZorro monitoring platform. The IRM researcher recommends that future action plans focus on enforcement mechanisms to complement the monitoring. Future plans should also integrate the ProZorro and DoZorro online platforms. Lastly, the IRM researcher recommends that the State Audit Service act upon complaints with appropriate prosecution.
✪**9. Implement EITI** • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Substantial	This commitment builds on commitments in the two previous action plans. It aims to make progress on implementation of the Extractive Industries Transparency Initiative (EITI) in Ukraine. Two actionable steps toward that end are listed in the commitment. It will gather support for passage of the draft law on Transparency of Information in the Extractive Industries. It will also publish EITI reports. Completion is substantial. The draft law has been written. One report on implementation has been published by an independent auditor. The second report was expected to be published at the end of 2017. The IRM researcher advises that the EITI reports continue to be crowdfunded by a pool of stakeholders to ensure independent views. This method will also show the clear value of the process to business and civil society while its waiting for ratification by the Ukrainian government.
10. Public monitoring of the state of the environment • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	This commitment aims to address environmental pollution through the introduction of a public monitoring mechanism. The Ministry of Ecology and Natural Resources (MENR) committed to publishing an online list in open data format of the largest polluting industries by region. It also will develop an automated monitoring system of environmental pollutant indicators. A list of polluters has been compiled, but the data portal and monitoring system remain under construction. The IRM researcher recommends that MENR specify the methodological criteria for inclusion in the list and update the information more regularly. Such specification and updating will make the list of polluters more credible and informative. Civil society organizations could coordinate and develop an independent monitoring group to verify relevant pollution indicators. The IRM researcher recommends that MENR coordinate with civil society to develop a new national ecological policy for 2019–2020. This action should be included in next OGP action plan.
11. Community policing system • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	The levels of trust in the country's law enforcement (i.e., the police) is low. This commitment aims to create a community policing system. The commitment seeks to increase trust in the police force by combining police, local governments, business, and the broader public as stakeholders in public security. The commitment's specificity is medium. Some specific results are enumerated (e.g., training for patrol and district policemen, public awareness campaigns). However, the commitment lacks operational details. Milestones involving police

	trainings and an informational, in-school program (the School Police Officer Program) that brings a police officer together with students have seen significant progress. Other milestones have only limited implementation. The IRM researcher recommends establishing thorough evaluation mechanisms to ensure that the trainings have sustained impact. Additionally, the IRM researcher recommends expanding community policing projects beyond schools.
12. Draft law on public consultations • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	Currently, no comprehensive law on public consultations exists. Regulations apply only on the national level. The commitment seeks to create legislation that would mandate public consultations in cases of policy change. The commitment does not specify a model or particular set of principles for this new legal framework. Implementation is substantial. A working group including government and civil society stakeholders drafted a law in late 2016. Both national and local-level stakeholders provided substantial input. As of November 2017, the draft law had not been submitted to the Cabinet of Ministers. The IRM researcher recommends that the Cabinet of Ministers adopt the current draft law in a reasonable period of time, given the already significant delays. Following this, the draft will need to be submitted to Parliament for deliberation and adoption. The effort may require lobbying by invested stakeholders for efficient and successful adoption.
13. Elaborate e-democracy roadmap • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Complete	This commitment builds upon a commitment from a previous action plan to develop an "e-democracy concept paper." This commitment brings a new conceptual design and actionable plan for implementation. The strategy documents and framework do not detail longer-term results. The documents also do not make clear how they will be operationalized by the relevant government ministries. The commitment was fully completed on 8 November 2017. At that time, the Cabinet of Ministers adopted both the Concept Paper and the Action Plan for the Development of Electronic Democracy, drafted by a multistakeholder coalition with feedback from the general public. It also adopted the Action Plan for the Development of Electronic Democracy. This action plan outlines core principles, conditions, and measures for developing and facilitating e-democracy. The IRM researcher recommends holding public awareness and education campaigns on the concept of e-democracy. The government should also create a civic engagement fund for financing e-participation initiatives.

Recommendations

Ukraine has made progress in implementing commitments in its third action plan. The next plan needs to focus on deepening the scope of existing anti-corruption initiatives. These efforts should include asset declarations, a beneficial ownership register, and budget transparency. The government could improve the action plan drafting process by clearly identifying the status quo and intended changes for targeted policy areas.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART logic; they are Specific, Measurable, Answerable, Relevant, and Timebound. Given these findings, the IRM researcher presents the following key recommendations:

Table 3: Five Key Recommendations

Make commitments more specific and results oriented.
Involve Parliament in action plan development for commitments that require legislative action.
Create an automated system for verifying e-declarations and sanctioning public officials who violate the law.
Prioritize the implementation of the verification system on beneficial ownership.
Include a commitment to develop a user-friendly online system for monitoring the budget and public spending.

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section VII on eligibility requirements at the end of this report or visit http://bit.ly/1929F1I.

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

Open
Government
Partnership

I. Introduction

The Open Government Partnership (OGP) is an international multistakeholder initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

Ukraine began its formal participation in September 2011, when the minister of foreign affairs, Kostyantyn Gryshchenko, declared his country's intention to participate in the initiative.[1]

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public official's asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Ukraine developed its third national action plan from October 2015 to November 2016. The official implementation period for the action plan is December 2016 through July 2018. This year one report covers the action plan development process and first year of implementation, from December 2016 to September 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation, December 2016 to September 2017, will be assessed in the end-of-term report. The government published its self-assessment in September 2017.[2]

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Mr. Dmytro Khutkyy, who carried out this evaluation of the development and implementation of Ukraine's third action plan. As an active citizen, he was engaged in the e-democracy movement, overlapping with the Commitment 13. Therefore, to ensure maximum objectivity, Commitment 13 was evaluated by a junior researcher, Ms. Kateryna Maltseva of BI Norwegian Business School.

To gather the voices of multiple stakeholders, Mr. Khutkyy conducted a series of interviews with stakeholders and conducted desk research of relevant documents, including the government self-assessment report, published in September 2017.[3]

To gather the voices of multiple stakeholders implementing Commitment 13, Ms. Olga Polishchuk, an Assistant Professor at the National University of Kyiv-Mohyla Academy, organized one stakeholder forum in Kyiv, which was conducted according to a focus group model. She also conducted a personal interview and an email questionnaire, thus collecting original qualitative data. Ms. Maltseva reviewed the commitment-related online documents and wrote the chapter on Commitment 13.

The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

[1] "Letter of Intent to Join OGP," Open Government Partnership, https://www.opengovpartnership.org/documents/ukraine-letter-of-intent-join-ogp.

[2] "Ukraine Midterm Self-Assessment Report 2016–2018," Open Government Partnership, https://www.opengovpartnership.org/documents/ukraine-mid-term-self-assessment-report-2016-2018

[3] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Web-site, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

II. Context

The third national action plan covers major themes related to OGP values and priorities, including simplification of public service delivery, transparency in construction and extractives sectors, and several flagship initiatives against corruption. While anti-corruption activists note the slowing pace of reforms and insufficient efforts for tackling corruption, the country has undertaken major transparency initiatives, including the ones on public procurement, disclosure of assets owned by public officials, and beneficial ownership.

2.1 Background

After the Revolution of Dignity and the subsequent change in the government, the president, and Parliament, in 2014, the drive for institutional reforms in Ukraine received a new start. In November 2014, the parliamentary coalition adopted a coalition agreement, defining priority areas for change.[1] While the coalition officially ceased to exist in February 2015,[2] the government seems to treat the reform agenda as an international commitment conditional for foreign political and financial support. Therefore, it remains topical, at least in rhetoric. The alliance among civil society organizations (CSOs), the Reanimation Package of Reforms, and numerous other stakeholders has pushed for comprehensive reforms supported by international organizations and donors.

Furthermore, the political reform agenda is reinforced by the Ukraine-European Union Association Agreement. The parties adopted this agreement in May 2014. It took effect in September 2017. (Much of the agreement took effect much earlier, starting from November 2014, and in the case of the trade agreement, from January 2016).[3] Despite its focus on trade relations, the agreement remains important due to its synchronization of Ukrainian legislation with European Union standards. As embassies and donor projects of the United States and European states have a strong voice in defining policy priorities, their support for reforms is significant.

Indeed, during 2014–2015, the government and the parliament undertook a number of important initiatives within the OGP framework, leading to changes in legislation, executive acts, and their implementation. These include Parliament's (Verkhovna Rada) laws on increasing transparency in extractive industries, opening public spending online, and opening Soviet archives. The laws also involve introducing e-appeals and e-petitions to authorities, publishing public datasets as open data, launching a unified state portal for administrative services, and establishing a unified web portal for the use of public funds.

Other important governmental and parliamentary initiatives have taken place beyond OGP commitments. These initiatives have had an impact on society in the light of the core OGP values and grand challenges. Thus, they are relevant to OGP themes. Some of them stem from prior OGP accomplishments.

Some of the most prominent transparency reforms include the e-procurement system, ProZorro. Additional prominent transparency reforms include the new e-declarations system for assets owned by politicians and government officials, and the public register for beneficial ownership.

ProZorro has become a symbol of dramatic reform of government procurement in Ukraine. The government, civil society, and business collaborated on the system. The system, an innovative technology, makes all tender information open, including suppliers' offers. Thus, it makes it possible to monitor the entire tendering process. ProZorro, which means "transparently" in Ukrainian, is open source. All data is structured along the Open Contracting Data Standard. The Law on Public Procurement provides the legislative basis for the system. Adopted on 25 December 2015, the law introduced mandatory electronic public procurement procedures. By the end of 2016, governmental agencies from all over Ukraine had joined the project. Purchases amounted to 232,000. Savings (the difference between the

estimated lot price and the winning bid) were estimated at more than UAH 5.4 billion (over USD 200 million).[4]

Alongside publishing procurement transactions, Ukraine has taken important steps in setting up anti-corruption institutions. The new National Anti-Corruption Bureau of Ukraine (NABU) is politically independent and can prosecute. However, it cannot implement the full law enforcement cycle on its own. This restriction lies in the reliance on referrals from other state institutions and the failure to establish an independent anti-corruption court.[5] At the same time, however, many commentators agree that NABU remains a game changer. The bureau can also open criminal cases against public officials, which raises discontent among the ruling class.

Reforms have also included actions designed to strengthen citizen engagement. In May 2017, the Cabinet of Ministers issued a decree on the action plan for implementation of the National Strategy for Assisting the Development of the Civil Society in Ukraine in 2016–2020.[6] In September 2017, the Secretariat of the Cabinet of Ministers reported on the progress in implementing this action plan.[7] A law on citizens' appeals, which was also an OGP commitment in the previous action plan, enabled e-appeals and e-petitions. The president, Parliament, the Cabinet of Ministers, and hundreds of local authorities developed and launched the respective normative acts and online portals with the support of civil society and international organizations. The degrees of citizen engagement on various petition topics and actual resolution of popular requests vary. However, the e-petitions are considered to have brought an opportunity to leverage new technology to powerfully aggregate citizen voice over the large and geographically dispersed Ukraine population. An electronic system for submitting local e-petitions (e-dem.in.ua) extended its scope from 11 cities to more than 100 local communities. The State Agency for E-Governance, in cooperation with international partners (see above), launched they system in 2015. It has accepted more than 7,000 e-petitions.[8]

Ukraine has continued e-governance reforms that are focused on advancing the digitization of government-provided services. A 2015 survey conducted by the Kiev International Institute of Sociology demonstrates that as many as 57 percent of the adult population uses the internet.[9] Therefore, e-governance reforms can potentially reach over a half of adult citizens. In November 2016, a partnership of international donors launched the Transparency and Accountability in Public Administration and Services program in Ukraine. The program aims to improve public procurement, e-services, and access to public data to help reduce corruption.[10] As a logical follow-up to the law on open data, the government adopted the Open Data Roadmap, with clear objectives and deliverables, in March 2017.[11]

Despite these important achievements and Ukraine's generally conducive political climate, the country has yet to see systemic change effectively tackling corruption. Corruption remains a serious concern, undermining achievements of the Euromaidan protests. On Transparency International's Corruption Perceptions Index, Ukraine still ranks one hundred thirty-second in the world, indicating that it remains a very corrupt country.[12] According to the representatives of the Reanimation Package of Reforms,[13] despite some notable transparency achievements, major reforms are still stalled.

Ukrainian civil society, with outspoken anti-corruption activists, has been a driving force behind transparency and anti-corruption reforms. However, recent changes in the law undermine OGP values. In March 2017, the parliament has passed a new law[14] that introduces discriminatory rules for civil society organizations and their contractors. The law demands additional public reporting. In particular, the law requires the submission of mandatory electronic declaration of assets for participants of any anti-corruption activities.[15] It also introduces the application of sanctions. Oversight authorities can deny nonprofit status to civic organizations with a total annual income of more than 300 minimum living wages if those organizations have not submitted or published an annual financial report with a complete list of mandatory information.[16] This may create pressure for CSOs from fiscal

authorities.[17] Parliament has argued that it intended for the law to lead to accountability of nongovernmental organizations (NGOs). However, there are concerns the law could also result in abuse and reduction of civil society's space. Amendments to the law have been condemned by the international community and followed up by requests to change them.[18] But the law remains in force. Moreover, state agencies have opened criminal prosecution cases against some outspoken civil society activists.[19]

Budgeting remains an area in need of further improvements in transparency and public engagement. Ukraine scores 54 out of 100 on Open Budget Survey 2017,[20] representing an increase from its score of 46 in 2015. Since 2015, Ukraine has published the Citizens Budget online, increasing its net score. However, according to the survey, the government provides the public with few opportunities to engage in the budget process. The report recommends the government hold legislative hearings on the formulation of the annual budget. It also recommends allowing for public and CSO testimony and establishing formal mechanisms for the public to participate in audit investigations. Initiatives on participatory budgeting have been initiated by a partnership of NGOs and local authorities, without any government-led strategy or leadership. These worked well in a few pilot municipalities. Such initiatives later spread among dozens of local authorities, with support of diverse CSOs and international NGOs.[21]

2.2 Scope of Action Plan in Relation to National Context

Compared to the previous two action plans, the third OGP action plan of Ukraine is more focused and contains commitments that are relevant for the anti-corruption and good governance reform agenda. A range of issues have been included in the OGP action plan for the first time. These issues include transparency of company ownership, open contracting, and access to information on environmental pollutants. Some important commitments have been updated and carried forward in the current plan. These commitments involve transparency in the construction sector, implementation of the Extractive Industries Transparency Initiative (EITI), and electronic filing of asset declarations of public officials.

Most commitments are part of existing government programs, donor-funded projects, and ongoing efforts of the key civil society groups and anti-corruption activists. While this raises the questions about the novelty this action plan offers, financial support and prioritization of these issues by political leadership and international community creates the impetus for better implementation of proposed actions.

Notable commitments represent particular importance for the anti-corruption agenda. They include the verification mechanism for the register of ultimate beneficial owners of companies, and transparency and monitoring of public contracting. Other notable commitments in this area involve filing of asset declarations of public officials and transparency initiatives in the construction and extractives sectors.

Ukraine is often cited as a country where the real owners of companies are hidden from the public eye. This allows officials to hide assets and to siphon money from public tenders to benefit their own firms.[22] In this context, the transparency of beneficial owners of companies is an important issue. On 25 October 2014, the parliament of Ukraine adopted the law "On Amending Certain Legislative Acts Related to Identification of Ultimate Beneficiaries of Legal Entities and Public Officials."[23] The law mandates that all companies registered in Ukraine disclose information about their ultimate beneficiaries by 25 May 2015. It also requires companies to update this information on a regular basis. The law applies an administrative fine for officers or authorized representatives of companies who fail to disclose the information on ultimate beneficiaries to the state registrar.[24] Ukraine has been one of the pioneers in creating a beneficial ownership register. It developed a national, central public register on beneficial ownership information in 2015.[25] In May 2017, Ukraine became the first country to integrate its national register of beneficial ownership with the

OpenOwnership Register.[26] That register links beneficial ownership data from across the world.[27] The action plan commits to introducing a mechanism to verify the accuracy of information about registered beneficial owners. However, the register has had technical, legislative, and data protection challenges.

In 2015, extracting industries constituted 11 percent of the Ukrainian economy, generating over UAH 191 billion of industrial turnover annually.[28] While an important segment of the economy, the industry is not transparent. Thus, it carries immense corruption risks. To address this problem, in 2013, the government committed to the passage and implementation of the EITI. A global standard, the EITI promotes open and accountable management of oil, gas, and mineral resources.[29] The commitment in the third action plan builds on the achievements of the previous plans. It also commits to passing landmark legislation on transparency of the extractive sector.

The lack of political transparency and accountability of political parties, politicians, and members of parliament remains a concern. There is an ongoing debate in the country about the need for the financing of political parties to be more transparent. National sentiment also leans toward limiting the maximum donation from a single person or organization.[30] Lobbying activities could be made more transparent, as it is a deeply influential aspect of the current Parliament.[31] Interviewed stakeholders point to the need for limited immunity for members of Parliament. Legislation addressing the immunity of Parliament members currently lies in limbo at the Constitutional Court.[32] Interviewed stakeholders also point out the need for a full-scale reform of parliamentary elections. In particular, civil society activists believe that a transition to a proportional system (where political groups or parties are given legislative representation proportional to their vote totals in an election), with open regional lists of party candidates, could help reduce the risks of oligarchic influence and the vote buying. Lowering the electoral threshold to two or three percent (instead of the current 5 percent) would open opportunities for smaller parties. Such parties are more likely to be free from oligarch influence and closer to their constituents. This in turn, could help to increase their representation in Parliament. Although the executive alone cannot address these issues without the involvement of the Parliament, the next action plan could consider working together with the legislative branch to develop meaningful commitments in this area.

[1] "The Agreement on the Coalition of Deputy Fractions 'European Ukraine,'" Laws of Ukraine, The Verkhovna Rada of Ukraine: The Official Web-Portal, 27 November 2014, http://zakon3.rada.gov.ua/laws/file/text/33/f439014n8.pdf.

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III. Leadership and Multistakeholder Process

The national plan drafting process lasted for almost a year, including a six-month offline consultation with civil society. It was an iterative process. It started among authorities, continued with civil society, and ended with final adoption by the government, with occasional consultations in between. Advance notice was given for public consultation, allowing sufficient time to elaborate suggestions and plan participation in offline meetings to develop the action plan.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Ukraine. Table 3.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

1. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	✔	
	Shared	**Single**
Is there a single lead agency on OGP efforts?	✔	
	Yes	**No**
Is the head of government leading the OGP initiative?		✗
2. Legal Mandate	**Yes**	**No**
Is the government's commitment to OGP established through an official, publicly released mandate?	✔	
Is the government's commitment to OGP established through a legally binding mandate?	✔	
3. Continuity and Instability	**Yes**	**No**
Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle?		✗
Was there a change in the executive leader during the duration of the OGP action plan cycle?		✗

The Cabinet of Ministers of Ukraine is the leading office responsible for coordinating Ukraine's OGP process and action plan. In practice, two persons from the Secretariat of the Cabinet of Ministers coordinate national OGP activities on a part-time basis. No full-time staff or budget is centrally allocated for national action plan implementation. Overall, a multistakeholder agency, the Coordination Council, oversees implementation of the national action plan. During the previous cycle, the council included 39 members. However, at the end of 2016, it was reorganized to include 13 members, from both authorities and civil society. The council includes influential third-party actors. These include the United Nations Development Programme in Ukraine, Transparency International Ukraine, and International Renaissance Foundation. All have a strong voice in the national OGP process.

The Coordination Council is not headed by the prime minister, but by the minister of the Cabinet of Ministers. Still, the council has a strong link to the executive branch of power. Each commitment has at least one ministry assigned and vested with executive authority to implement it. Even when it is not stated explicitly, each commitment requiring legislative change is reviewed by the Ministry of Justice. Similarly, each commitment requiring financing is reviewed by the Ministry of Finance and the Ministry of Economic Development and Trade. Consequently, the adoption process of the action plan entailed multiple stages. However, this approach ensured agreement among executive bodies responsible for implementation.

On 30 November 2016, the Cabinet of Ministers issued Ordinance #909.[1] The ordinance outlines the responsibilities for implementation of the third national action plan. Its issuance makes implementation by all subordinate authorities mandatory.

The Cabinet of Ministers holds executive powers over the key areas of the OGP commitments' foci. On the other hand, within the frame of decentralization reform, local authorities and self-governing bodies have a substantial degree of freedom in implementing nonmandatory decrees from central authorities.

3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organizations were involved in OGP.

Table 3.2: Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or autonomous bodies)	Subnational Governments
Consult: These institutions observed or were invited to observe the action plan but may not be responsible for commitments in the action plan.	75[2]	0	0	0	25[3]
Propose: These institutions proposed commitments for inclusion in the action plan.	75[4]	0	0	0	25[5]
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	22[6]	0	0	0	25[7]

In Ukraine, participation in OGP includes a range of executive agencies. Although the Cabinet of Ministers is responsible for the OGP national plan, many commitments imply a role for Parliament in the adoption of respective laws. Additionally, the government's ordinance included key civil society organizations as partners. In most cases, it included the organization that actively proposed the commitment. The ordinance also states that it is

open for inclusion of new partners upon their request. Table 3.2 above details which government institutions were involved in OGP.

Early participation in OGP was ad hoc. Initially, the Cabinet of Ministers announced the schedule of consultations in December 2015. It then sent out invitations to all chief officers in each ministry, department, and agency. After that, the Secretariat of the Cabinet of Ministers elaborated a draft national action plan and sent it out to executive agencies. In January 2016, the Coordination Council working groups continued drafting the action plan. This intragovernmental collaboration lasted for about two months.

As noted above, a multi-sector, interagency Coordination Council began meeting regularly. During the implementation stage, participation patterns of governmental agencies varied, depending on specific sectoral commitment. See commitment sections for more details.

3.3 Civil Society Engagement

In December 2015, the Secretariat of the Cabinet of Ministers published a full consultation timeline on the government website.[8] In February 2016, the OGP Coordination Council announced via its website its intent to produce the third national action plan on its website.[9] In February 2016, it conducted a series of regional public consultations.[10] In March 2016, it held a public discussion in a "world café" format, convening stakeholders from authorities and civil society to brainstorm ideas and rank priorities. Finally, in May 2016, the Secretariat of the Cabinet of Ministers made an online public call on online voting, with the aim to prioritize inputs for the action plan.[11] Within the same month, proactive citizens suggested some inputs and voted for them on an open online platform.[12] The next month, the Secretariat of the Cabinet of Ministers communicated the online voting results.[13] The voting procedure indicates that the level of public influence reached the level of "collaborate" (see Table 3.4 below). After that, the Secretariat of the Cabinet of Ministers aggregated and structured all suggestions.[14]

The Coordination Council conducted the final review of finalized suggestions and passed the draft text to committees of the Cabinet of Ministers in June 2016.[15] Committees and ministries conducted a final review.[16] It took five months for the Cabinet of Ministers to finalize and adopt the national action plan, which was signed on 30 November 2016.

The government website is not widely read. It appears that the information was disseminated within the inner circle of civil society organizations (CSOs) that have collaborated with the government during previous action plan cycles.

For regional consultations, local authorities invited local CSOs working in the relevant field. The Secretariat of the Cabinet of Ministers explained that in selecting and inviting nongovernmental organizations (NGOs), the criteria included proven activity represented by either publications or public communication.[17] The Secretariat of Cabinet of Ministers also made an online announcement, giving more actors an opportunity to join. However, a civil society representative stated that a wider public awareness campaign, involving state mass media, failed.[18] In practice, the most active government bodies, national NGOs, and international NGOs took part in the elaboration of commitments.

Contributions submitted by all stakeholders were diverse and extensive. The full text of inputs totalled 100 pages[19] and included over 200 suggestions.[20] The Secretariat of the Cabinet of Ministers shortened the text by eliminating irrelevant points. This culling also included deleting those not falling within the scope of the OGP mandate, merging similar proposals, and ranking priority topics.[21] Further, the draft focused on five OGP challenges: improving public services, enhancing integrity in governance, increasing efficient management of public resources, creating safe communities, and enhancing corporate accountability.[22] Civil society stakeholders were able to provide feedback through in-person consultations and through social media.[23] The Secretariat of the Cabinet of Ministers states that it has published online a table summarizing which inputs were included and which were not.

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarizes the performance of Ukraine during the 2016–2018 action plan.

Table 3.3: National OGP Process

Key Steps Followed: 6 of 7						
Before	**1. Timeline Process & Availability**			**2. Advance Notice**		
		Yes	No		Yes	No
	Timeline and process available online prior to consultation	✔		Advance notice of consultation	✔	
	3. Awareness Raising			**4. Multiple Channels**		
		Yes	No	4a. Online consultations:	Yes	No
	Government carried out awareness-raising activities	✔			✔	
				4b. In-person consultations:	Yes	No
					✔	
	5. Documentation & Feedback					
					Yes	No
	Summary of comments provided				✔	
During	**6. Regular Multistakeholder Forum**					
	6a. Did a forum exist?	Yes	No	6b. Did it meet regularly?	Yes	No
		✔				✗
After	**7. Government Self-Assessment Report**					
	7a. Annual self-assessment report published?	Yes	No	7b. Report available in English and administrative language?	Yes	No
		✔			✔	
	7c. Two-week public comment period on report?	Yes	No	7d. Report responds to key IRM recommendations?	Yes	No
		✔			✔	

Table 3.4: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[24] This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborative."

Level of public input		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✔	✔
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.		
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multistakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarizes that information.

The Coordination Council serves as a multistakeholder forum specifically created for OGP purposes. In February 2017, the Cabinet of Ministers issued a new regulation regarding the council. It required the Coordination Council to have seven representatives from authorities and civil society. The council has two co-chairs, one from the government and one from the civil society.[25] The minister of the Cabinet of Ministers and a governance expert from Transparency International Ukraine[26] serve as co-chairs.

After the adoption of the third action plan in November 2016, the previous Coordination Council conducted activities to form the new one. It directly invited representatives from authorities and announced an open competition for representatives from civil society. Its donors and selection committee comprised international and national nongovernmental organizations.[27] The Secretariat of the Cabinet of Ministers announced an online call for civil society representatives in March 2017[28] and extended the call in April 2017.[29] The selection committee announced the results in May 2017.[30] As a result, the current Coordination Council consists of relevant professionals in the field.

During the selection process, the former Coordination Council had finished its mandate and could not perform its functions. However, by May 2017, the new group had not met.[31] This created a vacuum in multistakeholder leadership for a few months. The Coordination Council members made three attempts to conduct meetings, but they failed because not enough members came, meaning the quorum requirements were not fulfilled.[32] Still, there was at least one unofficial meeting, with incomplete participation.[33] The Secretariat of the Cabinet of Ministers held a series of working offline and online meetings with other stakeholders.[34] Civil society organizations perceived that they were the ones pushing for action and driving implementation of commitments.[35] Civil society was represented in the council's co-created agenda, and working groups made progress through in their routine activities of implementing commitments. But the plan lacked centralized coordination. However, within each commitment, civil society actors and the working groups established a format for iterative dialogue, bringing public participation to "collaboration" level (see Table 3.4 above).

The new Coordination Council officially met for the first time in October 2017. It then elected the co-chair from civil society, established work procedures, and created four working groups. The groups will focus on administrative services, transparency and anti-

corruption activities, e-democracy and e-governance, and general organizational activities. The council also announced that the working groups would consist of members of the Coordination Council, authorities, and civil society partners, as mentioned in the action plan.[36]

The statute regulating the functioning of the Coordination Council[37] outlines its functions and the operational rules passed in October 2017, outline procedures.[38] In practice, the Secretariat of the Cabinet of Ministers drafts and sends out an agenda. That agenda can be modified by Coordination Council members. The Secretariat of the Cabinet of Ministers conducts its meetings according to the updated agenda, with substantial discussion.[39] The Coordination Council makes decisions by simple majority voting. The Coordination Council holds advisory power to the Cabinet of Ministers. Still, the minister of the Cabinet of Ministers serves as the co-chair of the Coordination Council. Thus, the minister can directly translate the council's joint opinion to the government.

According to regulations, the primary mode of operation of the Coordination Council occurs offline, but online participation is also possible. Members of the Coordination Council can arrange a live online streaming of a meeting and subsequent online publishing of follow-up notes.[40]

The Coordination Council as an entity does not monitor the implementation process on a regular basis.[41] Still, involved council members monitor sectoral commitments.[42] The Secretariat oversees the overall progress.[43] The Secretariat of the Cabinet of Ministers collects progress reports from ministries quarterly and publishes findings online in infographics.

According to a civil society representative, regularly monitoring the implementation of commitments could be a time-consuming process. Thus, the implementation of commitments totally depends on the most active stakeholders.[44]

3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The Secretariat of the Cabinet of Ministers published a draft self-assessment interim report in September 2017.[45] The report covers the consultation process during the action plan development. The report briefly mentions consultations during implementation in the case of several commitments. Some evidence appears in the form of referencing external documents, but only for some commitments. The self-assessment report provides brief information on the progress of all commitments. Yet, not all of them have an explanation of challenges or delays. However, the majority of commitments offer a vision of the next steps in implementation.

3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

	Recommendation	Addressed?	Integrated into Next Action Plan?
1	Renew high-level political involvement of the OGP.	✗	✗
2	Ensure an effective cooperation with civil society.	✔	✔
3	Reform the coordination mechanism.	✔	✗
4	Focus on priority commitments.	✔	✔

5	Focus on ambitious and realistic commitments.	✔	✔

The government renewed high-level political involvement with the OGP by involving ministries and agencies during consultations and appointing the minister of the Cabinet of Ministers as co-chair of the Coordination Council. This appointment could have gone to the prime minister. Nevertheless, the appointment ensured government ownership and leadership. The government neither made a major political announcement nor engaged in a wide public awareness campaign to strengthen the national role of OGP. In response to previous recommendations, the new action plan emphasized implementation-related commitments. The Cabinet of Ministers has reformed the multistakeholder forum, the Coordination Council, to include the most motivated and professional actors and to balance the representation of government entities and the public. The Secretariat of the Cabinet of Ministers has included civil society organizations (CSOs), who were active either during the drafting or during implementation of the national action plan as partners. CSOs had the opportunity to join the open list later. Still, few actors from the private sector joined the initiative as partners. The Coordination Council reduced the number of commitments, making the national action plan more focused and actionable. Not all, but most, of the commitments have a strong potential to reform government practices. In particular, commitments one through nine are essential for ensuring transparency and accountability using digital technology. These commitments have high potential for increasing efficiency, preventing corruption, and improving the country's international standing.

[1] "Ukraine Third National Action Plan 2016–2018," Open Government Partnership, https://www.opengovpartnership.org/documents/ukraine-third-national-action-plan-2016-2018.
[2] Seventy-five ministries and subordinate departments.
[3] Twenty-five regional administrations, namely: The Council of Ministers of the Autonomous Republic of Crimea, Cherkasy Oblast State Administration, Chernihiv Oblast State Administration, Chernivtsi Oblast State Administration, Dnipropetrovsk Oblast State Administration, Donetsk Oblast State Administration, Ivano-Frankivsk Oblast State Administration, Kharkiv Oblast State Administration, Kherson Oblast State Administration, Khmelnytskyi Oblast State Administration, Kyiv Oblast State Administration, Kirovohrad Oblast State Administration, Luhansk Oblast State Administration, Lviv Oblast State Administration, Mykolaiv Oblast State Administration, Odesa Oblast State Administration, Poltava Oblast State Administration, Rivne Oblast State Administration, Sumy Oblast State Administration, Ternopil Oblast State Administration, Vinnytsia Oblast State Administration, Volyn Oblast State Administration, Zakarpattia Oblast State Administration, Zaporizhzhia Oblast State Administration, Zhytomyr Oblast State Administration..
[4] Seventy-five ministries and subordinate departments.
[5] Twenty-five regional administrations listed above.
[6] Ministry of Justice; Ministry of Internal Affairs; Ministry of Regional Development, Construction and Housing; Ministry of Agricultural Policy and Food; State Agency for E-Governance; State Land Cadastre; Ministry of Economic Development and Trade; Ministry of Information Policy; State Special Communications Service; National Agency for the Prevention of Corruption; Ministry of Defense; Ministry of Infrastructure; Ministry of Finance; Ukraine State Roadway Agency (Ukravtodor); State Audit Service; National Police; State Treasury; Ministry of Energy and Coal Industry; Ministry of the Ecology and Natural Resources; State Service of Geology and Mineral Resources; State Agency on Exclusion Zone Management; and Ministry of Education and Science.
[7] Regional administrations listed above, Kyiv and Sevastopil municipal state administrations, local government authorities, and local state administrations, upon consent.
[8] "The Discussion of the Realization of the Open Government Partnership Initiative in Ukraine in 2016–2018 Is Starting," Civil Society and Authorities: Governmental Website, 29 December 2015, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/news/article/show/2839.
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[12] Olena Ursu (United Nations Development Program in Ukraine), interview by IRM researcher, 20 July 2017.

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[14] Olesya Arkhypska (Transparency International Ukraine), interview by IRM researcher, 28 July 2017.

[15] Natalia Oksha (Secretariat of the Cabinet of Ministers of Ukraine), interview by IRM researcher, 24 July 2017.

[16] Oleksiy Orlovsky (International Renaissance Foundation), interview by IRM researcher, 24 July 2017.

[17] Natalia Oksha (Secretariat of the Cabinet of Ministers of Ukraine), interview by IRM researcher, 24 July 2017.

[18] Olesya Arkhypska (Transparency International Ukraine), interview by IRM researcher, 28 July 2017.

[19] Oleksiy Orlovsky (International Renaissance Foundation), interview by IRM researcher, 24 July 2017.

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[27] Olena Ursu (United Nations Development Program in Ukraine), interview by IRM researcher, 20 July 2017.

[28] "The Competition for Election to the Coordination Council for Implementation the Open Government Partnership Initiative in Ukraine from Civil Society Is Announced," Civil Society and Authorities: Governmental Website, 30 March 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/news/article/show/3402.

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[33] Olena Ursu (United Nations Development Program in Ukraine), interview by IRM researcher, 20 July 2017.

[34] Natalia Oksha (Secretariat of the Cabinet of Ministers of Ukraine), interview by IRM researcher, 24 July 2017.

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[36] "The Coordination Council for Implementation the Open Government Partnership Initiative in Ukraine Has Held Its Meeting," Civil Society and Authorities: Governmental Website, 4 October 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/news/article/show/3472.

[37] Oleksiy Orlovsky (International Renaissance Foundation), interview by IRM researcher, 24 July 2017.

[38] "The Resolution of the Cabinet of Ministers on 14 February 2017 #79," Legislation of Ukraine, the Verkhovna Rada of Ukraine: The Official Web-Portal, 14 February 2017, http://zakon3.rada.gov.ua/laws/show/79-2017-%D0%BF.

[39] Olena Ursu (United Nations Development Program in Ukraine), interview by IRM researcher, 20 July 2017.

[40] Oleksiy Orlovsky (International Renaissance Foundation), interview by IRM researcher, 24 July 2017.

[41] Oleksiy Orlovsky (International Renaissance Foundation), interview by IRM researcher, 24 July 2017.

[42] Olena Ursu (United Nations Development Program in Ukraine), interview by IRM researcher, 20 July 2017.

[43] Olesya Arkhypska (Transparency International Ukraine), interview by IRM researcher, 28 July 2017.

[44] Olena Ursu (United Nations Development Program in Ukraine), interview by IRM researcher, 20 July 2017.

[45] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.[1]

What Makes a Good Commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyzes the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
  - **High**: Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
  - **Medium:** Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
  - **Low**: Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
  - **None**: Commitment language contains no measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
  - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
  - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
  - **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions?
  - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?[2]
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have "medium" or "high" specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.[3]
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, Ukraine's action plan contained two starred commitments, namely:
- Commitment 8: Ensure openness and transparency in public procurement, and
- Commitment 9: Implement the Extractive Industries Transparency Initiative

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Ukraine and all OGP-participating countries, see the OGP Explorer.[4]

General Overview of the Commitments

The commitments cover a broad spectrum of themes, so the best way to group them is by the core open government values.

Actions related to access to information include checking the information of beneficiaries, promoting the transparency of extracting and constructing industries, opening urban planning documentation, and introducing the monitoring of environmental pollutants.

The improvement of the mechanism for verifying information about ultimate beneficial owners aims to help identify relationships. It identifies connections among legal entities and their founders (participants), ultimate beneficial owners (controllers)—including ultimate beneficial owners (controllers) of the founder—and heads of legal entities. The commitment to continue implementation of the Extractive Industries Transparency Initiative in Ukraine importantly adds transparency to this profitable sector with high corruption risks. The introduction of the Construction Sector Transparency Initiative (CoST) international standards aimed to ensure the accountability of procurement organizations. It also seeks to open access to information on publicly funded construction work. The construction sector carries high corruption risks; therefore, the highly valuable CoST Initiative can ensure sector transparency and subsequent corruption prevention. The commitment to provide free public access to urban planning documentation aims to contribute to corruption prevention by opening up historically closed documentation.

Concerning civic participation, the commitments intend to develop better public consultations, electronic democracy, and community policing. The commitments in these areas seek to create the mechanisms for more intensive civic engagement in policy making.

The commitments using technology for improving transparency include initiatives to develop tools for a transparent public budget and transparent public procurement, as well as electronic declarations systems.

The plan lists two important commitments focusing on decentralization and expansion of administrative services. However, the commitments' main focus targets improving government-provided services rather than opening government practices in these areas. Therefore, these commitments are not clearly relevant to OGP values.

[1] "Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015)," Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.

[2] "IRM Procedures Manual," Open Government Partnership, http://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v3_July-2016.docx.

[3] The International Experts Panel changed this criterion in 2015. For more information, visit http://www.opengovpartnership.org/node/5919/.

[4] "OGP Explorer and IRM Data," Open Government Partnership, http://bit.ly/1KE2WlI.

1. Improve the quality and transparency of administrative services

Commitment Text:

Improvement of quality and transparency in the provision of administrative services:

1) Decentralization of powers to provide the most important administrative services for the public and the integration of basic administrative services in administrative service centers.

Expected results: Delegation of powers for the provision of the main administrative services to the local authorities (the appropriate regulations have been adopted) and/or provision of the following services through the administrative service centers:

- *Issuance of internal passports to Ukrainian citizens and passports for citizens of Ukraine to travel abroad.*

- *State registration of land plots, entry and retrieval of information from the State Land Cadastre*

- *State registration of civil records.*

2) Monitoring of the functioning of the administrative service centers.

Expected results: Creation of an information system for monitoring the functioning of the administrative service centers.

3) Holding of information and explanatory campaigns regarding the provision of administrative services, including in united local communities.

Expected results: Raising of awareness among the public about the operation of the administrative service system through the administrative service centers. Implementation of educational campaigns regarding the procedure for obtaining administrative services. Holding of webinars for representatives of civil society institutions on reforming the administrative services system. Distribution of the appropriate social advertising materials. Creation of specialized educational programs.

Responsible institutions: Ministry of Justice, Ministry of Internal Affairs, Ministry of Regional Development, Ministry of Agricultural Policy, State Agency for E-governance, State Land Cadastre, Regional and Kyiv Municipal State administrations, local government authorities (by consent); Ministry of Economic Development, State Agency for E-governance, local state administrations; Ministry of Information Policy, Ministry of Regional Development, Ministry of Economic Development, State Agency for E-governance, other central executive agencies, Regional and Kyiv Municipal State administrations, local government authorities (by consent).

Supporting institutions: Center for Policy and Legal Reform non-governmental organization, other civil society institutions and international organizations (by consent); Center of Policy and Legal Reform and Transparency International Ukraine non-governmental organizations, other civil society institutions and international organizations (by consent); Civil society institutions and international organizations (by consent).

Start date: December 2016   **End date:** July 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
1. Improve the quality and transparency of administrative services		✔			Unclear						✔		Yes		✔		

Context and Objectives

A great deal of administrative services has been provided by the central government in Ukraine. This is both a legacy of the highly centralized Soviet state and a continued preference by national-level ministries to maintain control over service provision during the past two decades.[1] There has been lack of clarity regarding applicable administration fees as well as the division of functions between local-level governments and the central state.[2] As a results, citizens suffer confusion about where to obtain public services.

The Law on Administrative Services, passed in 2012, required "one-stop shop" administrative services centers to be created at the city and district levels.[3] These centers would provide business and property registration services and issue passports. This law has been amended multiple times since 2012, but central ministries and other state bodies maintain control of some registration services.

This commitment builds on the ongoing reform efforts and aims to improve the quality of and transparency in administrative service provision. The commitment requires the passage of new regulations to further delegate administrative services to local governments and administrative service centers. It also requires renewed monitoring of administrative service center functioning and a targeted public awareness campaign on how to access administrative services.

Some components of the commitment are specific. However, some parts, such as the monitoring mechanism for administrative service centers, are vague. While clear on the three expected results it wants to deliver, the first milestone is not sufficiently specific on process. Additionally, it is unclear how further service delegation or monitoring efforts apply to core OGP values of open government. These elements do appear to be relevant to the important but distinct value of efficient state administration. The public information campaign could potentially be relevant in that it provides better access to information for citizens regarding how to access such services. Yet this activity lacks clarity in its target, timeline, results, and measures of success. The overall specificity of the commitment is low.

The potential impact of this commitment would be minor. As the second IRM progress report[4] points out, decentralization of public functions has become critical since 2014. When implemented full scale, it could save time and citizens' money.[5] This commitment exists as an add-on to the commitment from the previous action plan, for which substantial progress has been made.

Completion

This commitment has made limited progress. Both the government's self-assessment report[6] and feedback from civil society confirm this.[7] The civil society organizations listed as supporting institutions possess consulting expertise but do not have direct authority to implement this commitment. The Ministry of Economic Development and Trade reports that 675 administrative service centers, 48 territorial divisions, and 20 distance working places are operational.[8] In only 31 of these locations are the full 15[9] common administrative services accessible. The 15 services include passport issuance, cadastre information access, and real estate registration.[10] Additionally, only 20 of these centers have the equipment required to process all of the services. Inadequate funding, according to a civil society expert, has constricted equipment procurement.[11] Considering that few centers are functioning, and that those functioning do not have full functionality, the progress is limited.

In January 2017, the government approved a draft law on the decentralization of state registration of civil records and submitted it to Parliament the next month.[12] In May, the Ministry of Justice proposed a modified version that delegated civil record registration to local governments by the end of 2022. The new version also provided a longer time period before implementation for large cities.[13] This draft law is still under review in Parliament.[14] This slow process has been quickened by recent regulations passed by the Cabinet of Ministers in October 2017. The regulations delegated more services, including civil records registration, to local administrative centers.[15]

Furthermore, in February 2017, the State Land Cadastre agency has put forward a draft law amending the current law on state land cadastres. The proposed amendments would delegate land registration from central officials to local governments through the use of personal digital signatures. These amendments also shorten the registration time to no more than seven working days.[16]

The monitoring component of the commitment has been pursued through the development of a website that reports on the current functions available at a given local administrative service center.[17] Although the government is supposed to be working with the German Society for International Cooperation to develop a dynamic portal for monitoring, there have been no results.[18]

Compared to the previous milestone, the government made more progress in the knowledge awareness campaign. One TV advertisement that aired in January and February 2017 promoted information about the available services at local service centers. Another in May and June provided information about online services offered by state agencies.[19] Over one hundred workshops and trainings took place inside local service centers.[20] According to the government, a great deal of activity took place. This included 800 meetings with citizens and mass media, 35,000 informational and explanatory materials in both national and regional print media, four educational campaigns, and 338 awareness-raising events.[21] Civil society representatives said that the campaign consisted of a few videos on TV and websites, and it was targeted more toward bureaucrats than to citizens.[22] Government figures and civil society estimates are sharply divided in terms of assessing the implementation of the awareness campaign.

Next Steps

The government should continue the reform to improve administrative service delivery and awareness campaigns. It should also continue important educational promotion programs on service centers. The programs inform the public about where services can be obtained and what fees are applied. The government needs to ensure that local centers are funded and staffed adequately. Since this commitment is not clearly relevant to any of the OGP values, the IRM researcher recommends that is it not carried over in the next action plan.

[1] Nadia Dobrianska, "Centers for Administrative Services—the Way to Overcome Bureaucracy and Corruption," Zn,ua, 19 September 2014, https://dt.ua/internal/centri-nadannya-administrativnih-poslug-shlyah-podolannya-byurokratiyi-ta-korupciyi-_.html.

[2] Victor Tymoshchuk (Center of Policy and Legal Reform), interview by IRM researcher, 24 July 2017.

[3] "The Law of Ukraine on Administrative Services," Legislation of Ukraine, the Verkhovna Rada of Ukraine: The Official Web-Portal, http://zakon3.rada.gov.ua/laws/show/5203-17.

[4] Dmytro Kotliar, Independent Reporting Mechanism (IRM): Ukraine End of Term Report 2015–2016 (Washington, DC: Open Government Partnership, 2017), 38, https://www.opengovpartnership.org/sites/default/files/Ukraine_EOTR_2014-2016_ENG.pdf.

[5] Oleksandr Kamenchuk (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 24 July 2017.

[6] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[7] Victor Tymoshchuk (Center of Policy and Legal Reform), interview by IRM researcher, 24 July 2017.

[8] "The Information about the Centers for the Provision of Administrative Services in the Regions of Ukraine (as of 01.10.2017)," Activities, Ministry of Economic Development and Trade of Ukraine, 19 October 2017, http://www.me.gov.ua/Documents/Detail?lang=uk-UA&id=8383e170-308f-4578-844c-18536964b218&title=InformatsiiaSchodoTsentrivNadanniaAdministrativnikhPoslugURegionakhUkraini-stanomNa01-10-2016-.

[9] Oleksandr Kamenchuk (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 24 July 2017.

[10] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[11] Victor Tymoshchuk (Center of Policy and Legal Reform), interview by IRM researcher, 24 July 2017.

[12] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[13] "The Ministry of Justice Has Presented the Draft Law on Decentralization in the Sphere of Stare Registration of Civil Records," Civil Society and Authorities: Governmental Website, 17 May 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/news/article/show/3434.

[14] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[15] "Cabinet of Ministers of Ukraine. The Regulation on 11 October 2017 #782-p, The Government Portal," Unified Web-Portal of Executive Authorities of Ukraine, http://www.kmu.gov.ua/control/uk/cardnpd?docid=250401348.

[16] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[17] Victor Tymoshchuk (Center of Policy and Legal Reform), interview by IRM researcher, 24 July 2017.

[18] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[19] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[20] Oleksandr Kamenchuk (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 24 July 2017.

[21] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[22] Victor Tymoshchuk (Center of Policy and Legal Reform), interview by IRM researcher, 24 July 2017.

2. Introduce administrative e-services

Commitment Text:

Introduction of administrative services provided in electronic form:

1) Extension of the functionality of the unified state portal for administrative services in order to provide administrative services in electronic form.

Expected results: Development of draft regulations on the maintenance procedures and operational requirements of the unified state portal for administrative services and the submission of these drafts in accordance with established procedures for consideration by the Government. Integration of information systems and information resources into the unified state portal for administrative services. Operation of the common platform for the provision of administrative services on the basis of the unified state portal for administrative services.

Provision of administrative services in electronic form (complete cycle):
in 2016 — 15 services
in 2017 — 20 services
in 2018 — 25 services.

2) Introduction of the unified system for electronic interaction between government information resources.

Expected results: Development of a draft regulation on electronic interaction between government electronic information resources and submission of the draft in accordance with established procedures for consideration by the Government. Development of software application interfaces for granting access to priority government electronic information resources.

Connection to electronic interaction:
in 2016 — 10 priority government electronic information resources
in 2017 — 20 priority government electronic information resources
in 2018 — 30 priority government electronic information resources.

3) Introduction of modern tools for the electronic identification of individuals and legal entities.

Expected results: Development of draft regulations regarding the implementation of the electronic identification of individuals and legal entities in the governmental information and telecommunication systems and submission of the drafts in accordance with established procedures for consideration by the Government (May 2017). Development of the appropriate technological base (June 2018).

Responsible institutions: Ministry of Economic Development, State Agency for E-governance, other central executive agencies, Regional and Kyiv Municipal State administrations; State Agency for E-governance, Ministry of Economic Development, other central and local executive agencies, local government authorities (by consent); State Agency for E-governance, Ministry of Regional Development, Ministry of Justice, Ministry of Economic Development, State Special Communication Service.

Supporting institutions: Transparency International Ukraine non-governmental organization, other civil society institutions and international organizations (by consent); Eidos Center for Political Studies and Analysis non-governmental organization, other civil society institutions and international organizations (by consent); Civil society institutions and international organizations (by consent).

Start date: December 2016　　　　　　　**End date:** July 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
2. Introduce administrative e-services				✔	Unclear						✔		Yes			✔	

Context and Objectives

Administrative services provided by the government are often overly regulated and complicated in Ukraine. In some cases, three different documents regulate one service. In others, not all registries are available online, and it takes too long to process documents.[1] This has led to growth in private intermediary firms that profit by expediting provision of public services through their own connections.[2] To tackle these challenges, in October 2014, the government issued a decree[3] establishing the State Agency for E-Governance. The government authorized it to pursue public policies devoted to informatization, e-governance, and development of digital information resources to become an "information society."

This new state agency had already achieved some success prior to the current action plan. According to the government self-assessment report,[4] in 2015, the Ministry of Economic Development and Trade launched and pilot tested a version of the proposed unified state portal of administrative services.[5] In March 2016, the ministry officially opened[6] the portal to the public.[7]

This commitment seeks to extend the functionality of the unified state portal for administrative services. It also aims to introduce a unified system for electronic interaction between government information resources and usher in electronic identification of individuals and legal entities through digital signatures.

The commitment lists specific steps, timelines, and measurable targets for the introduction of the new online services. It also lists the specific priority information resources that will be available. However, the relevance of these objectives to core OGP values is unclear. They do not increase public accountability, civic participation, or access to information, but rather streamline government-provided administrative services.

The core design of the reform was to structure and standardize public services via audit, reengineering, optimization, automation, and simplification due to digitization. Auditing would involve revision of procedures. Reengineering would also involve changing procedures if required. With optimization, the number of procedures could be reduced. Automation would involve programming standard processes to be performed without humans. These changes required more than technical administrative modifications. They required active legal changes.[8] The government has decided that it will focus on digitizing the top 100 administrative services, which cover 80 percent of citizens' needs, by the end of 2018.[9] In addition, decreasing the number of required documents should minimize abuse of power by low-level bureaucrats previously in charge of handling routine procedures.[10] The government has used a "single account" approach. This is supposed to increase the convenience of using e-services by ensuring that logging into a single online system grants access to all online administrative services.[11] This commitment complements the first commitment of this action plan. The first commitment makes local administrative services

more accessible to citizens. This second one focuses on the re-engineering and digitization of administrative services on a national scale.

The commitment proposed the extension of the unified state portal's functionality with 60 additional services, which should increase efficiency and lower the potential for corruption. However, providing new means of electronic identification is unlikely to change services in a major way. The commitment's implementation would have a moderate impact due to the wide variety of additional services that would be offered through the unified portal. At the same time, it is less clear whether this useful reform relates to OGP values.

Completion

This commitment has made substantial progress, and of the three activities, the first two are on time.

It is worth noting that ministries and government agencies implemented most of this commitment. Specific civil society organizations did not sign up for these activities. Therefore, the action plan did not list them as primary partners, although some of them do provide occasional consultation.

In September 2016, the Ministry of Economic Development and Trade issued a resolution that streamlined and provided guidelines for the integration of local government's information systems into the Unified State Portal of Administrative Services.[12] Through this action, it adopted the regulations on the maintenance procedures and operational requirements of the unified state portal.

Currently, the online services portal can be accessed via two distinct website domains.[13] In addition, another state portal of public services partially overlaps in functionality with an earlier version.[14] This creates confusion for users. Therefore, the integration of all related information systems into one unified portal is not yet complete. Although confusion remains, the unified portal is fully active.[15] A user can create a personal account with a login, password, a digital signature, or a BankID. The notification module is continuing to be tested for the "Personal Cabinet," an individual account on the government services portal.[16]

The government also reports that only 22 services are available online, and eight additional services are being tested.[17] In fact, there are 52 services available on the Unified State Portal of Administrative Services as of November 2017.[18] The portal provides e-services regarding construction, energy, land, foreign economic activities, real estate, national and foreign IDs and passports, pensions, taxes, ecology, family, sport and tourism, entrepreneurship, and legal entities. This indicates that e-services planned for 2016 and 2017 have so far been introduced on time. As the State Agency for E-Governance representative notes, the portal promotes more digitization of services. The representative also noted that the majority of state institutions are complying with these new initiatives.[19]

The government has made further progress in ensuring the interoperability of specific government information portals with the unified portal. The government has issued three key regulations in this sphere. They include the decree on electronic interaction between government information resources,[20] a concept paper on development of electronic services in Ukraine,[21] and the action plan for the implementation of the concept paper on development of electronic services in Ukraine.[22] According to the government self-assessment report, it has started the procurement process of an inter-operability system technical platform.[23] In March 2017, the State Agency for E-Governance, in cooperation with the E-Governance Academy, announced a tender for the purchase of an inter-operability system.[24] Moreover, the government is pilot testing a project on interaction between basic public registries.[25] As noted by a government official, 20 out of 1,000 priority interactions have been modeled this year.[26] These interactions refer to the whole action plan period and reflect modeling, not actual introduction.

Progress has been more limited regarding the introduction of modern tools for the electronic identification of individuals and legal entities. The planned draft regulations regarding the implementation of the electronic identification of individuals and legal entities in the governmental information and telecommunication systems have not been developed. On the other hand, 430,000 new ID cards (national passports) have been issued. These do contain electronic identification capabilities through an integrated, contactless microchip.[27] This provides the infrastructure for the electronic identification of individuals (Milestone 3). However, civil society representatives believe that the significance of a digital signature for identification purposes is overestimated. They note that global trends increasingly move toward alternative forms of such signatures, including BankID and MobileID. Such capability is not present in the new ID cards.[28] This may change in the future, due to a pilot project at the State Agency for E-Governance that uses the MobileID model.[29]

Early Results

Government officials agree that the usability of the portal can be improved in terms of efficient navigation to a given administrative service.[30] The government believes that the reform has already produced significant time savings[31] as well as a considerable reduction in the risk of low-level corruption through minimal bureaucratic contact.[32]

According to the deputy minister of economic development, the unified state portal has a number of advantages, including quicker receipt of services (two to three days instead of 10) and fewer mistakes.[33] Additionally, government reports total estimated direct savings at UAH 20 million (USD 700,000). Users no longer need to travel to the capital, Kyiv, for many services. Furthermore, the ministry estimates that the elimination of private intermediaries needed to process a given document amount to government savings of UAH 500 million (USD 17.5 million).[34] These gains were estimated when only 12 services were provided, which signals the important impact of this new system.[35]

Next Steps

The commitment should be implemented on time. The IRM researcher recommends the following:

- The Ministry of Economic Development and Trade, and the State Agency for E-Governance should focus on developing draft regulations regarding the implementation of the electronic identification of individuals and legal entities in the governmental information and telecommunication systems. The ministries should also ensure the possibility of using BankID and MobileID as alternative means of identification for the new online services.
- The State Agency for E-Governance should announce the next priority services to be digitized. Considering that according to a 2015 survey, 86 percent of Ukrainians did not understand e-governance,[36] the IRM researcher recommends that the State Agency for E-Governance launch an awareness-raising campaign for citizens about e-services and how to use them.

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[1] Oleksii Vyskub (State Agency for E-Governance of Ukraine), interview by IRM researcher, 27 July 2017.
[2] Victoria Herasymovych (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 24 July 2017.
[3] "The Resolution of the Cabinet of Ministers on 1 October 2014 #492," The Legislation of Ukraine, the Verkhovna Rada of Ukraine: The Official Web-Portal, http://zakon2.rada.gov.ua/laws/show/492-2014-%D0%BF.
[4] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.
[5] Unified State Portal of Administrative Services, www.my.gov.ua.
[6] "The Ministry of Economic Development Has Launched the Unified State Portal of Administrative Services," Censor.net, 17 March 2016,

https://ua.censor.net.ua/video_news/379550/minekonomrozvytku_zapustylo_yedynyyi_derjavnyyi_portal_adminis tratyvnyh_poslug_nefodov_video.

[7] Unified State Portal of Administrative Services, https://poslugy.gov.ua/.

[8] Oleksii Vyskub (State Agency for E-Governance of Ukraine), interview by IRM researcher, 27 July 2017.

[9] Oleksii Vyskub (State Agency for E-Governance of Ukraine), interview by IRM researcher, 27 July 2017.

[10] Oleksii Vyskub (State Agency for E-Governance of Ukraine), interview by IRM researcher, 27 July 2017.

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3. Ensure the filing and publication of e-declarations

Commitment Text:

Introduction of the system for filing and publication of declarations of entities authorized to perform the functions of national or local government, in accordance with the Law of Ukraine "On the prevention of corruption."

Expected results: Filing of declarations of the subjects to be declared as specified in article 3 of the Law of Ukraine "On the prevention of corruption."

Responsible institutions: National Agency for the Prevention of Corruption, State Special Communication Service.

Supporting institutions: Draft of the UN Development Program in Ukraine "Enhanced Public Sector Transparency and Integrity", Transparency International Ukraine non-governmental organization, other civil society institutions and international organizations (by consent).

Start date: December 2016   **End date:** July 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3. Ensure the filing and publication of e-declarations				✔	✔			✔		✔			Yes				✔

Context and Objectives

During the previous action plan, the government created an open access unified web portal of civil servants' declarations of income, property, and expenditures.[1] This commitment aims to introduce a system for filing and publicizing declarations of individuals authorized to perform the functions of national or local government. Such action would be in accordance with the law "On the Prevention of Corruption."[2] The government will implement the commitment by mandating annual filing of declarations regarding personal and family property as well as gifts received.[3]

This commitment is highly specific, as it refers to a particular article in the law regulating who should submit e-declarations, how, and when. The resulting e-declarations database (registry) intends to establish a clear baseline for comparison with previous paper declarations and future annual e-declarations. In accordance with the law, officials can be prosecuted if their declared incomes, assets, or expenses contradict their formal sources of incomes or observed consumption. Additionally, by publishing the registry of e-declarations online in an open data format, the government will greatly increase transparency. Therefore, this commitment could enhance access to information about the assets of public officials.

Declarants are obliged by the law to submit their e-declarations by a deadline dependent on their position. These declarations become publicly visible online and can be accessed by interested citizens, civil society groups, and journalists. The National Agency on Corruption

Prevention(NACP) checks the incomes, assets, and lifestyle patterns of declarants. If it finds violations, the National Anti-Corruption Bureau of Ukraine (NABU) opens a case.

The law specifies which public officials should declare and which agencies should check officials' information and prosecute violations. According to new regulations, e-declarations extend the scope of items that must be declared, including cash, luxury goods, and expenses. This reflects a much wider selection of objects of formal declaration than had been required in the past.[4] In addition, monitoring mechanisms have changed. The NACP checks e-declarations, the NABU starts investigations, and the National Police checks and controls officials at the local level. Importantly, the digital nature of the filing process and its immediate online publication make it more difficult to falsify or "lose" such records. They can be immediately and easily downloaded by interested parties. For these reasons, ensuring such filing of declarations represents one step forward in making the e-declarations system more transparent and accountable. However, the system is not linked with existing electronic databases, such as cadastral. It is also manually checked by different authorities and has challenges in introducing sanctions. In addition, this commitment had already started prior to the adoption of the action plan. Consequently, the potential impact of this commitment is minor.

Completion

Overall, despite a number of challenges, the commitment is completed. The National Agency on Corruption Prevention(NACP) launched the unified e-declarations registry on time. The first wave of e-declarations opened on 1 September 2016, and the second wave opened on 1 January 2017. Although the NACP reports 100 percent form completion, it notes that significant updates had to take place.[5]

Civil society experts point out several delays and challenges. First, NACP planned to launch the first wave of e-declaration on 15 August 2016. By then, it was functional but lacked a cybersecurity certificate. So NACP postponed the launch until 1 September 2016. It then still faced technical problems.[6] Second, around 90 percent of those who were obliged to declare their assets did so in the first wave. The second wave was postponed from 1 April until 1 May 2017.[7]

According to NACP, by 1 July 2017, as many as 1,127,588 original e-declarations were filed. Of those, 153,181 needed corrections. Additionally, 13,701 notices of real estate ownership were changed from prior declarations.[8]

NACP has launched the IT system of the unified e-declarations registry on 1 September 2016. Since then, it made the respective public registry available online in an open data format.[9] Indeed, the registry is working online.[10] Yet, the United Nations Development Programme representative admits that the sustainability of the system is under question. It has been overloaded on multiple occasions due to excessive usage.[11] Civil society activists consistently back up the registry by copying the data and performing independent monitoring.[12]

Notably, the special status of state security agencies prevents online publication of declarations of their officers. These agencies include the Security Service of Ukraine and the General Prosecutor's Office. Some argue that this allows suspicious declarations to go undiscovered, especially among judges and the heads of state-owned companies.[13]

Early Results

The functioning of the current system of e-declarations serves as a notable. It provides a starting point to identify unexplained wealth and the data to better prosecute corrupt officials.[14]

The National Agency on Corruption Prevention(NACP) has adopted a new regulation for the verification of declarations. In May 2017, it also adopted guidelines for monitoring

declarants' lifestyles.[15] The NACP states that in addition to publicly condemning corrupt actions, it has started 300 financial checks of submitted e-declarations.[16]

Civil society remains more suspicious of progress. One key problem is that the NACP has not yet provided a high-quality check that led to criminal prosecution. Additionally, relations between the NACP and the National Anti-Corruption Bureau (NABU) do not seem to be fully functional. The NACP prevented the NABU from full access to the e-declarations database (regarding real estate addresses and vehicle registration numbers).[17] By the end of October 2016, NACP had started 524 full checks, 81 of which it has completed. It has found only seven cases of e-declarations with incorrect data and has found no declarations with indications of illegal enrichment.[18] Some criticize NABU's slow progress. It has investigated 66 cases and opened one criminal case.[19] At the same time, the public perceives that courts are major bottlenecks in prosecuting anti-corruption cases.[20]

Civil society representatives note the lack of leadership, low bureaucratic work ethic,[21] and reticence to act on suspicious declarations.[22] Current regulations are also imperfect. According to the results of EU Anti-Corruption Initiative (EUACI) audit of NACP business processes, they can be improved by eliminating external obstacles. In particular, the EUACI suggests granting NACP access to public registries Such access is necessary for conducting checks and improving the procedure of the full declarations check.[23] Overall, it is evident that, due to a number of obstacles, a full-scale systemic anti-corruption work, based on e-declarations checks, has not yet begun.

Meanwhile, it is worth mentioning that the e-declaration has gained a lot of traction. Since the introduction of the system, some officials have officially divorced their partners or transferred assets to them.[24] Others have filed humorous items, trying to make fun of the system.[25] In civil society, many consider an independent project entitled "Declarations" to be more popular than the official NACP website. Declarations has a more user-centered design and analytical tools, as well as both digital and paper declarations.[26] Stored on a server, Declarations also serves as a backup version of the NACP e-declarations database.

In March 2017, Parliament adopted amendments to the law on anti-corruption.[27] These amendments have made the leaders of civil society organizations and their contractors additional subjects of e-declarations. Such amendments are contrary to the original design of the law. This move is perceived as fiscal authorities' efforts to pressure civil society.[28]

Next Steps

The introduction of an e-declaration system is a critical reform in the fight against corruption. However, for it to be an effective anti-corruption tool, the system needs to allow for the comparison of annual declarations over time. An automated system of verification ensures that information on over a million declarants is properly checked. The National Agency on Corruption Prevention(NACP) needs to check declarations through automated procedures and identify violations of the law when public officials do not declare owned assets.

The IRM researcher recommends the following actions be introduced in the remaining time of this action plan, or otherwise carried forward to the subsequent plan.

- NACP and the National Anti-Corruption Bureau could utilize the system of verification of e-declarations using an automation software such as land cadastre. This would allow them to check the e-declarations database, and it would link with other existing databases on property and income. The IRM researcher also suggests integrating the responsibilities between the agencies so that both of them can conduct an automatic check of e-declarations.
- According to the EU Anti-Corruption Initiative's recommendations, NACP should be authorized to make its own decisions on procedures and methods of checking

declarations. It should not need to register these decisions with the Ministry of Justice.[29]

- A final recommendation, informed by requests from Ukrainian civil society and the international community, is for Parliament to abolish recent amendments that require civil society activists to submit e-declarations and make them potential subjects of administrative and criminal prosecution.

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[12] The online project Declarations. For more information, visit https://declarations.com.ua/.

[13] Vitalii Shabunin (Anti-Corruption Action Center), interview by IRM researcher, 27 July 2017.

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[25] Ivan Presniakov (United Nations Development Program in Ukraine), interview by IRM researcher, 28 July 2017.

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4. Provide a free public access to urban planning documentation

Commitment Text:

Provision of free public access to urban planning documentation.

Expected results: Development of a draft law on amending article 18 of the Law of Ukraine "On the regulation of urban planning documentation (December 2017) and submission of the draft in accordance with established procedures for consideration by the Government. Compliance of the structure and content of urban planning documentation at the local level, as it concerns restricted access information, with legislative requirements for openness (December 2017). Development and implementation of the first stage of the software and hardware system for the urban planning cadastre at the state level, launch of the trial operation of the information system (June 2018).

Responsible institutions: Ministry of Regional Development, Ministry of Defense, local state administrations, local government authorities (by consent), commercial entities in the field of the development of urban planning documentation (by consent).

Supporting institutions: East Ukrainian Center for Civic Initiatives and Eidos Center for Political Studies and Analysis non-governmental organizations, other civil society institutions and international organizations (by consent).

Start date: December 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
4. Provide a free public access to urban planning documentation		✔			✔			✔		✔			Yes		✔		

Context and Objectives

Urban planning documents were not made public in the Soviet period. This remains the norm in Ukraine, despite legal guarantees of transparency. Lack of transparency in urban planning carries significant corruption risks. Officials can gain easy bribes by providing access to these documents and allowing privileged private firms to introduce changes to them.[1] Civil society activists report numerous cases of local authorities removing urban documentation from public access.[2] According to the law on access to public information,[3] city plans should be open. At the local level, this is often not the case. Citizens and businesses often have to sue local authorities to gain access to documents that should be legally open to the public.[4] This issue is so pervasive that the think tank East Ukrainian Center for Civic Initiatives published a special handbook with legal knowledge and practical advice for citizens on how to sue local governments.[5]

This commitment is intended to guarantee free public access to urban planning documentation. The commitment has three components. First, the government will develop a draft law that would amend article 18 of the law "On the Regulation of Urban Planning

Documentation." Second, at the local level, it will ensure that the structure and content of urban planning documentation that is classified as restricted complies with legal openness guidelines. Third, at the state level, it will develop and implement a trial operation for a software and hardware system for an urban planning cadastre.

Overall, this commitment's specificity is low. The text does not specify how the law will be amended to better ensure free and public access to documentation. It should be noted that the law already guarantees free access to urban documentation. The commitment also does not identify how compliance will be monitored and who will monitor it. Finally, the commitment text does not define the functionality of the new information system.

Due to the low specificity of the commitment text, the potential impact of this commitment cannot be coded higher than minor. Without specifying what amendment will be made to strengthen the current legislation and without identifying the steps to monitor local government compliance, it is difficult to tell if this commitment will positively change government practice.

Completion

Overall, progress is limited, but the commitment is still on time. The government has elaborated two relevant draft laws. The first draft law is #4585, "On Amendments to Some Laws of Ukraine on Improving Urban Development." It declares that an urban planning document classified as a master plan cannot contain closed information. Thus, such documents cannot be withheld from the public. The draft law obliges local authorities to publish master plans online on their websites.[6] The second draft law is #6403, "On the Regulation of Urban Development Activities." It further decentralizes urban planning by delegating urban zoning to local councils. The draft law obliges them to conduct public hearings on urban construction rules and publish adopted rules within nine days.[7] However, the adoption of these laws is questionable. The draft law #4585 has been submitted to the parliament and is pending adoption. The draft law #6403 has passed hearings in parliamentary committees but has not been voted on yet.[8] In the meantime, the Cabinet of Ministers adopted a decree on opening and publishing urban planning documentation online in May 2017.[9]

Regarding the second commitment activity, a civil society expert stated civil society activists are surveying for potential responses that would be received after a request of local governments. Out of 20 local authorities who provided answers, only four provided full open access to urban planning information. Of the 20, 13 provided incomplete information, and three requested payment for printing documents.[10] According to a representative of the ministry, the openness of planning documentation in cities stands at 88 percent. In villages, it can be as low as 8 percent.[11] This effort relates to the assessment of local government compliance. However, it is unclear if this commitment activity is fully complete due to the low specificity of the text.

In August 2017, an official from the Ministry of Economic Development and Trade explained that the digital cadastre system requires a large amount of funding and a centralized IT solution. At that time, the ministry was fundraising with foreign donors on this issue.[12] In October 2017, the Ministry of Agrarian Policy and Food, the State Agency of E-Governance, and Transparency International Ukraine (an external auditor of the system) announced the launch of an updated state land registry. The registry will use blockchain technology, which enables a reliable synchronization of data and protection from data falsification. The technology also ensures control by civil society.[13] However, a week after the announcement, a media investigation found that only the first stage of transition of the state land registry to blockchain technology had been performed. Thus, any person can receive a land ownership certificate that can be checked in the global blockchain database. But individual registrars can change the state land registry records without any external oversight, so land owners will still be required to go to court in situations of alleged violations.[14] In November 2017, the link to the online registry was not functioning.[15]

According to the official from the Ministry of Economic Development and Trade, Parliament has delayed legislative changes. The representative noted that lack of funding has created the digital cadastre issues.[16]

Next Steps

Given the importance of having a functioning land cadastre and publicly available urban planning documentation, this commitment needs to be fully completed. If it is not completed, the commitment should be taken forward to the next action plan. In that plan, the government should clearly identify how local governments will be monitored. It should also specify the functionality of the digital cadastre system and explain how the trial operation of the system will be launched.

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[16] Serhiy Bilous (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 4 August 2017.

5. Improve the ultimate beneficial owners' verification system

Commitment Text:

Improvement of the mechanism for verifying information about ultimate beneficial owners.

Expected results: Implementation of mechanisms to search and display the relations between legal entities and their founders (participants), ultimate beneficial owners (controllers), including ultimate beneficial owners (controllers) of the founder, and heads of legal entities by updating the software for the Unified State Register of Legal Entities, Individual Entrepreneurs and Community Groups.

Responsible institution: Ministry of Justice.

Supporting institution: Transparency International Ukraine non-governmental organization.

Start date: December 2016   **End date:** July 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
5. Improve the ultimate beneficial owners' verification system				✔	✔			✔				✔	Yes		✔		

Context and Objectives

The law defines the ultimate beneficiary of a legal entity as the individual who has the ability to decisively influence, directly or through others, the operational management or business activities of that legal entity. Legally, the ultimate beneficiary has this ability irrespective of actual ownership of any interest in that legal entity.[1] Information related to ultimate beneficiaries was published in the United State Register of Legal Entities, Individual Entrepreneurs and Public Organizations of Ukraine (hereinafter the United State Register). Such information included the ultimate beneficiary's full name, state of citizenship, and passport and tax identification data. The register is publicly accessible. Tax authorities can use such information to apply the concept of beneficial (ultimate) recipient (owner) of income established by the Tax Code of Ukraine and by treaties on effective double tax.[2]

However, there are a number of challenges related to the functioning of the register and verification of its data. In the original metadata, a founder and a beneficial owner of a legal entity were coded as one entry. One address could host hundreds of enterprises. There were smaller fines for late provision of information, or responsibility was eliminated for incorrect provision of information. Currently, no state body holds responsibility for checking the information in the register.[3] Data provided by the United State Register is not collected in a structured format. Registrars input the data as free text within a single field ("founders") of an existing company registration form. As a result, the data is not available to users in machine-readable format nor can the ministry conduct verification and data cleaning in bulk.

Thus, data quality is low, which, in turn, limits the data's uses. Currently, only 16 percent of Ukrainian companies submit any information on their beneficial owners. Beneficial ownership data is collected by default at the moment of company registration. However, there is no clear deadline to register. The register does not provide information about when the data was submitted. It requires no confirmation statement, so it is not possible to know if the data remains up to date. There is no online validation of beneficial ownership data at the point of collection.

This commitment aims to improve the mechanism for verifying information about ultimate beneficial owners. The update of the software for the United State Register would improve the quality of data and lead to better search and display features. This would make it possible to identify connections among legal entities and their founders (participants), and ultimate beneficial owners (controllers) of the founder, and heads of legal entities. The improvement of the verification mechanism will help advance public access to information on the true ownership of companies. Verification of beneficial owners ensures that the register contains accurate and reliable information. Such information can be used by responsible public agencies for detecting potential conflicts of interest, for instance in public tenders.[4] Due to this commitment's potential to improve the access to and the usability of beneficial ownership information, anti-corruption groups, such as Transparency International Ukraine, view this commitment as having a transformative potential impact.[5]

Completion

The commitment has made limited progress. The verification mechanism would need to be legally mandated by Parliament, and technical details need to be outlined in a decree by the Cabinet of Ministers.[6]

Before the digital verification mechanism is introduced, the government needs high-quality data that is in an open data format. To fulfill this precondition, in May 2017, the government adopted regulation #339.[7] The regulation supported the signing of a memorandum involving the State Agency for E-Governance, Transparency International Ukraine, and Open Ownership. The memorandum authorized the transfer of information on beneficial owners to the Global Beneficial Ownership Registry and publication of this information for the general public in open data format. The memorandum was signed soon after.[8] The Ukrainian government has now opened access to information on beneficial owners in an open data format.[9] The IRM research confirmed this information.[10]

However, the transfer of the United State Register has not been completed. The Ministry of Justice has elaborated the draft technical specification of transferring the data on ultimate beneficial owners to the Global Beneficial Ownership Registry. It plans to develop the respective transferring algorithm.[11] Until then, ultimate beneficial owners can be found via two registries in an open data format: the United State Register and the Global Beneficial Ownership Registry (Ukrainian data currently unavailable). As of August 2017, the Ministry of Justice was still updating the software that would help distinguish the information on a founder and a beneficial owner of a legal entity in the United State Register.[12]

The next step involves an advanced online platform. The expert from Transparency International Ukraine explains that there is a vision, design, and technical description of the platform. The parties now have to code the IT solution for a software-enabled search for ultimate beneficial owners.[13]

Next Steps

To fulfill the commitment on time, the government must recruit technical support for the development of the software for verifying information about ultimate beneficial owners. Crucially, the government must provide the Ministry of Justice with assistance in elaborating and introducing the software that will verify information about ultimate beneficial owners.

The IRM researcher recommends including the commitment in the next action plan. Based on the suggestions made by Open Ownership,[14] the next commitment could include several changes to improve the access to and the usability of register data:

Collect structured data, improve quality of data, and allow for raising concerns.
The Ministry of Justice could adopt a system to collect data in a structured format. In such a system, company information could be submitted electronically, using in-line data entry points that allow for structured (i.e., machine-readable) information. The ministry could also explore generating unique identification numbers to differentiate individuals in the register. In addition, it could provide data about timeliness and access to historical data. These features would prevent corrupt or bankrupted individuals from hiding their past business history by simply dissolving a company and registering a new one. For example, the United Kingdom's Companies House retains the data on defunct companies, plus historic information on a company's directorships (though not as yet on beneficial owners). This lets users see how a company's officers have changed over time and the dates a person served.

The Ukraine system would also need to allow users to assess the trustworthiness of data and to raise red flags. For instance, if users spot a company that has not updated its beneficial ownership for several years, they could report it. This would help with verification of the data and enforcing regular updates to the register. Such a mechanism should be included in the register design.

Update regulation to close loopholes and ensure specificity.
The legislative changes and further guidance could be introduced to require a clear test of beneficial ownership for people reporting data to the register. Such guidance should outline all of the circumstances in which an individual would qualify as a beneficial owner and instruct registrants to select one of those circumstances or more. These selections must include specific details in regard to that data point. For instance, beneficial owners who control a company through a shareholding should be required to indicate the percentage of shares they own.

Moreover, once the register is launched, the IRM researcher advises establishing an evaluation to determine how successful it has been and to identify what further investigations and checks might be needed. Possible checks and investigations might include cooperation with other national authorities to gather more precise information about the chain of ownership.

[1] Olyana Gordiyenko and Zoryana Matviychuk, "Ukraine: Upfront Disclosure of Beneficial Ownership Now Required," Global Compliance News, 27 October 2014, https://globalcompliancenews.com/ukraine-upfront-disclosure-of-beneficial-ownership-now-required/.
[2] "Ukraine Enacts Law Requiring Mandatory Disclosure of Beneficial Owners of Companies," Global Tax Alert, EY, 28 October 2014, http://www.ey.com/gl/en/services/tax/international-tax/alert--ukraine-enacts-law-requiring-mandatory-disclosure-of-beneficial-owners-of-companies.
[3] Oleksiy Orlovsky (International Renaissance Foundation), interview by IRM researcher, 24 July 2017.
[4] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 27 July 2017.
[5] Viktor Nestulia (Transparency International Ukraine), interview by IRM researcher, March 2018.
[6] Oleksiy Orlovsky (International Renaissance Foundation), interview by IRM researcher, 24 July 2017.
[7] "The Regulation of the Cabinet of Ministers of Ukraine on 18 May 2017 #339," Legislation of Ukraine, the Verkhovna Rada of Ukraine: The Official Web-Portal, http://zakon2.rada.gov.ua/laws/show/339-2017-%D0%BF/paran2#n2.
[8] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.
[9] "Ukraine Has Disclosed Information on Beneficial Owners in Open Data Format," Transparency International Ukraine, https://ti-ukraine.org/en/news/ukraine-has-disclosed-information-on-the-beneficial-owners-in-the-open-data-format/.

[10] "The Unified State Register of Legal Entities, Individual Entrepreneurs, and Community Groups," Data.gov.ua, http://data.gov.ua/passport/73cfe78e-89ef-4f06-b3ab-eb5f16aea237.
[11] Olha Saienko (Ministry of Justice of Ukraine), interview by IRM researcher, 4 August 2017.
[12] Olha Saienko (Ministry of Justice of Ukraine), interview by IRM researcher, 4 August 2017.
[13] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 27 July 2017.
[14] Zosia Sztykowski, Open Ownership, email correspondence with IRM researcher, 15 March 2018.

6. Introduce the Construction Sector Transparency Initiative standards

Commitment Text:

Introduction of the Construction Sector Transparency Initiative (CoST) international standards in order to ensure the accountability of procurement organizations and open access to information during publically funded construction work.

Expected results: Implementation of four pilot projects by the Construction Sector Transparency Initiative (CoST) regarding the disclosure of data on construction sites, major renovations and road infrastructure reconstruction, and the publication of reports on the data by a group of independent experts (first half of the year 2017). Adding of other construction sites using public funds to the standards for information disclosure of the Construction Sector Transparency Initiative (CoST) (March 2017). After the successful implementation of the four pilot projects of the Construction Sector Transparency Initiative (CoST), filing of proposals on the required amendments to regulations aimed at enhancing the efficient of use of public funds by applying the information disclosure standards of the Construction Sector Transparency Initiative (CoST) (second half of 2017). Approval of a mechanism to apply the standards of the Construction Sector Transparency Initiative (CoST) at the level of by-laws in order to ensure transparency of the use of public funds during the construction of infrastructure and to improve the accountability of procurement organizations (December 2017).

Responsible institutions: Ministry of Infrastructure, Ministry of Regional Development, Ministry of Economic Development, Ministry of Finance, Ukraine State Roadway Agency (Ukravtodor).

Supporting institutions: Transparency International Ukraine and Eidos Center for Political Studies and Analysis non-governmental organizations, Advisory Steering Group of the Construction Sector Transparency Initiative (CoST), other civil society institutions and international organizations (by consent).

Start date: December 2016   **End date:** December 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
6. Introduce the Construction Sector Transparency Initiative standards				✔	✔						✔		Yes			✔	

Context and Objectives

The construction sector in Ukraine is often seen as highly corrupt. Traits characterizing the sector include uncompetitive markets, complex procurement processes, lack of transparency on planned construction projects, and frequent cases of insider agreements and oligopolistic arrangements.[1] One difficulty in combatting these challenges comes from the nature of procurement for infrastructure projects. These projects often entail multiple

contracts and have long time frames. In the past, the accompanying monitoring difficulties have led to building projects that are nothing like what the original tender envisioned.[2]

The Construction Sector Transparency Initiative (CoST) international standards aim to ensure the accountability of procurement organizations and open access to information of publicly funded construction work.[3] This commitment seeks to begin integrating Ukraine's infrastructure procurement system by implementing four pilot projects governed by CoST standards. This effort involves changing the basis for the disclosure of data on construction sites, major renovations, and road infrastructure reconstruction. It also calls for the publication of reports on the data by a group of independent experts. The commitment will also expand the standards for information disclosure under the CoST to other construction sites that currently use public funds. Following the pilot projects, the commitment also envisions creating a process to identify and then amend regulations to codify CoST standards in Ukrainian law.

CoST Ukraine is a multistakeholder group that brings together representatives from civil society, business, and the government. With the Ministry of Infrastructure, the group monitors the pilot projects. In addition to overseeing the implementation of these projects, the multistakeholder group produces reports. It is also engaged with drafting bylaw changes to enshrine CoST standards into Ukrainian law.[4]

The commitment is highly specific overall. It contains expected results, and defines the number of pilot projects and the type of data to be disclosed. However, the second activity does not identify the number of other projects. The third and the fourth activities refer to CoST standards for regulations and bylaws. Additionally, CoST standards significantly increase the public's access to information regarding infrastructure tenders and procurement.

If fully implemented, the potential impact of this commitment is moderate. Applying the CoST standards to four pilot projects and then other construction sites using public funds will reveal information on all stages of contracting. Thus, the transparency of public spending in infrastructural construction and the accountability of procurement will increase.[5] It should be noted that the accountability dimension only starts with the information disclosure. It fully takes place through the assurance process on the published data. Within this commitment, the key idea is that CoST standards oblige contracting authorities to reveal information proactively. This has the potential to open up many documents, increase competitiveness in the sector, and raise the quality of public construction works.[6] Implementing the pilot projects, publishing reports, and filing proposals on the required amendments to regulations represent a major step forward. The adoption of bylaws introducing the CoST standards for public construction projects could positively change government practice in the sector.

Completion

This commitment has demonstrated substantial progress. The first three activities have been completed. The fourth has seen only limited completion. So far, the commitment is on schedule.

Construction Sector Transparency Initiative (CoST) standards have been implemented in the four pilot infrastructure projects.[7] All four projects involve roadway improvements, including projects on "The renovation of roads of state importance in 2016," "The renovation of the H-01 highway Kyiv-Znamianka (km 14+740 – km 43+345)," "The project of reconstruction of the M-03 highway Kyiv-Kharkiv-Dovzhanskyi on the section from Lubny to Poltava," and the "Carpathian Roads."[8] CoST Ukraine presented conclusions and recommendations from respective reports on the experience of monitoring public procurement, contracting, and public spending at the four pilot projects.[9] The reports, written by independent experts, are available online.[10] CoST Ukraine notes significant interaction with the public during the implementation of the pilot projects, suggesting the importance of these reforms.[11]

Further, according to the government self-assessment report, in December 2016, the Ministry of Infrastructure included four additional pilot projects. One other infrastructure tender ("The Installation of the Third Autotransformer 300/110/34 kW on the Sub-station 'Chernivetska'") has been included in the program.[12] Moreover, in September 2017, CoST Ukraine, the Kyiv City State Administration, Kyivavtodor Communal Corporation, and Transparency International Ukraine signed a memorandum to ensure openness in the construction and repair of motor roads in Kyiv.[13] In particular, three pilot projects will be publicly reported according to CoST standards. The first is the repair of the city's Ring Road (project cost: UAH 396.5 million, general contractor: Onur Construction International LLC). The second involves the reconstruction of Kyrylivska Street and tram track in the Podilskyi district (projected estimated cost of construction: UAH 780 million). The third involves repair of Kyiv's road network: Alma-Altynska Street from Prazka to Litynska Street, Dniprovsky district (total estimated cost as of 15 March 2017: UAH 260 million).[14]

There was limited progress on proposals on the required amendments to regulations aimed at enhancing the efficient use of public funds. A CoST Ukraine representative stated that CoST Ukraine drafted the recommendations,[15] and they are ready to be advocated for adoption in the government.[16] As of November 2017, these bylaws had not been adopted.[17]

Early Results

By introducing international standards of transparency and accountability in tangible construction projects, the initiative has already demonstrated positive results in the construction sector. A useful tool, Construction Sector Transparency Initiative (CoST) standards can be used by the public contracting authority to assist in monitoring and control. Relevant authorities remain interested in this. So far, ministers and the president have showed political support for the initiative. The president and the prime minister have both publicly acknowledged the results of CoST reports. Members of CoST Ukraine have been interviewed on television. The expert community is becoming increasingly interested in CoST. In a positive sign, in July 2017, the Kyiv City State Administration and Kyivavtodor Communal Corporation decided to join CoST for their own initiative.[18] These developments demonstrate that some authorities are receptive to this initiative and can be a model for others.

At the same time, representatives from CoST Ukraine note that the success of the standards requires continued government political will to ensure implementation. Given that time is running out on the deadline for adopting the standards in Parliament, it remains to be seen whether this political will can be maintained.[19]

Next Steps

To scale up the successful pilot cases, CoST Ukraine and other civil society groups should combine advocacy efforts to introduce CoST standards into Ukrainian legislation. To accomplish that within the action plan time frame, the government should swiftly adopt CoST recommendations as nationwide standards. For the next action plan, the IRM researcher advises the government to introduce monitoring and assurance mechanisms to the projects. Government agencies should enforce controlling interventions when it finds violations.

Transparency International Ukraine suggests including in the next action plan a comprehensive reform of construction management and monitoring of infrastructure. This would be both through legal acts as well as an integrated IT product that can enable better tracking of infrastructure projects.[20]

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[1] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 26 July 2017.
[2] Natalia Forsiuk (CoST Ukraine), interview by IRM researcher, 3 August 2017.

[3] "What is CoST," CoST, http://www.constructiontransparency.org/the-initiative?forumboardid=1&forumtopicid=1.

[4] Natalia Forsiuk (CoST Ukraine), interview by IRM researcher, 3 August 2017.

[5] Natalia Forsiuk (CoST Ukraine), interview by IRM researcher, 3 August 2017.

[6] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 26 July 2017.

[7] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[8] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[9] Natalia Forsiuk (CoST Ukraine), interview by IRM researcher, 3 August 2017.

[10] "Pilot Projects," CoST Ukraine, https://costukraine.org/en/projects/.

[11] Natalia Forsiuk (CoST Ukraine), interview by IRM researcher, 3 August 2017.

[12] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[13] "Transparency and Accountability Already in Kyiv: From Now on CoST Ukraine Will Monitor Road Repair in the Capital City," CoST Ukraine, 8 September 2017, https://costukraine.org/en/prozorist-ta-pidzvitnist-uzhe-v-kyyevi-vidteper-cost-monitorytyme-remont-stolychnyh-dorig/.

[14] "Transparency and Accountability Already in Kyiv: From Now on CoST Ukraine Will Monitor Road Repair in the Capital City," CoST Ukraine, 8 September 2017, https://costukraine.org/en/prozorist-ta-pidzvitnist-uzhe-v-kyyevi-vidteper-cost-monitorytyme-remont-stolychnyh-dorig/.

[15] "CoST Recommendations," CoST Ukraine, https://costukraine.org/projects/rekomendatsiyi-cost/.

[16] Natalia Forsiuk (CoST Ukraine), interview by IRM researcher, 3 August 2017.

[17] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 26 July 2017.

[18] "Transparency and Accountability Already in Kyiv: From Now on CoST Ukraine Will Monitor Road Repair in the Capital City," CoST Ukraine, 8 September 2017, https://costukraine.org/en/prozorist-ta-pidzvitnist-uzhe-v-kyyevi-vidteper-cost-monitorytyme-remont-stolychnyh-dorig/.

[19] Natalia Forsiuk (CoST Ukraine), interview by IRM researcher, 3 August 2017.

[20] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 26 July 2017.

7. Initiate an online "Transparent budget" system

Commitment Text:

Implementation of the first stage in the development of the integrated "Transparent budget" information and analysis system.

Expected results: Development of technical specifications for the development of the "Transparent budget" system (June 2017). Development and trial operation of a "Budget for the citizens" subsystem (December 2017).

Responsible institution: Ministry of Finance.

Supporting institutions: Eidos Center for Political Studies and Analysis non-governmental organization, other civil society institutions and international organizations (by consent).

Start date: December 2016   **End date:** December 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
7. Initiate an online "Transparent budget" system		✔			✔			✔		✔			Yes		✔		

Context and Objectives

In Open Budget Survey 2017, Ukraine scored 54 out of 100 possible points. The report highlighted that the Ukrainian government provides the public with limited budget information.[1] This problem is compounded by a significant gap in financial management between different levels of government, as well as between ministries.[2] In some cases, financial flows are not properly accounted for and current data is in paper form. These practices amplify risks of misreporting and manipulation.[3]

This commitment envisions the development of the technical prerequisites to enable a planned, integrated information and analysis system called Transparent Budget, including the Budget for the Citizens subsystem.

The commitment lists clear technical deliverables. However, it does not describe how the envisioned tool will display budget information, what features it will have, and what new information it will offer. Both government and nongovernmental stakeholders think the new system has significant potential to improve the transparency of budgetary funds, which could allow public monitoring of state revenue.[4] From the government viewpoint, the tool could provide critical insight into the financing of state-owned companies, the Pension Fund, and the Social Insurance Fund.[5] Similarly, a stakeholder from Eidos states that this commitment portal could contribute to increased transparency of local budgets, enhance control, and thereby reduce expenses.[6] However, as written, the commitment defines no specific results

or objectives. Therefore, the commitment's potential impact cannot be accurately assessed as more than minor.

Completion

Progress remains limited due to challenges in allocating funds for IT development as well as recent staffing changes in the Ministry of Finance. [7] The technical specifications of the system have been defined and IT development is now in process, but the Cabinet of Ministers halted further software development until after 2018.[8] The project is expected to cost USD 200 million.[9] The Ministry of Finance has included additional funds in its section of the draft state budget for 2018.[10]

Next Steps

The continued development of the Transparent Budget system is critical, as is the support of international donors. Vital for general budget transparency in Ukraine, this commitment has wide-reaching implications.

The commitment could be carried over to the next action. It would need clear descriptions of intended results for increasing availability of budget information and more details on the system's tracking function. The commitment needs to clearly communicate what features the new tool will have, what information it will display. It should outline how the monitoring function will be enabled and how regularly it will be updated. The Ministry of Finance could consider designing the public monitoring tool in a way that is user friendly and that focuses on visualization and analysis. The design could be modeled after the well-known DoZorro module or the 007 system.[11] DoZorro is used for online monitoring of public procurement, and the 007 system[12] monitors public spending.

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[1] "Open Budget Survey 2017: Ukraine," International Budget Partnership, https://www.internationalbudget.org/open-budget-survey/results-by-country/country-info/?country=ua#transparency.

[2] Victor Taran (Eidos), interview by IRM researcher, 11 September 2017.

[3] Oleksandr Shchelokov (E-data), interview by IRM researcher, 25 September 2017.

[4] Oleksandr Shchelokov (E-data), interview by IRM researcher, 25 September 2017.

[5] "The Public Council at the Ministry of Finance Has Unanimously Adopted the Concept of 'Transparent Budget' for Implementing the Next Stage of E-data.gov.ua Portal," Civil Society and Authorities: Governmental Website, 16 December 2015, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/news/article/show/2828.

[6] Victor Taran (Eidos), interview by IRM researcher, 11 September 2017.

[7] Oleksandr Shchelokov (E-data), interview by IRM researcher, 25 September 2017.

[8] Oleksandr Shchelokov (E-data), interview by IRM researcher, 25 September 2017.

[9] "The Strategy of Reforming the Public Finances Management System for 2017–2020," Unified Web-Portal of Executive Authorities of Ukraine, http://www.kmu.gov.ua/control/uk/cardnpd?docid=249797370.

[10] Oleksandr Shchelokov (E-data), interview by IRM researcher, 25 September 2017.

[11] DoZorro, https://dozorro.org/.

[12] .007, https://www.007.org.ua/.

✪8. Ensure openness and transparency in public procurement

Commitment Text:

Provision of openness and transparency in public procurement.

Expected results: Publication of the application software interface of the public procurement electronic system in accordance with the international Open Contracting Data Standard (November 2016). Publication of the application software interface of the Unified State Register of Legal Entities, Individual Entrepreneurs and Community Groups with disclosure of the owners and ultimate beneficiaries (February 2017). Establishment of a multilateral monitoring group aimed at ensuring the independent monitoring of public procurement (November 2016). Introduction of a public feedback system to improve the integrity of the system (February 2017). Functional compatibility between the data on public procurement and use of public funds with treasury data in order to increase the transparency of the use of public funds by providing a link between the planned budget and budgetary classification, the results of tenders, agreements, certificates of work performed under these agreements and transactions under agreements, in particular through the publication of a unique agreement ID (March 2017).

Responsible institutions: Ministry of Economic Development, Ministry of Finance, Ministry of Justice, State Agency for E-governance, State Audit Service, National Police, Treasury.

Supporting institutions: Transparency International Ukraine and Eidos Center for Political Studies and Analysis non-governmental organizations, Open Contracting Partnership Initiative, other civil society institutions and international organizations (by consent).

Start date: December 2016   **End date:** March 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
8. Ensure openness and transparency in public procurement			✔		✔	✔		✔				✔	No			✔	

Context and Objectives

In December 2015, the Ukrainian Parliament adopted a Law on Public Procurement, which introduced a mandatory online public procurement system for all state bodies. Starting August 2016, all public authorities were obliged to use the new online system for public tenders on goods and services over UAH 200,000 (USD 7,000) or works over UAH 1.5 million (USD 52,000).[1] With the public procurement system software ProZorro,[2] public authorities publish tender announcements online, and businesses compete in the auction process with the help of an electronic auctions module.[3] Use of the system constitutes a fundamental shift regarding transparency of public procurement in Ukraine.

This commitment builds on the successful efforts brought by the creation of ProZorro and takes openness in public procurement a step further. It introduces elements that enhance

monitoring possibilities. This complex commitment envisions a number of important elements, such as publication of procurement data in the Open Contracting Data Standard (OCDS). It also proposes linking this data with public databases of ultimate beneficial owners and the State Treasury to allow better tracking and cross-checking of information. Functional compatibility of these datasets on the use of public funds would provide a link between the planned budget and the results of tenders, agreements, certificates of work performed under these agreements, and transactions under agreements. In particular, this information would be linked through the publication of a unique agreement ID. Other important elements include the creation of a public feedback mechanism for reporting procurement violations. The commitment also seeks to establish a multilateral monitoring group to discuss that feedback and determine follow-up steps for the relevant public bodies. This commitment, if fully implemented, could transform opportunities for public oversight of procurement processes in Ukraine.

Consequently, this commitment is multifaceted and directly relevant to the OGP values of access to information, civic participation, and technology and innovation. Introduction of the international OCDS in public procurement via an application software interface will improve access to information via modern technologies. The establishment of public feedback mechanisms and a multilateral monitoring group, with participation of civil society organizations, will help advance civic participation on government decision making on public procurement. Finally, introducing the functional compatibility between the data on public procurement and use of public funds with State Treasury data will increase the transparency of the use of public funds, thereby providing access to information by high-tech means.

Thus, the quality of public procurement and finance management should increase, with fewer expenses. The government expects this to lead to increased public trust.[4] Ultimately, the commitment aims for a public procurement system with competition, austerity, transparency, online visibility, and automation. It seeks to create a public procurement system that involves competitors and civil society in control and corruption prevention, and that leads to increased trust in the system.[5]

Completion

This commitment has made substantial progress.

The Open Contracting Data Standard (OCDS) has been introduced.[6] The OCDS enables the disclosure of data and documents at all stages of the contracting process by defining a common data model.[7] A civil society expert confirmed that the application software interface of the public procurement electronic system is in accordance with the OCDS and has been published with an updated application programming interface (API).[8] The public procurement interface with the OCDS is available online, as is the associated United State Register of Legal Entities, Individual Entrepreneurs and Public Organizations of Ukraine.[9,10]

In April 2017, the Ministry of Economic Development and Trade created the multilateral monitoring group and adopted the format of its functioning. The monitoring group has the mandate to discuss public feedback received on procurement and develop policies on improving monitoring and enforcement. Members of the group include persons from civil society organizations as well as those from several public institutions. Represented civil society organizations include Transparency International Ukraine, Anti-Corruption Action Center, and Eidos. Involved public institutions include the Anti-Monopoly Committee, National Police, State Audit Service, and State Treasury. The group has met. It agreed to standardize control and create a transparent monitoring and audit process.[11]

The government activated the public feedback mechanism through the analytical module DoZorro. A monitoring tool, DoZorro automates and shows statistics for all appeals. It also provides a platform for dialogue among all parties.[12] Using DoZorro, anybody can submit feedback to a state contracting authority or contractor, society, or law enforcement agencies about a conducted procurement procedure. That person could also discuss and

evaluate the circumstances of a particular purchase, and analyze purchases of a particular contracting authority.[13] DoZorro does not automatically send feedback to the relevant public agency. For that, a separate official paper request needs to be sent by the ProZorro team.

According to a government representative, functional compatibility of all financial flows is being discussed.[14] Currently, one can check transactions between ProZorro and the State Treasury. The system now identifies counterparts (relevant contracting authorities) but is not able to do so on the basis of individual contracts without having the user search manually. A civil society expert explains that the functional compatibility requires funding, which is not currently available.[15] The government's self-assessment report also notes the delay due to lack of funding.[16]

Early Results

The feedback system incorporated in DoZorro consists of an online platform used by stakeholders to report observed violations. A civil society expert reports that the government receives 600 individual feedback reports monthly.[17] Up-to-date statistics on DoZorro are available online.[18] The statistics provided by DoZorro include the number of questionable tenders reported by users and the amount of public funds spent in the tenders in question. They also include further discussion on the tenders themselves and the number of comments and feedback reactions as indicators of public monitoring. Different civil society organizations have identified 1,000 violations, which the ProZorro team has handed over to contracting and controlling authorities.[19]

Next Steps

While this commitment concerns improving monitoring opportunities, the IRM researcher recommends including a commitment focusing on enforcement in the next action plan.

The next step in this direction would be to integrate ProZorro and DoZorro to enable the sending of feedback and reports on findings to enforcement agencies or oversight authorities. Transparency International Ukraine points to the need for an online feedback mechanism connected to ProZorro. Currently, DoZorro collects feedback. However, the official analysis is not in the system, and requests for follow-up have to be sent to the law enforcement on paper in the mail.

The IRM researcher recommends that the State Audit Service act upon submitted complaints and that authorities report on actions taken and consequences. The Cabinet of Ministers and the parliament must ensure that the Ministry of Economic Development and Trade has sufficient funding for this important reform. Support from the international community and donors will be important for continued implementation and strengthening of the system.

[1] "The Law on Public Purchasing of Ukraine," The Verkhovna Rada of Ukraine, http://zakon0.rada.gov.ua/laws/show/922-19.

[2] ProZorro, https://prozorro.gov.ua/en.

[3] "About," ProZorro, https://prozorro.gov.ua/en/about.

[4] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 26 July 2017.

[5] Maksym Nefyodov (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 19 July 2017.

[6] Maksym Nefyodov (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 19 July 2017.

[7] Open Contracting Data Standard, http://standard.open-contracting.org/latest/en/.

[8] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 26 July 2017.

[9] Open Procurement API, http://api-docs.openprocurement.org/uk_UA/latest/.

[10] Maksym Nefyodov (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 19 July 2017.

[11] Maksym Nefyodov (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 19 July 2017.

[12] Maksym Nefyodov (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 19 July 2017.

[13] "FAQ," DoZorro, https://dozorro.org/faq.

[14] Maksym Nefyodov (Ministry of Economic Development and Trade of Ukraine), interview by IRM researcher, 19 July 2017.

[15] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 26 July 2017.

[16] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[17] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 26 July 2017.

[18] DoZorro, https://dozorro.org/.

[19] Victor Nestulia (Transparency International Ukraine), interview by IRM researcher, 26 July 2017.

✪9. Implement the Extractive Industries Transparency Initiative

Commitment Text:

Implementation in Ukraine of the Extractive Industries Transparency Initiative

Expected results: Support in the Verkhovna Rada of Ukraine for the draft Law of Ukraine "On the disclosure of information in extractive industries" (until adoption). Publication of reports in Ukrainian and English based on the standards of the Extractive Industries Transparency Initiative (December 2016, December 2017).

Responsible institutions: Ministry of Coal and Energy, Ministry of Economic Development, Ministry of Finance, Ministry of the Environment, State Geology and Subsoil Resources Service.

Supporting institutions: International Renaissance Foundation, German Corporation for International Cooperation (GIZ), American Chamber of Commerce in Ukraine, non-governmental organizations Dixie Group, Analytical Center for Regional Cooperation, Energy Transparency Association, the international initiative Publish What You Pay, other civil society institutions and international organizations (by consent).

Start date: December 2016 **End date:** December 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
9. Implement the Extractive Industries Transparency Initiative			✔		✔							✔	Yes			✔	

Context and Objectives

This commitment builds on the actions undertaken in the extractives sector as part of the two previous action plans. Ukraine became an Extractive Industries Transparency Initiative (EITI) candidate country in 2013. It published its first EITI report in November 2015. The country's assessment of adherence to the EITI standards was scheduled to commence on July 2017. As part of the previous action plan (2014–2016), Parliament passed important amendments to introduce transparency instruments in the extractives industries and government policy. In addition, preparation started for the second EITI report that was to be published by December 2016.

The third action plan outlines two objectives. The first is to support the passage of the draft law on the disclosure of information in the extractives industries. The second involves publishing EITI reports for 2016 and 2017. Although not fully explained in the commitment text, the draft law builds on the amendments passed by Parliament in 2015 and introduces a comprehensive framework for transparency in the sector. The innovative aspects include

contract transparency, project-by-project reporting, a complex system of fines for failure to report, separate incentives on beneficial ownership reporting for extractives companies, and a greater level of detail on transportation and transit revenues. If adopted, the law would open up a significant amount of previously inaccessible information. This draft law aligns the Ukrainian legislation with relevant European Union laws. The Ukrainian multistakeholder group, together with external experts and members of parliament, developed the draft law in line with recommendations from the first EITI report (covering 2013 but published in 2015).

The second component of this commitment envisions publication of the second and third EITI reports in December 2016 and December 2017. As mentioned in the IRM end-of-term report (2017), the preparation of the second EITI report (2016) had begun prior to this action plan. The government selected an independent administrator to prepare it. This second report was meant to include the coal and iron sectors, which were not covered in the first report. The first report included production volumes and payments from the oil and gas field.

Overall, this commitment represents a continuation of progress toward full EITI compliance. This is an important undertaking, given the role of the extractives sector in Ukraine. While the country is rich in natural resources, internal mismanagement and external interference have resulted in the extractives sector contributing a relatively insignificant amount to the economy.[1] In 2015, the extractives industries constituted 11 percent of the Ukrainian economy. According to the State Statistics Service, the natural gas and oil produced in Ukraine are not exported, while ferrous metals comprise 18.7 percent of the country's exports. Petroleum companies accounted for 77 percent of government-generated revenue reconciled in the EITI 2015 report. Coal accounted for roughly 11 percent, and metal ores (iron, manganese, and titanium) accounted for 12 percent. Another important subsector is oil and gas transportation, operated by a state-owned enterprise.

Completion

The multistakeholder group, including Extractive Industries Transparency Initiative (EITI) Ukraine, has helped to prepare the draft law. Parliament first debated the bill in February 2017, but it did not pass. A second updated draft, "On Ensuring the Transparency in Extractive Industries," was submitted in April.[2] The parliamentary Committee on Fuel and Energy Complex, Nuclear Policy and Nuclear Safety recommended this second bill.[3] Although its activity occurred outside of the period of this assessment, the draft law passed the first hearing in Parliament in February 2018.

The second EITI report was published in February 2017. The report covers two calendar years (2014 and 2015) and includes additional extractives industries. An independent administrator, Ernst and Young, prepared the report. Its scope covered 97 of extractives companies, which together paid more than 99 percent of the extractives industries tax revenues to the state budget. Overall, 51 of 97 companies responded to a request in the preparing of the report.

After the Russian annexation of the Crimean Peninsula and the eruption of armed conflict in the Donetsk and Luhansk regions, the multistakeholder group proposed to the EITI board to adapt implementation of EITI standards for the 2014 and 2015 fiscal years. The group requested that the possible lack of comprehensive information from the Donetsk and Luhansk regions and Crimean Peninsula not be held against Ukraine in validation. The request stated that the government and multistakeholder group will continue their efforts to obtain the data from the conflict zones and include them in the EITI report. In October 2016, the EITI board approved the group's request pertaining to the 2014–2015 EITI report. The board asked the government of Ukraine to include links to other publicly available sources where information from the entities in the region was not provided. It also asked the government to ensure full unilateral disclosure of any revenues received by the

government from companies and local government agencies in these regions. Ernst and Young sent out reporting requests to the companies operating in the conflict regions. One of the biggest coal producers, the DTEK Group, provided full revenue data on its operations in the Donetsk and Luhansk regions in 2014–2015. This enabled Ernst and Young to cover 93.9 percent of the government revenues from the coal subsector in 2015. The State Fiscal Service of Ukraine has provided full unilateral disclosure of total income, including from nonreporting companies, for each material revenue stream. In addition, the 2014–2015 EITI report provides data on tax revenues from extractives industries. This data is disaggregated by regions, including Donetsk and Luhansk. The report does not assess the comprehensiveness of government ownership, due to the lack of information regarding the regions affected by the EITI board-approved adapted implementation request.

Next Steps

The multistakeholder group should continue advocating passage of the draft law through the second and third Parliament hearings.

The next action plan can consider other important reforms that are directly relevant to moving the Extractive Industries Transparency Initiative (EITI) agenda forward in Ukraine. The EITI secretariat recommends the following measures:[4]

License allocations
Even though, there is now increased transparency in license allocations, several stakeholders state the licensing system is burdensome and prone to corruption. Frequent changes in the legal and fiscal environments, overlapping reporting requirements, and uncertainty of rules and procedures have contributed to noncompliance by companies. Ukraine should work toward mainstreamed disclosures that clarify the laws and regulations in real time.

Transparency and governance of state-owned companies
Given the influence and prevailing ownership in extractives assets held by state-owned companies, Ukraine's government could work toward increasing transparency regarding state-owned enterprises (SOEs). This effort could involve transparency in governance, ownership, financial transactions, lending and spending, drawing on the Organization for Economic Cooperation and Development guidelines for state-owned enterprises, and other best practices. Clarifying the full list of the SOEs and their subsidiaries, and detailing the full extent of financial relationships among these companies would also contribute to the government's SOE privatization agenda.

Contract transparency
Civil society organizations have expressed a desire for all contractual terms to be disclosed, especially the social-fiscal provisions, environmental safety provisions, reclamation obligations, and infrastructure investments.

Quality assurance in financial reporting
Quality assurance of financial reporting in Ukraine is not transparent. The Ukraine Extractive Industries Transparency Initiative (EITI) could tap into existing government agencies and their current work. Making use of the internal as well as independent audits performed by the State Audit Service and the Accounting Chamber can help reflect the true quality of EITI data and possibly improve government information on extractives.

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[1] EITI Ukraine, https://eiti.org/ukraine.
[2] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13

September 2017, (link no longer accessible as of 25 April 2018)
http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.
[3] "The Draft Law on Ensuring Transparency in Extracting Industries," The Verkhovna Rada of Ukraine,
http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=61409.
[4] Oliana Valigura, country manager, EITI secretariat, email correspondence with IRM researcher, March 2018.

10. Introduce public monitoring of the state of the environment

Commitment Text:

Introduction of public monitoring of the state of the environment.

Expected results: Creation of an open list of the largest polluters in the regions as part of the development of a national automated environmental data system. Creation of an electronic system for monitoring radiation safety and environmental threats.

Responsible institutions: Ministry of the Environment, State Agency for Administration of the Exclusion Zone, Regional and Kyiv Municipal State administrations.

Supporting institutions: Civil society institutions and international organizations (by consent).

Start date: December 2016   **End date:** July 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
10. Introduce public monitoring of the state of the environment			✔		✔						✔		Yes		✔		

Context and Objectives

Ukraine faces many environmental challenges. These include air pollution, quality of water resources, land degradation, solid waste management, and human health issues associated with environmental risk factors.[1] Another environmental problem lies in historic nuclear contamination from the 1986 Chernobyl accident. The accident affected one-tenth of Ukraine's land area and exposed approximately one million people to unhealthy levels of radiation through the consumption of unsafe food.[2] Pollution from other sources also poses a threat to the environment. Ukraine releases polluted water, heavy metal, organic compounds, and oil-related pollutants into the Black Sea. Thus, the water supply in some areas of the country contains toxic industrial chemicals at levels up to 10 times the concentration considered to be safe.[3]

Several government agencies hold responsibility for environmental monitoring. This includes the Ministry of Ecology and Natural Resources (MENR, referred to in the commitment text as the Ministry of the Environment). However, outdated equipment, lack of qualified personnel, and insufficient funding undermine the efficiency of their work.[4] For example, publicly accessible pollution data is significantly out of date. Even government representatives admit that there is no transparent mechanism to monitor the state of the environment in Ukraine.[5] Consequently, it is unclear which regions experience greater pollution. This

knowledge gap complicates efforts to effectively distribute resources for mitigation or enact policy changes. It also keeps the public unnecessarily in the dark about environmental issues and dangers.

This commitment aims to address this problem by introducing public monitoring mechanisms. MENR committed to specifically publish an online, open list of the largest polluting industries by region. It will also develop a national, automated data system to track environmental indicators. This system would be paired with an electronic system to monitor spikes in unsafe radiation as well as other environmental threats. Some aspects of this commitment are more internally relevant to MENR. However, the publication of up-to-date environmental data improves both the quality and breadth of information available to the public. Thus, this commitment is relevant to the OGP value of access to information.

From the government perspective, the implementation of this commitment should increase the quality and accessibility of ecological information and open a positive dialogue between citizens and authorities. The government also expects it to eliminate grounds for abuse and corruption practices, harmonize national standards with international ones, and structure the exchange of ecological information. Lastly, through the commitment, the government anticipates fulfilling Ukraine's international environmental commitments and ensuring open ecological governance.[6] From the viewpoint of a civil society expert, a list and online map of polluters would allow civil society organizations to monitor the current environmental situation. They would also be able to use up-to-date information to appeal to companies to reduce pollution.[7] If fully implemented, this commitment would have a moderate potential impact. It constitutes a major step forward in addressing environmental challenges. However, a more transformative commitment would identify clear mechanisms for monitoring. Furthermore, as written, the commitment lacks clarity on how it will directly lead to the harmonized standards and dialogue between citizens and authorities.

Completion

So far, the national list of polluters has been collected and published. The data portal and monitoring system are both still under construction. Overall, completion is limited.

The Ministry of Ecology and Natural Resources (MENR) published a list of the top 100 polluters on its website in March 2016.[8] The ministry edited the list once at the end of 2016.[9] The list identifies polluters based on one of three categories of pollution: water, air, and industrial waste.[10] Experts from environmental civil society groups have doubts about this list, however. They note that the full methodological criteria are not clear, the data is at least one year old, and there seems to be no continued monitoring activity taking place.[11] A representative from MENR noted that the list is based on statistical information from other agencies and self-reporting by large firms. The representative admitted that information on ecological pollution remains incomplete, despite the compilation of the list.[12]

The MENR is currently drafting the basic conceptual design for the monitoring system. This process seems not to have any input from civil society. Because the drafting and design of the electronic systems outlined in the commitment are fully taking place inside MENR, assessment remains difficult. MENR has made at least 15 individual environmental datasets publicly accessible.[13] So far, these have not been integrated into a single, automatic system, however. The government's broad self-assessment suggests a design has been chosen for the proposed state automated system of updated environmental data, titled Ecology and Natural Resources. Little information is available beyond this.[14]

Early Results

Regarding the published list of polluters, civil society representatives have criticized the veracity of the information provided. Also, the list's current relevance remains a problem.[15] The lack of a trustworthy methodological explanation hinders the ability of outside observers to assess the utility of the list.

Next Steps

To make the list of top polluters more credible and informative, the IRM researcher recommends that the Ministry of Ecology and Natural Resources (MENR) specify the methodological criteria for inclusion of enterprises. MENR should also update the information about pollution more regularly, ideally once every three months. To ensure that the pollution data is reliable, environmental civil society organizations could coordinate and develop an independent monitoring group to cross-check relevant pollution indicators.

Regarding the unreleased online monitoring system, the IRM researcher advises the government to continue and expand the system into a fully automated and comprehensive system. This should happen as soon as possible, given the potentially transformative nature of the commitment. A representative from MENR noted that the ministry hopes to widen and improve the functionality[16] of the system. In this task, MENR will take cues from Ukraine's 2016 ratification of the European Pollutant Release and Transfer Register.[17] That register requires states to publish data from 65 different industries on air, water, and waste pollution, and to also publish data on off-site waste transfers.[18] Furthermore, MENR should expand the number of publicly available open data. According to the ministry, 37 environmental datasets exist, although only 15 are accessible.[19]

Finally, the government needs to move beyond the two current governing strategic documents regarding the environment. These documents are the 2007 Concept Paper of the National Ecological Policy of Ukraine through 2020[20] and the 2010 Strategy of the National Ecological Policy of Ukraine till 2020.[21] The IRM researcher recommends that the MENR coordinates with civil society to develop an action plan for a new national ecological policy of Ukraine for 2019–2020. This can be done within the time frame of the next national action plan.

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[1] International Bank for Reconstruction and Development/World Bank, Ukraine Country Environmental Analysis, January 2016, http://documents.worldbank.org/curated/en/327881470142199866/pdf/AUS16696-WP-OUO-9-Ukraine-CEA-has-been-approved-P151337.pdf.

[2] Ukraine - Environment, Nations Encyclopedia, http://www.nationsencyclopedia.com/Europe/Ukraine-ENVIRONMENT.html.

[3] Ukraine - Environment, Nations Encyclopedia, http://www.nationsencyclopedia.com/Europe/Ukraine-ENVIRONMENT.html.

[4] International Bank for Reconstruction and Development/World Bank, Ukraine Country Environmental Analysis, January 2016, http://documents.worldbank.org/curated/en/327881470142199866/pdf/AUS16696-WP-OUO-9-Ukraine-CEA-has-been-approved-P151337.pdf.

[5] Hennadii Dmytrenko (Ministry of Ecology and Natural Resources of Ukraine), interview by IRM researcher, 22 August 2017.

[6] Hennadii Dmytrenko (Ministry of Ecology and Natural Resources of Ukraine), interview by IRM researcher, 22 August 2017.

[7] Antonina Yerysheva (Civic Energy), interview by IRM researcher, 28 July 2017.

[8] "Information about Objects, Which Are the Biggest Atmosphere Polluters," Ministry of Ecology and Natural Resources of Ukraine, https://www.menr.gov.ua/files/docs/news/TOP_100.pdf.

[9] "Information about Objects, Which Are the Biggest Atmosphere Polluters," Ministry of Ecology and Natural Resources of Ukraine, http://data.gov.ua/passport/b348d687-40d6-4039-b346-171096fc6101.

[10] Hennadii Dmytrenko (Ministry of Ecology and Natural Resources of Ukraine), interview by IRM researcher, 22 August 2017.

[11] Antonina Yerysheva (Civic Energy), interview by IRM researcher, 28 July 2017.

[12] Hennadii Dmytrenko (Ministry of Ecology and Natural Resources of Ukraine), interview by IRM researcher, 22 August 2017.

[13] "Open Data," Ministry of Ecology and Natural Resources, 14 July 2017, https://menr.gov.ua/news/31576.html.

[14] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[15] Antonina Yerysheva (Civic Energy), interview by IRM researcher, 28 July 2017.

[16] Hennadii Dmytrenko (Ministry of Ecology and Natural Resources of Ukraine), interview by IRM researcher, 22 August 2017.

[17] "The Law of Ukraine on Ratification of the Protocol on the Registry of Emissions and the Transfer of Pollutants," The Verkhovna Rada of Ukraine, http://zakon0.rada.gov.ua/laws/show/980-19.

[18] "The European Pollutant Release and Transfer Register," European Commission, http://ec.europa.eu/environment/industry/stationary/eper/legislation.htm.

[19] Hennadii Dmytrenko (Ministry of Ecology and Natural Resources of Ukraine), interview by IRM researcher, 22 August 2017.

[20] "The Regulation of the Cabinet of Ministers of Ukraine on 17 October 2007 #880-p," Legislation of Ukraine, the Verkhovna Rada of Ukraine, http://zakon2.rada.gov.ua/laws/show/880-2007-%D1%80.

[21] "The Law of Ukraine on the Fundamentals (Strategy) of the National Ecological Policy of Ukraine till 2020," Legislation of Ukraine, the Verkhovna Rada of Ukraine, http://zakon3.rada.gov.ua/laws/show/2818-17.

11. Create a "Community policing" system

Commitment Text:

Creation of a "Community policing" system

Expected results: Training of patrol policemen, district policemen, juvenile prevention inspectors and inspectors of patrol police response groups in the principles of community policing (December 2017). Holding of information campaigns on matters related to community policing among the populace (June 2018). Establishment of citizen advisory groups in urban settlements (June 2018). Creation and launch of online resources for police and community support and cooperation (2017). Implementation of the "School and Police" project (June 2018).

Responsible institutions: National Police, Ministry of Internal Affairs, Ministry of Education and Science, Regional and Kyiv Municipal State administrations.

Supporting institutions: European Union Advisory Mission in Ukraine (EUAM), IREX International organization, Dream Kyiv non-governmental organization, other civil society institutions and international organizations (by consent).

Start date: December 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
11. Create a "Community policing" system			✔		✔	✔					✔		Yes			✔	

Context and Objectives

The primary local form of law enforcement in Ukraine is the police, which has had a negative perception among the Ukrainian population. According to a 2017 poll by the Razumkov Center, over 50 percent of Ukrainians express no or little trust in the police, while 34 percent report full or even partial trust in the police.[1] This is notable, given that a 2016 survey had found significant increases in public trust for the police where recent police reforms had been undertaken by the government.[2]

This commitment seeks to engage with further reform efforts by promoting community policing. This new system would provide training for patrol and district police, as well as for juvenile delinquency prevention inspectors and patrol police inspectors. The new system also calls for holding public awareness campaigns, developing citizen advisory groups in cities, establishing online resources for communities, and implementing projects in schools.

Overall, the specificity of this commitment is medium. Broadly speaking, the key intention is increasing public trust in policing. The commitment provides some specificity on the nature of the reforms. However, the commitment lacks clarity on the nature of community policing, the purpose and mandate of citizen advisory groups, and the kind of online resources that will be provided; the commitment does not describe how many trainings will take place, what kind of campaign will be promoted, or what form the advisory groups might take. The commitment names one particular program—the School and Police project—but does not provide details.

The commitment mixes civic participation and trust-building by increasing access to information and engaging in public awareness campaigns. A community policing approach aims to increase public trust. Trainings in particular are designed to improve interactions between the police and the public, and to better enable fruitful mutual understanding.[3] This effort to improve the activity of Ukrainian police occurs alongside the public awareness campaign. That campaign seeks to educate citizens on the mandate of the police and the rights and duties of citizens.[4]

The potential impact of this commitment is moderate. Conversations with representatives of the National Police suggest that the School and Police project is designed to help children perceive police as helpers and know what to do in risky situations.[5] Involved stakeholders noted several different goals for this commitment. National Police representatives stressed the educational component as necessary to better ensure citizens are aware of the role and goals of law enforcement as an institution. The education component will be achieved through high school instruction and awareness campaigns in print and online, and on TV.[6] Most importantly, the National Police believe that this increase in knowledge and subsequent trust will decrease the number of crimes committed and enhance security.[7]

Engaged civil society groups noted that community policing suggests a philosophy of combining police, local governments, business, and the broader public as stakeholders in public security provision.[8] They note that this effort would be completed especially through advisory groups. This philosophy contrasts with previous relations between the public and law enforcement.

Completion

According to the government's self-assessment report, the police have completed an unspecified number of trainings for police in six regions. The police were still conducting trainings in three other regions and had educated 614 trainer police in community policing.[9]

No significant media campaign has taken place. Instead, the National Police have focused on organizing meetings between the police and both civil society representatives and the broader public. To date, 1,261 meetings have taken place.[10] Results of these meetings are unclear.

The government's self-assessment report indicates that within the time frame of this commitment, the police have conducted as many as 9,523 instructional classes in Ukrainian high schools.[11] A National Police representative highlighted a module in the School and Police project called the School Police Officer. The module involves a patrol officer visiting the school and scheduling conversations with students.[12] Additionally, the program seeks to ensure a sense of community buy-in by showing readiness to prevent crime in schools. This program has been deemed positive by an overwhelming majority of parents and children.[13] A civil society expert also praised this school initiative.[14] The Nation Police adopted the module from a previously successful Canadian police reform that had been tested on a small scale as early as 2013.[15] As of 2017, the module has been implemented in Kyiv, Lviv, Odesa, and the Ivano-Frankivsk regions.[16]

Among the milestones with more limited completion is the launch of unspecified online resources to aid both the police and the public. Under this milestone, the National Police conducted a small pilot program in Kyiv. Using funds provided by the International Renaissance Foundation,[17] in March 2017, the National Police began a project to elicit public feedback using a Facebook page called "Secure Community."[18] The page received 397 appeals by the public to redress a variety of issues regarding local policing.[19]

The National Police have not begun to form citizen advisory groups. Police attribute the inaction to the failure of civil society or other citizen groups to initiate contact.[20] Civil society representatives suggest that, in part, this is due to the nature of the commitment. Civil society perceives the commitment to be top down in its orientation, but they note that

explicit reference in the commitment text to involve local authorities in the formation of the citizen advisory groups would be helpful.[21]

Next Steps

Although some activities under this commitment have seen significant progress, others have been either stalled or have been implemented to a limited extent. Trainings to provide the necessary skills for positive relations between police and the public have been successful. So has public awareness through the educational initiative. The IRM researcher recommends that the government install thorough evaluation mechanisms to ensure that the trainings are having a sustained impact. The evaluation mechanisms will also ensure that the public informational campaigns are helping to change public perceptions.

Additionally, the IRM researcher notes that, so far, there is no evidence of engagement in actual joint community policing projects outside of schools. Such efforts would naturally fit under the civic advisory board milestone. Trainings by the National Police should continue, and the School and Police project should be expanded.

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[1] Razumkov Center The Attitude of the Citizens of Ukraine towards Social Institutions, Electoral Attitudes: The Results of Sociological Research, April 2017, http://razumkov.org.ua/uploads/socio/Press0417.pdf.

[2] Katie Laroque, "One Year Later, Ukraine's Patrol Police Enjoy Massive Spike in Trust," Atlantic Council, 11 May 2016, http://www.atlanticcouncil.org/blogs/ukrainealert/one-year-later-ukraine-s-patrol-police-enjoy-massive-spike-in-trust.

[3] Oleh Maksymchuk (National Police of Ukraine), interview by IRM researcher, 19 September 2017.

[4] Oleh Maksymchuk (National Police of Ukraine), interview by IRM researcher, 19 September 2017.

[5] Oleh Maksymchuk (National Police of Ukraine), interview by IRM researcher, 19 September 2017.

[6] Oleh Maksymchuk (National Police of Ukraine), interview by IRM researcher, 19 September 2017.

[7] Oleh Maksymchuk (National Police of Ukraine), interview by IRM researcher, 19 September 2017.

[8] Uliana Shadska (Expert Center for Human Rights), interview by IRM researcher, 18 September 2017.

[9] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018)
http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[10] Oleh Maksymchuk (National Police of Ukraine), interview by IRM researcher, 19 September 2017.

[11] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018)
http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.

[12] "September 1, Police Will Patrol School," Ukraine Today, 1 Sept 2016, http://en.reporter-ua.ru/september-1-police-will-patrol-school.html.

[13] Oleh Maksymchuk (National Police of Ukraine), interview by IRM researcher, 19 September 2017.

[14] Uliana Shadska (Expert Center for Human Rights), interview by IRM researcher, 18 September 2017.

[15] "Police Officers and Teachers Joined Together for the Kids' Security," National Police, (link no longer accessible as of 25 April 2018) https://hr.npu.gov.ua/mvs/control/main/en/publish/article/823285.

[16] "In Four Cities of Ukraine, as Part of the Pilot Project, School Police Officers Appeared" News.pn, 1 September 2016, https://news.pn/en/public/167394.

[17] International Renaissance Foundation, Interaction of the Police and Citizens, http://www.irf.ua/content/files/com_pol.pdf.

[18] "Secure Community," Facebook, https://www.facebook.com/bezpechna.gromada/?ref=br_rs.

[19] Oleh Maksymchuk (National Police of Ukraine), interview by IRM researcher, 19 September 2017.

[20] Oleh Maksymchuk (National Police of Ukraine), interview by IRM researcher, 19 September 2017.

[21] Uliana Shadska (Expert Center for Human Rights), interview by IRM researcher, 18 September 2017.

12. Develop a draft law on public consultations

Commitment Text:

Development of a draft law on public consultations

Expected results: Development of the draft Law of Ukraine "On public consultations" to regulate matters related to the holding of consultations by the public authorities with the community and submission of the draft in accordance with established procedures for consideration by the Government.

Responsible institution: Ministry of Justice

Supporting institution(s): Charity Fund CCC Creative Center, the All-Ukrainian non-governmental organization Committee of Voters of Ukraine, the non-governmental organizations Ukrainian Center for Independent Political Research and Center for Policy and Legal Reform, the OSCE project coordinator in Ukraine, the Council of Entrepreneurs under the Cabinet of Ministers of Ukraine, other civil society institutions and international organizations (by consent).

Start date: December 2016   **End date:** June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
12. Develop a draft law on public consultations			✔			✔					✔		Yes			✔	

Context and Objectives

The current Ukrainian legal framework weakly enshrines public consultations. No comprehensive piece of legislation pertains to consultations. The Ministry of Justice views current regulations on public consultations as only applicable to national-level parts of the executive branch. The government does not require public consultations at the local level or in relation with parliamentary deliberations. Those executive bodies currently required to hold public consultations view them as largely formal, and they are poorly utilized by relevant stakeholders.[1] Previous OGP action plans included commitments on public participation. Most of these activities involved either forming working groups or making smaller, technical changes to already existing procedures.

This commitment seeks to develop and pass a comprehensive law on public consultations, a desire reflected in previous OGP action plans. The law would mandate public consultations for all branches of government when dealing with policy change. The commitment does not specify a model or particular set of principles for this new legal framework. This lack of clarity undermines its specificity.

The commitment calls for the development of the draft law and for its submission for consideration by the government. If the draft becomes law, it would set a standard for citizen engagement for public consultations and create common norms and equal

requirements for all stakeholders.[2] However, as formulated, without specification of the actual principles to be enshrined in the law, this commitment has a moderate potential impact in increasing citizens' participation. In addition, the concept and action plan are focused at the national level and do not address lower levels of government.

Completion

This commitment is substantially completed as of September 2017. The draft law was developed by a working grouop created by the Ministry of Justice, which included representatives of the Ministry of Justice, Secretariat of the Cabinet of Ministers of Ukraine, civil society, independent experts and other stakeholders. Additionally, civil society groups reported that the draft was a subject of wide public discussion.[3] The debate was, in part, spurred by the direct efforts of the Organization for Security and Cooperation in Europe (OSCE). The OSCE sponsored a roundtable discussion[4] of the draft bill. It also ensured that the MoJ could receive further recommendations on modifying the draft law from the public via email.[5]

According to the MoJ, expert discussions with the OSCE, nongovernmental organizations (NGOs) involved in public consultation advocacy, and the general public took place both through offline and online formats. Civil society leaders noted that the discussion largely focused on legal issues instead of methods of implementation. However, they stated there was a wide variety of input from both national- and local-level stakeholders, including think tanks and NGOs.[6] In early 2017, the draft text was submitted to the Secretariat of the Cabinet of Ministers. This initial submission received comments by other government ministries[7] and was resubmitted in June 2017.[8]

Although the draft law had been initially expected to be submitted to the Cabinet of Ministers for adoption in December 2016, as of September 2017, it remained with the Secretariat of the Council of Ministers. The MoJ, which continues to ostensibly shepherd the document, maintains that this is due to the extensive nature of public comments and the multiple updates to the document.[9] On the other hand, one civil society representative suggested that the MoJ is trying to avoid being bogged down in the legislative process,[10] which is seen as chaotic.[11] As of November 2017, the draft law has not been submitted to the Cabinet of Ministers.

Next Steps

The drafting process would benefit from holding consultations at the early stages. With such consultations, from the very beginning, analysis could be conducted, policy options could be outlined, and directions could be made clear.

The IRM researcher recommends that the Cabinet of Ministers adopt the current draft law in a reasonable period of time, given the already significant delays. Subsequently, the draft will need to be submitted to the parliament for deliberation and adoption.

For efficient and successful passage, both the government—primarily the Ministry of Justice—and already involved civil society and other stakeholders will need to provide systematic legal and political support for the bill.

[1] Yaroslava Kahliak (Ministry of Justice), interview by IRM researcher, 28 July 2017.
[2] Volodymyr Kuprii (Charity Fund CCC Creative Center), interview by IRM researcher, 3 August 2017.
[3] "The Information on Public Deliberation," Civil Society and Authorities: Governmental Website, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/news/article/actual_lst/2781.
[4] "The Discussion of the Draft Law on Public Consultations in Ukraine during the Round Table in Kyiv City," Organization for Security and Cooperation in Europe, 3 November 2016, http://www.osce.org/uk/ukraine/276741.
[5] "Take Part in the Discussion on Public Consultations," Civil Society and Authorities: Governmental Website, 27 July 2016, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/news/article/show/3066.

[6] Volodymyr Kuprii (Charity Fund CCC Creative Center), interview by IRM researcher, 3 August 2017.
[7] Yaroslava Kahliak (Ministry of Justice), interview by IRM researcher, 28 July 2017.
[8] "The Interim Report on the Realization of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2016–2018," Civil Society and Authorities: Governmental Website, accessed 13 September 2017, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-3467-910681586.doc.
[9] Yaroslava Kahliak (Ministry of Justice), interview by IRM researcher, 28 July 2017.
[10] Victor Tymoshchuk (Center of Policy and Legal Reform), interview by IRM researcher, 27 July 2017.
[11] Volodymyr Kuprii (Charity Fund CCC Creative Center), interview by IRM researcher, 3 August 2017.

13. Elaborate e-democracy roadmap

Commitment Text:

Development of e-democracy

Expected results: Development of the Conceptual design for the development of e-democracy and submission in accordance with established procedures for consideration by the Government (May 2017). Development of the action plan for the development of e-democracy and submission in accordance with established procedures for consideration by the Government (November 2017).

Responsible institution: State Agency for E-governance

Supporting institutions: EGAP Program, Center for Innovations Development at the National University Kyiv-Mohyla Academy, the non-governmental organizations Center of Policy and Legal Reform, e-democracy, and Eidos Center for Political Studies and Analysis, other civil society institutions and international organizations (by consent).

Start date: December 2016   **End date:** November 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
13. Elaborate e-democracy roadmap		✔				✔		✔		✔			Yes				✔

Context and Objectives

In the previous OGP action plan, Ukraine committed to develop "e-democracy" as a concept as a way of using new forms of digital information technologies to strengthen civic participation and improve democracy. This commitment aims to craft an appropriate action plan. E-democracy is understood as e-petitions, e-consultations, e-polling, online deliberation, e-voting, e-referenda, e-elections, online participatory budgeting, crowdsourcing of ideas, crowdfunding of community projects, and co-implementation mechanisms. Public perceptions of these forms of deliberation and civic input remain low. A survey in 2015 by the Kiev International Institute of Sociology suggested 79 percent of the population had never heard of the term "e-democracy."[1]

The previous action plan commitment[2] suggested a strategic outline, but the current commitment seeks to elaborate a new conceptual design and action plan.[3] However, the commitment is vague in terms of the content produced. While the deliverables are verifiable, the commitment does not list any steps the government plans to take to develop either the concept paper or the action plan. This commitment is relevant to civic participation. It addresses the broader operating environment that enables public participation through new ways.

The government expects this commitment to result in a set of regulations and a clear conceptual framework on e-democracy. Both the State Agency for E-Governance and a representative of civil society suggest that facilitating a more understandable concept of e-

democracy is a major focus.[4] However, since the commitment results are strategy documents, it is not clear how they will be implemented by specific ministries. The potential impact cannot be assessed any higher than minor.

Completion

The commitment is fully complete. In December 2016, a coalition of stakeholders agreed to the Memorandum for Collaboration for the Advance of Electronic Democracy. The Coalition for the Advance of Electronic Democracy in Ukraine consisted of the State Agency for E-Governance, other government agencies, academic institutions, and nongovernmental organizations.[5] This multistakeholder coalition drafted both the concept paper and the action plan on e-democracy.

Following the formation of the multistakeholder coalition, experts and interested parties were recruited to draft the two policy papers. Recruitment occurred through social media posts[6] and other personal networks. The drafting was considered quite chaotic by one civil society expert, in large part because of continued confusion over the definition and goals of the e-democracy policy.[7]

The first drafts were published on a special e-consultations platform[8] in March 2017 for public feedback. In addition to collecting online feedback, the coalition arranged six offline discussions in different cities. The group placed calls to join the public offline discussions on social media in the Facebook group "E-Democracy in Ukraine"[9] and on the website of the State Agency for E-Governance.[10] According to a representative of a civil society group,[11] the text was both well received and understood by public commentators.

After the period of feedback, the text was revised and approved by the multistakeholder coalition and international donors.[12] The multistakeholder coalition officially presented and submitted the documents to the Cabinet of Ministers on 22 May 2017.[13] Both documents were also made publicly available on the official website of the State Agency for E-Governance.[14] The draft document consists of a glossary of terms, problem description, objectives, deadlines, solutions, expected results, and budget requirements.[15]

Expectations by both the State Agency for E-Governance[16] and civil society[17] that the drafts would be approved in late summer were not met, as the Ministry of Justice took longer than planned to review the documents.[18] On 8 November 2017, the Cabinet of Ministers adopted both the concept paper and action plan for the development of electronic democracy.[19] The action plan outlines core principles, conditions, and measures for developing and facilitating e-democracy.

Early Results

The Coalition for the Advance of Electronic Democracy in Ukraine united a broad spectrum of e-democracy stakeholders, setting up a model for collaborative policy making. The E-Governance Academy, in an international study, noted that both the inclusive process and the successful adoption of the policy papers set an international best-practice example.[20]

Both the concept paper and action plan outline next steps for implementation. Members of the multistakeholder coalition think that the concept and framework can provide the basis for future efforts to strengthen the prospects for e-democracy in Ukraine.[21]

Next steps

Stakeholders believe that the momentum following the successful adoption of the policy paper should be built upon. A State Agency for E-Governance representative echoed these comments.[22]

One key benefit of this commitment's completion is the reframed and user-friendly work on e-democracy as a concept. To that end, targeted social media advertisement by members of the multistakeholder coalition could be helpful.

[1] "E-government and E-democracy: What Do Ukrainians Think?" E-government and E-democracy, EGAP, 20 April 2016, http://egap.in.ua/biblioteka/e-uryad-ta-e-demokratiya/.

[2] Dmytro Kotliar, Independent Reporting Mechanism (IRM): Ukraine End of Term Report 2015–2016 (Washington, DC: Open Government Partnership, 2017), https://www.opengovpartnership.org/sites/default/files/Ukraine_EOTR_2014-2016_ENG.pdf.

[3] "Ukraine Third National Action Plan 2016–2018," Open Government Partnership, https://www.opengovpartnership.org/documents/ukraine-third-national-action-plan-2016-2018.

[4] Dmytro Makovskyi (State Agency for E-Governance), interview by junior researcher, 1 August 2017; and Serhiy Karelin (EGAP), focus group by junior researcher, 26 July 2017.

[5] The full list of the coalition members is available at https://drive.google.com/open?id=0B4zwzD8RAmnoODZ5QjhaRkd4OFE.

[6] "E-democracy in Ukraine," Facebook, https://www.facebook.com/groups/edemclubua/.

[7] Sofia Sakalosh (PARD), focus group by junior researcher, 26 July 2017.

[8] E-democracy: Public Discussions of Draft Laws, http://e-zakon.org/e-dem/.

[9] "E-democracy in Ukraine," Facebook, https://www.facebook.com/groups/edemclubua/.

[10] "Regional Public Discussion of the Concept Paper for the Development of Electronic Democracy in Ukraine," News, State Agency for E-Governance of Ukraine, 21 March 2017, http://www.dknii.gov.ua/content/regionalni-publichni-obgovorennya-koncepciyi-rozvytku-elektronnoyi-demokratiyi-v-ukrayini.

[11] Oksana Gubrenko (Association4U), focus group by junior researcher, 26 July 2017.

[12] According to Oksana Gubrenko (Association4U), the Swiss Confederation and Swiss Cooperation Office in Ukraine are the biggest international donors; focus group by junior researcher, 26 July 2017.

[13] "The Draft Concept Paper for Development of Electronic Democracy in Ukraine and the Action Plan for the Implementation of the First Stage of Its Implementation Has Been Presented," State Agency for E-Governance of Ukraine, 22 May 2017, http://www.dknii.gov.ua/content/vidbulas-prezentaciya-proektu-koncepciyi-rozvytku-elektronnoyi-demokratiyi-v-ukrayini-ta.

[14] "Draft Concept Paper and Action Plan for the Development of Electronic Democracy in Ukraine," State Agency for E-Governance of Ukraine, http://www.dknii.gov.ua/sites/default/files/proekt_koncepciyi_z_e-demokratiyi_.pdf.

[15] Full text of the concept paper and the action plan for the development of electronic democracy in Ukraine is available at http://bit.ly/2tcajXt.

[16] Dmytro Makovskyi (State Agency for E-Governance), interview by junior researcher, 1 August 2017.

[17] Nataliia Harashchenko (Club of Economists), Oksana Gubrenko (Association4U), Serhiy Karelin (EGAP), and Sofia Sakalosh (PARD), focus group by junior researcher, 26 July 2017.

[18] Dmytro Makovskyi (State Agency for E-Governance), interview by junior researcher, 1 August 2017.

[19] "The Government Has Adopted the Concept Paper for the Development of Electronic Democracy and the Action Plan for Its Realization," State Agency for E-Governance of Ukraine, 9 November 2017, http://www.e.gov.ua/content/uryad-shvalyv-koncepciyu-rozvytku-elektronnoyi-demokratiyi-ta-plan-zahodiv-z-yiyi.

[20] Kristina Reinsalu, Raul Rikk, Jelizaveta Krenjova, and Piret Pernik, Situation Review: Safety and Security of Cyberspace and E-Democracy in the Eastern Partnership Countries, (e-Governance Academy, 2017), (link no longer accessible as of 25 April 2018) http://ega.ee/.../uploads/2017/10/ega_e-demcyber_FINAL_web.pdf.

[21] Nataliia Harashchenko (Club of Economists), Oksana Gubrenko (Association4U), Serhiy Karelin (EGAP), and Sofia Sakalosh (PARD), focus group by junior researcher, 26 July 2017.

[22] Dmytro Makovskyi (State Agency for E-Governance), interview by junior researcher, 1 August 2017.

V. General Recommendations

Given the need to continue anti-corruption efforts, the next action plan should focus on deepening and expanding the scope of current anti-corruption commitments. While developing the next action plan, the government needs to clearly identify the status quo of the targeted policy areas and communicate the intended change for each commitment.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

According to stakeholders from civil society, the most fundamental commitments in terms of preventing corruption on a national scale involve the Construction Sector Transparency Initiative and the Extractive Industries Transparency Initiative. They also involve openness and transparency in public procurement, an integrated Transparent Budget information and analysis system, and a functioning system for the filing and publication of asset declarations.

All of these areas contribute to preventing corruption, one of Ukraine's biggest challenges. Therefore, civil society advises placing these as the highest priorities for further strengthening in relevant commitment sections.

For the next action plan, the IRM researcher advises the government to add commitments that were conceived as legislative actions. The government should also include as commitments projects that were in piloting stages in the current action plan but require implementation and further expansion in the near future. In particular:

- An automated system of checking e-declarations, synchronized with other state registries like the land cadastre;

- Accountability mechanisms for public officials submitting e-declarations that reveal violations of law;

- Full operation of the software and hardware system for the state-level urban planning cadastre;

- Development and launch of the Transparent Budget system, the launch of the Budget for the Citizens subsystem, and introduction of national participatory budgeting mechanisms;

- Accountability and enforcement mechanisms for public procurement via the multilateral monitoring group; and

- Introduction of public consultations for central and local authorities, both offline and online.

Furthermore, here are other key initiatives:

- Civil society has been actively advocating the creation of a specialized, independent anti-corruption court, with specialized judges. These judges would be elected by the government, civil society, and international organizations. The court would move forward court cases of top officials, ensure justice, and increase trust in authorities.

- The financing of political parties has been on the agenda. Civil society has been advocating for limits for a maximum donation from a single person or organization.

- Civil society has also noted the need to regulate lobbying activity and reform Parliament immunity.

5.2 IRM Recommendations

Make commitments more specific and results oriented

Several commitments lack specificity. Commitment texts do not clearly describe the principles or the content that particular reforms should entail or the process through which the activities would be performed. In the next action plan, the government needs to consider using the suggested format of the OGP Support Unit and adequately identify verifiable activities. Furthermore, to be transformative, the action plan should clearly identify the status quo of the targeted policy areas and communicate the intended change for each commitment.

Involve legislative and judicial branches of government in action plan development

Several OGP commitments require legislative changes, such as Commitment 9 and Commitment 12. Consequently, the IRM researcher recommends the Cabinet of Ministers of Ukraine involve Parliament and the relevant decision-making committees. These stakeholders should be brought on in the early stages of developing commitments that require legislative action. Moreover, parliamentary committees should proactively hold committee meetings on green papers, instead of waiting for the draft law to be submitted by the government. Beyond that, the OGP process in Ukraine could involve other state agencies, the judiciary branch, and local governments in drafting and implementation.

Create an automated system for verifying e-declarations and sanctioning public officials who violate the law

The system of e-declaring income, property, and expenditures by public officials has several, cumulative components. The government should building upon the web portal developed in the second action plan and the e-declarations registry implemented in the current action plan (Commitment 3). The government should consider creating an automated system for the verification of e-declarations and the sanctioning of public officials who violate the law. Specifically, the following steps could be included in a commitment:

- According to the EU Anti-Corruption Initiative's recommendations, the National Agency on Corruption Prevention (NACP) should be authorized to make its own decisions on procedures and methods of checking declarations. It should not need to register these decisions with the Ministry of Justice.

- The government should develop an automated verification system or work with civil society organizations to transfer a pre-made system to the NACP. It should take these actions rather than continuing the practice of manually checking declarations. Automation software could check the e-declarations database, and it could link with the other existing databases on property and income, like the land cadastre.

- The government should implement a mechanism for the public to monitor actions taken against public officials who violate the law.

Prioritize the implementation of the verification system on beneficial ownership

Improving the beneficial owner verification system has seen limited progress. In the next action plan, the government should prioritize the full implementation of this commitment. Thus, it should provide technical support for the development of the software through the continued cooperation between Transparency International Ukraine and the Ministry of Justice.

Include a commitment to develop a user-friendly online system for the monitoring of the budget and public spending

In the fourth national action plan, the government could include a commitment addressing limited budget transparency and accountability within the country, in the context of efforts to improve the quality of public financial management. The Ministry of Finance could commit to an online system that is user friendly and focuses on the visualization and analysis of budget information. The system could also include information on opportunities for the public to engage in budget processes. The DoZorro module and the 007 system could act as models during the development process. DoZorro and 007 monitor public procurement and public spending, respectively. Finally, the government should keep in mind the 2017 Open Budget Survey recommendation to produce and publish a Citizens Budget and midyear review.

Table 5.1: Five Key Recommendations

1	Make commitments more specific and results oriented
2	Involve Parliament in action plan development for commitments that require legislative action
3	Create an automated system for verifying e-declarations and sanctioning public officials who violate the law
4	Prioritize the implementation of the verification system on beneficial ownership
5	Include a commitment to develop a user friendly online system for the monitoring of the budget and public spending

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.

2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole. (See below for IEP membership.)

3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.

4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.[1]

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

To evaluate the progress of implementation of Commitment 13 on the advancement of e-democracy, the researcher conducted a stakeholder meeting in a focus group format. Via email, the researcher invited stakeholders who signed the memorandum, reportedly participated in discussions, or co-authored the concept paper and action plan for the development of e-democracy. The stakeholder meeting was held 23 August 2017. The four participants were Oksana Gubrenko, Association4U; Nataliia Harashchenko, Club of Economists; Serhiy Karelin, E-Governance for Accountability and Participation (EGAP) Program; and Sofia Sakalosh, Podolian Agency for Regional Development (PARD). The

discussion covered the initial problem, objectives, the process of elaborating the document, inclusiveness and scope of discussion, democratic participation, the stage of review of the document, and outcomes.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on an annual basis. The design of research and quality control of such reports is carried out by the International Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org

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[1] IRM Procedures Manual, V. 3, Open Government Partnership, https://www.opengovpartnership.org/documents/irm-procedures-manual.

VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Ukraine

Criteria	2012	Current	Change	Explanation
Budget Transparency[2]	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information[3]	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	2	2	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	3 (7.06)[5]	3 (7.06)[6]	No change	*EIU Citizen Engagement Index* raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	13/16 (81%)	13/16 (81%)	No change	75% of possible points to be eligible

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[1] For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

[2] For more information, see Table 1 in http://internationalbudget.org/what-we-do/open-budget-survey/. For up-to-date assessments, see http://www.obstracker.org/.

[3] The two databases used are Constitutional Provisions at http://www.right2info.org/constitutional-protections and Laws and draft laws at http://www.right2info.org/access-to-information-laws.

[4] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in Government at a Glance 2009, (OECD, 2009), http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), http://bit.ly/1cIokyf. For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.

[5] "Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), http://bit.ly/eLC1rE.

[6] "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), http://bit.ly/18kEzCt.