Independent Reporting Mechanism (IRM): Ukraine Design Report 2018–2020

IRM staff in collaboration with Dmytro Khutkyy, independent researcher

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Executive Summary: Ukraine

Ukraine's fourth action plan resulted from collaboration with various channels of civil society engagement. Commitments largely focused on transparency across themes, including public finance, construction, security, environment, and education. Moving forward, the government needs to intensify its anticorruption efforts, advance beneficial ownership transparency, and create accountability safeguards in the privatization of state assets.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Ukraine joined OGP in 2011. Since then, Ukraine has implemented three action plans. This report evaluates the design of Ukraine's fourth action plan.

Table 1. At a glance
Participating since: 2011
Action plan under review: Fourth
Report type: Design
Number of commitments: 17

Action plan development

Is there a Multistakeholder forum: Yes
Level of public influence: Collaborate
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values	15 (88%)
Transformative commitments	2 (12%)
Potentially starred:	2 (12%)

Action plan implementation

Starred commitments: N/A
Completed commitments: *N/A*
Commitments with Major DIOG*: *N/A*
Commitments with Outstanding DIOG*: *N/A*

**DIOG: Did it Open Government?*

General overview of action plan

OGP in Ukraine is a highly collaborative effort. The multistakeholder forum includes an equal number of representatives from the government and from civil society, and holds decision making power. The development of the action plan includes various citizen engagement and an iterative deliberation process.

The major circumstances that might affect open government in the country are the outcomes of the presidential elections in March 2019 and the snap parliamentary elections in July 2019. The newly elected government will need to ensure the sustainability of open government reforms.

While the fourth plan largely focuses on access to information, it does so across a diversity of themes, including e-services, public finance, construction and extraction sectors, corruption prevention, security, environment, and education. It also contains commitments enhancing civic participation in authority interactions and of monitoring public procurement. Most of the commitments are of moderate potential impact, while some, such as ensuring transparency in selling public assets and creating a mechanism to verify ultimate beneficial ownership, could potentially be transformative.

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
Commitment 3: Ensure transparency of selling public assets	This commitment aims to launch a transparent system for selling public assets. Moving forward, Parliament will need to adopt the law on mandatory auctions of public leasehold assets.	Note: this will be assessed at the end of the action plan cycle.
Commitment 7: Launch the mechanism of verifying ultimate beneficial ownership	This commitment will require solid implementation efforts. Going forward, the government could introduce multiple mechanisms for verifying information, such as automatic cross-checks with bank records and other registries. Also, the Cabinet of Ministers can table the draft law on the prevention of money laundering, which would introduce sanctions for violating the law.	Note: this will be assessed at the end of the action plan cycle.
Commitment 11: Create an interactive map of mined territories	This commitment will lead to the publication of more accurate information on areas affected by mine contamination due to Russia's military intervention, thereby helping affected communities and local authorities. Moving forward, the focus should be on the information technology that will underpin the map, including more frequent checks and a more secure server to host the map.	Note: this will be assessed at the end of the action plan cycle.

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five KEY IRM Recommendations

1. Develop a communications plan on OGP.
2. Use the OGP process to generate new approaches to ongoing initiatives.
3. Establish and implement the verification system on beneficial ownership of companies.
4. Ensure safeguards for transparency and accountability of privatization of state assets.
5. Improve public accountability of budget spending.

ABOUT THE AUTHORS

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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 is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Ukraine joined OGP in 2011. This report covers the development and design of Ukraine's fourth action plan for 2018–2020.

The Independent Reporting Mechanism of OGP has partnered with Dmytro Khutkyy, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit https://www.opengovpartnership.org/about/independent-reporting-mechanism.

II. Open Government Context in Ukraine

Ukraine has established a solid legislative framework for government transparency and has carried out significant reforms in public procurement and the provision of administrative services. While the country has set up a strong institutional framework, it has yet to deliver tangible results in the fight against corruption. Actions taken by the newly elected government in the next two years will be key in ensuring success of open government reforms.

Throughout the four action plans, Ukraine has fully conformed to OGP's four eligibility criteria of access to information, budget transparency, civil liberties, and asset declarations.

Access to information

Ukraine has a solid legislative base for ensuring government transparency and access to information. The Access to Public Information law (2011)[1] grants citizens the right to freedom of information (FOI) requests, requires authorities to provide relevant information for free, and sets time limits within which public administrations must respond. In practice, however, this law is not well enforced.[2]

In recent years, Ukraine has also made significant strides in opening data. In October 2015, the government mandated an extensive list of data for publishing in open data format.[3] However, there are currently over 135 public registries managed by over 40 government agencies,[4] and data is uneven regarding interoperability, duplication, and inconsistent classification.[5]

Budget transparency

Ukraine's previous action plans have all included commitments on budget transparency. Since 2015, notable achievements include publication of the citizens' budget, which provides information on the public budget in an open data format. In September 2018, the Ministry of Finance established an open budget portal, which includes monthly updates of the state budget, plans, revenue, and spending, as well as programmatic, economic, and functional classifications of spending.[6] The current action plan includes Commitment 5, to raise public awareness on drafting, reviewing, approving, implementing, and controlling state and local budgets.

Civil liberties and civic participation

The Ukrainian constitution guarantees freedom of speech, free expression of views and beliefs, and the freedom of association.[7] According to Freedom House, Ukraine scores relatively well on electoral process (9 out of 12) and on political pluralism and participation (11 of 16), but relatively lower for functioning of government (6 out of 12).[8]

Despite a strong standing with civil liberties, the lengthy counteraction to Russian-led hostilities has led to limitations on some freedoms in the name of national security. In May 2017, the president issued a decree banning a list of Russian websites and social media networks.[9] The human rights NGO, Ukrainian Helsinki Group, concluded that these extrajudicial restrictions on the freedom of speech were insufficiently justified, while hate speech and war propaganda in mass media were simultaneously insufficiently counteracted.[10] More recently, after Russia's armed attack on Ukraine (called the "Azov crisis"), the president issued Ukraine's first decree introducing martial law in November 2018 for 30 days across 10 Ukrainian regions.[11] Despite concerns from the human rights community, there were no reports of the martial law causing human rights abuses.

Citizens possess extensive rights for participation in policy making, from e-petitions to public consultations. However, only 27.5% of the adult population knew about these e-petitions in a 2017 survey.[12] The president receives tens of thousands of e-petitions, while the government receives hundreds and Parliament receives dozens.[13] Current legislation requires public consultations only by the executive branch of the central government, not by Parliament or local authorities and self-governments. In the third OGP action plan (2016–2018), the government collaborated with civil society to draft a law expanding public consultations.[14] While this law was introduced to the parliament,[15] it was not adopted by the IRM End-of-Term report.

One change to participation was the April 2018 decision by the Constitutional Court to abolish a previous law that allowed nation-wide referenda.[16] Experts in the field approved this decision, because the obsolete law formed a referendum commission only of public officials, did not specify the minimum number of votes to make it legal, allowed prohibiting undesired publications in mass media, and could be used to change the Constitution or fundamental laws.[17]

In March 2017, Parliament introduced new disclosure requirements for anticorruption CSOs.[18] The law mandates the staff and contractors of these CSOs to submit asset declarations, creating a risk of using this law to apply pressure on anticorruption activists.[19] However, according to the 6 June 2019 Decision of the Constitutional Court of Ukraine, the law will not mandate that staff and contractors of anti-corruption CSOs to submit asset declarations.[20]

Accountability and anticorruption efforts

While Ukraine has improved on the World Bank's Worldwide Governance Indicators since 2012, in 2017 the country ranked in the 47th percentile (out of 100) for voice and accountability and in the 22nd percentile for the control of corruption.[21] On Transparency International's Corruption Perceptions Index, Ukraine ranked 120th in the world in 2018,[22] a slight improvement from 130th in 2017.

Still, in accordance with anticorruption legislation, Ukraine has gradually built multiple anticorruption institutions. The National Agency on Corruption Prevention (NACP) is in charge of overseeing declaration of assets of public officials. The National Anti-Corruption Bureau of Ukraine (NABU) performs investigations and the Special Anti-Corruption Prosecutor's Office (SAPO) supports and oversees criminal corruption investigations. The fourth body, the High Anti-Corruption Court (HACC), was established in 2019.

Ukraine has a comprehensive asset disclosure regime for public officials. NACP, with partnership from civil society and international organizations, introduced a system of e-asset declarations, but so far it has neither performed an automatic verification of e-declarations nor identified any major cases of suspected corruption among high-ranking officials.

Major changes that will affect the OGP process and commitments are the outcomes of the presidential election in March 2019, snap parliamentary elections in July 2019, and the subsequent appointment of the new Cabinet of Ministers in August 2019. President Zelensky and his party, with the majority of parliamentary seats, possess the power for significant change. A newly elected government has a public mandate and is well positioned to bring new momentum for reforms.

The new president has announced an ambitious economic and anticorruption agenda. He instructed the Cabinet of Ministers to sell at least 500 state enterprises through the ProZorro.Sale auction system and called for preparations for the sale of large state-owned companies by December 2019.[23] Given the expected scale of this privatization process it will be essential that the sales are conducted in an open and transparent way, building on the existing best practices established by the ProZorro platform.

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[3] "Cabinet of Ministers of Ukraine. The Decree on 21 October 2015 #835" on The Government Portal, Unified Web-Portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, accessed Dec. 2019), https://www.kmu.gov.ua/ua/npas/248573101.
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[7] *The Constitution of Ukraine* (adopted Jun. 1996) (Verkhovna Rada of Ukraine, 2019), https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80.
[8] "Ukraine" in *Freedom in the World 2018* (Freedom House, 2018), https://freedomhouse.org/report/freedom-world/2018/ukraine.
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[14] "The Draft Law on Public Consultations #7453" (Verkhovna Rada of Ukraine, 27 Dec. 2017), http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63237.
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[16] "The Law of Ukraine on All-Ukrainian Referendum #5475-VI" (declared unconstitutional 26 Apr. 2018) (Verkhovna Rada of Ukraine, 6 November 2012), https://zakon.rada.gov.ua/laws/show/5475-17/.
[17] "The Law on the Referendum: The Expert Says that the CCU Eliminated the Risk of Power Usurpation (Ukrinform, 27 Apr. 2018), https://www.ukrinform.ua/rubric-polytics/2450581-zakon-pro-referendum-ekspert-kaze-so-ksu-pribrav-rizik-uzurpacii-vladi.html.
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[19] Khutkyy, *Ukraine Mid-Term Report 2016-2018.*
[20] See (in Ukrainian): http://www.ccu.gov.ua/novyna/ksu-vyznav-e-deklaruvannya-antykorupciynyh-gromadskyh-aktyvistiv-takym-shcho-superechyt.
[21] "Worldwide Governance Indicators" (World Bank, 2019), http://info.worldbank.org/governance/wgi/index.aspx#reports.
[22] "Corruption Perceptions Index 2018," (Transparency International, 2018), https://www.transparency.org/cpi2018.
[23] "Ukraine to put 500 enterprises on 'small-scale privatization' list" (UNIAN, 2 Sept. 2019), https://www.unian.info/politics/10670355-ukraine-to-put-500-enterprises-on-small-scale-privatization-list.html

III. Leadership and Multistakeholder Process

The OGP process in Ukraine is a highly collaborative effort. The multistakeholder forum includes an equal number of representatives from the government and civil society and has decision-making power. The action plan was developed by using multiple channels of citizen engagement and an iterative deliberation process.

3.1 Leadership

This subsection describes the OGP leadership and institutional context in Ukraine.

The responsibility of OGP rests with the Cabinet of Ministers (CMU). Accordingly, the Minister of the Cabinet of Ministers is the top government official overseeing OGP and co-chairing the multistakeholder forum. To adopt and implement sectoral commitments, CMU negotiates with government ministries and agencies to ensure their full involvement. CMU also consults all 75 central authorities and all 25 regional administrations on the content of the action plan. Each commitment is also reviewed by the Ministry of Justice (MoJ) and by the Ministry of Finance (MoF) to ensure legal and budgetary compliance.

In practice, the Secretariat of the Cabinet of Ministers of Ukraine (SCMU) carries out regular OGP activities. The Head of Department of SCMU serves as the Secretary of the multistakeholder forum and the contact point for OGP in Ukraine. Four SCMU members perform the administrative functions related to OGP. Because the government has not allocated any separate budget for OGP, the SCMU team and other officials perform their activities as part of their larger responsibilities.

The action plans are usually developed bottom-up, with each commitment suggested and later executed by a particular government agency, usually in partnership with other authorities and civil society. CMU issues a separate governmental decree for each action plan, which mandates the designated authorities of the executive branch to implement commitments. The fourth action plan is mandated by governmental decree #1088-p.[1]

3.2 Multistakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Ukraine **did not** act contrary to OGP process.[2]

Please see Annex I for an overview of Ukraine's performance implementing the OGP Participation and Co-Creation Standards throughout the action plan development.

Table 3.2: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[3] 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 "collaborate."

Level of public influence		During development 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	

Multistakeholder forum

Ukraine has a multistakeholder group named the Coordination Council, which oversees the development and implementation of the national action plan. Its functioning is mandated by publicly available governmental regulations.[4] The council has 14 members with seven from public authorities and seven from civil society. The government appoints its representatives, while the civil society representatives are elected in an open and public e-election. The council was last renewed in February 2017, and several individuals representing government ministries were reassigned in May 2017 and December 2018. The council currently has eight men and six women, constituting a relative balance of gender. The council is co-chaired by the Minister of the Cabinet of Ministers and by the Head of the CSO, Razom Proty Korupcii. The other six government representatives are heads of government agencies and deputy ministers, which constitute high-level representation. The other six civil society representatives are heads or experts from CSOs or international projects. These organizations are highly qualified to implement OGP activities and are highly respected in Ukraine's civil society.

The Coordination Council meets at least quarterly as well as needed, more often during the active phase of action plan development, and with the four thematic working groups meeting more often.[5] Usually the council meetings take place in the SCMU's government office, but in February 2019, for the first time, one meeting was held at a public restaurant that reinvests 80% of its profit into social projects aimed at Kyiv's development.[6]

As the council co-chair explained, usually SCMU representatives generate ideas, develop proposals with the civil society representatives at informal meetings, and then present, discuss, and adopt them at formal council meetings.[7] She added that the council invites all stakeholders and active participants for extended meetings. According to a civil society councilmember, meeting attendees can voice opinions, all councilmembers can vote, and meeting minutes are approved by electronic correspondence.[8] Aiming for substantial expert discussions, the council does not widely advertise its meetings and requires pre-registration; it is unlikely that outsiders can attend or observe them. Still, council meeting summaries are published *post facto* online in the news section of the governmental website on OGP[9] and its Facebook webpage, launched in April 2018 with currently more than 700 followers.[10]

Participation and engagement throughout action plan development

The action plan was developed in a highly collaborative way. The government used multiple channels to raise awareness about the development of the plan, reached out to civil society and the public for input and held votes to rank and prioritize commitments for inclusion in the final action plan.

On 21 December 2017, the government announced the start of the development of the fourth action plan via the CMU website.[11] The announcement contained a timeline, participation format, proposal template, contact details, and information about OGP. Additional OGP activities included:

- A government-civil society partnership to develop and disseminate a booklet, video,[12] and webinar about OGP;[13]
- Outreach to new CSOs working in sustainable development, since the new action plan was linked to the United Nations' Sustainable Development Goals (SDGs);
- A government presentation of OGP in November 2018 at a civil society forum in Kyiv to up to 2,000 participants, with email invitations to experts from the public.[14] The information was further disseminated via UNDP Ukraine's regional hubs,[15] so that as many as 60,000 people were reached via mass media.[16] This is slightly higher than one out of every 1,000 people in a country of 42 million people.

As a result, a wider civil society was aware about OGP and had the necessary information and a reasonable period to develop and contribute input to the plan, which they did in multiple formats:

- UNDP Ukraine organized 20 public events in its CSO hubs in 12 *oblasts* in the first half of 2018, engaging over 800 participants.[17]
- On 12 April 2018, the Coordination Council organized a public discussion on the action plan commitments in a world café format.[18] According to the Secretary of the Council, up to 100 participants from the government and the civil society took part in the event,[19] where councilmembers presented OGP, while civic activists from regions facilitated and summarized discussions.[20]
- At an event on 7 May 2018, during OGP week in Ukraine, the public had another opportunity to learn about OGP and provide input.[21]

From all of the above, the civil society council co-chair reported that over 150 submissions were collected via email and offline events.[22] Such broad engagement generated some comments that were already inscribed in government programs or were irrelevant to OGP values. Therefore, the government heavily relied on specialized expertise from professional organizations, especially those based in Kyiv. Yet, as a UNDP Ukraine representative noted, the government's conscious effort to involve new organizations did facilitate participation of some thematic organizations, for example those working on women empowerment.[23]

The Coordination Council then conducted several meetings to discuss the input and select priorities.[24] On 10 May 2018, it held an expert meeting to deliberate with invited stakeholders via video-conference and streaming the meeting online. On 29 May 2018, it held an offline expert meeting with representatives of authorities and civil society, where they discussed the draft commitments one by one and either rejected or reformulated them.[25] After discussion at these meetings the council narrowed down the list of proposals to 24 draft commitments and published a table summarizing the rationale of accepting or rejecting each proposal.[26]

On 5 July 2018, on the OGP Ukraine's Facebook webpage, the government announced a call for online voting for the fourth action plan priorities.[27] The voting lasted from 5 to 20 July via a special webpage on the Discuto platform.[28] Any registered user could comment or vote in favor or against each draft commitment. The suggested 24 priority draft commitments attracted 37 comments and 2712 votes by 262 contributors. Of all votes, 85% (2,309) were in favor of proposals. Each commitment received more positive than negative votes.

After the voting, the council ranked the 24 commitments by the number of positive votes and published the ranked list of commitments online.[29] The civil society council co-chair explained that the multistakeholder forum took into account the e-voting ranking by focusing on top 20 priorities and merging some of them.[30] The SCMU then took the approved names of draft commitments and created a detailed table according to IRM recommendations, which they then returned to authorities and partner CSOs for their feedback.

On 4 October 2018, the council presented the full draft action plan to government and civil society stakeholders who volunteered to implement draft commitments.[31] Representatives from government and CSOs commented on the draft, which the council noted down for further consideration. On 30 October 2018, the council held a video conference with the OGP Secretariat to discuss the upcoming fourth action plan.[32] After each round of comments, SCMU sent the updated draft action plan for review to all government agencies and partner CSOs.[33]

Although central authorities took longer than expected to process the draft,[34] on 18 December 2018, the government formally adopted the fourth action plan with 17 commitments.[35] A comparison of the e-voting results and the action plan demonstrates that 19 of the top 20 commitments with the highest number of votes were included in the final action plan. Only the draft commitment (ranked #16) on the transparency of public health was not included in the final action plan, as it had been carried out by then. A member of the council from civil society did note that at the final stage, the CMU decided to merge several commitments.[36]

Co-creation and participation recommendations throughout development

Ukraine showed evidence of achievement and strong performance in the multistakeholder forum. The development of the action plan was highly collaborative with civil society actors and the public directly participating in the decision-making process. For example, the online voting for commitments defined the top 20 priorities. Also, civil society representatives who participated in the council meetings had the authority to deliberate and to decide on particular commitments on an equal footing with public officials.

Some areas where Ukraine could improve are:

- Higher accountability for the council's activities;
- Build an OGP repository which will provide all documentation related to the OGP process, development, and implementation of the action plan;
- Publish more detailed feedback on submitted proposals for the action plan; and
- Disseminate OGP-related success stories via nation-wide mass media.

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[6] Post on "OGP Ukraine" (Facebook, 4 Feb. 2018), https://www.facebook.com/ogpUkraine/posts/368512393730880?__tn__=K-R.

[7] Olesya Arkhypska (RPK), interview by IRM researcher, 18 Feb. 2019.

[8] Oksana Prykhodko (EMP), email exchange with IRM researcher, 19 Feb. 2019.

[9] "Timeline" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, accessed Dec. 2019), https://www.kmu.gov.ua/ua/timeline?&type=posts&category_id=18&tag=%D0%9F%D0%B0%D1%80%D1%82%D0%BD%D0%B5%D1%80%D1%81%D1%82%D0%B2%D0%BE%20%22%D0%92%D1%96%D0%B4%D0%BA%D1%80%D0%B8%D1%82%D0%B8%D0%B9%20%D0%A3%D1%80%D1%8F%D0%B4%22.

[10] "OGP Ukraine" (Facebook, accessed Dec. 2019), https://www.facebook.com/ogpUkraine/.

[11] "We Invite you to participate in the preparation of proposals for the Action Plan for the implementation of the Open Government Partnership Initiative in 2018 – 2020" The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 21 Dec. 2017), https://www.kmu.gov.ua/ua/news/proponuyemo-vzyati-uchast-u-pidgotovci-propozicij-do-planu-dij-iz-vprovadzhennya-iniciativi-partnerstvo-vidkritij-uryad-u-2018-2020-rokah.

[12] "OGP in Ukraine Video" on "OGP Ukraine" (Facebook, 7 May 2018), https://www.facebook.com/ogpUkraine/videos/2256074980213 71/.

[13] "Timeline" (Cabinet of Ministers of Ukraine Secretariat).

[14] Olena Ursu (UNDP in Ukraine), interview by IRM researcher, 13 Feb. 2019.

[15] Maksym Klyuchar (SACCI), interview by IRM researcher, 13 Feb. 2019.

[16] "For the first time, the new Open Government Partnership Action Plan has been aligned with the Sustainable Development Goals" (UNDP Ukraine, 5 Feb. 2019), http://www.ua.undp.org/content/ukraine/en/home/presscenter/articles/2019/for-the-first-time--the-new-open-government-partnership-action-p.html?fbclid=IwAR0T6AhgffGRAUpeEcnFwA6kpunxArNXaCq7UATFelxaOYhPodlyRgAa0-Y.

[17] *Ibid.*

[18] "Setting up OGP Priorities for Ukraine" on "OGP Ukraine" (Facebook, 12 Apr. 2018), https://www.facebook.com/media/set/?set=a.2221081917046 35&type=3&__xts__%5B0%5D=68.ARDegsBTFtDf8q8n2OA6ufHcQI8MRt5dHOGMJnf8PKV6QW7EDvLZ6G-v1IHDji7mUuoCq8yF9j27YIjuHNHOhMO4eNod57dkEPXdxI2vRvBcCiungpSyMe8dvOX_2JIlyiS_EBGxPd-UXO_4jIAKCPUOS-sE_qISAez9sbkhTk6eKVLs7z0I6j6B2RwziNQJ4ZMBAPa_n1rDEme3mTmtMiCReObz2-8PY0SMs5F1RxOEtRsitLrYSYC7IDfmq8I_9Tdv5pCSRKrDbS-r-s7KkORpO-YtdbItT6inSmZuFsBbZ7mEcy7EXaJpmqF_xXUNafuYX5vfbvbBiaKSliyD5LL3bx7cvcb4RvxNNvzNTnBC8UtYUWKDpQ0nm0aPi6HwWnaGBbSjpaGIeWlO0iZFG9psVSIZA3iWo0n00G3HDO2tZ_Ga0uMJr6d5XzLVQon_rs8ZuVbMGFM4on3RAw&__tn__=-UC-R.
[19] Oksha, interview.
[20] Observation by IRM researcher, 12 Apr. 2018.
[21] "Timeline" (Cabinet of Ministers of Ukraine Secretariat).
[22] Arkhypska, interview.
[23] Ursu, interview.
[24] "OGP Ukraine" (Facebook).
[25] Ursu interview.
[26] Oksha interview.
[27] "The Government is Open" on "OGP Ukraine" (Facebook, 5 Jul. 2018), https://www.facebook.com/ogpUkraine/posts/25457539845 7914.
[28] "Discussion of proposals for the Action Plan for the implementation of the Open Government Partnership Initiative in 2018-2020" (Discuto, accessed Dec. 2019), https://www.discuto.io/en/consultation/33009.
[29] "Top Proposals to the New OGP Action Plan" on "OGP Ukraine" (Facebook, 23 Jul. 2018), https://www.facebook.com/ogpUkraine/photos/a.222104208371700/269164890332298/?type=3&theater.
[30] Arkhypska interview.
[31] Observation by IRM researcher, 4 Oct. 2018.
[32] "Today Civic Experts Members of the OGP Coordination Council Communicated with the OGP Secretariat" on "OGP Ukraine" (Facebook, 30 Oct. 2018), https://www.facebook.com/ogpUkraine/posts/325984764650310.
[33] Oksha, interview.
[34] *Ibid.*
[35] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" (Cabinet of Ministers of Ukraine Secretariat).
[36] Klyuchar, interview.

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/entity'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] The indicators and method used in the IRM research can be found in the IRM Procedures Manual.[2] A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
  - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **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 or policies?
  - Public Accountability: Will the government create or improve public facing 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?
- **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.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report.*
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report.*

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26% of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?

Starred commitments

One measure, the "starred commitment" (✪), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment's design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

Ukraine's fourth action plan continues several important initiatives from the previous action plans, including transparency in the extractives and construction sectors (EITI and CoST), further improvements to the public procurement system (ProZorro and DoZorro), the beneficial ownership register, and monitoring environmental pollution. In addition, the fourth action plan has explicitly tied commitments to the Sustainable Development Goals. Given the high flow of international funds to Ukraine administered by the Ukrainian government, the action plan includes a commitment that aims to improve transparency around the spending of these funds. Another new commitment aims to create an interactive map of mined territories in the eastern part of Ukraine, which is highly relevant to the fragile security situation in the country.

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[1] "Open Government Partnership: Articles of Governance" (OGP, Jun, 2012) (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.
[2] "IRM Procedures Manual" (OGP, 16 Nov. 2015), https://www.opengovpartnership.org/documents/irm-procedures-manual.

1. Introduce CoST standards

Language of the commitment as it appears in the action plan:[1] Introducing international standards on information disclosure of the Construction Sector Transparency Initiative (CoST) in the Ministry of Infrastructure and publishing disclosed information at the infrastructure data public portal

Information on the procurement tenders on infrastructure projects in terms of their individual stages/elements, as well as tender results, is freely accessible at ProZorro Electronic Public Procurement portal. However, the information on planning and implementation and quality control phase is yet to be opened. It will simplify monitoring of infrastructure projects.

Infrastructure data public portal is meant to unite all necessary information in one data set that will ease analysis and getting information on an infrastructure project.

The portal will be based on international infrastructure data standard of CoST and OCDS standard. CoST IDS standard entails that an infrastructure project should be monitored at all stages of project implementation – from making a decision to support a project and project planning all the way the warranty period end. The standard provides for merging information on all contracts that relate to an infrastructure project in one dataset.

Milestones:

1. Publishing data at the infrastructure data public portal
2. Scaling-up information disclosure standards to new infrastructure projects (except for the roads)
3. Institutionalization of information disclosure standards on infrastructure projects

Start Date: December 2018

End Date: July 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Introduce CoST standards		✔	✔			✔			✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

This commitment builds from the previous action plan, which saw major progress in improving infrastructure transparency,[2] through the introduction of data standards,[3] portal integration, and requirements for mandatory publication of open data on construction and repair of roads of state significance.[4] However, apart from the State Agency of Automobile Roads of Ukraine (Ukravtodor),[5] other state infrastructure companies have not committed to a full disclosure of all their projects. This commitment aims to further improve the format for data publication, publish data on new infrastructure projects and scale up and institutionalize disclosure standards.

The text of the commitment is clear about the disclosure standards of data to be published, the number, and the legal act to be amended. Institutionalization is to be established by amending government resolution #835 on mandatory open datasets.[6] The infrastructure data portal already exists, but this commitment will unite all necessary information in one standardized dataset that will simplify analysis of infrastructure projects,[7] and is thus relevant to the OGP values of access to information and technology and innovation.

The updated portal could become an important tool for civic monitoring of infrastructure projects. The Ministry of Infrastructure (MoI) expects that the implementation of this commitment will increase the transparency of the use of public infrastructure funds, boost public awareness about infrastructure projects, and identify and prevent inefficient management and corruption risks.[8] An interviewed Transparency and Accountability in Public Administration and Services (TAPAS) expert expects the portal to contain an analytical module for less advanced users that automatically displays and visualizes procurement data, as well as planned and spent funds.[9] Moreover, according to the TAPAS representative, the updated portal will make it possible to connect the information on the usage of public funds available at CoST, ProZorro, and E-data, thereby linking procurement, spending, and implementation data.[10] Overall, this commitment could introduce important upgrades to the existing infrastructure portal and publication standards. It also promises to expand disclosure to new infrastructure projects that could improve transparency of large-scale public projects that are prone to corruption risks. Therefore, the potential impact of this commitment is moderate.

Next steps

This commitment should be among open government priorities for Ukraine since it could advance infrastructure transparency. To reflect these aspirations, the government can set up more ambitious objectives in the fifth action plan. In particular,

- The CoST standards could be expanded to cover a greater number of infrastructure projects. Following successful pilot projects, the government might consider full disclosure of all projects by involved state companies. Namely, these might be the National Power Company (Ukrenergo), the Municipal Cooperation Kyivavtodor, regional state administrations, and Ukrainian Railways (Ukrzaliznytsia) and ports.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] "CoST Portal: Transparent Infrastructure" (CoST Ukraine, accessed Dec. 2019), http://portal.costukraine.org/.
[3] Natalia Forsiuk (CoST Ukraine), interview by IRM researcher, 7 Mar. 2019.
[4] "About amendments to the Provisions on data sets to be disclosed in the form of open data" Decree no. 1100 on The Unified Web-Portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 20 Dec. 2017), https://www.kmu.gov.ua/ua/npas/pro-vnesennya-zmin-do-polozhen.
[5] "About Us" (Ukravtodor, 20 Jun. 2016), http://ukravtodor.gov.ua/ukravtodor/pro_nas.html.
[6] "On the approval of the Provisions on data sets to be disclosed in the form of open data" Decree no. 835 on The Government Portal, Unified Web-Portal of Executive Authorities of Ukraine, (Cabinet of Ministers of Ukraine Secretariat, 21 Oct. 2015), https://www.kmu.gov.ua/ua/npas/248573101.
[7] "The Cabinet of Ministers of Ukraine. Decree #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[8] Oleksandr Pashko (MoI), email exchange with IRM researcher, 5 Mar. 2019.
[9] Pavlo Radchenko (TAPAS), interview by IRM researcher, 27 Feb. 2019.
[10] Kateryna Onyiliogwu (TAPAS), interview by IRM researcher, 27 Feb. 2019.

2. Introduce the E-system of selling arrested assets

Language of the commitment as it appears in the action plan:[1] Introducing open standards of operation of the E-system of selling arrested assets

Lack of competition in selling the arrested assets through online auction creates space for corruption risks and makes civic control impossible.

The Ministry of Justice (MoJ), Ministry of Economy, State-run Enterprise "SETAM" (E-System of Selling Arrested Assets), and Government-Civic Initiative "Together Against Corruption" signed a Memorandum/roadmap on cooperation in the field of selling arrested assets that aims to ensure transparent, competitive-based and favourable environment for selling assets that was arrested by courts.

On 18 June 2018, the MoJ adopted the Order # 1859/5 on amending the Procedure of Selling Arrested Assets that enabled and regulated the procedure of letting economic entities irrespective of the form of ownership and individual entrepreneurs to use an electronic resource which is a part of the online auction system through agent and partner agreements. Moreover, the amendments formalized the procedure of interaction between e-platforms by opening the API that proves that the environment for e-selling of arrested assets within the framework of executive proceedings is indeed competitive.

Engaging independent platforms will enable economic entities irrespective of the form of ownership and individual entrepreneurs to conduct online auctions to sell arrested assets. In its turn, SETAM got the status of ProZorro.Sales operator letting SETAM to sell small privatization targets and assets of banks that are liquidated.

Milestones:

1. Monitoring and evaluation of the operation of "partner agreements" and an updated Procedure of Selling Arrested Assets
2. Update of the Procedure of Selling Arrested Assets based on the findings of monitoring and evaluation
3. Producing the Terms of reference on improving the e-system of selling arrested assets, conducting the respective tender
4. Improving the e-system of selling arrested assets
5. Distribution of functions of administrator of central database of online auction system and auction organizer, transferring the system to the respective administrator

Start Date: December 2018

End Date: May 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Introduce the E-system of selling arrested assets		✔	✔			✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

This commitment aims to ensure a transparent and competitive system for selling assets seized by courts due to alleged criminal activity.[2] Civil society has criticized the existing E-System of Selling Arrested Assets (SETAM) as being a monopolistic platform.[3] In September 2016, the Anti-Monopoly

Committee (AMC) recommended the government fix the decrees that created the monopoly on selling seized assets[4] and allow other platforms to also sell these assets.[5]

This commitment calls for updating the procedures and improving SETAM with additional administrative functions. Each activity has an indicator and overall, they are verifiable. However, it is unclear how SETAM will relate to the newly established ProZorro.Sale, which is an electronic system designed to sell state property. This commitment is clearly relevant to the OGP value of access to information, while its digital realization is relevant to technology and innovation.

According to the SETAM representative, there was room for improvement, even though their online platform already performed all necessary functions for selling arrested assets through online auctions,[6] used blockchain technology, provided equal opportunities and information to all bidders, and ensured 24-hour access to information about auctions. Allowing independent platforms to conduct online auctions could improve competition,[7] as could the separation of the various functions of the process like storage, transportation, and sale.[8] However, it is unclear how this commitment intends to change the sales of seized assets and how it would be different from what is already done by ProZorro.Sale. Therefore, it is difficult to assess the potential impact of this commitment beyond minor.

Next steps

The IRM researcher recommends that commitments in the next action plan clearly articulate the intended change and expected results that the activities seek to enact.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.

[2] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.

[3] "SETAM Suspected in Monopolizing the Market of Selling Arrested Property Avoids Sanctions and Loses Trust to It" (Corruption News, USBN Ternopil, accessed Dec. 2019), https://ternopil.ukraines.news/dp-setiv-pidozryuvanu-u-monopolizaci%D1%97-rinku-torgivli-areshtovanim-majnom-unikaye-sankcij-a-dovira-do-ne%D1%97-padaye/.

[4] "Some issues of the sale of seized property through electronic auctioning" Resolution no. 212-r (Verkhovna Rada of Ukraine, 11 Mar. 2015), https://zakon.rada.gov.ua/laws/show/212-2015-%D1%80; "On the sale of seized property through electronic auctioning" Order no. 2710/5 (Verkhovna Rada of Ukraine, 22 Dec. 2015), https://zakon.rada.gov.ua/laws/show/z1620-15/page.

[5] "The Report Based on the Results of Research of the Market of Selling Arrested Assets by Conducting Electronic Bidding" (Anti-Monopoly Committee of Ukraine, 20 Sept. 2016), http://www.amc.gov.ua/amku/doccatalog/document?id=129945&schema=main.

[6] Mykola Pysanchyn (SETAM), email exchange with IRM researcher, 1 Apr. 2019.

[7] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" (Cabinet of Ministers of Ukraine Secretariat).

[8] Kateryna Ryzhenko (TI Ukraine), interview by IRM researcher, 28 Feb. 2019.

3. Ensure transparency of selling public assets

Language of the commitment as it appears in the action plan:[1] Ensuring openness and transparency of selling public assets and property

A number of problems are observed in the field of selling public assets and property as follows:

Lack the unified transparent and efficient system of selling public assets, public property is sold by various auction organizers each having its own rules;

A lot of illiquid and non-core assets are accumulated in public sector, significant money is spent to maintain these assets, state-run enterprises are unable to update their technical resources;

The auction organizers lack technical and professional opportunities to effectively run online auctions and optimize income from selling public assets and property (as a result, the community and investors do not trust to the transparency, integrity and efficiency of such sales);

Current process of public assets and property sale is inefficient. In particular, it is featured by asymmetry of information, technical issues with access to auctions, unequal access to specific auctions where mostly the clients of specific organizer take part;

Slowness of processes associated with selling public assets and property due to strong institutional memory of market players and resistance of the existing system to expanded range of players and increased number of sales;

Limited access of foreign investors to public property and assets auctions and for development of the national economy;

Lack of efficient control and monitoring of the results of auctions – thus, their efficiency is not analysed.

Launch of transparent procedure of selling property of state-run enterprises, small privatization targets, and leaseholds of public property will help address these issues.

Milestones:

1. Launch of online auctions to sell non-core assets of state-run enterprises
2. Launching online auctions on leasehold of public assets (pilot project)
3. Launching online auctions on leasehold of public assets of public sales market actors

Start Date: December 2018

End Date: December 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Ensure transparency of selling public assets		✔	✔			✔				✔	Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

Ukraine has many state-owned enterprises, the privatization of which has historically not been a transparent process.[2] The government has acknowledged a number of problems related to selling public assets, including the lack of a unified transparent and efficient system for such sales.[3] This commitment aims to set up clear procedures for the sale and leasehold of public assets on a single

online system. The commitment includes concrete indicators for each activity, in particular the adoption of ordinances and submission of a draft law amending the Law of Ukraine On Lease of Public and Community Property. However, milestones two and three rely on significant progress outside the scope of the commitment; the submission of a draft law to Parliament neither guarantees its adoption nor implementation.

The commitment's implementation started prior to the adoption of this OGP action plan:

- On 18 January 2018, the Ukrainian Parliament adopted law #2269-VIII,[4] which makes selling public assets and property on electronic platforms mandatory.
- On 10 May 2018, the government adopted decree #432, which introduced procedures for conducting electronic auctions for selling public assets.[5]
- From March 2017, to December 2018, ProZorro.Sale adopted multiple regulations for the electronic trade system for public auctions of assets.[6]

According to the commitment, the expected results are reducing corruption risks, simplifying the rules and procedure for asset sales, and the expansion of potential bidders of sales, which would ultimately increase competition and budget revenues. Previously, public property in Ukraine was sold by various agencies and action organizers and each had their own rules. There was a lack of efficient oversight and monitoring of sales. The launch of a transparent system for selling state property, especially under Ukraine's recent large-scale privatization initiative, is a significant undertaking that will have major effects on the development of the national economy. This commitment involves the launch of online auctions for three types: sales of non-core assets of state-owned enterprises, leaseholds of public assets (pilot project), and leaseholds of public assets of public sales market actors.

This commitment does not explicitly mention how these activities are related to ProZorro.Sale, Ukraine's electronic system designed to sell state property. However, the potential impact could be transformative considering the possible benefits of centralizing all auctions and the improved transparency of the procedure of sales.

Next steps

Taking into account the current action plan, country context, and best practices, the IRM researcher recommends the following:

- The government can set up implementation indicators (for example, a pilot online auction on leaseholds of public assets is launched on the ProZorro.Sale online platform), in addition to legislative indicators, for similar commitments in future action plans. The technical activities that are within the Cabinet's power to implement are as necessary as normative legal acts, which are not sufficient by themselves.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf

[2] Ivan Lakhtionov (TI Ukraine), interview by IRM researcher, 5 Mar. 2019.

[3] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine, (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.

[4] "On the privatization of state and communal property" Verkhovna Rada News, N 12, Art. 58 (Verkhovna Rada of Ukraine, 2019), https://zakon.rada.gov.ua/laws/show/2269-19.

[5] "On Approval of the Procedure for Electronic Auctions for the Sale of Small Privatization Objects" Decree no. 432 on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 10 May, 2018), https://www.kmu.gov.ua/ua/npas/pro-zatverdzhennya-poryadku-provedennya-elektronnih-aukcioniv-dlya-prodazhu-obyektiv-maloyi-privatizaciyi.

[6] "Additional Documents" (ProZorro.Sale, accessed Dec. 2019), https://prozorro.sale/majdanchikam; "Procedures of the Electronic Trading System for the Conduct of Public Auctions for the Sale or Lease of Property (Assets)" (accessed Dec. 2019), https://docs.google.com/document/d/1iQ4lTWf3XLeNQZXZMj2fKqh6ADs9bHhqKCIB-HmdfyE/edit.

4. Improve transparency and accountability of public procurement

Language of the commitment as it appears in the action plan:[1] Improving transparency and efficiency of state control in the field of public procurement

The launch of mandatory ProZorro electronic public procurement system back in 2016 contributed to the transparency and efficiency of procurement and helped involve new potential bidders. At the same time, a number of issues that negatively affect public procurement system in general still remain, including:

- Low professional capacity of persons responsible for procurement procedure that results in poor and biased selection of winning bidders and eventually to nonefficient use of funds;
- Violation of procurement law by the customers;
- Biased and non-transparent decision-making during oversight activities of the bodies authorized to exercise control in the field of public procurement.

Owing to high level of transparency of procurement through ProZorro, the community was enabled to detect the procurement procedures that may entail violation of law, as provided for by Article 9 of the Law of Ukraine "On Public Procurement" that concerns civic oversight. However, the e-procurement system currently does not enable notifying the controlling and law enforcement agencies on such cases. It also lacks consolidated information on how controlling and law enforcement agencies respond to the respective requests by the community.

Moreover, public procurement system ProZorro currently lacks information on whether the payments per the procurement agreements were made which prevents from adequate control of efficiency and integrity of implementation of such agreements.

Milestones:

1. Develop the API for integration of ProZorro e-public procurement system with external resources
2. Developing a statistics public module
3. Providing integration of ProZorro e-public procurement system with the systems of MoF and Treasury

Start Date: December 2018 End Date: December 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Improve transparency and accountability of public procurement		✔	✔	✔	✔	✔			✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

Created in 2016, the ProZorro[2] public e-procurement system has significantly enhanced transparency in procurements. However, according to the government, improvements to the system are still needed, such as integration with oversight and law enforcement functions,[3] a mechanism for citizen requests for investigation, and information on actual payments per procurement agreements. Without these components, audit and law enforcement agencies cannot properly control public procurement, leaving such accountability to civil society monitoring.[4] However, CSOs often face

bureaucratic obstacles while monitoring the information on ProZorro. According to one Transparency and Accountability in Public Administration and Services (TAPAS) expert, authorities often treat civil society monitoring and feedback as unofficial.[5] Official appeals must be sent in hard copy via regular mail, which is more difficult and time-consuming.[6] A representative of the Ministry of Economic Development and Trade (MEDT) specified that the exchange of data between public procurement, finance, and treasury agencies was hindered by the lack of a respective interagency normative legal act.[7]

This commitment aims to address these issues by integrating the ProZorro e-public procurement system with the systems of the Ministry of Finance (MoF) and the Treasury, thus enabling official oversight of public procurement. The commitment also calls for a planned public statistical module that would structure and display data on public feedback. These planned improvements are relevant to all four OGP values. According to the government,[8] CSOs will be able to report online any detected violations in ProZorro to oversight and law enforcement agencies, payment for procurement contracts will be transparent, and the automatic information exchange will identify and prevent abuse of procurement procedures in a timely manner. Civil society experts added that e-appeals will have official status and thereby more weight in influencing oversight authorities,[9] thus allowing faster government responses to violations.[10]

Prior to this action plan, the government made substantial progress in open public procurement by activating the public feedback mechanism DoZorro,[11] through which anybody can submit feedback to a state contracting authority, contractor, or law enforcement agency about a particular procurement. Moreover, Transparency International Ukraine introduced DoZorro artificial intelligence (AI) software that allows for automatic searches of public procurement violations using machine learning algorithms.[12] This achievement was an outstanding breakthrough in opening government in Ukraine.[13] However, the government still interpreted civil society feedback on DoZorro as unofficial. Therefore, this commitment could establish a more formal channel for civil society monitoring and increase accountability in public procurement. Given the strong efforts in this area prior to the action plan, this current commitment represents a moderate important improvement to the status quo.

Next steps

The IRM researcher recommends the following to this commitment's implementing partners.

- Stakeholders implementing the commitment should ensure proper funding of IT development and introduce necessary legislation requiring oversight and law enforcement authorities to respond to public e-appeals. Apart from this, the technical side of developing the API looks feasible.
- The partners need to consult end users about the content and design of the public statistical module. This will make the future statistical module more useful and convenient for its users.
- The Cabinet of Ministers is advised to monitor the negotiation process among MEDT, MoF, and the Treasury to ensure the adoption of necessary legislation and the integration of procurement, financial, and treasury systems.

For the next action plan, the IRM researcher recommends continuing this commitment by integrating digital systems of other government agencies to ensure maximum transparency of financial flows.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] ProZorro (accessed Dec. 2019), https://prozorro.gov.ua/en.
[3] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[4] Tetiana Lisovska (TAPAS), interview by IRM researcher, 27 Feb. 2019.
[5] *Ibid.*
[6] Ivan Lakhtionov (TI Ukraine), interview by IRM researcher, 5 Mar. 2019.
[7] Olga Lebedieva (MEDT), email exchange with IRM researcher, 7 Mar. 2019.

[8] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" (Cabinet of Ministers of Ukraine Secretariat).
[9] Lisovska, interview.
[10] Lakhtionov interview.
[11] DoZorro, "Public control of public procurement" (accessed Dec. 2019), https://dozorro.org/.
[12] "DoZorro Artificial Intelligence to Find Violations in ProZorro: How it Works" (Transparency International Ukraine, 2 Nov. 2018), https://ti-ukraine.org/en/news/dozorro-artificial-intelligence-to-find-violations-in-prozorro-how-it-works/.
[13] "Ukraine: Empowering Citizen Watchdogs," (Citizengage, 27 Dec. 2018), https://www.ogpstories.org/impact_story/ukraine-empowering-citizen-watchdogs/?fbclid=IwAR1o6R6V1DsCy5zbfRK2Z1kUrxYZrI_SVLB4i5ijhGRsHXmTblydNwNDw_w.

5. Raise public awareness on public funds and projects

Language of the commitment as it appears in the action plan:[1] Raising public awareness on public funds and projects on social and economic development of Ukraine supported by international financial organizations in accessible formats

Mainstreaming the principles of transparency and openness in budget process entails effective system of key performance indicators and a mechanism to raise public awareness on drafting, reviewing, approving, implementing and controlling state and local budgets. To this aim, the documents and information related to the budgeting processes and management performance indicators should be published.

In addition, international organizations support projects that sometimes come short of the needs of Ukraine and contravene with the reform priorities. With this view, the CMU Resolution # 70 of 27 January 2016 "On the Procedure of Development, Implementation, Monitoring and Termination of Social and Economic Development Projects Supported by International Financial Organizations" entails monitoring of development projects in Ukraine funded by international financial organizations. At the same time, relevant information technologies and access to the respective information by the Government and citizens is necessary to adequately manage this process.

Milestones:

1. Creating an Information Analytical System "Transparent Budget:" module "Budget for Citizens"
2. Beta testing of "Budget for Citizens" module
3. Developing functional requirements to the sub-system "Register of Social and Economic Development Projects Funded by International Financial Institutions" (IFI)
4. Developing and beta testing of software for the sub-system "Register of Social and Economic Development Projects Funded by International Financial Institutions"
5. Finalizing functional features of the sub-system "Register of Social and Economic Development Projects Funded by International Financial Institutions" and starting its operation

Start Date: December 2018

End Date: September 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Raise public awareness on public funds and projects		✔	✔			✔			✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

The Ukrainian government currently discloses only limited budget information, earning 54 out of 100 in the International Budget Partnership's 2017 Open Budget Survey.[2] Few public fund administrators publish meaningful financial data, which makes it difficult to identify inefficiencies using public funds.[3] Also, international funds administered by the government are highly vulnerable to corruption, according to a former Ministry of Economic Development and Trade (MEDT) official.[4]

The commitment's first milestone, to create and beta test a 'Budget for Citizens' module was accomplished in 2018 as part of the previous action plan,[5] although a representative of the state agency, Open Public Finance (OPF), reported that this was only the trial version of the Budget for

Citizens module.[6] It presents the state budget in various understandable dimensions, like classification of spending.

This commitment also aims to inform the public about development projects in Ukraine through a Register of Social and Economic Development Projects Funded by International Financial Institutions (the Register). The government launched a similar Open Aid Ukraine website in 2015[7] with some limited information,[8] but in 2017, MEDT froze the website during multiple investigations of possible corruption around international assistance.[9] Even though the website software was developed and owned by the government, MEDT has not relaunched the website before this action plan, although the Ministry of Finance (MoF) published a 2018 report on internationally funded development projects in pdf format.[10]

The government expects that this commitment overall will ensure user-friendly disclosure of analytical data, enable feedback and discussion on public funds use,[11] and provide public access to budget data for further monitoring.[12] The Register has the potential to increase transparency of over 34 projects worth 2.4 billion USD (5.3 billion EUR).[13] According to the OPF, the interactive register's open datasets will allow monitoring of internationally funded development projects by authorities and citizens.[14] However, the commitment text does not provide details about the level of data that will be disclosed or how the feedback mechanism will be introduced and implemented. It also does not explain how government-IFI investment projects will be disclosed and what the level of publicly available data will be. Therefore, the overall potential impact is considered moderate.

Next steps

The IRM researcher recommends the following to the government:

- Specify the requirements for disclosing all planned data through normative-legal acts, technical documents, and the software itself. This should ensure achieving the maximum policy impact of this commitment.
- Compare the planned budget and the actual budget spending. Due to this increased financial transparency, Ukraine can improve its score in the Open Budget Survey.
- Establish and apply accountability mechanisms to ensure that public funds administrators provide the necessary information for the designed information analytical system.

For the fifth action plan, the IRM researcher recommends introducing mechanisms of empowering civic participation in budget planning. In particular, these might include consultations on state budget and binding e-voting for projects of national participatory budgeting. The civic engagement element would fulfil the provisions of the government Strategy of Reforming the Public Finances Management System for 2017–2020[15] and could help improve Ukraine's ranking in the Open Budget Survey.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] "Ukraine" in *Open Budget Survey 2017*, (International Budget Partnership, 29 Jan. 2018), https://www.internationalbudget.org/summaries/ukraine-2017/.
[3] Volodymyr Tarnay (Eidos), interview by IRM researcher, 27 Feb. 2019.
[4] Viola Gienger, "Anti-Corruption Reformer Ready for Round Two" (Atlantic Council, 3 Dec. 2018), https://www.atlanticcouncil.org/blogs/ukrainealert/anti-corruption-reformer-ready-for-round-two.
[5] "The Ministry of Finance Presented the Open Data Project 'Budget for Citizens,'" (Ukrinform, 17 Sept. 2018), https://www.ukrinform.ua/rubric-economy/2539616-u-minfini-prezentuvali-proekt-vidkritih-danih-budzet-dla-gromadan.html.
[6] Oleksandr Komareus (OPF), email exchange with IRM researcher, 7 Mar. 2019.
[7] Open Aid, http://openaid.gov.ua/en.
[8] Tarnay, interview.
[9] Gienger.
[10] "Information on Public Funds and Projects on Social and Economic Development of Ukraine Supported by International Financial Organizations" (The Ministry of Finance of Ukraine, accessed Apr. 2019, Link no longer available as of Dec. 2019), https://www.minfin.gov.ua/uploads/redactor/files/850_1174343657.pdf.
[11] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[12] Komareus, email.
[13] "The Concept Paper of Increasing the Efficiency of Implementing Joint IFO Projects" (The Ministry of Finance of Ukraine)

https://mof.gov.ua/storage/files/Kontseptsiya_shchodo_pidvyshchennya_efektyvnosti_vprovadzhennya_spilnykh_z_MFO_proektiv.docx.

[14] Komareus, email.

[15] "On approval of the Strategy for reforming the system of public finance management for 2017 - 2020" Order no.142-p, on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 8 Feb. 2017), https://www.kmu.gov.ua/ua/npas/249797370.

6. Introduce e-calls for CSO funding proposals

Language of the commitment as it appears in the action plan:[1] Introducing e-calls for proposals on providing financial support to the CSOs to implement projects/programmes/activities

According to item 6 of the Procedure for Calls for Proposals on Programmes/Projects/Activities Developed by Civil Society Organizations to be Financially Supported as approved by the Resolution of the Cabinet of Ministers of Ukraine # 1049 of 12 October 2011, the bidders should provide their proposals in hard copies. This requirement makes certain complications for the CSOs from cities other than Kyiv and members of selection panels. In addition, it is necessary to increase transparency of such competitions

Milestones:

1. Consultations with the community on launching e-calls for proposals on providing financial support to the CSOs to implement their projects/programmes/ activities
2. Submitting to the CMU a drafting resolution on amending the CMU Resolution # 1049 of 12.10.2011
3. Setting requirements to an online platform for e-calls for proposals for the CSOs
4. Developing an online platform for e-calls for proposals for the CSOs
5. Beta testing of an online platform for e-calls for proposals for the CSOs
6. Putting an online platform for e-calls for proposals for the CSOs in operation

Start Date: December 2018

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. Introduce e-calls for CSO funding proposals		✔	✔	✔		✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

Currently, proposals for funding CSO projects in Ukraine can be submitted in either hard copy or electronically,[2] which complicates applications by CSOs based outside the capital, Kyiv, and their processing by selection panels.[3] An interviewed expert from the partner project E-Government for Accountability and Participation (EGAP) also noted a lack of trust in competitions due to a lack of transparency.[4] Without a centralized database of all applications and decisions, it is impossible to effectively monitor the results of funding contests, especially across authorities and over time. To address these problems, the government aims to introduce a platform for e-calls for proposals for financial support to CSOs, conducting consultations, and submitting a government resolution to do so. Each of these activities has verifiable performance indicators. Online submission of applications, publishing of selection procedures, and consultations make this commitment relevant to the OGP values of access to information, technology and innovation, and civic participation.

This commitment could help simplify the mechanism for submitting proposals and could enhance transparency of competitions for public funding of CSOs.[5] Overall, the commitment represents a minor but positive step toward improved transparency in public funding of civil society projects.

Next steps

During implementation, the IRM researcher recommends ensuring maximum transparency of funding contests. The IRM researcher also recommends introducing accountability mechanisms, such as procedures for an appeal committee and publishing its decisions online.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.

[2] "On approval of the Procedure for conducting a competition to identify programs (projects, activities) developed by civil society institutions for the implementation (realization) is funded" Resolution no. 1049 (The Verkhovna Rada of Ukraine, 12 Oct. 2011), https://zakon.rada.gov.ua/laws/show/1049-2011-%D0%BF.

[3] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.

[4] Serhii Karelin (EGAP), interview by IRM researcher, 25 Feb. 2019.

[5] Andriy Iliuk (MYS), email exchange with IRM researcher, 1 Mar. 2019; Maryana Polezhak (MYS), email exchange with IRM researcher, 5 Mar. 2019.

7. Launch the mechanism of verifying final beneficiaries

Language of the commitment as it appears in the action plan: Launching a mechanism to verify information on final beneficiaries[1]

Nowadays, the effective law requests the legal entities to identify its final beneficiary, regularly update and store information about him/her and provide it to the state registrar in cases and scope stipulated by law. Information on final beneficiaries is accessible in the Unified State Register of Legal Entities, Private Entrepreneurs and NGOs (hereinafter – the Register), but it is incomplete and displayed in a non-structured way there. Moreover, Ukraine lacks a mechanism to verify information from the Register. Namely, it does not specify an authority that is authorized to conduct such verifications as well as reasons therefor.

On 22 May 2017, the MoJ, State e-Government Agency, Transparency International Ukraine and OpenOwnership Consortium signed the Memorandum of Understanding that identifies joint action on transferring information on beneficiary ownership from the Register to the Global Beneficial Ownership Register.

Milestones:
1. Updating software of the Register so that it separately displays information on a founder and a final beneficiary owner (controller) of a legal entity
2. Drafting proposals on a mechanism to verify information on beneficiary owners from the Register

Start Date: December 2018

End Date: December 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
7. Launch the mechanism of verifying final beneficiaries		✔	✔			✔				✔	Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

Information on the ultimate beneficial owners of companies in Ukraine is disclosed in the Unified State Register of Legal Entities, Private Entrepreneurs and NGOs (Register).[2] However, this Register has several flaws, including incomplete information displayed in non-structured ways,[3] irregular updating,[4] insufficient and questionable information,[5] and no mechanism to verify insufficient and questionable information.[6] The law imposes fines for not submitting information to the Register, but few fines have been applied in practice. Also, there are no sanctions for submitting incorrect information to the Register.

Some civil society representatives believe that the existing flaws allow the concealment of ultimate beneficial owners. According to an interviewed representative from the Anticorruption Action Centre (ANTAC),[7] some Ukrainian companies have intentionally disguised their real owners.[8] Many companies often submit incorrect information about their beneficial owners or do not submit any information at all.[9]

This commitment aims to launch a mechanism to verify the accuracy of the Register's beneficial ownership information by updating its software. The linked performance indicators are specific

enough to verify, and because this initiative implies a more precise disclosure of data on registered entities online, it is relevant to OGP values of access to information and technology and innovation.

The verification of information on the Register continues from Commitment 5 from the previous action plan (2016–2018). While some progress was made, including the passage of a regulation to comply with global open data standards, the software to search and display relations between ultimate beneficial owners was not developed.[10] The Ministry of Justice (MoJ) expects this current commitment will result in accurate and up-to-date information on ultimate beneficial owners in the updated Register,[11] which could help prevent and counter laundering of criminal proceeds.[12] If fully implemented, this commitment could have a transformative impact in allowing accuracy verification of companies' ultimate beneficial owners included in the register.

Next steps

Experts from civil society advise the MoJ to introduce unique identifiers for individuals and to establish annual mandatory updates of the Register data.[13]

For effective verification, multiple mechanisms could be used to verify information on beneficial owners from the Register. These include automatic checks against risk-indicators, feedback from banks, and cross-checks with other registries. The Cabinet of Ministers could prepare a draft regulation specifying agencies and their roles for verification.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] "The United States Register of Legal Entities, Private Entrepreneurs and NGOs" (Open Data Portal, 12 Dec. 2019), https://data.gov.ua/dataset/1c7f3815-3259-45e0-bdf1-64dca07ddc10.
[3] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[4] Oleksiy Orlovsky, International Renaissance Foundation (IRF), interview by IRM researcher, 6 Mar. 2019.
[5] "Beneficial Owner: What is Inside Ukrainian Business Register?" Open Society Foundations (Liga.net, accessed: Dec. 2019) https://project.liga.net/projects/beneficiar/index_en.html.
[6] "Beneficial Owner: What is Inside Ukrainian Business Register?" Open Society Foundations (Liga.net, accessed: Dec. 2019) https://project.liga.net/projects/beneficiar/index_en.html
[7] Tetiana Shevchuk (ANTAC), interview by IRM researcher, 12 Mar. 2019.
[8] *Ibid.*
[9] Darya Kaleniuk and Tetiana Shevchuk, "Why it is profitable in Ukraine to lie to the state about the beneficial owner" (Zn,ua, 8 Dec. 2018), https://dt.ua/internal/ivan-ivanov-chi-vse-zh-taki-realni-kontroleri-kompaniy-296445_.html.
[10] "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, (Cabinet of Ministers of Ukraine Secretariat, 18 May 2017), http://zakon2.rada.gov.ua/laws/show/339-2017-%D0%BF/paran2#n2.
[11] Oleksandr Kozlov (MoJ), email exchange with IRM researcher, 22 Mar. 2019.
[12] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p."
[13] Kaleniuk and Shevchuk.

8. Introduce anti-corruption training for officials

Language of the commitment as it appears in the action plan:[1] Building knowledge of persons authorized to perform functions of the state or local self-government on anti-corruption policies, standards, and laws

According to Ukraine-2020 Strategy for Sustainable Development as approved by the Decree of the President of Ukraine # 5 of 12 January 2015, the key goal of anticorruption reform is to significantly decrease the corruption prevalence in Ukraine, corruption-caused losses for state budget and private business, and improving Ukraine's standing in international corruption ratings.

One of the most urgent measures to implement anticorruption reform is to establish effective mechanisms for preventing corruption, conflict of interest, violation of ethical standards and ensuring control over observance of the rules of integrity by persons authorized to perform functions of the state or local self-government.

Milestones:
1. Developing an interactive training course on countering corruption and ensuring integrity for public officials and local self-government officials
2. Creating a e-system to test knowledge of anti-corruption laws, policies and the respective standards by persons authorized to perform functions of the state or local self-government

Start Date: December 2018

End Date: October 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Introduce anti-corruption training for officials		✔	Unclear					✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

According to the National Agency of Ukraine for Civil Service (NACS), the current practice of conducting anticorruption trainings for public officials in Ukraine is considered unsatisfactory,[2] leading to poor knowledge on integrity standards among public officials. This commitment entails developing an interactive training course and an e-system to test knowledge of anticorruption laws, policies, and standards. This initiative suggests useful efforts aimed at anticorruption education. However, it is not clearly related to OGP values as it is an internal government measure that does not directly advance public access to information, civic participation, or public accountability.

Overall, this commitment could lead to positive but minor improvements to anticorruption efforts in Ukraine. It does not extensively change the current government approach to anticorruption training: the government co-develops a program with a university, and then conducts several offline lectures and workshops.[3] It is also not clear how this training course will be substantially different from the current training courses or whether it will reach a larger number of public officials. For example, the National Agency on Corruption Prevention (NACP) reported in 2017 that it had conducted 43 trainings for its employees and 14 trainings for other officials, reaching over 1,700 officials in total.[4] There is also already a massive open online course (MOOC) named Anti-corruption Programs for Authorities,[5] co-designed with a civil society expert to help public officials

develop anticorruption policies and civic activists evaluate corruption risks. However, consulted experts considered the existing course too generic,[6] and it has only been taken by a limited number of public officials. It is therefore possible that the envisioned course will improve professional competence and reach more public officials,[7] but this is not clearly indicated in the commitment.

Next steps

To improve the effectiveness of anticorruption training, the IRM researcher recommends that the government track the number of officials trained on annual basis, conduct regular surveys on the usefulness of content of the trainings amongst public officials, and adjust the training program accordingly.

Although this commitment could improve anticorruption education, the IRM researcher recommends continuing this initiative outside the OGP framework.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] Volodymyr Kuprii (NACS), email exchange with IRM researcher, 19 Mar. 2019.
[3] *Ibid.*
[4] "NACP Organized Training on Current Issues of Anti-corruption Legislature for over 1,700 Students" (National Agency on Corruption Prevention, 11 Aug. 2017, accessed: Apr. 2019, link no longer available as of Dec. 2019), https://nazk.gov.ua/news/nazk-organizuvalo-navchannya-z-aktualnyh-pytan-antykorupciynogo-zakonodavstva-dlya-ponad-1700.
[5] "Anti-corruption Programs for Authorities" (Prometheus, 9 Dec. 2018), https://courses.prometheus.org.ua/courses/course-v1:UNDP+GOVANTICOR101+2019_T1/about.
[6] Maksym Klyuchar (SACCI), interview with IRM researcher, 6 Mar. 2019.
[7] Kuprii, email; "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p," The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine, (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.

9. Provide public access to environmental information

Language of the commitment as it appears in the action plan:[1] Providing free access of citizens – through modern ICTs – to environmental information received by public authorities in the field of environment protection, rational use, reproduction and protection of natural resources

Ensuring environmental rights of citizens in terms of free access to the information on environmental status, risks for life and health, environmental perspectives is currently complicated by a number of problems:

- Lack of the national digital geoinformation infrastructure of public authorities and local self-government bodies to support them in implementation of their authorities on environment protection, rational use, reproduction and protection of natural resources;
- Lack of a unified centre to accumulate information on environmental status;
- Unclear division of authority, poor coordination of activities and suboptimal institutional capacity of public authorities and local self-government bodies to gather, accumulate and exchange information/data on environmental status;
- A lot of autonomous and non-unified – in terms of structure – registers and databases, non-systematized information on environmental status on hard copies that should be digitized and published in open data format.

Milestones:
1. Establishing legal framework for ensuring citizens' access to environment information in line with European norms and requirements
2. Developing and implementing the components of Open Environment System as a whole
3. Upgrading/reforming the national system of environment monitoring, in particular, of radiation monitoring

Start Date: December 2018

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
9. Provide public access to environmental information		✔	✔			✔			✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

There are multiple problems that inhibit Ukrainians' constitutional right to freely access information on environmental status, risks for life, and health. Essential ecological information is either closed or available for a fee.[2] An ecological activist with Open Society Foundation Ukraine estimated that government ecological policies receive only 9% of necessary funding,[3] and there is no system to instantly collect ecological information in real time, causing delays of up to two years.

This commitment seeks to establish a legal framework for ensuring citizens' access to environmental information, and introduce the nationwide automated Open Environment System. It also seeks to upgrade the national system of environment monitoring. It continues from Commitment 10 from the third action plan, which aimed to improve public monitoring of the state of the environment via the

Open Environment System.[4] While some tangible results were achieved during the third aciton plan period, including the developemnt of an interactive map of river pollution,[5] the Open Enviroment System was not fully developed by the writing of the IRM End-of-Term Report.[6] This commitment is also connected to Commitment 10 of the current action plan, which calls for updating the state registers of natural resources.

Given several indicators for measuring the success of each activity, this commitment is verifiable. By disclosing a large amount of ecological data in digital form, this commitment relates to the OGP values of access to information and technology and innovation.

The government foresees multiple outcomes from this commitment,[7] including ensuring environmental rights and increasing participation in decision-making around environmental protection. A consulted civil society representative further emphasized that such system will inform citizens when choosing where to live,[8] and provide official environmental information that could be used for changing local policies or in courts to make authorities implement national environmental policies. Considering this, the commitment could singificantly improve access to environmental information. However, it is unclear from the commitment text what type of enviromental information will be disclosed in the Open Enviroment System.

Next steps

During the implementation of this commitment, the IRM researcher recommends that the Ministry of Ecology and Natural Resources (MENR) collaborate closely with civil society partners including leading international NGOs that focus on environment. The IRM researcher also recommends the MENR to review its funding policies to ensure sustainability of the Open Environment System.

This commitment could be continued in the next action plan and include environmental monitoring of other pollution beyond the planned radiation monitoring.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] Lesia Shevchenko (Open Society), interview by IRM researcher, 7 Mar. 2019.
[3] *Ibid.*
[4] "On approval of the Government Priority Action Plan for 2018" Order No. 244-p on The Government Portal, Unified Web-Portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 28 Mar. 2018), https://www.kmu.gov.ua/ua/npas/pro-zatverdzhennya-planu-prioritetnih-dij-uryadu-na-2018-rik.
[5] "Clean Water: The Online Map of River Pollution in Ukraine Was Presented" on the Government Portal, Unified Web-Portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 6 Jul. 2018), https://www.kmu.gov.ua/ua/news/chista-voda-prezentovano-onlajn-kartu-zabrudnenosti-richok-v-ukrayini.
[6] Dmytro Khutkyy, *Ukraine End-of-Term Report 2016-2018* (Open Government Partnership, 2019), https://www.opengovpartnership.org/wp-content/uploads/2019/08/Ukraine_End-of-Term_Report_2016-2018_EN.pdf.
[7] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[8] Lesia Shevchenko (Open Society), interview by IRM researcher, 7 Mar. 2019.

10. Update the state registers of natural resources

Language of the commitment as it appears in the action plan:[1] Updating the state registers/databases of natural resources, improving efficiency of their operation and use to create favourable conditions for running economic activities

Nowadays, there is a plentiful of non-systematized materials and data on natural resources that are stored in hard copies. They should be stock checked, structured and digitized. This problem complicates publication of data in open data format and prevents data interaction and exchange between state environment registers and other state information resources.

Milestones:

1. Stock checking of state registers of natural resources for digitizing
2. Digitizing of information registers of natural resources
3. Publishing state information registers of natural resources in open data format

Start Date: December 2018

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
10. Update the state registers of natural resources		✔	✔			✔			✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

Non-systematized materials and data on natural resources in Ukraine are mainly stored in hard copies,[2] or are not published in an open data format, which prevents exchange of information between state environment registers and other state information resources. According to an interviewed civil society representative, some agricultural and industrial actors pollute rivers and soil with chemicals, information about such pollution is limited, and the amount and quality of publicly available ecological data at each responsible agency is unknown.[3] Furthermore, the Ministry of Ecology and Natural Resources (MENR) employee[4] highlighted a current lack of technical capacity and financial resources to systematize and digitize the available information on the environment.

This commitment aims to update state registers and databases on natural resources and improve the efficiency of their operation. Each activity has indicators, which make this commitment verifiable. The disclosure of ecological data in digital format also makes this commitment relevant to the values of access to information and technology and innovation.

This commitment lays the foundation for Commitment 9 from this action plan, which aims to introduce the Open Environment System, by consolidating the available ecological registries and databases into a single database. As an interviewed representative from the Open Society Foundation Ukraine stated, current ecological databases include data only on specific projects with allocated funding and they are not updated after the projects are finished.[5] Indeed, as of July 2019, the latest open dataset of the MENR website is dated 14 July 2017,[6] and there are a total of 31 datasets.[7] Given the above-mentioned problems, this commitment could have significant economic potential,[8] with agribusiness for example being more aware about the quality of land and thereby able to make better data-driven decisions about profitable locations for obtaining licenses and

investing funds in agricultural enterprise. Therefore, this commitment can be assigned a moderate level of potential impact.

Next steps

For this commitment to be successfully implemented, the MENR needs to apply a unified open data format for digitization of datasets. The data should be published in the Five Star Open Data standard to be re-usable.[9]

- MENR needs to take measures to actively communicate published datasets to end-users, such as ecological CSOs and agribusiness companies.
- To ensure interoperability, the registers need to feed into the Open Environment portal, from the linked commitment in this plan.

For the next action plan, MENR could aim for staff training for sustainable collection, processing, and publishing of these registries and databases. It is important to ensure that responsible officials understand open data and have the capacity to maintain datasets.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[3] Lesia Shevchenko (Open Society), interview by IRM researcher, 7 Mar. 2019.
[4] Dmytro Bulyka (MENR), email exchange with IRM researcher, 22 March 2019.
[5] Ibid.
[6] "Open Data" (Ministry of Ecology and Natural Resources, accessed 15 Dec. 2019), https://menr.gov.ua/timeline/Vidkriti-dani-.html.
[7] "The Registry (List) of Open Data Sets" (Ministry of Ecology and Natural Resources, 14 Jul. 2017), https://menr.gov.ua/news/31576.html.
[8] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" (Cabinet of Ministers of Ukraine Secretariat); Shevchenko, interview.
[9] "Five-star Open Data" (31 Aug. 2015), https://5stardata.info/en/.

11. Create an interactive map of mined territories

Language of the commitment as it appears in the action plan:[1] Creating an interactive map of territories contaminated with mines and explosives

As a result of an armed aggression of the Russian Federation, large territories of Donetsk and Luhansk oblast got contaminated with explosives.

According to preliminary estimates, the liberated square footage which is considered contaminated with explosives is about 7,000 sq.km, and over 1.5 million people live there. Approximately 15,000 sq.km inhabited by some 3.8 million people are areas where the public authorities temporarily do not exercise their powers. There is evidence that part of this territory is also contaminated with mines and explosives. It should be demined after the public authorities restore their powers there.

Mine action taking place in Ukraine includes mine risk education, humanitarian demining, exploration of the presence of mines and explosives, drawing up maps, marking and demining; providing assistance to victims, including rehabilitation; destruction of stocks of explosives; awareness raising and advocacy against the use of landmines. With this being said, it is necessary to establish the unified system to manage information on mine action, namely:

- List of territories/areas that were or can be contaminated with explosives;
- Data on these areas on a geographic map, their square footage, nature of soil, types of detected explosives, information on civilian casualties caused by explosions on these areas;
- Location of health facilities around these areas, especially those that provide primary health care to persons injured by explosions and are located close to areas contaminated with explosives;
- Types of economic activities that will run on the areas contaminated with explosives after demining.

Milestones:

1. Establishing requirements to an interactive map of territories contaminated with mines and explosives
2. Developing an interactive map of territories contaminated with mines and explosives
3. Beta testing of an interactive map of territories contaminated with mines and explosives
4. Putting an interactive map of territories contaminated with mines and explosives to operation

Start Date: December 2018

End Date: December 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
11. Create an interactive map of mined territories		✔	✔			✔			✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

As a result of the armed aggression of the Russian Federation, large parts of the Donetsk and Luhansk oblasts (regions) are contaminated with explosives.[2] The government of Ukraine estimates that on Ukraine-controlled Donbas territories, the area contaminated with explosives equals around

7 thousand square kilometres hosting over 1.5 million people, with other territory currently not under Ukrainian control of around 15 thousand square kilometres hosting over 3.8 million people. In 2018, the Ministry of Defense (MoD) received over 1,000 requests to check for explosives around civilian infrastructure.[3] According to the mass media organization NV, Ukraine is currently one of the most mine-polluted countries in the world.[4]

This commitment aims to create an interactive map of mine territories in Ukraine. In October 2018, prior to the start of this action plan, the MoD published a simple online map of mined Donbas territories.[5] This interactive map[6] allows zooming and clicking on mine zones, with pop-up windows of various important details about the area according to the most recent survey. However, this publicly available information is far from being complete. According to an Armed Forces of Ukraine (AFU) official, the existing map shows only the known border of mined areas.[7] Moreover, an expert from the Geneva International Centre for Humanitarian Demining (GICHD) pointed out the concern that the population might think that there are no mines on unmarked territories,[8] when in reality, mines may still exist even if an expedition did not find any. She also added that there is no research on many zones, especially the demarcation territories between the two sides.[9]

The government anticipates this commitment will ensure more accurate information on territories contaminated with mines and explosives for all actors engaged in mine action, as well as for the communities, local executive authorities, and media.[10] This could help mitigate the risk of emergencies caused by unauthorized handling of explosives, and reduce some of the psychological stress of local population.[11] Considering the major upgrade to the existing map's information and its importance to the safety of civilians who live close to the conflict zone, this commitment has a moderate potential impact.

Next steps

To ensure completion of this commitment, the IRM researcher recommends that the MoD facilitates faster checks of IT solutions and host the future interactive map on the ministry's servers. This recommendation is based on GICHD concerns[12] about up to three-year-long checks of IT solutions and the unsustainable location of the current map on external hosting services.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[3] "The Ministry of Defense is Developing an Interactive Map of Mined Territories" (Ukrinform, 1 Feb. 2019), https://www.ukrinform.ua/rubric-ato/2631860-minoboroni-stvorue-interaktivnu-kartu-zaminovanih-teritorij.html.
[4] "Dangerous Territory. Ukraine is among Countries most Polluted with Mines" (NV, 3 Apr 2018), https://nv.ua/ukr/ukraine/events/nebezpechna-teritorija-ukrajina-sered-najbilsh-zabrudnenikh-minami-krajin-2461762.html.
[5] "MoD Published the Map of Mined Donbas Territories" (UNIAN, 7 Oct. 2018), https://www.unian.ua/war/10289166-minoboroni-opublikuvalo-kartu-zaminovanih-teritoriy-donbasu.html.
[6] "Territories Identified as Dangerous (Survey in Progress)" (Ministry of Defence, accessed: Apr. 2019, link no longer available as of Dec. 2019), http://halotrust.maps.arcgis.com/apps/MapTools/index.html?appid=5e740f902a864403b360776dc291444e&extent=33.7715,46.7917,42.6760,49.6348.
[7] Oleksandr Chyzh (AFU), email exchange with IRM researcher, 1 Mar. 2019.
[8] Inna Kruz (GICHD), interview by IRM researcher, 7 Mar. 2019.
[9] *Ibid.*
"The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" (Cabinet of Ministers of Ukraine Secretariat).
[11] Kruz, interview.
[12] *Ibid.*

12. Introduce priority electronic services

Language of the commitment as it appears in the action plan:[1] Introducing priority electronic services

The Concept Note of E-Services Development in Ukraine until 2020 is developed by the State e-Government Agency and adopted by the CMU Ordinance # 797 of 8 November 2011.

Over 2016-2018, the State e-Government Agency jointly with other respective public authorities and supported by international donors launched approximately 120 priority e-services in the following sectors:

- Social protection;
- Construction and real estate;
- Land and environment protection;
- Business registration and operation;
- Citizenship and migration
- Security and litigation;
- Finance and tax;
- Transport.

Implementation of one-stop-shop for ensuring access of natural persons and private entities to information of the activities of public authorities is provided by developing the unified requirements to the development, maintaining and integration/interaction of the websites of public authorities.

At the same time, it is necessary to develop the unified coordinated national policy in this field.

The most priority problems that need solutions are:

- Lack of unified requirements to introducing e-services;
- Lack of regulation of e-identification and authentication of clients during administrative service provision;
- Lack of inter-agency e-interaction during administrative service provision;
- Complexity and over-regulation of the procedure of administrative service provision;
- Lack of clearly determined format of an e-document that regulates the procedure of filing documents for receiving an administrative service;
- Lack of unified information and telecommunication system to provide e-services based on the established requirements;
- Low level of trust to e-interaction on the side of administrative service providers and clients;
- Poor readiness of public officials, local self-government officials, natural persons and legal entities to introducing e-services.

Moreover, citizens' awareness of the steps and procedures to set up a business or to receive documents related to various life situations (birth of a child, receiving a passport, registration of a vehicle and receiving a driver's license, etc.) remains poor. One of key problems is that the information on administrative services is dispersed and not in reader-friendly language.

It is necessary to develop a convenient reader-friendly service that will explain the list of necessary steps and explanations targeted to users having various life situations

Milestones:

1. Introducing e-provision of priority administrative services
2. Launching the Unified E-Governance Web-Portal (portal.kmu.gov.ua)

3. Launching the Life Situations client-oriented online service on the Unified State Web-Portal of Administrative Services to provide business entities and citizens with convenient services that explains necessary steps to users who have the respective life situations

Start Date: January 2019

End Date: December 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
12. Introduce priority electronic services		✔	Unclear						✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

Ukraine has already made substantial progress on e-services, but multiple problems remain,[2] including a lack of unified requirements and data-sharing protocols, and low levels of trust, awareness, and readiness among both officials and citizens.[3] This commitment addresses one part of those challenges through developing a user-friendly Unified E-Governance web-portal to explain necessary steps for procedures. While some milestones seem completed prior to the action plan, each of the activities has a set of indicators, making the commitment verifiable. Although this initiative embarks on introducing useful electronic services, the commitment objectives do not demonstrate clear connection to OGP values.

The government expects this initiative to improve service provision and public agency performance, reduce corruption, and raise awareness of and access to information about services. The official of the State Agency for e-Governance (eGovAgency) emphasized the agency's aim to create accessible, transparent, cyber-safe, free from corruption, low-cost, fast, and convenient e-services.[4] Considering the scope of activities and the potential to provide user-friendly information on public e-services, this commitment can have a moderate impact.

Next steps

To ensure effective implementation of this commitment, the IRM researcher suggests the Cabinet of Ministers consider two recommendations.

- Facilitate interaction among government agencies to make sure that they reach an agreement on their mandates and tasks.
- Launch an awareness-raising campaign to communicate to end users the information about the new e-services arranged around life situations.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.

[2] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.

[3] "Policy Brief #4: Building New Architecture for E-services in Ukraine" in *Policy Briefs on Good E-Governance* (EGAP, Jan. 2019), https://egap.in.ua/biblioteka/analitychni-zapysky-z-efektyvnoho-e-uriaduvannia-vypusk-4/?wpdmdl=9010&ind=SuFsfOoSiYMpcI6e1fAXhdwSa2l01yk8WwixWvgdH_7TxznnxbFT5lRv9BvmbzXA.

[4] Tetiana Syvolapenko (eGovAgency), email exchange with IRM researcher, 27 Feb. 2019.

13. Introduce an online platform for civil society-authorities interaction

Language of the commitment as it appears in the action plan:[1] Setting up a unified online platform for interaction between executive bodies and the CSOs

As Ukraine sees incremental development of a civil society, the main civil society actors (NGOs, charities, creative unions, etc.) aim to represent socially important interests in their interaction with the CMU. Moreover, the CSOs and various groups of citizens are stakeholders that the executive bodies should consult with during the decision-making.

At the same time, the CSOs' and citizens' awareness of the tools to interact with executive bodies remains suboptimal. In particular, according to Civic Engagement survey conducted by GfK survey company and commissioned by international organization Pact Inc., as few as 21% citizens are savvy on the issues related to the discussion of draft laws of civic engagement in the advisory bodies of public authorities. Expert survey of the CSO representatives "Ukrainian Civil Society 2017: Challenges and Perspectives" conducted by Ilko Kucheriv Democratic Initiatives Foundation proves that only 23.4% respondents mention civic discussions as the most efficient tools for civil society to influence on the authorities, while participation in civic councils and other advisory bodies of public authorities was only mentioned by 18.4% respondents.

Some of the critical problems are that the information on possible ways of interaction between the CSOs and executive bodies is dispersed, and convenient tools for such engagement through one-stop-shop approach and based on unified approach are lacking.

Milestones:

1. Determining requirements to an online platform for interaction between executive bodies and the CSOs
2. Developing an online platform for interaction between executive bodies and the CSOs
3. Beta testing of an online platform for interaction between executive bodies and the CSOs
4. Putting an online platform for interaction between executive bodies and the CSOs into operation

Start Date: December 2018 End Date: August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
13. Introduce an online platform for civil society-authorities interaction		✔	✔	✔		✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

Both authorities and civil society agree that their communication lacks a unified approach and convenient tools for engagement.[2] Central authorities usually provide only an email address for online feedback, thereby limiting discussion.[3]

With this commitment, the government plans to create a unified online platform for interaction between executive bodies and CSOs. The commitment includes specific steps to launch the platform, making it verifiable. As the e-platform implies both informing and a public-private

deliberation online, it is relevant to OGP values of access to information, civic participation, as well as technology and innovation.

The government previously had a website for informing and consulting with civil society,[4] but that site was taken down by a hacker attack, and it also had several flaws. CMU has also attempted to use social media, with limited success,[5] and has an e-petition platform.[6] However, for the period of August 2016–March 2019 it displayed only five official answers to e-petitions that had received 25,000 signatures (which is the minimum threshold to require the government to respond).[7] This commitment would create yet another IT tool without solving the underlying challenges. The commitment text does not provide clarity of how the new platform will be different from the previous one. While the government foresees that this undertaking will improve interaction between civil society and authorities,[8] based on the available description of the foreseen platform, the potential impact of this commitment is minor.

Next steps

The introduction of new online tools for improving interaction between civil society and government should be accompanied by in-depth analysis of how this tool would add value to the existing resources, its specific objectives, and how its effectiveness will be measured. In addition, the government needs to keep track of officials' responsiveness to input from civil society. Only numerous cases of civic involvement and authorities' dedicated response can enhance the practice of citizen-authority interaction.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[3] Natalia Oksha (SCMU), interview by IRM researcher, 18 Feb. 2019.
[4] Civil Society and Authorities: Governmental Website, (link no longer accessible as of 25 April 2018) http://civic.kmu.gov.ua/.
[5] "OGP Ukraine" (Facebook, accessed Dec. 2019), https://www.facebook.com/ogpUkraine/.
[6] "Electronic petitions" (The Cabinet of Ministers of Ukraine, Dec. 2019), https://petition.kmu.gov.ua/.
[7] "Petitions with Answers" (The Cabinet of Ministers of Ukraine, Dec. 2019), https://petition.kmu.gov.ua/kmu/petition/consider/all.
[8] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" (Cabinet of Ministers of Ukraine Secretariat).

14. Introduce online EITI

Language of the commitment as it appears in the action plan:[1] Ensuring the transition to electronic implementation of Extractive Industries Transparency Initiative (EITI) and online data disclosure

Ukraine joined the EITI in 2013 within the framework of implementation of its OGP Action Plan for 2012-2014. At the same time, the EITI standards and best international practices that entail publication of data in machine-readable open data format have not been implemented yet. To this end, it is necessary to automatize the collection of primary information for report drafting.

Milestones:

1. Carrying out a feasibility study
2. Determining requirements to an online platform for extractive industries data disclosure
3. Developing an online platform for extractive industries data disclosure

Start Date: December 2018

End Date: August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
14. Introduce online EITI		✔	✔			✔			✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

This commitment builds on Ukraine's efforts under previous action plans to implement the Extractive Industries Transparency Initiative (EITI) Standard. Ukraine became a candidate country to EITI in 2013 and has published three EITI reports since 2015, which provide an immense amount of financial information about the country's extractive industries.[2] During the third action plan period, disclosure of information according to EITI Standard was made mandatory with accountability mechanisms by law #2545-VIII.[3] However, according to the Ministry of Energy and Coal Industry (MECI), the current procedure for collecting and processing data for EITI consumes a lot of time and resources.[4] The Acting Head of EITI Ukraine, for example, explained that authors of EITI reports currently collect information from companies manually.[5] This does not comply with the new global EITI Standard,[6] which were adopted in June 2019 at the EITI Global Conference 2019.[7] According to an interviewed civil society representative from DiXi Group, without formal governmental commitments, publishing EITI open data in Ukraine could risk of low prioritization or even failure.[8]

This commitment aims to completely transition the collection of extractives information to electronic, machine-readable, open-data format, and to automatize data collection via an online platform. Publishing EITI information in an open-data format on a dedicated online platform clearly relates to the OGP value of access to information and technology and innovation for transparency.

This commitment anticipates multiple transparency-related results, including collecting data in real time,[9] reducing the timing for submitting and processing data within the framework of EITI reporting, ensuring disclosure of the most relevant data in open data format, timely publication of EITI reports, and reducing the cost of report production.[10] An interviewed civil society representative added that local communities will receive access to financial information that is essential for planning their budgets,[11] based on the September 2018 law that requires 5% of rent

payments from extracting profits to go to the budgets of local self-government.[12] The State Service of Geology and Mineral Resources (SSGMR) also emphasized the importance of tax earnings by local communities for their strategic development planning.[13] Given that these are significant improvements over the status quo, this commitment could have a moderate potential impact on improving disclosure of data on the extractive sector in Ukraine.

Next steps

Due to its outstanding impact in opening government during the third action plan and a significant potential impact in the fourth, the government should streamline this commitment.

- The government should review civil society concerns about the current legal deadlock of the multistakeholder group members, which stalls its functioning. The IRM researcher recommends re-electing the multistakeholder group and introducing transitional procedures to avoid such situations in the future.
- The Minister of Energy and Ecology could take leadership in reviewing and aligning the methodology of data collection and reporting across ministries and agencies, as a civil society expert in the field advised. This would ensure the reliability of public data on extractive industries.

For the fifth action plan, IRM researcher recommends the government provide a more detailed narrative explanation of the problem, objective, and solution in the text of the action plan. It is also advisable to develop and list more specific indicators of accomplishment for each commitment activity.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] "Library" (UAEITI, accessed Dec. 2019), http://eiti.org.ua/en/library/.
[3] "The Law of Ukraine on Ensuring Transparency in Extracting Industries #2545-VIII" (Verkhovna Rada of Ukraine, 18 Sep. 2018), https://zakon.rada.gov.ua/laws/show/2545-viii; Olena Pavlenko (DiXi Group), interview by IRM researcher, 6 Mar. 2019.
[4] Serhii Bidnyk (MECI), email exchange with IRM researcher, 27 Feb. 2019.
[5] Olesia Nekhoroshko (EITI Ukraine), email exchange with IRM researcher, 15 Mar. 2019.
[6] Oleksii Orlovskyi (IRF), interview by IRM researcher, 6 Mar. 2019.
[7] "EITI Global Conference 2019" (EITI, Jun. 2019), https://eiti.org/event/eiti-global-conference-2019.
[8] Pavlenko, interview.
[9] Bidnyk, email.
[10] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[11] Pavlenko, interview.
[12] "The Law of Ukraine on Amendments to the Budget Code of Ukraine #1793-VIII" (Verkhovna Rada of Ukraine, Dec. 2016), https://zakon.rada.gov.ua/laws/show/1793-19.
[13] "StateGeoSoil Supports EITI Standard for Increasing Transparency of Mining Natural Resources" (Public Service of Geology and Subsoil of Ukraine, 1 Oct. 2018), http://www.geo.gov.ua/derzhgeonadra-pidtrimuye-standart-eiti-zadlya-pidvishhennya-prozorosti-vidobutku-kopalin/.

15. Introduce electronic resources for school education

Language of the commitment as it appears in the action plan:[1] Providing school children, parents and educators with cutting-edge education electronic resources and services

One of key components of systemic reform of secondary education stipulated by the Concept Note of State Policy on Reforming Secondary Education (New Ukrainian School) until 2029 as approved by the CMU Ordinance # 988 of 14.12.2016 aimed to establish a modern education environment, including e-environment that will prove necessary conditions, means and technologies for instruction.

The Law of Ukraine "On Education" adopted in September 2017 provides for the right of everyone to access to e-textbooks and other multimedia training resources in line with the procedure established by law. It also entails that to provide this right, a central executive authority in the field of education and science should set up and maintain a specific information Internet resource where the free-of-charge e-textbooks or electronic versions of printed textbooks for all secondary education courses are fully uploaded.

Milestones:

1. Launching the beta-version of National Education Electronic Platform
2. Ensuring the operation of the National Education Electronic Platform

Start Date: January 2019

End Date: December 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
15. Introduce electronic resources for school education		✔	✔			✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

Ukraine's Law on Education guarantees all citizens the right to a high-quality and affordable education.[2] It also requires the government to create an online resource that provides full-text e-textbooks for all secondary education courses free of charge. However, this centralized e-resource is not yet available and is the focus of this commitment. To achieve this objective, the government plans to launch a National Education Electronic Platform (Platform). The related activities have specific indicators, which make the commitment verifiable. Due to the consequent availability of free online educational resources, this commitment relates to access to information and technology and innovation for education.

This commitment continues from progress made before this action plan. In 2018, the Ministry of Education and Science (MES) adopted a collaborative regulation for the Platform, held online consultations,[3] published a resulting report, and issued a revised version of the decree (#523).[4] The regulation outlined the legal and administrative foundations of the e-platform that this commitment will now create.

The government expects the Platform to use cutting-edge ICT tools to improve everyone's access to public educational resources and facilitate new forms of instruction.[5] According to the MES official, the platform will facilitate digital competencies of students and teachers in Ukraine.[6] At the

same time, various private Massive Open Online Courses (MOOCs) already exist. For example, EdEra[7] and Prometheus[8] both offer general courses in Ukrainian. In the opinion of a civil society expert of Prometheus, high-quality education content is already available abroad; state-run MOOC will not be able to compete for students and there is no demand for MOOCs by teachers.[9] It is questionable whether a public MOOC will be able to compete with private ones. Therefore, considering the available resources and the commitment aim, it has a minor potential.

Next steps

Taking into account the scope of this initiative, the existing competition, and the large amount of resources required, the IRM researcher recommends that MES focus on a particular model of the Platform to be implemented by the end of 2020. This could be a library of e-textbooks or a catalogue of best educational resources, both original Ukrainian and adapted international ones. In consultation with stakeholders, the MES should make sure to strike the right balance of value add beyond existing private solutions with the resources that would be necessary to do so.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] "The Law of Ukraine On Education #2145-VIII" (Verkhovna Rada of Ukraine, 5 Sep. 2017), https://zakon.rada.gov.ua/laws/show/2145-19.
[3] "MES Offers for Public Discussion the Draft Decree of CMU On the National Education Electronic Platform" (The Ministry of Education and Science, 26 Feb. 2018), https://mon.gov.ua/ua/news/mon-proponuye-dlya-gromadskogo-obgovorennya-proekt-postanovi-kmu-pro-nacionalnu-osvitnyu-elektronnu-platformu.
[4] "The Ministry of Education and Science. Decree on 22 May 2018 #523" (Verkhovna Rada of Ukraine, 22 May 2018), https://zakon2.rada.gov.ua/laws/show/z0702-18.
[5] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[6] Stanislav Horskyi (MES), email exchange with IRM researcher, 2 Mar. 2019.
[7] "Educational Era" (EdEra, accessed Dec. 2019), https://www.ed-era.com/.
[8] "The Best Online Courses in Ukraine and the World" (Prometheus, accessed Dec. 2019), https://prometheus.org.ua/.
[9] Ivan Prymachenko (Prometheus), interview by IRM researcher, 6 Mar 2019.

16. Introduce online verification of education certificates

Language of the commitment as it appears in the action plan: Enabling online verification of education certificates[1]

If a person has fulfilled his/her right to education, it is certified by a respective document issued by an education facility. A person needs this document if s/he is going to continue education and enter another education facility to receive certain specialty, qualification, or to seek job, to get registered with the employment centre, etc.

Considering that education certificates are sometimes forged, various institutions, enterprises and organizations need a mechanism to verify their authenticity.

Moreover, these certificates should be verified when a person is seeking certain administrative services, or when persons who studied in education facilities located on the temporarily occupied territory of Crimea and non-Government-controlled territories in Donetsk and Luhansk oblasts request duplicates of their education certificates.

Nowadays, authenticity of an education certificate can be officially verified by sending a written request to an educational facility, an administrator or a technical administrator of the Unified State Education Electronic Database. The latter considers a request and provides an official response on the authenticity of a certificate or reports that a certificate is missing from the Register of Education Certificates of Unified State Education Electronic Database.

Such a verification procedure is time-consuming and thus complex for the citizens.

Milestones:
1. Determining requirements to an online service of education certificate verification
2. Developing an online service of education certificate verification
3. Beta testing of an education certificate verification
4. Putting an education certificate verification into operation

Start Date: December 2018

End Date: July 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
16. Introduce online verification of education certificates		✔	Unclear					✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

Because education certificates in Ukraine are sometimes forged, enterprises and organizations need a mechanism to verify their authenticity.[2] For example, according to TSN journalists, in April 2017, the Counterintelligence Office and the Security Service of Ukraine revealed an illegal printing house that was issuing fake educational diplomas for separatist hitmen.[3] Educational certificates are necessary for certain administrative services, including to use the public e-procurement system ProZorro.[4] Persons who studied in education facilities located on the temporarily occupied territory of Crimea and nongovernment-controlled territories in the Donetsk and Luhansk oblasts also must request duplicates of their education certificates. The government acknowledges that the existing

verification procedure is time-consuming and complex for citizens,[5] with an official answer about authenticating the documents under question taking 10 to 30 days.[6]

To solve this problem, the government aims to enable online verification of education certificates. As the focus of this commitment is not disclosure of public data, but online verification of education certificates, it is not directly relevant to OGP values.

At the onset of this action plan, there were already several online services for verifying educational documents. In particular, the Unified State Education Electronic Database[7] (USED) has accepted online requests for such verification since at least July 2018.[8] The Cabinet of Ministers' (CMU's) portal of e-services also offers the e-service of verifying educational documents,[9] as does the Ministry of Education and Science (MES) online system.[10] Still, the government expects that this commitment will ensure more prompt verifications,[11] providing digitally-signed certificates via email within three working days.[12] According to the consulted representative of RPK, such advanced online verification could decrease the number of fake diplomas and save time for law enforcement.[13] Taking this all into account, the commitment has positive but minor potential impact.

Next steps

- The government should define and implement advanced verification procedures, as a representative of RPK suggested.[14] They can include checks in several government databases and result in the issuance of an official certification.
- The IRM researcher also recommends advanced data protection mechanisms to ensure the confidentiality of personal data. In particular, the online service should verify the identity of its users before performing a search of educational documents and disclosing such information.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[3] "Counterintelligence Office has Revealed a Colossal Scheme of Printing Fake Documents for Hitmen in Kyiv" (TSN, 19 Apr. 2017), https://tsn.ua/ato/specialisti-shirokogo-profilyu-doneckim-boyovikam-masovo-shtampuyut-falshivi-dokumenti-u-kiyevi-916177.html.
[4] Mykhailo Serebriakov (RPK), interview by IRM researcher, 26 Feb. 2019.
[5] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" (Cabinet of Ministers of Ukraine Secretariat).
[6] Oksana Bielik (Inforesource), email exchange with IRM researcher, 4 Mar. 2019.
[7] "Register of Education Documents" (The Unified State Education Electronic Database, accessed Dec. 2019), https://info.edbo.gov.ua/edu-documents/.
[8] Internet Archive Wayback Machine, accessed Dec. 2019, http://web.archive.org/web/20180901000000*/https://info.edbo.gov.ua/edu-documents/.
[9] "Educational Document Verification" (The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine, accessed Dec. 2019), https://www.kmu.gov.ua/ua/service/perevirka-dokumenta-pro-osvitu.
[10] "Verifying Educational Documents" (IPS Education, accessed Dec. 2019), https://osvita.net/ua/checkdoc/.
[11] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" (Cabinet of Ministers of Ukraine Secretariat).
[12] Bielik, email.
[13] Serebriakov, interview.
[14] *Ibid.*

17. Introduce the National Repository of Academic Texts

Language of the commitment as it appears in the action plan: Ensuring free access of users to the National Repository of Academic Texts[1]

The system of information support to research, development, technical and innovative activities in Ukraine is suboptimal, and the effective technical, organizational solutions, policies and legal framework do not enable convenient access to academic texts, including to those that were produced at the state and local budget expense.

Only a part of information resources is accessible online, while a lot of information can only be accessible in local points (libraries, archives, etc.). At the same time, the institutions that operate online (repositories, storages, e-libraries, etc.) have certain limitations in terms of access to information. They are often focused on some narrow topic or a certain group of users (for example, students of a University where the respective repository is functional). They have crucial differences in terms of interface, search engine and verifiability. It complicates access to R&D information and thus, compromises the efficiency of its use.

Creating the National Repository of Academic Texts will simplify the search and online access to information on R&D, education and innovations.

Milestones:

1. Developing the ToR for creating the National Repository of Academic Texts
2. Developing and implementing a technical project of the National Repository
3. Launching a start-up package of National Repository (phase 1)
4. Establishing the system of local repositories
5. Shaping the ecosystem of the tools to support to academic integrity

Start Date: December 2018

End Date: December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
17. Introduce the National Repository of Academic Texts		✔	✔			✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

Current technologies and policies in Ukraine do not enable convenient access to academic texts like Ph.D. dissertations, including to those produced by state and local public funding.[2] Only some information resources are accessible online, and are often focused on a narrow topic or a certain group of users (e.g., students of a university). Many are accessible in libraries or in dispersed local or sectoral repositories lacking a unified format and data exchange, like the Vernadsky National Library Electronic Resources[3] and the Electronic Kyiv-Mohyla Academy Institutional Repository.[4] Some academic texts can be lost due to a reorganization or change in funding,[5] and many pre-2014 academic texts are available only in paper.[6]

The government intends to ensure free access to a centralized National Repository of Academic Texts (the Repository). According to a UkrINTEI representative, the Repository will enable a permanent storage of academic information and establish a unified entry point to its databases.[7] Due to increasing public access to academic texts, this undertaking clearly relates to OGP values of access to information and technology and innovation.

Prior to the action plan, the government adopted several regulations to lay the groundwork for this commitment. Two decrees from 2017 and 2018 outline a general structure for the Repository and specifies an administering agency and its functions.[8] The latest decree from 19 October 2018 specifies preliminary technical characteristics and requires UkrINTEI to develop final technical characteristics of the Repository.[9]

The new Repository could bring positive results.[10] In particular, it will simplify access to information on research and development (R&D), education, and innovation.[11] The Repository could help promote academic integrity if, as the RPK expert suggested, anti-plagiarism software is used.[12] Taking into account these possibilities, this commitment has a potential for at least a minor impact on academic transparency.

Next steps

To provide full transparency of all academic texts, the IRM researcher recommends integrating all available local repositories into the central repository and to create a comprehensive registry of academic texts.

To achieve the potential of the Repository for ensuring integrity in academic writing, MES and UkrINTEI could develop or acquire advanced anti-plagiarism software with the capabilities of comparing multi-lingual texts and analyzing images.

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[1] For the complete text of this commitment, please see: https://www.opengovpartnership.org/wp-content/uploads/2019/02/Ukraine_Action-Plan_2018-2020_EN.pdf.
[2] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p" on The Government Portal, The Unified Web-portal of Executive Authorities of Ukraine (Cabinet of Ministers of Ukraine Secretariat, 18 Dec. 2018), https://www.kmu.gov.ua/storage/app/media/17-civik-2018/partnerstvo/plan_2018%20-%202020.pdf.
[3] "Vernadsky National Library Electronic Resources" (Vernadsky National Library of Ukraine, accessed Dec. 2019), http://www.nbuv.gov.ua/node/2116.
[4] "Electronic Kyiv-Mohyla Academy Institutional Repository" (eKMAIR, 2019), http://ekmair.ukma.edu.ua/.
[5] Olena Chmyr (UkrINTEI), email exchange with IRM researcher, 19 Mar. 2019.
[6] Mykhailo Serebriakov (RPK), interview by IRM researcher, 26 Feb. 2019.
[7] Olena Chmyr (UkrINTEI), email exchange with IRM researcher, 19 Mar. 2019.
[8] "Regulations on the National Repository of Academic Texts" The Cabinet of Ministers of Ukraine. Resolution no. 541 (Verkhovna Rada of Ukraine, 19 Jul. 2017), https://zakon.rada.gov.ua/laws/show/541-2017-%D0%BF; "On approval of the Rules of Procedure of the National Academic Text Repository" Ministry of Education and Science of Ukraine. Order no. 707 (Verkhovna Rada of Ukraine, 4 Jul. 2018), https://zakon.rada.gov.ua/laws/show/z0858-18.
[9] "Issues of the National Academic Text Repository" Order no. 1140 (Ministry of Education and Science of Ukraine, 19 Oct. 2018), https://mon.gov.ua/ua/npa/deyaki-pitannya-nacionalnogo-repozitariyu-akademichnih-tekstiv?fbclid=IwAR0bDh26wcqyweTc6H5kE9k1NYe7kKpYKdPpuV7sbPJmU96GPM3NN1O9nUU.
[10] "The Cabinet of Ministers of Ukraine. Decree on 18 December 2018 #1088-p (Cabinet of Ministers of Ukraine Secretariat).
[11] *Ibid.*
[12] Chmyr, email; Serebriakov, interview.

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

Process-related recommendations

Both the government and civil society agreed that even the expert community concerning open government is insufficiently aware about the OGP mandate and process in Ukraine. Ukraine's multistakeholder forum (MSF), the Coordination Council, could develop a targeted communications strategy about OGP in order to reach a wider range of experts in the field. This strategy could include developing infographics, video clips, and interviews about OGP's impact for publishing in mass media, such as online outlets and nationwide television.

Content-related recommendations

Commitment 7, to establish a system for verification of beneficial ownership information, was part of the previous action plan (2016–2018). Due to limited progress on implementation, it was carried forward to the current, fourth action plan. Establishment and functioning of a sound verification mechanism will likely require continued effort and resource investment. It is recommended that the next action plan include a commitment to establish a functional verification mechanism of beneficial owners.

Given the priority of the new government to advance the state privatization process, the next action plan could focus on guarantees to ensure transparency and accountability of privatizing state assets. The announced sale of large state-owned companies and 500 state enterprises should build on the successful practice of ProZorro.Sales to conduct this process in a transparent manner and generate more competition from national and foreign bidders. This could also help generate higher investor confidence and increase much-needed national revenue from sales.

To strengthen the impact of fiscal transparency, the IRM researcher recommends introducing accountability mechanisms for budget spending. As the data on public budget, procurement, and spending is synchronized, this allows conducting better checks on the use of public funds and pursuing respective law enforcement actions. The Ministry of Finance can develop digital tools for automatic checks between data on public budget, procurement, and spending, searching for mismatches. Such tools can model DoZorro artificial intelligence for advanced examination of all sorts of financial flows.

Similar to the previous action plans, a large number of commitments included in the action plan are already planned initiatives that are part of ongoing reforms in areas such as public procurement, public finance, administrative systems, and the creation of various registers. While these are important areas of reform, it is often not clear how the OGP process contributes to the generation of new ideas or how it adds value to the implementation of these initiatives. Going forward, the main actors involved in the OGP process could consider using OGP to develop new initiatives or clearly demonstrate the added value for ongoing reforms.

Too many commitments in the fourth action plan are related only to access to information in digital form. This is insufficient for opening government. Therefore, the IRM researcher recommends strengthening the civic participation and public accountability aspects of Ukraine's future action plans. MSF can introduce more public monitoring and feedback mechanisms, a feasible objective given favorable legislation, available ICT solutions, similar designs in other initiatives, and an active civil society. At a minimum, MSF can invest effort in adding e-participation functions as part of transparency-related commitments on the same online platforms. These could be discussion fora, moderation mandates, satisfaction surveys, regular e-polling, performance dashboards, and BI modules with embedded feedback forms. Empowered by new opportunities, the public can become more engaged, informed, helpful, and even supportive of the government-pursued undertakings.

Table 5.1: Five Key Recommendations

1	**Develop a communications plan on OGP.**
2	**Use the OGP process to generate new approaches to ongoing initiatives.**
3	**Establish and implement the verification system on beneficial ownership of companies.**
4	**Ensure safeguards for transparency and accountability of privatization of state assets.**
5	**Improve public accountability of budget spending.**

5.2 Response to Previous IRM Key Recommendations

Table 5.2: Previous IRM Report Key Recommendations

	Recommendation	Responded to?	Integrated into Current Action Plan?
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	✗	✓

The government has diligently incorporated the first IRM key recommendation on making commitments more specific and results oriented. To a different degree, the government complemented the commitments of the fourth action plan with a description of the underlying problem, the status quo, objectives, and performance indicators. This made all 17 commitments of the fourth action plan verifiable.

Regarding the second key recommendation to involve legislative and judicial branches of government in action plan development, the government has decided to focus on commitments within its mandate instead. Therefore, the responsibility for the implementation of the fourth action plan rests within CMU's authority.

The government, in cooperation with civil society, has established an automated system for verifying e-declarations and sanctioning public officials who violate the law. By doing so, it addressed the third recommendation. However, due to the official position of the National Agency Corruption Prevention (NACP) on legislature, its launch is stalled.

The fourth recommendation to prioritize the implementation of the verification system on beneficial ownership is included in the fourth action plan under Commitment 7. This commitment is carried over from the previous action plan.

Finally, as a continuation of the commitment in the third action plan, the government included a commitment in this plan to develop a user-friendly online system for monitoring the budget and public spending (Commitment 5). It should be noted that although stakeholders describe ambitious goals, its functions are not explicitly specified in the text of the action plan. Therefore, the scope of information disclosed, the depth of analysis, and monitoring possibilities integrated will depend on government decisions during implementation.

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. 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, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Ukraine's official OGP webpage on the government's website,[1] findings from the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. 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 during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are 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.[2]

Interviews and stakeholder input

The primary criterion for choosing stakeholders for interviews was their knowledge about the OGP process—either generic or commitment-specific. The second criterion was respondent's affiliation. To ensure a balance of views, for each theme at least one stakeholder from authorities and at least one from civil society were contacted. Wherever several experts were listed or advised on a topic, all of them were contacted.

To obtain the opinions of stakeholders on the development of the action plan, the IRM researcher contacted the actors with the longest involvement in OGP due to their long-term comparative knowledge of the topic. From the government, one expert gave an interview, arguing that the other civil servants have the same information. From civil society, four experts gave interviews.

For information about individual commitments, the IRM researcher sent official information requests via email to the officials listed as contact persons for respective commitments. This channel of communication was intended to ensure maximum correctness and verifiability of answers. Wherever necessary, multiple emails were sent, and phone calls were made. By early May 2019, seventeen officials provided written answers and one official gave an interview. However, five of these officials responsible for six commitments provided full answers after the stipulated one-month term to respond to a citizen's request for information.

To consider perspectives from the public, the IRM researcher also emailed representatives of civil society chosen among the partner organizations listed in the action plan or other active participants in the OGP process. Some respondents recommended to contact other experts, which also were then contacted. To have a more interactive discussion, the preferred communication format was a Skype interview, but a written answer was also suggested as a possible option. As a result, eighteen interviews were held, and one written

answer was received by email. With a minimum of one to a maximum of three interviews, all seventeen commitments were covered.

In addition, the IRM researcher attended two of the events described in Section Two. On 7 May 2018, the IRM researcher observed the public event devoted to the development of the fourth action plan, and on 4 October 2018, the IRM researcher observed the extended meeting of the multistakeholder forum aimed at a public discussion of the draft action plan.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is 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] "Open Government Partnership," The Government Portal. The Unified Web-portal of Executive Authorities of Ukraine, https://www.kmu.gov.ua/ua/gromadskosti/gromadyanske-suspilstvo-i-vlada/partnerstvo-vidkritij-uryad.
[2] IRM Procedures Manual, V.3: https://www.opengovpartnership.org/documents/irm-procedures-manual.

Annex I. Overview of Ukraine's performance throughout action plan development

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

Multistakeholder Forum	
1a. Forum established: There is a forum to oversee the OGP process.	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely.	Green
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure.	Green
1d. Mandate public: Information on the forum's remit, membership and governance structure is available on the OGP website/page.	Green
2a. Multistakeholder: The forum includes both governmental and nongovernment representatives.	Green
2b. Parity: The forum includes an even balance of governmental and nongovernmental representatives.	Green
2c. Transparent selection: Nongovernmental members of the forum are selected through a fair and transparent process.	Green
2d. High-level government representation: The forum includes high-level representatives with decision making authority from government.	Yellow
3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum.	Green
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events.	Yellow
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders.	Yellow

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Green
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Yellow
4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process.	Yellow
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Green
4e. Reasoned response: The multistakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	Green
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g., links to databases, evidence of meetings, publications).	Yellow

***Editorial note**: If a country "meets" the six standards in bold, the IRM will recognize the country's process as a Starred Process.*