

**BASELINE SURVEY ON
OPEN GOVERNMENT
AT LOCAL LEVEL
IN UKRAINE:
*MAPPING INITIATIVES
AND ASSESSING NEEDS***

Congress of Local and Regional
Authorities
of the Council of Europe



**Baseline Survey on
Open Government
at Local Level
in Ukraine:**

*Mapping initiatives and
assessing needs*

Council of Europe

Original:

Baseline survey on Open Government at local level in Ukraine: Mapping initiatives and assessing needs (English version)

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Acknowledgements

The Baseline survey on Open Government at local level in Ukraine: Mapping initiatives and assessing needs maps the landscape of open government practices at the local level of governance in Ukraine and analyses the needs of local authorities in introducing open government policies and practices based on their reported challenges and obstacles met in the process of their implementation.

The baseline survey is devised to serve as a basis to further support local authorities in developing innovative open government policies and practices. The study was developed by experts Dr Oksana Huss and Dr Oleksandra Keudel, it was primarily conducted from 17 to 21 June 2021, and the overall co-ordination was ensured by the Secretariat of the Congress. It builds on the long-standing Congress efforts to strengthen the implementation of open government principles at local level in Ukraine, which dates back to 2014.

The survey was developed in the framework of the project “Strengthening democracy and building trust at local level in Ukraine” implemented by the Congress of Local and Regional Authorities within the Council of Europe Action Plan for Ukraine 2018-2022”.

Executive summary

Given the specific dynamic of the transition process in Ukraine – the decentralisation reform, the trend for digitalisation of governance in combination with the strong civil society – Open Government (OG) appears to be the natural way to go for the local self-governance. This report maps OG initiatives and assesses the needs and challenges for its further development at the local level of governance in Ukraine. The data collected in the survey of 126 local authorities, supported by the analysis of good practices presented during the OG week marathon and four explorative interviews, serve as the basis for several conclusions.

The implementation of OG initiatives at the local level reflects a paradigmatic shift in the relations between authorities and citizens. In particular, the narrative expressed by the local authorities about the initiatives and the purposes of OG indicated in the survey hint at the increasing perception of citizens as clients and the role of local authorities as providers of public services. Against the backdrop of the post-Soviet political culture, that promoted the role of citizens as subjects and authorities as rulers, the shift towards service-oriented way of thinking is a major achievement. This is supported by such initiatives as consultations with citizens (e.g. public hearings or citizen surveys) and examples of authorities' responsiveness to the demand for certain policies or public services among citizens (e.g. responses to citizen complaints, e-petitions, PB ideas).

At the same time, the **stage of collaboration is not yet reached**. The examples where citizens and beneficiaries of public policy are perceived as partners – e.g. through co-creation of services or direct influence on decision-making – are rather rare. Besides, the OG approach lacks institutionalisation. Less than every tenth respondent reported having a strategy document on transparency, citizen participation, or digital transformation. OG initiatives are perceived as social innovations that are useful for the authorities to improve their image when scoring high on the related indexes.

Transparency provisions – access to public information, open data, and disclosure – are well regulated in the national legislation. In their local application, most transparency initiatives exemplify the use of ICTs (information and communications technology) to increase trust. Many communities are currently creating or updating their websites and ensuring open decision-making through live streams of councils' and other local self-government (LSG) bodies' meetings. Few innovator-communities, including rural ones, develop own strategies for open data and digitalisation, systematically implement international open data provisions and launch innovations like geoinformation systems. The instances when transparency initiatives are introduced to ensure societal accountability, or the data is provided for the public re-use (i.e. economic or social development of the community) are still a minority. Most cited challenges that communities faced when introducing transparency initiatives are: ensuring the use of transparency tools by residents, finding funds to buy software, and ensuring automated access by LSG bodies to the national databases. Often, transparency initiatives are presented interchangeably with the citizen participation initiatives and e-services, which indicates a lack of conceptual understanding about the mechanisms that connect and differentiate transparency, participation and e-services.

Communities who implement **participatory initiatives** see them as a vehicle to increase trust into LSG bodies, followed by considerations of inclusiveness and effectiveness of local authorities. Participatory budget (PB) is by far the most practiced type of a participatory initiative that communities consider as worth sharing with. At the stage of the policy development, communities indicate ordinary citizens to be the main target group to engage in public consultations, although many of them consider ensuring active and constructive citizen engagement as a challenge. At the same time, during consultations,

communities seem to underestimate the potential of experts and NGOs and involve them seldomly. Similarly, business remains outside of public consultations, which is problematic considering the intertwining of business and politics in Ukraine. Regarding the decision-making processes involving citizens, an impressive number of communities reported applying some deliberative practices (e.g. discussing pros and cons of decisions), although the examples of democratic innovations in the description of the important initiatives were rather rare. At the implementation and monitoring stages of policy making, we observe a considerable lack of engagement of any stakeholders.

Accountability and responsiveness are the main prerequisites for the positive impact and sustainability of OG initiatives, because they condition trust among stakeholders and trust-based collaboration. The data show however the gap with regards to these components, as every fifth respondent had no accountability mechanisms in place. Where accountability mechanisms are in place, communities appear to limit themselves to only those mechanisms that are directly prescribed by the national legislation (e.g. internal financial audit). The data show the gap in introducing accountability mechanisms that undermine authorities' discretion, such as public control of communal enterprises or public expertise of decisions or activities of the LSG bodies. The survey data also show that communities often miss the chance to demonstrate responsiveness, such introducing changes to administrative and public services in response to citizens' complaints or e-petitions.

Strong national focus on **digitalisation bears opportunities and risks**. It increases chances to reinforce direct citizen participation in local politics, as it simplifies intra-governmental coordination (e.g. systems for electronic document management), enables direct communication with citizens (e.g. social media), and allows accessible voting procedures (e.g. e-voting). At the same time, there are some serious risks that must be mitigated: one of them is the lack of equity on both national and local levels of governance. Given the low level of digital literacy in the population, those on the downside of digitalisation will be excluded. In addition to the expert concerns on the national level, communities report the deepening division among citizens as the second most cited unintended outcome of OG. Another risk is a violation of the personal data privacy.

Against the backdrop of declining democracy worldwide,¹ the **OG trends at the local level** of governance in Ukraine stand out as islands of hope and transform the country into the global lab of participatory democracy. Individual communities, both urban and rural ones, that creatively develop and use own OG tools have good chances to contribute with their practices and lessons learned to the democratic aspirations on the international level. Most communities in the survey confirm their dedication to foster OG by providing premises and earmarking funds for OG initiatives. The future prospects of the respondents to expand e-governance, evolve OG initiatives, and intensify communication with citizens provide a solid prerequisite for the further support of OG aspirations in Ukraine.

Based on the data analysis, we generate several **recommendations**, specified and elaborated in more detail in the end of each section:

Recommendations for overarching OG policies

- **Support OG in middle and small cities** as well as rural communities, because most support is currently directed to the large cities that are driving OG innovation, while the smaller communities are left behind.

¹<https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege>

- **Strengthen the focus on equity in OG initiatives**, because there is a serious threat that digital transformation will substitute offline provision of public services, without ensuring necessary level of digital literacy among citizens.
- **Ensure conceptual literacy**, because the staff in charge of OG needs to have a basic understanding of mechanisms and functions of transparency, citizen participation and accountability to design effective OG initiatives.
- **Support the OG-related professional networks** (formal and informal) that allow for exchange on specific aspects of OG and encourage communities to participate therein.
- **Promote the focus on accountability and responsiveness**, when developing and implementing country wide OG tools, because the focus on informing and consulting citizens without accountability (e.g. draft law on public consultations) can lead to unintended outcomes.

Recommendations for fostering specific OG initiatives in communities

- **Institutionalise the context-specific OG approach in the communities, by formulating strategic documents** on transparency, citizen participation, or digital transformation through a bottom-up dialogue process and co-creation in the individual communities.
- **In terms of transparency, elaborate on the economic and social added value of data**, because the function of transparency as a prerequisite for accountability and a resource for creating social and economic added value seems to be underestimated among communities in Ukraine.
- **For the citizen participation, elaborate on the added value of co-creation** with the public, because this function of citizen participation appears to be underestimated among communities in Ukraine.
- **Invest into facilitation and communication skills** (e.g. deliberative decision-making, moderation, debating, conflict resolution) for both, authorities and citizens, given that ensuring constructive dialogue with citizens is the major challenge of implementing participation. Encourage local authorities to **identify diversified publics** (e.g. private sector, experts and CSOs, specific policy beneficiaries) at all stages of the policy process.
- Several policy areas can serve as entry points to activate public engagement. To increase trust, as the most cited purpose of public engagement, it is critical to **open corruption prone policies for the engagement of citizens** (e.g. use of land, construction of infrastructure, transport and housing policies, privatization, procurement policy, healthcare, and environmental policy). To include diverse opinions, as the second most cited goal of public participation, **consider engaging policy beneficiaries at every stage of policy process** (e.g. broadening consultations on policies for socially vulnerable groups and youth policy to their members). Consider **youth, education and healthcare policies as entry points for OG** because they touch upon issues causing most public outcry.

We express our deep gratitude to all communities, who provided their valuable answers in the survey. We also thank our interview partners for sharing their professional insights on the Open Government process in the respective communities.

1 Introduction: rationale for the open government survey

There are several new policy trends in Ukraine that substantiate the need for Open Government (OG) at the local level of governance in Ukraine. First, since the Maidan revolution, there is a high public demand for open policy making and engagement of citizens into political decision-making to influence distribution of public resources. At the same time, civil society in Ukraine became well-organised and professional (see, for example, the 2019 CSO Sustainability Report)². National and local public authorities increasingly realise the high potential of a partnership with civil society, to foster trust, improve public services and develop better policies. Second, the decentralisation reform resulted in the increasing authority and financial resources of local public authorities. On the one hand, such a significant change is challenging for local self-government (LSG) authorities, as they have to adapt to new structures (e.g. merging into new amalgamated communities), but also new processes of governance (e.g. fiscal decentralisation). On the other hand, the change provides a window of opportunity for democratic innovations if authorities are open to co-creation and partnership with non-governmental stakeholders. Finally, there is an ongoing digital transformation that aims at cross-sectoral shift towards e-governance and e-democracy on both national and local levels of governance. Information technologies allow to re-think the communication between authorities and citizens to make it more horizontal, direct, and inclusive. The OG approach reflects all these policy trends: open government is based on the idea of a partnership between public authorities and citizens, which is most meaningful at the local level of governance due to its proximity to citizens. Besides, the direct engagement of citizens into politics beyond elections is less costly and wide-reaching due to the use of ICTs.

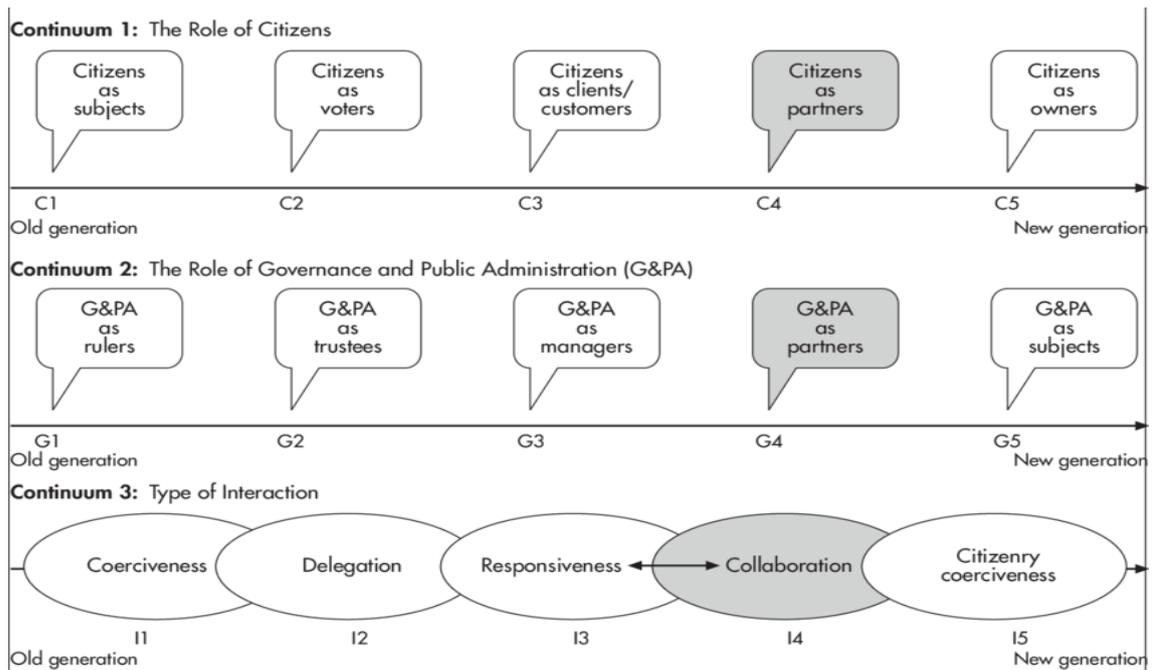
Against the backdrop of the post-soviet legacy in Ukraine, the evolving partnership between citizens and authorities as the core idea of open government indicates changes in the political culture of society and a shift of the governance paradigm.³ An influential relict of Soviet political culture has been a strong sense of hierarchy based on fear, accompanied by a passive, affirmative reaction to directives from above. In contrast to that, OG approach foresees an active, horizontal partnership, based on the mutual trust and respect between authorities and citizens (Figure 1). Thus, the OG initiatives reflect an incremental change that is taking place in the society. At the same time, OG principles of transparency, citizen participation and accountability provide the direction and the tools to sustain the ongoing change of political culture.

The double role of the OG in a transition society – as an indicator of change and as a guideline for the future development – makes the research on the progress of OG across Ukraine necessary. In particular, the state-of-the-art assessment is necessary to understand which dimensions of OG prevail and where are the gaps. Such a baseline research is useful to further analyse the conditions of success and failures as well as to trace future dynamic. Further, as a societal innovation, OG is a process of learning. Thus, the reflection on challenges and limitations of OG will be useful for the communities to learn from each other, and for the international assistance to better plan the programs supporting OG.

Figure 1 An evolutionary continuum of public administration - citizen interaction

² USAID. (2020). 2019 Civil Society Organization Sustainability Index Ukraine. Retrieved from <https://ukraine-office.eu/en/civil-society-organisations-sustainability-index-2019-ukraine-demonstrates-steady-growth/>

³ Huss, O.; Oleksandra K. (2021). Open Budget: Learning from the Open School Platform in Donetsk Oblast, Ukraine. Case Study for the IIEP-UNESCO Research Project 'Open Government in Education: Learning from Experience'. Bologna, Italy: Bononia University Press, 2021, p. 76 ff. <https://buponline.com/prodotto/open-budget-learning-from-the-open-school-platform-in-donetsk-oblast-ukraine/>



Source: Vigoda, Eran. 'From Responsiveness to Collaboration: Governance, Citizens, and the Next Generation of Public Administration'. *Public Administration Review* 62, no. 5 (September 2002): p. 531.

The report consists of seven chapters. The recommendations are provided in each section of the report in order to directly associate each recommendation with the relevant survey results. After the introductory part and the research design we present the state of the art on OG in Ukraine, including the country's recent Open Government Partnership (OGP) priorities and legislation provision relevant for the OG at the local level. Chapter 4 provides qualitative analysis of the 240 OG initiatives provided in the survey and presents the extent and purposes of introducing such initiatives among the survey participants. Chapter 5 provides the mapping of the local OG initiatives with the goal to identify the gaps with regards to stakeholder involvement, themes, tools, and processes. We also analyse the extent of accountability and responsiveness in the communities, as well as their approach to OG evaluation. Chapter 6 assesses the needs for further OG development. In particular, we analyse which resources are available in the communities to introduce OG, which challenges they face when implementing OG and what are the reasons that some communities haven't introduced any OG initiatives. Finally, we analyse the unintended outcomes associated with OG and OG's dynamic based on the communities' plans. The concluding chapter summarises and provides an outlook for the report.

2 Research design

The purpose of this report is twofold: first, we map the landscape of OG practices at the local level of governance in Ukraine. The mapping includes an overview of OG practices across Ukraine in line with the main OG principles (transparency, citizen participation and accountability) and OG dimensions, exploration of the dynamic of OG at the local level, as well as identification of outliers (positive and negative) and different approaches to OG. Second, we analyse the needs of local authorities in introducing OG policies and practices based on their reported challenges to introduce OG, the obstacles in the process of its implementation, and unintended consequences of OG.

For these purposes we conducted a survey among local public authorities in communities across Ukraine.⁴ The survey questionnaire was developed in two steps. First, we conducted a literature review to operationalize the OG principles (see the Conceptual Glossary in the Appendix 25). In addition, the literature review was useful to list challenges and unintended consequences for the response options based on the OG assessments around the word. In the second step, we drafted the survey questions and tested them in semi-structured interviews with 3 communities that provide for maximum variation on their size and location: Chmyrivska rural (*silska*) community (Luhansk oblast), Demydivka rural (*selyshchna*) community (Rivne oblast) and Ternopil city. We used the responses from the semi-structured interviews to adapt the response options in the survey to the local context in Ukraine. In addition, we conducted an interview with the project manager at the department of regional digitalisation of the Ministry of Digital Transformation to explore the relevant trends of digital transformation for the local level of governance.

The survey was conducted from 17 to 21 June 2021 via Google Forms in partnership with the Association of Ukrainian Cities (AUC). We received 126 responses,⁵ with 80 (64%) arriving from urban communities of various sizes and 46 (36%) arriving from rural communities (both *silska* and *selyshchna hromadas*). Among urban communities, the answers were provided by 21 communities of more than 100.000 residents ('Urban large'), by 12 communities with the size between 50.000 and 100.000 residents ('Urban mid'), and by 47 communities with less than 50.000 residents ('Urban small') (Appendix 1). The community respondents are located in all 24 regions of Ukraine, with roughly even number of respondents per region (Appendix 2). The survey respondents represented the executive body of LSG.

Survey responses are contextualised based on the authors' conclusions from the presentations by local communities within the Open Government Week Marathon, organised by the Congress of Local and Regional Authorities together with the AUC (See the conclusions in the Appendix 26). As communities presented their good practices and the process of their introduction, the authors could better infer the hidden assumptions behind similar initiatives listed by survey participants.

The survey has two limitations. First, it is not representative for all communities in Ukraine. Nevertheless, it allows to identify patterns of OG implementation at the local level. Another limitation of the survey is the desirability biases of the communities. This means that the respondents that presume evaluation by the beneficiaries can over-report towards a normatively desirable behaviour.

⁴ The questionnaire consisted of between 25 and 41 questions, depending on the state of the open government initiatives reported by a community

⁵ As a "rule of thumb", 20% response rate is considered average for surveys

3 Open government in Ukraine: state of the art

3.1 Open Government Partnership (OGP) in Ukraine

In 2011, Ukraine became a member of the global Open Government Partnership (OGP) – a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The OGP partner countries develop biannual Action Plans that are subject to the Independent Reporting Mechanism and a Member’s Self-Assessment. The Action Plans are developed in line with the OGP aims, as well as in conformity with the UN Sustainable Development Goals.

The state authorities of Ukraine, in close collaboration with civil society, are implementing the fifth Action Plan for 2021-2022, which includes 14 commitments. Most of them are traditionally related to anti-corruption (4), public service delivery (3), open data (2), increasing public participation in decision-making (e-democracy) (1).⁶ Four commitments are worth highlighting, however. For the first time, the OGP Action Plan contains commitments related to marginalised communities, gender issues and the private sector. These include youth participation in policy through increasing youth’s access to the relevant knowledge and experience; ensuring digital accessibility for persons with disabilities; publishing gender disaggregated data; and creating an online platform for patents and innovation.

Since 2017, OGP promotes OGP Participation and Co-Creation Standards for the development and implementation of Action Plans.⁷ In addition to the active engagement of civil society institutions, the latest Action Plan in Ukraine included consultations with the LSG bodies. On 3 December 2020, in course of the Action Plan development, a round table was held with the participation of the Congress of Local and Regional Authorities of the Council of Europe and the Association of Ukrainian Cities, to discuss mechanisms for involving LSG bodies.⁸ Discussions were initiated on the establishment of a permanent platform for national – local dialogue on open government in Ukraine, in line with the OGP Local Strategy⁹, which advocates the consultation and co-creation between national and local authorities.

In 2017, the OGP Local program institutionalised the key role of local self-government in OGP, due to the proximity of local authorities to citizens and increasing urbanisation. The OGP Local unites 82 members from different LSG bodies around the world with the aim “to build partnerships between local governments and CSOs to make their governments more open, accountable and responsive to citizens.”¹⁰ Three Ukrainian cities – Khmelnytskyi, Ternopil and Vinnytsia – were admitted to the selective OGP Local Program in 2020. By the end of 2021, the municipalities will submit their Action Plans, developed jointly with the civil society representatives.

⁶ Open Government Partnership. (2021). Action-Plan for the Implementation of the Open Government Partnership Initiative, 2021–2022, Pub. L. No. 149-p . https://www.opengovpartnership.org/wp-content/uploads/2021/03/Ukraine_Action-Plan_2020-2022_EN.pdf

⁷ Khutkyy, D. (2021). ‘Independent Reporting Mechanism (IRM): Ukraine Transitional Results Report 2018-2020’. IRM., p.21 https://www.opengovpartnership.org/wp-content/uploads/2021/06/Ukraine_Transitional-Results_Report_2018-2020_EN.pdf

⁸ This meeting was the result of the Road Map for the Promotion and Development of Open Government and e-Governance at Local Level in Ukraine, which has been developed in co-operation of the Congress with Ukrainian local authorities and the Association of Ukrainian Cities (AUC). It requested the inclusion of the Association as a member of the National OGP Co-ordination Council and the contribution of its members to the development of the new National OGP Action Plan

⁹ <https://www.opengovpartnership.org/documents/ogp-local-implementation-plan/>

¹⁰ <https://www.opengovpartnership.org/ogp-local/about-ogp-local-program/>

3.2 Open government priorities of Ukraine

In the latest OGP Action Plan for 2021-2022, the Cabinet of Ministers of Ukraine states three priorities under the OGP initiative, elaborated with regards to the local governance below:

1) Ensuring the digital transformation of key sectors and spheres of public life

The Ministry of Digital Transformation of Ukraine (MDT) supports this policy direction on both national and local levels of governance.¹¹ Digital transformation *includes* the informatisation (conversion of the paper-based data into a digital format), digitalisation (automatization and digitalisation of bureaucratic processes) and change of culture towards digital interconnectedness.¹² To *support* digital transformation, the Government fosters IT education among citizens,¹³ sets out to create enabling economic and tax environment for the IT sector¹⁴ as well as improves IT infrastructure including access to the high-speed internet across the country.¹⁵ To *sustain* the digital transformation process (independently of election cycles), the Cabinet of Ministers introduced the position of Chief Digital Transformation Officer (CDTO) at all executive power bodies. The network of CDTOs aims at increasing institutional capacity and secure synchronisation and sustainability of digital transformation in all branches and at all levels of state governance, independently of political cycles. Since August 2021, the MDT launched the test version of the online platform *Diia.Digital Community (Дія.Цифрова Громада)*¹⁶ that provides the knowledge and tool data base for the CDTOs on the local level of governance. The platform contains recommendations for the implementation of digital tools, a digital transformation plan, algorithms, and legal documents relevant for the effective implementation of digitalisation at the local level.¹⁷ To *encourage* local digital transformation, the MDT initiated a contest of digital transformation *Diieva Hromada (Efficient Community)*.¹⁸ Besides, the MDT is developing the index of digital transformation for the self-assessment of the communities.

2) Providing public access to high-quality and convenient public services

The main instrument to support this priority is the updated platform *Diia 2.0*, that has been launched in October 2020. The platform provides e-solution for the administrative services and aims at the shift towards a service-oriented public administration on both national and local levels of governance. *Diia* received the highest score in the assessment of the most widespread electronic services in the survey of 130 business representatives.¹⁹ However, there are mixed opinions about the centralised platform. The CSO coalition Reanimation Package of Reforms (RPR) experts highlight two challenges connected to *Diia*: First, the introduction of mandatory use of certain applications without offline alternatives (i.e. *Diia Vdoma*) violates the right of citizens to obtain their public services, especially under conditions of

¹¹ The Strategy for the Regional Development 2027, p. 27 (<https://www.kmu.gov.ua/npas/pro-zatverdzhennya-derzhavnoi-strategiyi-regionalnogo-rozvitku-na-20212027-t50820>) defines the digital transformation of regions and improvement of public services based on the digitalisation among the regional development priorities

¹² Information based on the interview with a representative of the Ministry of Digital transformation, conducted on 8 June 2021

¹³ E.g. the MDT launched the application Diia.Digital Education: <https://osvita.diia.gov.ua/en> and Diia.Business: <https://business.diia.gov.ua/en> to support digital education of Ukrainian citizens

¹⁴ The Economic Strategy 2030 (<https://nes2030.org.ua/>) foresees the IT sector as the most promising and worth to invest for the future economic development

¹⁵ As of 2020, there was no high-speed internet in 24% of city councils, 54% of Centres that provide administrative services (ukr. ЦНАПи), 37% of schools. MDT data in: Strategy for the Regional Development 2027, Annex 4, point 19 (<https://www.kmu.gov.ua/npas/pro-zatverdzhennya-derzhavnoi-strategiyi-regionalnogo-rozvitku-na-20212027-t50820>)

¹⁶ <https://hromada.gov.ua/>

¹⁷ <https://thedigital.gov.ua/news/mintsifra-prezentovala-platfomu-divatsifrova-gromada-dlya-tsifrovikh-lideriv-u-regionakh>

¹⁸ <https://decentralization.gov.ua/news/12881>

¹⁹ Index of Digital Transformation 2021 has been created based on the survey of 130 business representatives by the European Business Association: https://business.diia.gov.ua/uploads/1/9955-indeks_cifrovoi_transformacii_2021.pdf

the significant digital illiteracy and digital inequality.²⁰ Second, *Diia* monopolises the provision of some public services, which has a censorship threat, restricts competition, and all in all undermines value-for-price rationale.²¹

3) Developing instruments for e-democracy and open data

E-democracy remains poorly practiced and unknown among a large share of the Ukrainian population. According to the 2020 public opinion poll, 62% of adult Ukrainians know about the possibility to file a complaint to local authorities through the website, 57% know about the possibility to initiate and sign an e-petition to central and local authorities,²² while the use of basic tools of e-democracy reaches 24,7% in the best performing city – Ivano-Frankivsk.²³ Currently, municipalities use mainly the e-DEM platform developed by the Swiss-Ukrainian e-governance project EGAP²⁴ or develop own solutions on the basis of their websites (see section 5.3). The fifth OGP Action Plan contains the commitment to expand the *Vzayemo.Diia* (eng. Inter.Action) online platform²⁵ for interaction between executive authorities, the public and civil society that has been developed under the previous Action Plan.²⁶ In particular, the extensions will include modules for submitting e-petitions by the public, requests for public information, voting on the composition of public councils at executive bodies, and holding e-consultations and e-polling. Importantly, there is a need for regulatory support to ensure the operation of the platform.

For both, e-services and e-democracy tools, around 10 mainly large cities in Ukraine developed own conceptual documents to implement a smart city approach.²⁷ (e.g. Lviv, Chernivtsi, Brovary, etc). Although there are no guidelines for the smart city on the national level, there is an ISO (International Organisation for Standardisation) norm developed for the smart cities to follow.²⁸ The MDT initiated the Smart City Club – an informal network of individuals responsible for digital transformation mainly from the large cities in Ukraine, where they have a safe exchange of ideas, opinions, or assess MDTs innovations (e.g. new *Diia* services), among others.²⁹ The communication takes place on a private Telegram channel as well as during the live events. Currently, the MDT cooperates with 38 cities, that inhabit approximately 50% of the population. There are aspirations to develop similar initiatives for the smaller cities - *Smart Hromada*, but there are no specific steps so far.³⁰

²⁰ “According to the Ministry of Culture in 2019, although 88.4% of the adult population of Ukraine have access to the Internet at home, 53% have below-average digital skills, and 15.1% have no digital skills at all.” Data provided in: Khutkyi D., Kvarstiana K. (2021). E-democracy & e-governance monitoring. RPR monitoring report from 05.07.2021, section “Challenges”:

https://uareforms.org/en/monitoring/elektronna-demokratiya-i-vryaduvannya?fbclid=IwAR3yyy_NdHAtfxrLlwt2-ugbTV-ONHBdYlxFTNTgkwqdqONdFXLFV10cTtU

²¹ Khutkyi D., Kvarstiana K. (2021). “E-democracy & e-governance monitoring”, RPR monitoring report from 05.07.2021, section “Challenges”: https://uareforms.org/en/monitoring/elektronna-demokratiya-i-vryaduvannya?fbclid=IwAR3yyy_NdHAtfxrLlwt2-ugbTV-ONHBdYlxFTNTgkwqdqONdFXLFV10cTtU

²² Data provided in: Khutkyi D., Kvarstiana K. (2021). E-democracy & e-governance monitoring, 05.07.2021, section “Challenges”: In comparison to that, in 2015 79% of Ukrainians had never heard the term “electronic democracy” and only 14% understood its meaning.

²³ Iemelianova, A., Serhiy L. (2020). Index of Local e-democracy in Ukraine. <https://cid.center/wp-content/uploads/2021/01/e-dem.pdf>

²⁴ <https://e-dem.ua/>

²⁵ <https://vzaemo.diia.gov.ua/>

²⁶ <https://www.opengovpartnership.org/members/ukraine/commitments/UA0093/>

²⁷ Pokrovsk, K. R., Melitopol communities indicated in the survey to have developed smart city applications in their communities

²⁸ <https://www.iso.org/files/live/sites/isoorg/files/store/en/PUB100423.pdf>

²⁹ Information based on the interview with a representative of the Ministry of Digital transformation, conducted on 8 June 2021

³⁰ Ibid

3.3 Relevant legislation for open government at the local level of governance

The implementation of the OG priorities depends on the national legal provisions for citizen participation both online and offline. Since January 2020, the working group on citizen participation has been created in the Parliament. It includes representatives from NGOs, the Ministry of Digital Transformation of Ukraine, the Ministry of Justice of Ukraine, and the Central Electoral Commission of Ukraine. Despite some significant developments, the latest monitoring report of the RPR on the progress of e-democracy and governance reform assessed the relevant legislation as “partially done”.³¹ The analysis of the legislation partially relies on the monitoring report and provides the legislation status in line with the OG principles.³²

1) Transparency

- **Access to public information and open data** provisions are well regulated by the national legislation, in particular by the Laws of Ukraine on Access to Public Information³³, on Information³⁴, and on the State Secret³⁵. The Constitution of Ukraine protects citizens’ right to access information (Article 34, paragraphs 2 and 3)³⁶. According to the Law on Access to Public Information, no information held by public authorities can be restricted, unless an assessment reveals that the information is confidential, or secret, or for internal use only. National and local authorities must publish accurate, exact, and complete information (Art. 14), and are required to disclose different categories of information (Article 15), including: accessible information about the structure, mission, functions, their budget, laws that regulate their work, decision-making process, list of the mechanisms through which citizens can advocate their interests, reports about the sessions and the institutional work, action plans, etc.³⁷
- **Disclosure of assets by public officials** has been introduced as the basic anti-corruption instrument in 2015. In 2020 however, the disclosure procedure has been terminated as considered unconstitutional by the Constitutional Court of Ukraine.³⁸ Upon the strong international pressure and outcry of civil society, the disclosure procedure has been re-implemented and the National Agency on Corruption Prevention reassumed the control of asset declarations.

2) Citizen participation

- Currently, **public consultations** are regulated by the Cabinet of Ministers Resolution No. 996 “On Ensuring Public Participation in the Formulation and Implementation of Public Policy.”³⁹ They are not mandatory but recommended for local authorities. In March 2021, the draft Law No. 4254 on Public Consultations, that makes them mandatory, has been approved in the first reading.⁴⁰ The Centre for Innovations Development warns however that unlike the Resolution, the draft law in its current version does NOT foresee the right for citizens and civil society representatives to initiate public consultations.⁴¹ Another limitation is that the Law does not provide for consultations on the

³¹ Khutkyi D., Kvaratsiana K.. (2021). E-democracy & e-governance monitoring. RPR monitoring report from 05.07.2021.

³² Galster, A. (2018). ‘Transparency and Open Government’. 35th Session. Strasbourg: Congress of Local and Regional Authorities, Council of Europe, 11 July 2018, p.14. https://search.coe.int/cm/pages/result_details.aspx?ObjectId=09000016808d341c.

³³ <https://zakon.rada.gov.ua/laws/show/2939-17#Text>

³⁴ <https://zakon.rada.gov.ua/laws/show/2657-12#Text>

³⁵ <https://zakon.rada.gov.ua/laws/show/3855-12#Text>

³⁶ <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80/paran4269#n4269>

³⁷ For more information see the online tool: Be-Open – the Handbook on Transparency and Citizen Participation in Ukraine, Chapter “Access to information,” <https://www.beopen-congress.eu/en/38-country.html>

³⁸ <http://en.dejure.foundation/only-ksu>

³⁹ <https://zakon.rada.gov.ua/laws/show/996-2010-%D0%BF/page#Text>

⁴⁰ http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70235

⁴¹ <https://cid.center/new-project-law-of-public-consultations/>

creation of advisory and consultative bodies like public councils, which can undermine the public control of municipal enterprises or the capacity of the public councils.⁴²

- **E-Petitions** were introduced and regulated by an amendment in 2015 to the Law on Citizen Appeals, in the Art. 23.1.⁴³ Thus, there is no separate legislation on e-petitions.
- The draft Law on **Local Referendum** has been registered in the Parliament in May 2021,⁴⁴ while the related Law on the All-Ukrainian Referendum has been adopted and provides for electronic voting.⁴⁵ Besides, in 2019, President Zelenskyi submitted a draft law on legislative initiative of the people, that is still under a review in the Parliament.⁴⁶
- The draft law on the **participatory budget (PB)** has been revoked in 2019. Instead, since 2019 the Budget Code of Ukraine provides for the State fund of regional development 500 mln UAH (ca. 15 mln EUR) dedicated for the implementation of citizens' projects on the regional level. Besides, the National Economic Strategy 2030 foresees PB as a mandatory instrument of local governance in all communities. Currently, PB at the local level is regulated and implemented through individual regulations in the communities, that allocate the funds for PB implementation from the local budget upon own initiative (usually, around 1% of development budget). There are approximately 400 communities that individually initiated PB.

3) Accountability

- The amendment of the Law on the Status of the People's Deputies of Local Councils from July 2020 provides for **terminating the functions of the people's deputies** of local or regional councils upon the "people's initiative".⁴⁷
- The amendments to the law on **Public Procurement** (Law № 5309 from 03.06.2021)⁴⁸ threaten the effectiveness of the e-procurement portal Prozorro and contain several corruption risks. Civil society experts warn the law obliges businesses to provide evidence of violations of their rights and interests when submitting complaints to the Anti-Monopoly Committee of Ukraine.⁴⁹ As the evidence is difficult to provide, especially when the substance of the complaint concerns the tender documents, such a rule may deprive private sector of the right to complain. Besides, the Anti-Monopoly Committee of Ukraine can arbitrarily select complaints for consideration, which can foster favouritism. Further, the amendments introduced some loopholes that allow large construction and procurement projects to bypass Prozorro.
- The Law of Ukraine on Self-Government, Article 26 para. 302 mandates municipal councils to assign **independent audit to enterprises with 50%+ communal ownership**; Article 47 para. 6 empowers standing commissions of the municipal councils to audit the activities of executive and any enterprises, subordinate to the council.⁵⁰ Besides, municipal councils can create supervisory boards for communal enterprises.⁵¹
- NGOs can conduct **public expertise** of decisions or activities of the LSG bodies.⁵²

⁴² ibid

⁴³ <https://zakon.rada.gov.ua/laws/show/393/96-%D0%B2%D1%80#Text>

⁴⁴ http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71942

⁴⁵ https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69060

⁴⁶ https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66254

⁴⁷ <https://zakon.rada.gov.ua/laws/show/805-20#Text>

⁴⁸ <https://zakon.rada.gov.ua/laws/show/1530-IX#Text>

⁴⁹ Khutkyi D., Kvarstiana K. (2021). E-democracy & e-governance monitoring, RPR monitoring report from 05.07.2021

⁵⁰ <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text>

⁵¹ <https://zakon.rada.gov.ua/laws/show/1405-19#Text>

⁵² Public expertise (громадська експертиза) is regulated by the Cabinet of Ministers Decree 976 (2008) On the Order of assistance to carrying out public examination of activity of executive authorities and is a recommendation for the LSG

(<https://zakon.rada.gov.ua/laws/show/976-2008-%D0%BF#Text>). It has a complicated procedure that involves collaboration between NGOs and LSG bodies. A research in four regions shows that although NGOs use it often, it is not an influential mechanisms (Mizik & Kysla, 2017, pp. 45; 63)

4 The extent and purposes of open government implementation

OG is ‘an umbrella term for a wide range of practices.’⁵³ In this report, we define **Open Government as a solution-oriented process of governance, aimed at creating public value in a partnership between public authorities, citizens, and other relevant stakeholders.**⁵⁴ Thus, we conceptualise OG as a process of governance and not a fixed status quo. The term “partnership” in the definition includes citizen participation and collaboration with stakeholders that is impossible without meaningful transparency and is only effective under conditions when accountability and responsiveness of the government are in place. Public value as the objective of OG indicates that to make the OG process effective, it must have a clearly defined purpose in the beginning. Accordingly, the main OG principles – transparency, citizen participation and accountability (defined in Annex 1) – provide the mechanisms for reaching specific goals and not the goal itself.⁵⁵ Public value includes such outcomes as increasing trust, mitigating corruption risks, improving effectiveness and efficiency of public services, or generating economic and social value for the community.

Given this conceptualisation of the OG, we conducted a mapping of the most important initiatives of transparency and citizen participation that local authorities introduced, and analysed the primary and secondary goals for introducing these initiatives. Our aim is to explore the perception of OG purposes and motives for introducing OG in the respective communities.

The analysis of the proposed initiatives, which the local authorities indicate as most important or worth sharing, revealed that the respondents tend to mix up the OG principles: around 15% of all entries were reported as transparency initiatives, but actually refer to citizen participation or e-services. This finding indicates at the conceptual confusion and that there is insufficient systematic reflection on the essence of OG initiatives.

4.1 Qualitative assessment of open government initiatives

The survey respondents were asked to indicate their most important transparency and citizen participation initiatives as well as the initiatives they consider as worth sharing. Unfortunately, not all communities that stated having one initiative provided any references, while some communities provided multiple references. In total, we coded approximately 240 initiatives that were important for communities and approximately 40 initiatives (most overlapping with important ones) recommended for sharing. The data shows some patterns with regards to the OG dimensions and tools used by the communities.

Most transparency initiatives (in total, 78)⁵⁶ are opening the decision-making process or the budget. Almost every second cited **tool for transparency** is a **website and/or a social media channel** created by local authorities to inform citizens. A dozen communities opened decision-making process through **live streams** of council meetings, some reported they began publishing decisions on the website. Two

⁵³ Andreas G. (2018). Transparency and Open Government. 35th Session (Strasbourg: Congress of Local and Regional Authorities, Council of Europe, November 7, 2018), https://search.coe.int/cm/pages/result_details.aspx?ObjectId=09000016808d341c

⁵⁴ Based on: Huss, O., and Oleksandra K. (2020). Open Government in Education: Clarifying Concepts and Mapping Initiatives. Ethics and Corruption in Education. Paris: UNESCO. IIEP. <http://www.iiep.unesco.org/en/open-government-education-clarifying-concepts-and-mapping-initiatives-13372>

⁵⁵ Conceptualisation of transparency, citizen engagement and accountability are provided in the glossary in the Appendix 14

⁵⁶ There were more initiatives introduced as transparency initiatives by the respondents. They present, however, rather examples of participation or e-services and do not correspond to the mechanisms of transparency

rural communities installed **public LED screen** outside the council building to broadcast meetings of local authorities. Three communities, one of them rural, introduced **e-voting systems** in their councils. Only 6 communities, including one rural, mentioned the **open data** initiatives. Among them Ternopil' – joined the International Open Data Charter, and Uzhhorod – signed a memorandum with the civic network OPORA to introduce open data.

Some **unique transparency initiatives** are worth mentioning. Two communities – Mykolaivska, urban (Donetsk oblast) and Stanislavska, rural (Kherson oblast) communities – are the only ones who reported initiatives to **make local public policy comprehensible**. This is however an important aspect of OG that is increasingly embraced internationally (e.g. one of the core activities in the Finland's OG action plan targets comprehensible communication of politics⁵⁷). The unique example of data for public reuse is worth mentioning: the single transparency initiative that was created to **foster economic growth** in Slavutych.⁵⁸ Nine communities mentioned **geoinformation systems (GIS)** as the most important transparency initiatives. Five of them are large cities and one is a rural community. An example worth mentioning is the comprehensive geoportal of infrastructure and property of the Kryvyi Rih City Council.⁵⁹ Three communities reported using **chat-bots**: Lutsk has the chat-bot "Nazar", Vinnytsia and Velykobychkivska rural community (Zakarpattia oblast) are using Telegram and Viber chat-bots via the platform "SVOI".

Several communities introduced **open budget initiatives** – to inform citizens about the public budget. Some of them developed an **interactive budget** (e.g. Kryvyi Rih). Creative examples are the web page by the Piadytska rural (Ivano-Frankivsk oblast) community⁶⁰ and a leaflet of Zelenodolska community (Dnipropetrovsk oblast)⁶¹ to **educate citizens in public finance** and inform them about the ways to submit proposals, as well as Voznesensk urban community (Mykolayiv oblast) that presents public budget in form of a cartoon⁶².

The most widespread mechanism of citizen participation is participatory budget, reported as an important initiative by approximately 60 communities, followed by diverse forms of **public consultations** in approximately 40 communities. Noteworthy, both mechanisms are not regulated by the sectoral law and thus are introduced by communities as their own, voluntary initiative (although public consultations are at least a guideline for local self-government). Communities that highlighted public consultations mostly use e-consultation tools, conduct citizen surveys, and organise public hearings. As one small urban community substantiated the value of open budget hearings:

"Thanks to open budget hearings, the city council receives signals about the most important issues for the residents, while the residents can not only express their opinion but provide a recommendation regarding solving those issues."

The main **topic for consultations** is the strategy for development of the community followed by public budget, youth, and secondary education (this is also corroborated by the survey results, see Figure 8). Some individual communities engage citizens to resolve the issues of public security, environmental sustainability, and taxes.

Several communities set initiatives to foster dialogue and partnership. They created consultative bodies (e.g. diverse councils in Kramatorsk, youth council in Novodnistrovsk, Chernivtsi oblast, or council of entrepreneurs in Volodarsk, Kyiv oblast) and initiated working groups. Over dozen

⁵⁷ <https://opengov.fi/action-plans/>

⁵⁸ <https://business-slavutich.com.ua/>

⁵⁹ <https://niss.gov.ua/doslidzhennya/regionalniy-rozvitok/audit-i-vnutrishniy-kontrol-v-organakh-miscevogo>

⁶⁰ <https://pyadytska-gromada.gov.ua/news/1589444909/>

⁶¹ <https://zelenodolsk.otg.dp.gov.ua/storage/app/sites/17/Biudzhet/Budget%20dlya%20gromadyan/Zelenodolsk.pdf>

⁶² <http://voz.gov.ua/fotogalereya/3378-biudzhet-dlia-gromadian-2020-veseli-maliunky-pro-skladne.html>

communities mentioned the instruments of e-democracy, such as e-petitions, electronic complaints and proposals and e-consultations among their most important initiatives. Another dozen communities highlighted e-services via administrative service centres or smart city applications, as their important initiatives.

Rural communities seem to be moderate when assessing their initiatives, as they shared only four initiatives as worth sharing. There are however far more examples worth highlighting. For instance, Petrivsko-Romenska rural community (Poltava oblast) developed a **local strategy for open government**. Horodyshchenska community (Volyn' oblast) initiated an **educational program to overcome digital inequality in education**. Piadytska community (Ivano-Frankivsk oblast) initiated **internships for youth at local authorities**. Dubovetska (Ivano-Frankivsk oblast), Mezhyvska (Dnipropetrovsk oblast) and Stanislavska (Kherson oblast) communities provide good **examples of responsiveness**, as they implemented propositions of citizens, raised during public consultations, PB projects and citizen surveys respectively.

4.2 Transparency

Among 126 respondent communities, 106 (84%) confirmed to have introduced at least one transparency initiative over the past 5 years. At the same time, every fifth rural or small urban community reported having no initiative to increase transparency in their community in the past five years (

Appendix 3). As transparency is often associated with the use of ICTs, this result might indicate the low use of technologies in the rural or semi-urban context. In addition, there is a higher degree of societal accountability in the small communities, where all know each other. Thus, the local authorities in these contexts might perceive transparency initiatives as unnecessary.

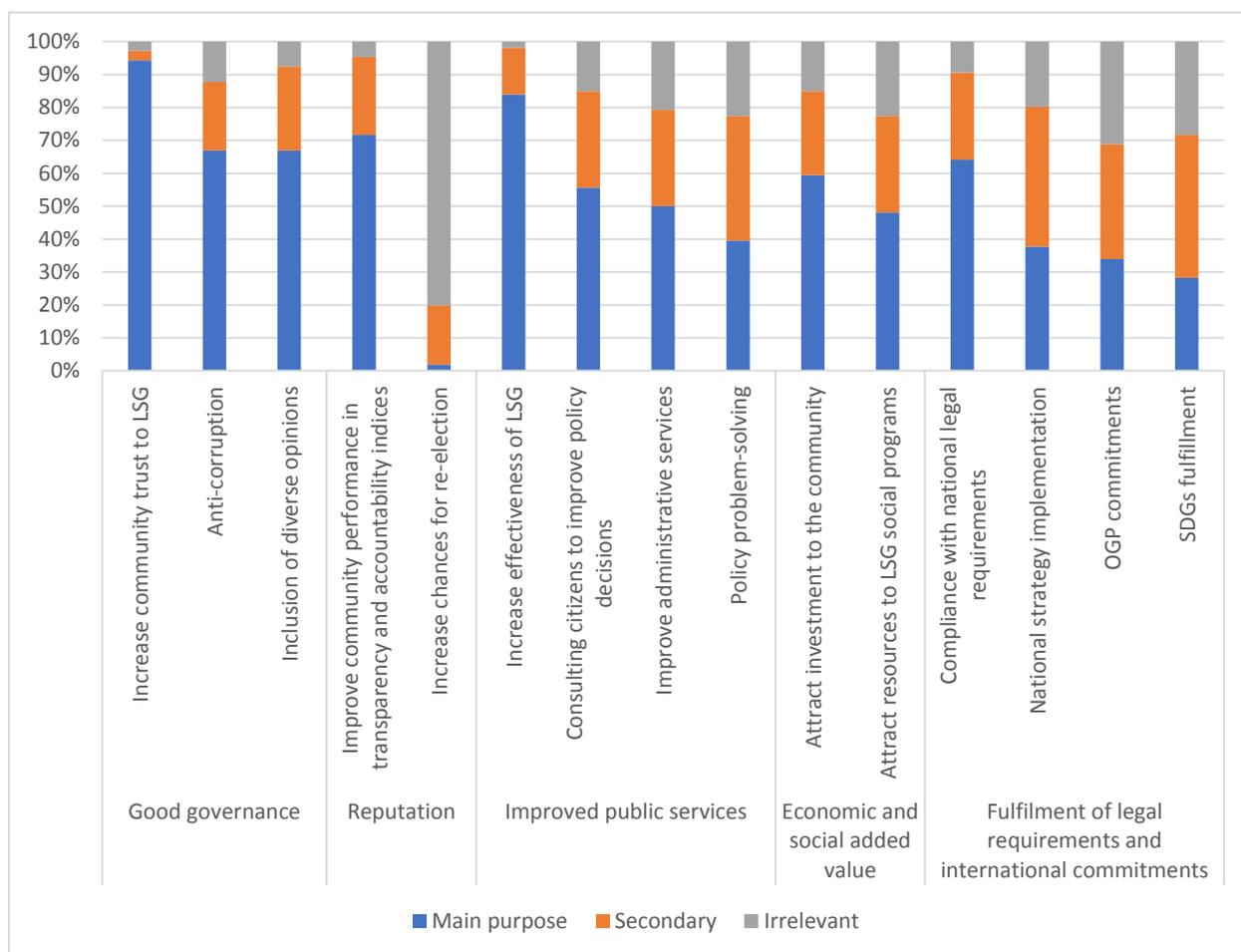
The most cited primary **purposes of introducing transparency** are to increase trust to LSG bodies (94%) and to increase effectiveness of LSG bodies (84%). The third most-commonly selected primary purpose was the improvement of a community's performance in transparency and accountability indices (72%). The fulfilment of Sustainable Development Goals and Open Government Partnership commitments, as well as implementation of a relevant thematical national strategy were mostly cited as secondary or irrelevant goals (Figure 2).

Grouping the obtained responses into larger theoretical categories show that the local authorities perceive transparency as a way to achieve results in the three theoretically relevant fields targeting the following outcomes: good governance and improved public service (Figure 2). Lower consideration of economic and social added value of open data indicates that there is a low awareness of the important function of transparency for public re-use.⁶³ At the same time, the fifth OGP Action Plan commits to establish the National Centre for Open Data competence with the purpose to unlock the public value of open data in Ukraine.⁶⁴ Communities marked chances of re-election as the most irrelevant goal. This can be in part explained by the fact that OG implementers, who also were the respondents of the survey, are mostly executives, not elected officials.

Figure 2 Purposes for transparency initiatives

⁶³ This function of transparency is well elaborated by Tim O'Reilly, "Government as a Platform," *Innovations: Technology, Governance, Globalization* 6, no. 1 (January 2011): 13–40 and described in the Conceptual glossary (Appendix 14)

⁶⁴ <https://www.opengovpartnership.org/members/ukraine/commitments/UA0095/>



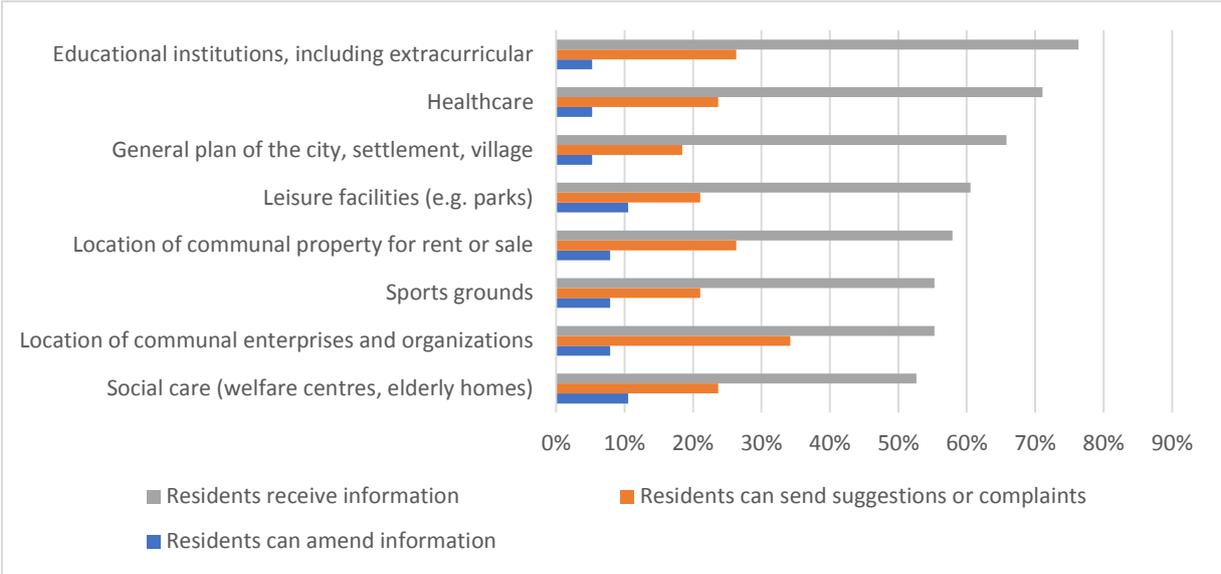
Note: n = 106 (communities who confirmed having initiated a transparency initiative). Respondents could mark each purpose as 'main', 'secondary' or 'irrelevant'.

Question: Recall an initiative, programme or project on transparency or open data that was the most important for your community. With what purpose was this initiative introduced?

The 20 communities who have claimed to not having introduced transparency initiatives, are publishing their budget as regulated in the legislation. However, their prevailing format of data publication is the non-machine-readable format (90% of respondents in this group). At the same time, about 40% among communities without specific transparency initiatives use machine-readable format to present their budget data and about a half of them entered their data to the government portal data.gov.ua (Appendix 4). This corroborates the expectation that some open government practices are gradually becoming a routine (standard operating procedures) and may not be considered by communities any special initiative anymore.

Geoinformation systems (GIS) are becoming an increasingly popular tool of transparency and sometimes even citizen participation. In total, 38 communities reported in the survey to have geoinformation systems for citizens to use and contribute to (Appendix 5). Eight thematical areas are relevant for the majority of respondents (see Figure 3): educational institutions, healthcare, general plan of the community, leisure facilities, location of communal property for rent or sale, sports grounds, location of communal enterprises and organisations and social care facilities (e.g. welfare centres, elderly homes). In these thematical areas, citizens mostly can receive information, while opportunities for citizen participation in form of suggestions or complaints are available in about half of the municipalities with GIS. Amending the information is virtually not available in most of the municipalities.

Figure 3 Thematical content and interaction opportunities of geo-information systems for citizens



Note: n = 38 (communities that have geoportals). The figure shows all thematical areas, for which more than 50% of respondents marked ‘residents receive information’

Question: For which issues is there an interactive map or geoportal on the website of the LSG body that is accessible to citizens? **Answer options:** multiple choice among ‘residents receive information’, ‘residents can send suggestions or complaints’, ‘residents can amend information’.

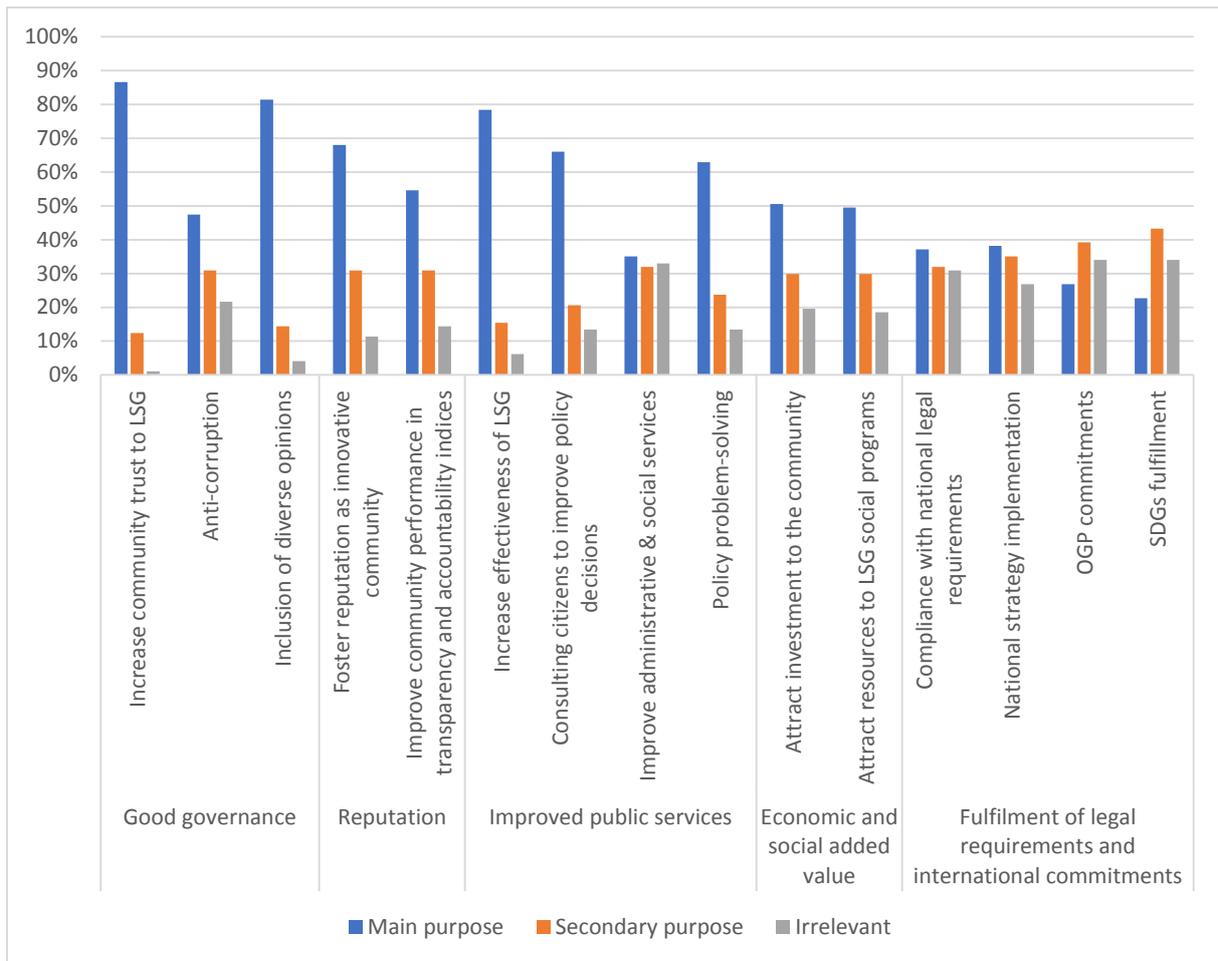
4.3 Public participation

Among 126 respondent communities, 97 (77%) confirmed to have introduced at least one citizen participation initiative over the past 5 years. There is not much difference in the extent of uptake of participatory initiatives between urban and rural communities, especially, if not accounting for the large urban communities (Appendix 6).

The most cited primary **purposes of introducing citizen participation** are to increase community trust to the LSG body (87%), to include diverse opinions (81%) and to increase effectiveness of LSG authorities (78%). Both, fostering a reputation of an innovative community (68%) and the desire to improve a community’s performance in the relevant national indices (55%) are among other most cited primary goals (Figure 4 next page). Same as in case of transparency initiatives, the fulfilment of Sustainable Development Goals and Open Government Partnership commitments, as well as the implementation of a relevant thematical national strategy were mostly cited as secondary or irrelevant goals.

Among the communities who reported not having had specific citizen participation initiatives, basic channels for communication with citizens are nevertheless present (Appendix 7). Nearly all these respondents (28 out of 29) marked that they use e-mail and social networks for citizen communication. Notably, informal personal communication is practiced by more than 70% of these communities.

Figure 4 Purposes of introducing citizen participation initiatives



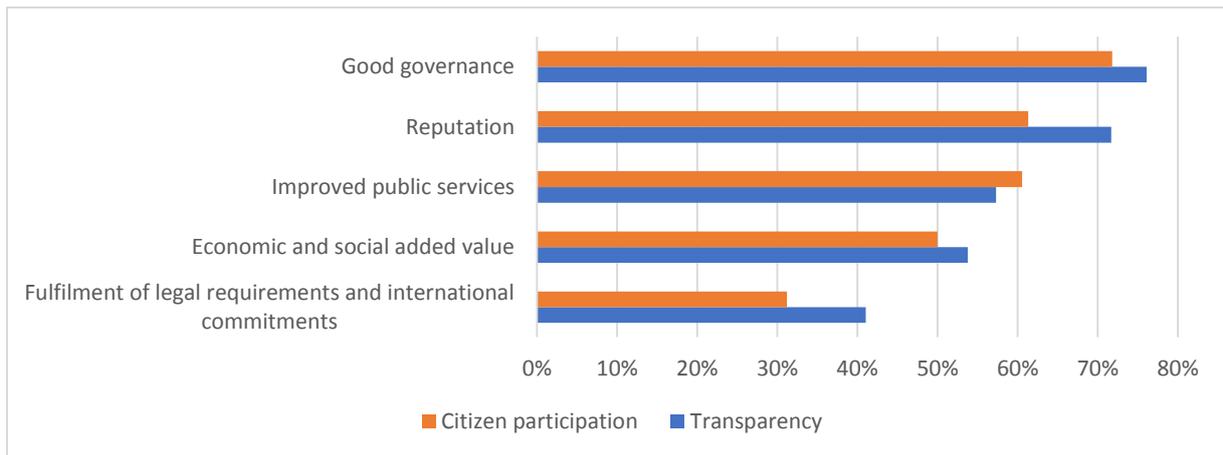
Note: n = 97 (communities who confirmed having initiated a citizen participation initiative). Respondents could mark each purpose as 'main', 'secondary' or 'irrelevant'.

Question: Recall an initiative, programme or project for citizen engagement that was the most important for your community. With what purpose was this initiative introduced?

Summarising, among surveyed respondents, most of them have both transparency and citizen participation initiatives, albeit with transparency initiatives prevailing (Appendix 8). While the percentage of introduced initiatives for citizen participation is roughly even among all community types, transparency initiatives were mainly lacking in the rural and small urban communities.

Grouping the obtained responses into larger theoretical categories, the data shows that local communities perceive transparency and citizen participation initiatives as a means to achieve primarily two types of outcomes: good governance and improved public service (Figure 5). Interestingly, fostering reputation as an innovative community and the desire to improve a community's performance in the national indices of transparency and accountability are also high-rated primary purposes. This finding suggests that considerations of reputation may be an additional incentive to introduce transparency and participatory mechanisms.

Figure 5 Comparison of outcomes pursued by transparency and citizen participation initiatives as a primary purpose



Note: Transparency: n = 106. Citizen participation: n = 97. Percentages are given from the relevant n. Only answer options marked as 'primary purpose' are used in this graph

Question: Recall an initiative, programme or project for citizen engagement/transparency that was the most important for your community. With what purpose was this initiative introduced? Respondents could choose between 'primary purpose', 'secondary purpose' and 'irrelevant'.

Box 1: Recommendations on implementation of open government initiatives

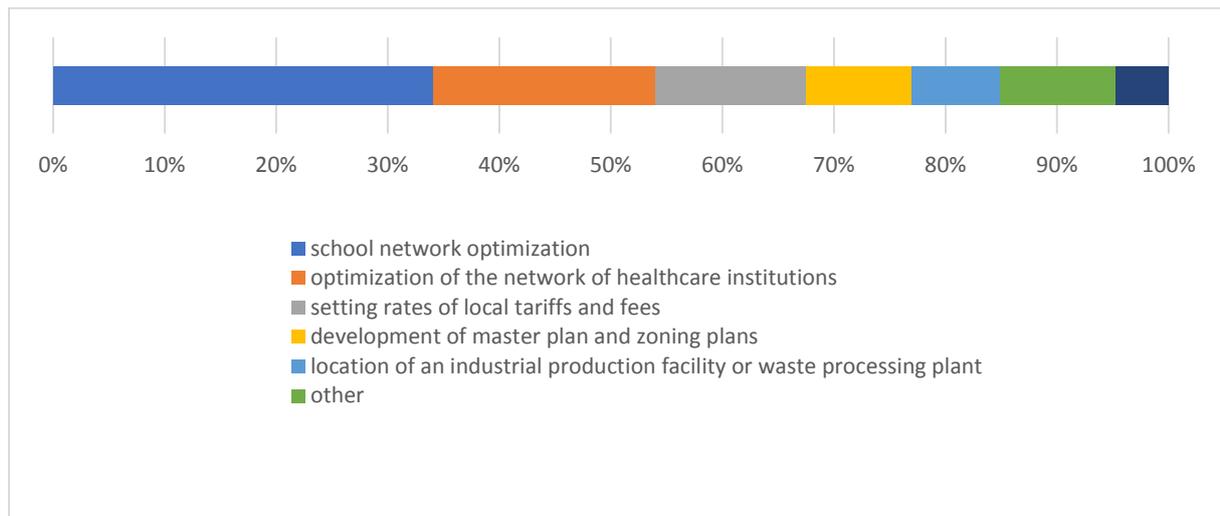
- **Ensure conceptual literacy**, because the staff in charge of OG needs to have a basic understanding of mechanisms and functions of transparency, citizen participation and accountability to design effective OG initiatives. OG as a process implies that there are multiple steps that lead subsequently to impact. Thus, it is critical to reflect on the mechanisms how individual transparency tools can lead to participation and accountability and how the combination of them can lead to a purpose, while avoiding an unintended impact.
- **Support OG in the middle and small cities as well as rural communities**, because most support is currently directed to the large cities that are driving OG innovation, while the smaller communities are left behind. Proposed activities are:
 - Partnership with the MDT on *Smart Hromada*
 - Facilitate an informal network of LSGs staff in charge of OG
 - Analyse (preferably with qualitative methods) and consider specifics of the rural and semi-urban context, when introducing OG initiatives, because there is a difference in comparison to the urban context with regards to the mechanisms of transparency and participation are useful.
- **Elaborate on the economic and social added value of data**, because this function of transparency seems to be underestimated among communities in Ukraine.
- **Develop and use positive reputation incentives to promote OG**, because authorities consider them as one of the main purposes for introducing OG initiatives.

5 Mapping Open Government

5.1 Extent and forms of stakeholder involvement

More than a half of communities have experienced optimisation of school and healthcare networks as resonant issues, which caused public outcry (Figure 6). These public issues can be used as entry points for introduction of OG approach in communities without it.

Figure 6 Policy problems that resonate with community residents



Note: n = 126

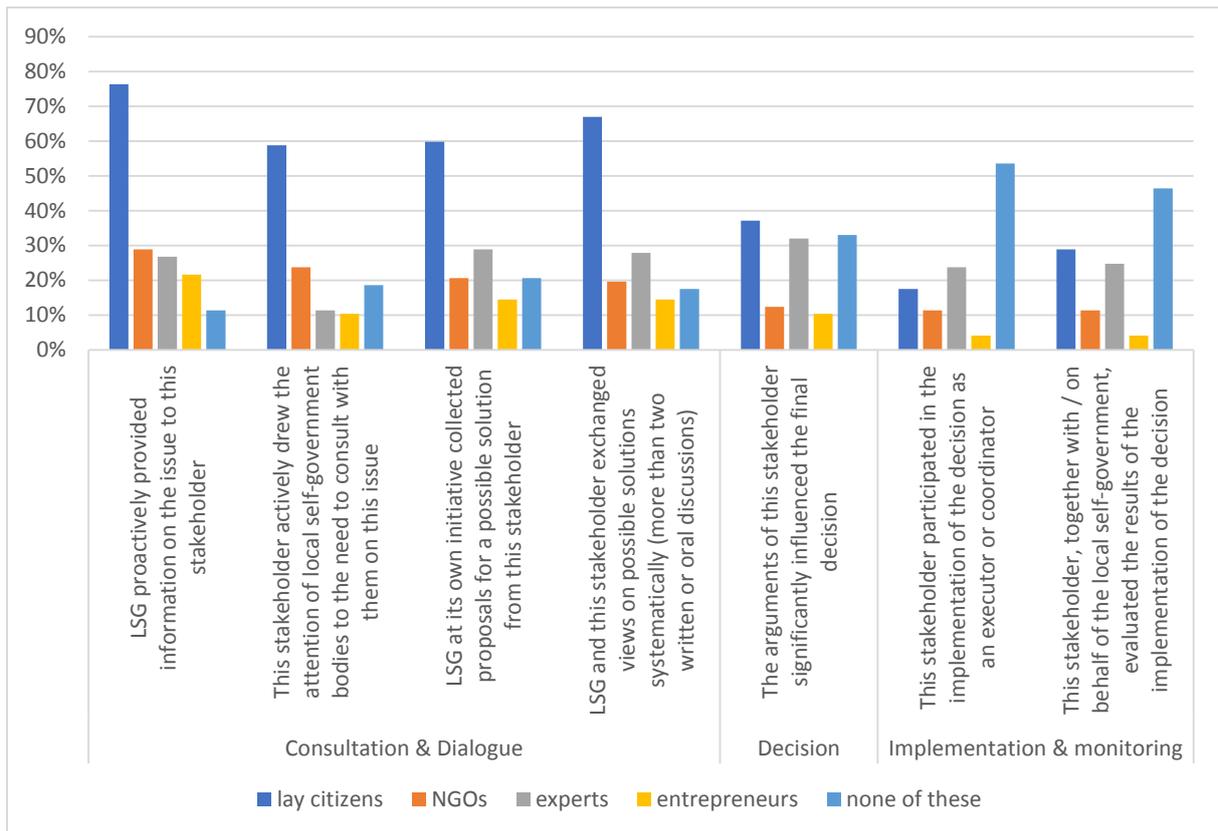
Question: Think of one of the last problems that caused the greatest public outcry in your community. What issue did it concern? Respondents could either choose one of the suggested options or fill in 'other'. 'Other': water supply, air pollution, road quality, school infrastructure quality, road maintenance, e-voting, air quality, COVID-19 pandemic, illegal use of land for agricultural purposes, housing policy.

Communities with citizen participation initiatives tend to actively involve **more stakeholders into consulting and dialogue** activities around resonant issues. In comparison, the involvement is strikingly **less into implementation and evaluation** of elaborated solutions to such issues. About a half of respondents have not involved any stakeholders into implementation and evaluation of results. Letting stakeholders influence the decisions of the LSG bodies regarding an issue is a relevant practice for about a third of respondents (Figure 7 next page). The same tendency is even more pronounced among communities who have reported having no citizen participation initiatives (Appendix 9).

For the **consultation and dialogue**, communities report overwhelming engagement of **lay citizens**⁶⁵ through the following activities: LSG bodies provide citizens with information on an issue, perceive their demand for consultation, collect their proposals and systematically exchange views on solutions with them. This is reported at about 60% rate among communities with citizen participation initiatives and slightly more than at a 30% among communities without citizen participation, on average. Strikingly, about 70% of communities without citizen participation report informing the citizens on the mentioned issue (Appendix 9)

Figure 7 Stakeholder engagement in solving resonant policy issues, communities with participatory initiatives

⁶⁵ The term "lay citizens" in the context of citizen engagement at the local level of governance refers to residents without specialist knowledge of the subject of discussion or consultation



Note: n = 97 (communities with citizen participation initiatives). Percentages show a proportion of communities who have selected a stakeholder or 'none of these'.

Question: Regarding the problem you identified in the previous question, indicate which stakeholders and how they were involved in solving the problem. Options: lay citizens, NGOs, experts, entrepreneurs, none of these. Multiple stakeholders could be selected.

For the **decision-making**, slightly more than a third of communities with citizen participation initiatives reported that arguments of **lay citizens** and **experts** significantly influence the final decision. Strikingly, more than 60% of these communities selected none of stakeholders suggesting a unilateral decision-making style by the local authorities (Figure 7 and Appendix 9). Given that all communities but one practice public consultations, this finding indicates that only few of them are truly responsive to the proposals of stakeholders.

For the **implementation and monitoring**, there is overall little involvement of stakeholders: about 50% of communities with citizen participation and about 60% (on average) of communities without citizen participation neither involved any stakeholder as an implementation partner nor into evaluation of the results. Little involvement of **citizens** as implementation partners seems natural as implementation requires skills and resources. However, that only 10% of communities involved **NGOs** demonstrates a gap that needs to be closed (Figure 7 and Appendix 9).

The stakeholder mapping (Figure 7) reveals some shortcomings. Only about a third of communities involve **experts and NGOs** into consultation and dialogue. This is surprising, because often representatives of local authorities substantiate their scepticism towards OG approach by the lack of expertise among citizens. The survey shows however, that the involvement of experts and NGOs is much lower in comparison to the lay citizens.

Moreover, the **private sector is the least included stakeholder** in the local policy-making. Especially under conditions of widespread corruption, the relations between authorities and private sector must shift into a public dimension and become as transparent as possible.

These findings need further qualitative research, as the reason may be that local authorities are not aware of these stakeholders, may have certain reservations about their involvement or simply no such stakeholders exist.

Over 70% of all community use **co-funding schemes** as a type of practice between LSG bodies and civil society or business. Predictably, communities with experience in citizen participation initiatives, are also the ones where such schemes are more prevailing (Appendix 10).

Unlike co-funding, **public-private partnerships** are still rare. An exception are large urban communities, where about 40% of the respondents reported to have such forms of partnership with the private sector (Appendix 11).

Box 2: Recommendations on stakeholder involvement

- **Strengthen capacity for the stakeholder engagement at the implementation- and monitoring stages of policy-making**, especially where the issue is resonant. External monitoring and evaluation of policy outcomes goes hand in hand with strengthened societal accountability.
- **Encourage engagement of experts and relevant CSOs**, because engaging beneficiaries and experts into evaluation is usually helpful to improve policy outcomes. As a neutral platform, the Congress could help experts, NGOs and LSGs 'find' each other by facilitating joint policy-planning sessions or calls for cooperation.
- **Encourage engagement of private sector**, especially given the widespread co-funding schemes, the dialogue and partnership with business has to be publicly institutionalised, to avoid any favouritism.

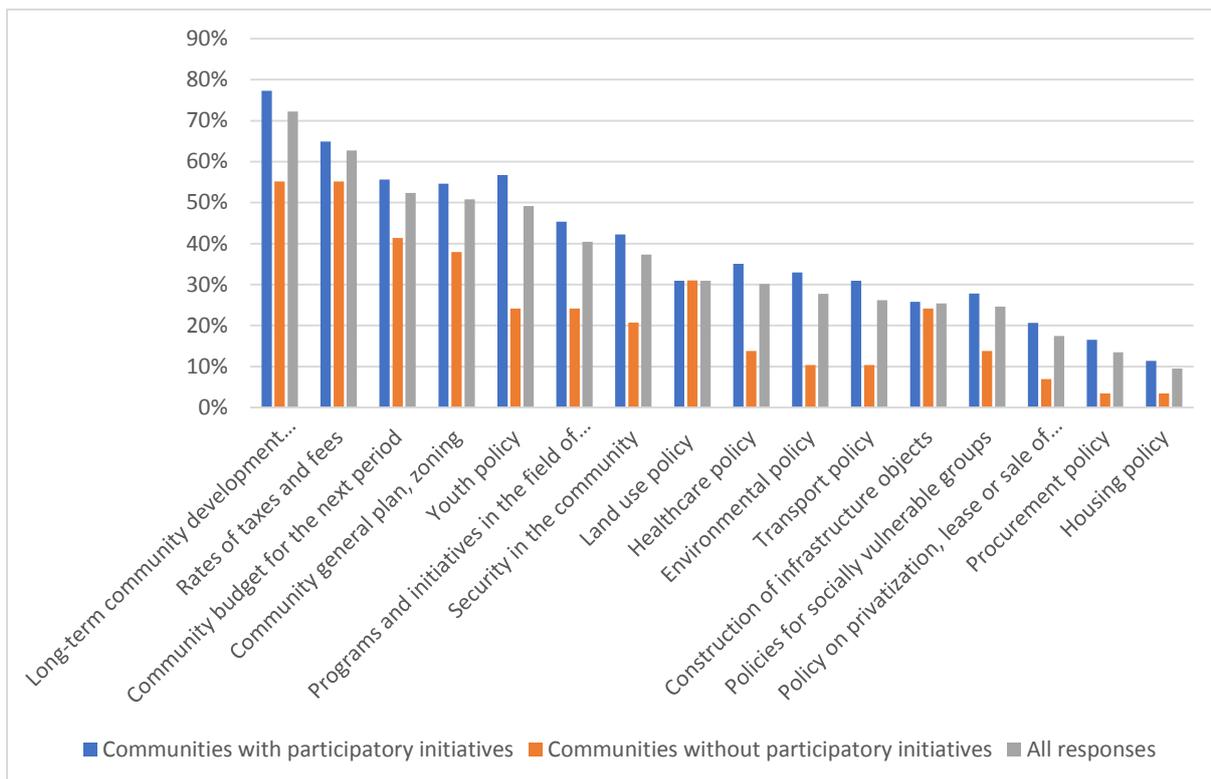
5.2 Public consultations mechanisms: themes and processes

All respondent communities but one have conducted public consultations and/or public hearings. Long-term community development strategy, rates of taxes and fees as well as community budget have been the prevailing consultation themes among respondents (marked by, respectively, 72%, 63% and 52% of total respondents). More than a half of respondents conduct consultations on general plan and zoning of the community. At the same time, communities seem to **avoid consultations in the corruption prone sectors**, such as use of land, construction of infrastructure, transport and housing policies, privatisation, procurement policy, healthcare, and environmental policy. Policies for socially vulnerable groups have low priority as well. (Figure 8)

The only striking **difference concerning the prioritisation of themes for consultation** is the significant prevalence of consultations on **youth policy** in the communities that report having had participatory initiatives in comparison to those without participatory initiatives. Also, qualitative analysis of the initiatives revealed several good practices of engaging youth into local politics, which corresponds to the commitment of the fifth OGP Action Plan. Besides, communities with citizen participation initiatives consult with citizens on more themes than communities without participatory initiatives.⁶⁶ About a third of communities in total and in each group consult with citizens on land use policy.

Figure 8 Topics of public consultations

⁶⁶ From the graph, it is telling that each consultation theme was selected by a larger proportion of communities with citizen participation than without it



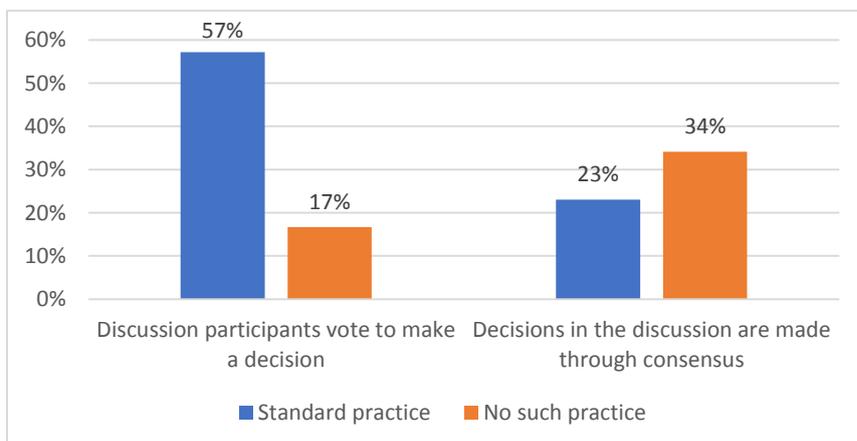
Note: n communities with participatory initiatives = 97, n communities without participatory initiatives = 29.

Question: On what issues have you conducted public consultations and/or public hearings with stakeholders (online and offline) in the last three years? Respondents could choose multiple options.

A major source of demand for public consultations is two-fold: first, almost half of the respondents organise public discussions (*обговарення*) as a standard practice to resolve resonant issues and, second, just as many – as a part of the standard decision-making process (Appendix 12 and detailed information in Appendix 13).

Most communities (approximately 60%) use voting of all participants of a public discussion to come to a decision. Less than a quarter (23%) use consensus-based decision-making (see Figure 9 and detailed information in Appendix 13). Note that a fairly large proportion of respondents (34%) do not practice consensus-based decision-making at all. However, this is one of the cornerstones of the deliberative approach to decisions (see Conceptual glossary in the Appendix 25), which is increasingly a part of OG process.

Figure 9 Modes of decision-making during public discussions, standard practice



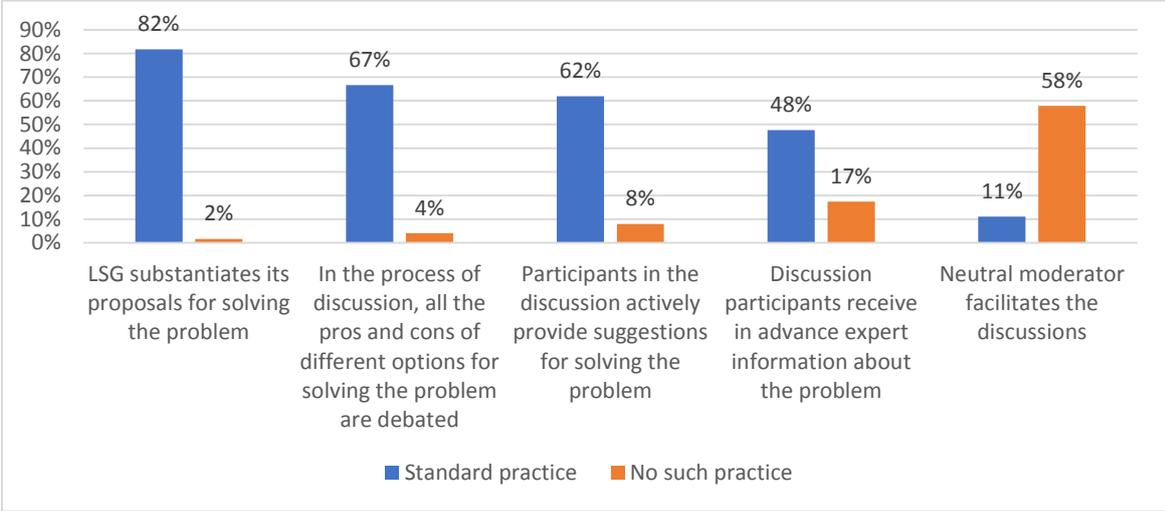
Note: n = 126.

Question: When the LSG body conducts public consultations (e.g. public hearings), which of the following is in line with your community's practice? Only these options are considered: Discussion participants vote to make a decision, Decisions in the discussion are made through consensus.

Answer options: Respondents could choose whether a practice is a 'standard practice', 'practiced from time to time', 'tried once as an experiment', 'no such practice'. The graph shows answers ONLY 'standard practice' and 'no such practice'.

Respondent communities have self-reported a wide-spread use of activities, which, if taken together, **can facilitate deliberation during public discussions**. Over 80% of respondents reported that LSG bodies substantiate their proposals for solving a problem, over 60% reported that participants of public discussions can actively provide suggestions and that all pros and cons of different options are debated during a discussion. Slightly less, about a half of respondents, reported to be providing expert information to discussion with the participants before the public discussions. Finally, only a handful reported to engage a neutral moderator during the discussion (Figure 10, Appendix 13 for details).

Figure 10 The course of public discussions



Note: n communities with participatory initiatives = 97, n communities without participatory initiatives = 29. All percentages are given from the relevant n of respondents.

Question: When the LSG body conducts public consultations (e.g. public hearings), which of the following is in line with your community's practice? Only these options are considered: Discussion participants receive in advance expert information about the problem, In the process of discussion, all the pros and cons of different options for solving the problem are debated, LSG substantiates its proposals for solving the problem, Neutral moderator facilitates the discussions, Participants in the discussion actively provide suggestions for solving the problem.

Answer options: Respondents could choose whether a practice is a 'standard practice', 'practiced from time to time', 'tried once as an experiment', 'no such practice'. The graph shows ONLY answers 'standard practice' and 'no such practice'.

Box 3: Recommendations on themes and the process of consultations

- To increase trust, as the most cited purpose of public engagement, it is critical to **open corruption prone policies for the engagement of citizens** (e.g. use of land, construction of infrastructure, transport and housing policies, privatisation, procurement policy, healthcare, and environmental policy).
- Consider **youth policy as an entry point to OG** for the communities without participation initiatives, as having the youth policy as a focus of consultations correlates with the practice of citizen participation. Moreover, developing policies *with* youth (not only policy *for* youth) proved to be a good practice in several communities (see section 4.1) and corresponds to the fifth OGP Action Plan commitment to increasing youth participation in policy. Further suitable entry points are **education and healthcare policies** because they touch upon most resonant

issues that caused public outcry. Besides, youth and education policies are often subject to international assistance, which makes the funding for the participation initiatives accessible.

- Consider broadening consultations on **policies for socially vulnerable groups** and involve representatives of these groups directly into conversation. Socially vulnerable groups are often missing in policy and political discussions. If they engage with local politicians, then rather in a manner that is not sustainable or even harmful for local politics.⁶⁷ However, international OG examples, such as participatory budget in Porto Alegre (Brazil) or New York (USA) show that with proper facilitation, marginalised groups become active contributors in matters that concern them.⁶⁸
- Strengthen practice of **consensus-based decision-making** in addition and, where possible, instead of mere voting during the public consultations, which will support a deliberative approach in policy-making.
- Build capacity of **neutral moderators** to facilitate public discussions. International experience (e.g. Deliberation day during the People’s Assembly in Estonia), as well as a good practices of public hearings in Ukraine (e.g. interview on public hearings in Chmyrivka) substantiate an added value of a neutral moderator in the public discussions.

5.3 Democratic innovations

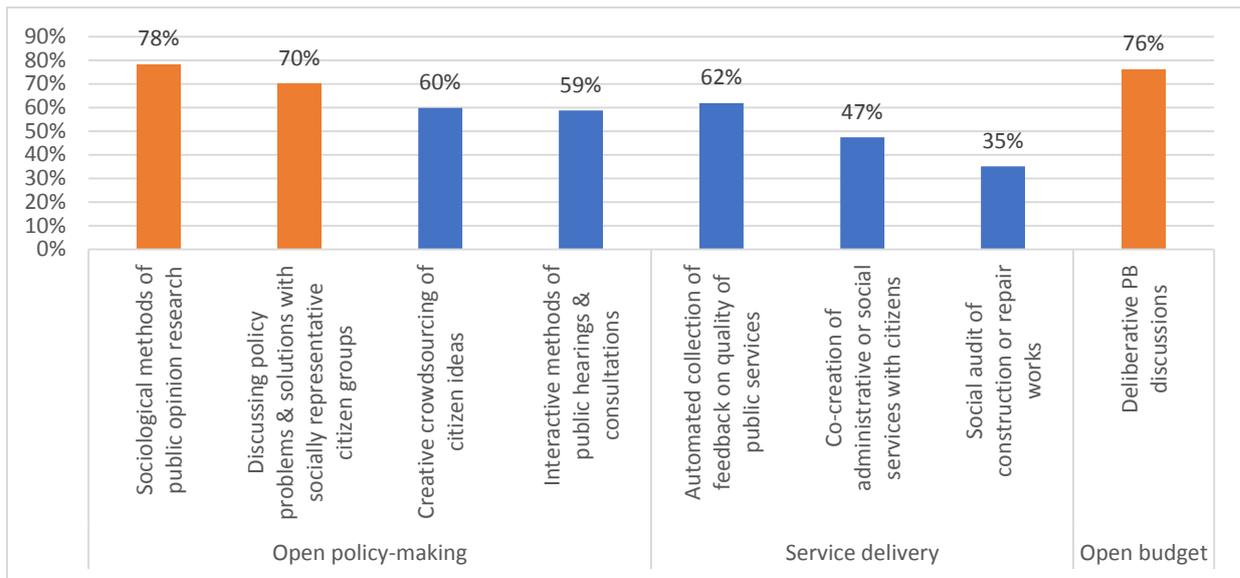
Among the respondents, who have confirmed to have introduced citizen participation initiatives, the three most used mechanisms for engagement of lay citizens are **use of sociological research methods to seek public opinion** (this includes surveys and focus groups), **deliberative discussions of participatory budget** projects before voting and **inviting socially representative groups to policy discussions**. The latter serves as a groundwork for adoption of a democratic innovation of so-called mini-publics. Creative ideas such as crowdsourcing for programs or policies and interactive methods of public hearings are used by about a half of respondents. Noticeably, co-creation of administrative and social services and especially social audits of construction and repair works are among the least used mechanisms of citizen engagement (Figure 11).

Once we group the mechanisms as they refer to the dimensions of open government, the most respondent communities have introduced participatory mechanisms referring to an **open budget dimension** (thanks to participatory budget). The second most cited dimension that is covered by the respondents is open policy-making, followed by citizen engagement in the OG dimension of service delivery (Figure 11).

Figure 11 Extent of use of innovative citizen engagement mechanisms

⁶⁷ For example, there is a broad practice among local council members in Ukraine to use so called “deputy’s funds” to provide one-time support to the socially vulnerable groups. This practice fosters false impression about local politicians in their communities as a replacement of social care services, or the practice is perceived as vote buying. More details on the issue here: <https://opora.lviv.ua/buty-chy-ne-buty-odnorazovij-materialnij-dopomozi-vid-dobryh-dyadechok-z-ratushi/>

⁶⁸ On Porto Alegre, see Baiocchi, G. (2003). Emergent Public Spheres: Talking Politics in Participatory Governance. Source American Sociological Review, 68(1), 52–74. Retrieved from <http://www.jstor.org/stable/3088902>. On experience from New York, see Kasdan, A., & Cattell, L. (2013). A People’s Budget. A Research and Evaluation Report on the Pilot Year of Participatory Budgeting in New York City. Urban Justice Center. Retrieved from <https://cdp.urbanjustice.org/sites/default/files/pbreport.pdf>



Note: total n = 97. Orange-coloured are TOP3 mechanisms used by communities for citizen engagement.

Survey question: From the list below, list all the mechanisms your community has had to engage lay citizens. **Options in original:** LSG studied public opinion using methods of sociological research (focus groups, demographically representative surveys of citizens), LSG organised a broad discussion of the advantages and disadvantages of participatory budget projects before voting, LSG invited a representative group of people (representing all social groups of residents) to discuss problems and solutions, LSG collected ideas for programs or policies in a creative way (e.g. community development festivals, workshops on community development strategies), LSG used interactive methods of public hearings or public consultations, for example, brainstorming in small groups, "World Cafe", fishbowl-format and more", LSG involved potential users in the creation of administrative or social services, LSG systematically engaged residents to assess the quality of construction or repair works (for example, in schools, health care facilities). Respondents marked online, offline, both, not used. The options were simplified for the graphical representation.

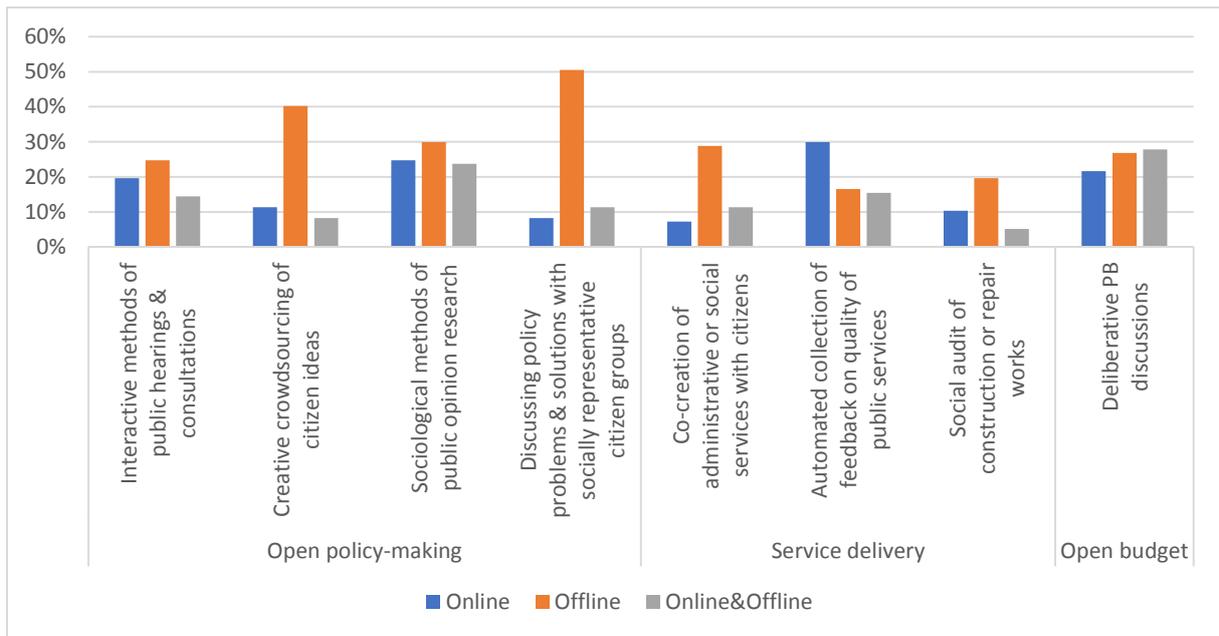
Comparatively low numbers of citizen engagement in public service delivery indicates that the partnership paradigm between public authorities and citizens is not yet fully embraced. The presentations during the OG week marathon gave a similar impression (see summary in the Appendix 26): main narrative was of the duty of the authorities to provide public services to citizens in sense of the *new public management* paradigm,⁶⁹ but barely of a partnership to co-create such services.

The respondents reported on average the use of listed mechanisms online at 17%, **offline at 30%**, mixed offline and online at 15% and no use of a given mechanism at 39%⁷⁰ (see a detailed table in Appendix 14). At the same time, the usage of offline or online versions of the mechanisms varied greatly between the mechanisms (Figure 12). For example, communities prefer **offline formats for collecting citizen ideas and discussing policy problems and solutions with them**. On the contrary, **online tools seem to prevail when it comes to collection of citizen feedback on quality of public services**. Interestingly, for the discussions of PB projects, most communities use a mix of online and offline tools (which perhaps reflects a common practice of using social media for discussion of the PB projects).

Figure 12 Use of citizen engagement mechanisms: distribution between online, offline, and both

⁶⁹ Vigoda, E. (2002). From Responsiveness to Collaboration: Governance, Citizens, and the Next Generation of Public Administration. *Public Administration Review* 62, no. 5

⁷⁰ Adding these proportions is more than 100% due to rounding

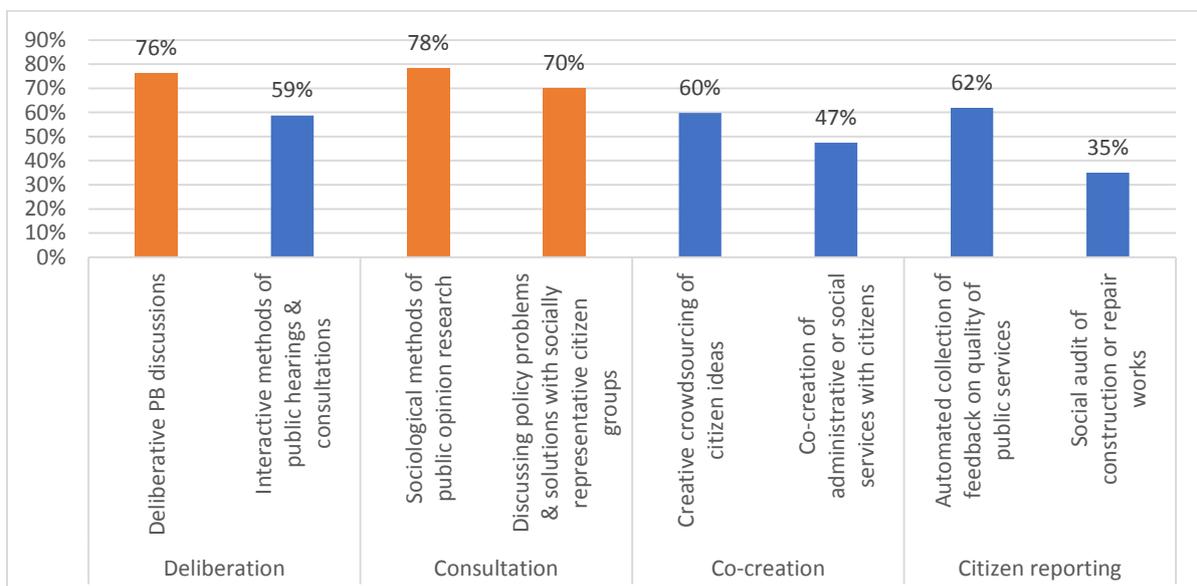


Note: n = 97

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Grouping the answers of the communities by the three deductive characteristics of the process of citizen engagement, communities seem to practice citizen participation with the **deliberative component** (again, driven by the participatory budget), followed by practices that **foster consultation and co-creation**, and with practices directed at citizen reporting as the least used type (Figure 13).

Figure 13 Process characteristics of citizen engagement



Note: total n = 97. Orange-colored are TOP3 mechanisms used by communities for citizen engagement.

Survey question: From the list below, list all the mechanisms your community has had to engage lay citizens. **Options in original:** LSG studied public opinion using methods of sociological research (focus groups, demographically representative surveys of citizens), LSG organised a broad discussion of the advantages and disadvantages of participatory budget projects before voting, LSG invited a representative group of people (representing all social groups of residents) to discuss problems and solutions, LSG collected ideas for programs or policies in a creative way (e.g. community development festivals, workshops on community development strategies), LSG used interactive methods of public hearings or public consultations, for example, brainstorming in small groups, "World Cafe", fishbowl-format and more", LSG involved potential users in the creation of administrative or social services, LSG systematically engaged residents to assess the quality of construction or repair works (for example, in schools, health care facilities). Respondents marked online, offline, both, not used. The options were simplified for the graphical representation.

Box 4: Recommendations on democratic innovations

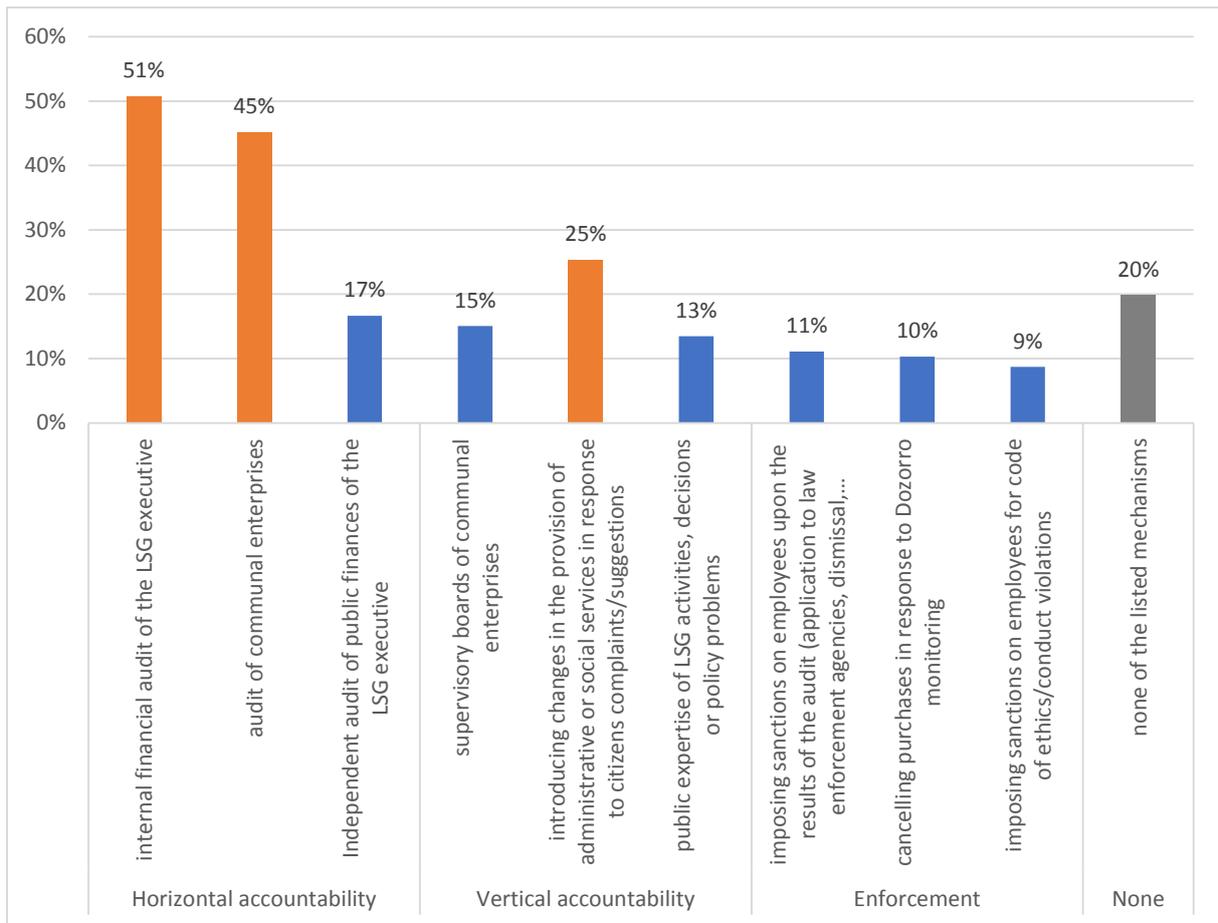
- **Consider participatory budget is a suitable entry point to democratic innovations**, as it provides a safe space to practice deliberative democracy on a small scale.
- **Elaborate on the added value of citizen participation for co-creation and improvement of public services**, because this function of citizen participation seems to be underestimated among communities in Ukraine.
- **Conduct a follow up research of deliberation practices:** the findings of deliberation being an actual characteristic of public consultations should be taken with caution, because of the desirability bias that is inherent in questions about public-government relations. Besides, in the open questions on the most important initiatives and those that are worth sharing, very few communities highlighted deliberative processes. Therefore, a follow-up research with participant observation and/or interviews with stakeholders would be needed to assess the extent of deliberation in these practices.

5.4 Accountability, responsiveness, and valuation of open government

Application of accountability mechanisms by the respondent communities is fragmented (see Figure 14). About **20% of respondents** reported **not using any** of the mechanisms of accountability, including legally prescribed ones. This survey finding corresponds to the Transparency International Ukraine assessment of accountability of cities in 2020, according to which the average accountability of 50 evaluated city councils was only 12.5 points out of 100 possible.⁷¹ Mechanisms of **horizontal accountability** are prevailing among the respondents who do have accountability tools in place: about a half of the respondents apply internal financial audit of the executive expenses and those of the communal enterprises. Both mechanisms are envisaged by the Law of Ukraine on Self-Government.

Figure 14 Accountability mechanisms and enforcement

⁷¹ <https://ti-ukraine.org/en/news/which-city-became-the-transparency-and-accountability-leader/>



Note: n = 126. Orange-colored bars show three most reported mechanisms.

Question: Does LSG body in your community practice the following accountability mechanisms? Respondents could tick multiple options and add 'Other'.

In terms of **vertical accountability**, communities mostly introduce changes to administrative and public services in response to citizens' complaints and suggestions – yet this is about a quarter of respondents. Supervisory boards of communal enterprises are available only among 15% of respondents and public expertise of decisions or activities of the LSG body – among about 13%.

In terms of **enforcement**, a handful of respondents reported imposing sanctions on employees because of the results of financial audit or uncovered violations of the code of ethics, the code of conduct or cancelling purchases because of reporting in Dozorro. This latter aspect is obviously connected to the extent that communities face those violations, therefore low numbers must not be interpreted as lack of enforcement. Rather on the contrary: communities have reported that in case of violations, sanctions are indeed enforced.

Most communities reported having made a change to their current programs or regulatory decisions in response to **suggestions during public hearings** followed by **citizen complaints** (Appendix 15). On the contrary, for the e-petitions or participatory budget projects that have not been implemented, most respondents did not introduce programmatic or regulatory change. This finding, especially concerning the participatory budget, shows a room for enhancing the use of citizen-initiated ideas as sources for policy planning.

Communities that have introduced citizen participation have been asked how they evaluate the effectiveness of their open government initiatives. Most communities (more than 70%) reported using the following mechanisms: a **systematic analysis of the challenges and gaps** in the initiative,

conducting public opinion polls and **providing residents with feedback forms** (Appendix 16). Also, **informal consulting with users or participants** of initiatives is practiced by more than 70% of respondents. Somewhat surprisingly, only a third of respondents test the procedure of new initiatives. Considering that open government is a process of social innovation that can have unintended consequences if not properly adapted, it is critical to have test phases to avoid frustration of the users and/or participants.

Box 5: Recommendations on accountability and responsiveness

- **Raise awareness about the need and positive effects of accountability**, because, as a rule, any critique is perceived negatively and personally, and not as a chance for improvement.
- **Incentivise OG initiatives that foresee accountability as an outcome**, because every fifth community haven't reported any accountability mechanism in place. At the same time, the research shows (e.g. Bauhr & Grimes 2014) that transparency and citizen participation end up in frustration or can even have negative effects if accountability mechanisms are not in place.
- **Make sure that the OG initiatives explicitly foresee the mechanism of responsiveness**, because the research shows that responsiveness increases the probability of further citizen participation (Sjoberg, Mellon, and Peixoto 2015), while lack of responsiveness decreases trust and confidence of citizens in participation mechanisms (Rumbul and Shaw 2017).
- **Include in the planning process of OG initiatives the test phases to improve user experience**, which can increase use/participation rate and improve the effect. The need for test phases has also been substantiated in the interview on the good practice of participatory budgeting with the representative of Demydivka community.

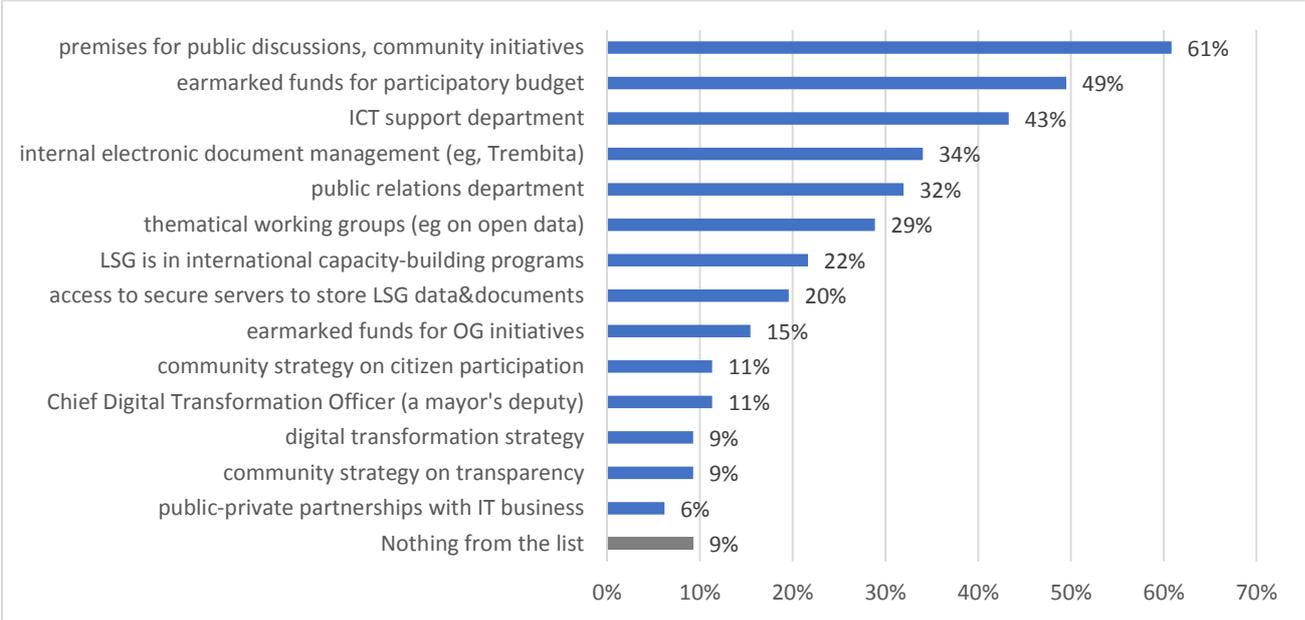
6 Needs assessment

6.1 Available resources for open government initiatives

Communities that have previously introduced participatory initiatives were asked about the resources they have for open government more generally. Every tenth community have reported having none of the listed resources (they also did not add any other resources) (Figure 15). More than a half of the respondents have at their disposal **premises for conducting public hearings** and community initiatives and **earmarked funds for participatory budget**. Slightly over 40% have an ICT support department. Only 6% of respondents have **public-private partnerships with IT business**.⁷² Considering the importance of a user-friendly software for keeping up with the digitalisation trend in open government, it is worth probing for opportunities to institutionalise partnerships with IT business.

Pre-survey interviews of the successful municipalities revealed the importance of a relevant **strategy** document - on transparency, citizen participation, or digital transformation - for their success, as it provides guidance, shows commitment of the mayor if there is a resistance towards OG initiative, as herewith sustains OG aspirations. But less than every tenth respondent reported having such a strategy, which shows that the OG approach remains rather experimental one, and not yet institutionalised.

Figure 15 Resources used for open government by communities with citizen participation initiatives



Note: n = 97

Question: What resources does your community have at their disposal to implement open government initiatives? Answer options: multiple that apply and 'Other'.

Pre-survey interviews of the successful municipalities revealed the importance of **a membership in professional, OG-related networks** for their success. Most of the respondent communities are members of the Global Covenant of Mayors for Climate & Energy (56% of communities with participatory initiatives). A large portion (40%) are not members of any networks. A handful of

⁷² Note that this option does not include informal exchange and partnerships and presupposes some institutionalisation of relations between IT-business and LSG. The institutionalisation is necessary, however, to make sure partnerships are sustainable and survive the change of personnel in both public and private sector, therefore the questions concerned public-private partnership specifically

communities (14 out of 97) are also members of the Smart City Club of the Ministry for Digital Transformation, which is a peer exchange platform of digital tools in governance (Appendix 15). These communities are large and small urban communities from the surveyed sample. Several communities noted their collaboration with the East Europe Foundation on implementation of the e-DEM tools. For OGP and Islands of integrity networks, there was one respondent each.

The use of ICTs became one of the OG pillars and record management – one of the four core mechanisms of transparency (see conceptual glossary, Appendix 25). Most communities (80%), however, did not provide any information on their **systems for electronic document management**. Those who did provide it, mostly referred to Ukrainian solutions originally developed for enterprises: ASKOD⁷³, KAI Dokumentoobih⁷⁴ and Megapolis Doc.Net⁷⁵. Several Ukrainian solutions that have been developed specifically for the needs of public authorities were mentioned: DOC PROF⁷⁶, BingoOffice⁷⁷, and sX-Space.Government⁷⁸. For **e-governance**, most of the communities did not mention the platforms they use. Those who did, mostly referred to e-DEM for e-petitions and participatory budget; several respondents also mentioned Smart City module of e-DEM (<https://e-dem.ua/>).

Box 6: Recommendations to close the gaps in open government resources

- **Foster professional, informal networks among staff in charge of OG**, because networks are useful to share knowledge, learn from positive and negative experiences, and overcome resource gaps through cooperation and social capital.
- **Build capacity on record management**, including use of IT solutions, because the data shows a gap with regards to the use of systems for electronic document management. At the same time, the interview with the MDT representative confirmed that there is low awareness about the use of commercial licensed IT solutions.
- **Foster public-private partnerships and CivicTech solutions**, because cooperation with IT companies (given it is public and transparent) can help overcome the gap in IT skills and technologies within the local authorities.
- **Encourage communities to adopt OG-related strategies**, because it provides guidance, shows commitment of the mayor if there is a resistance towards OG initiative, as herewith sustains OG aspirations.
- **Conduct further research of the OG success cases and failures** to explore which mechanisms, processes and resources correlate with positive OG outcomes and impact.

6.2 Challenges to transparency initiatives

The communities were asked about challenges to introducing transparency initiatives in two ways. First, the communities who confirmed having had at least one transparency initiative over the past 5 years were asked to mark in the list of possible challenges, whether they were hard/easy to overcome or irrelevant *while* introducing the three most recent transparency initiatives. Second, communities that claimed not to have had transparency initiatives were asked about the reasons that prevented them from introducing transparency initiatives altogether.

⁷³ Developer: Info Plus, <https://askod.online/index.ua.html>

⁷⁴ <https://kai.ua/en/products/kai-documentooborot/>

⁷⁵ Developer: InBase, <https://inbase.com.ua/ua/megapolis-docnet.html>

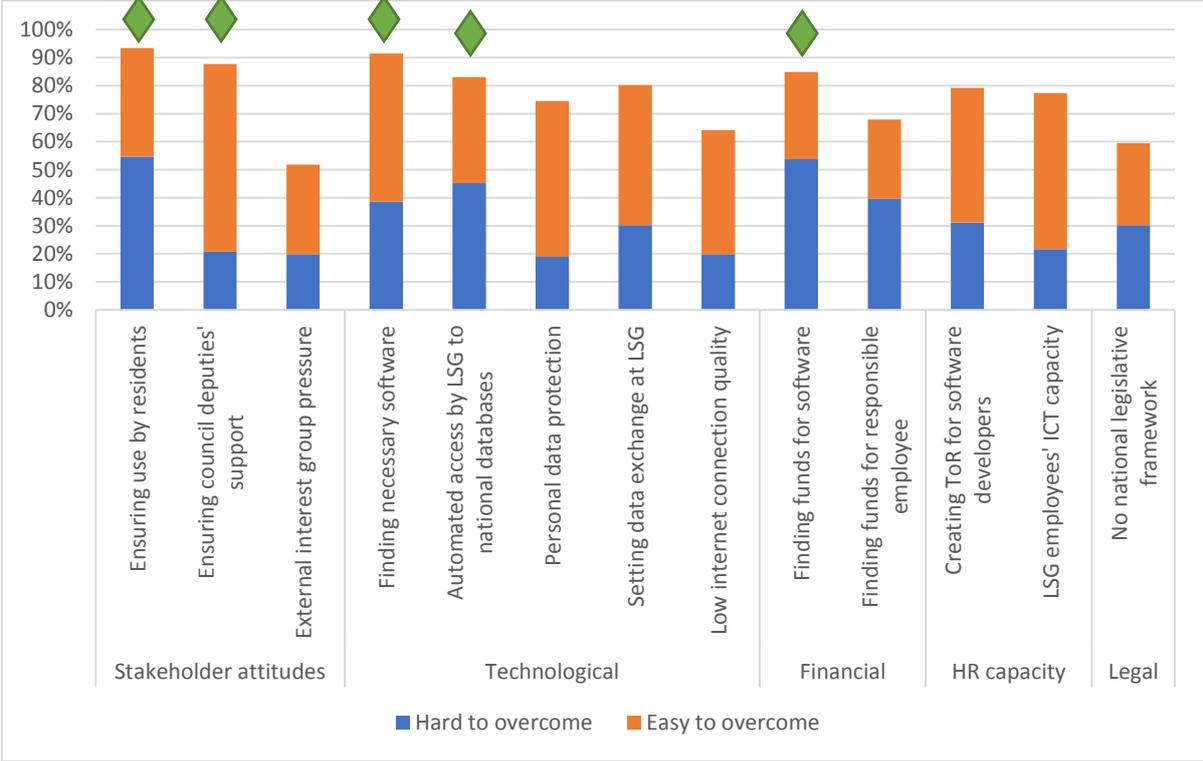
⁷⁶ <https://www.docprof.ua>

⁷⁷ Developer: Bingo Best, <http://bingobest.biz/info/page/7096>

⁷⁸ Developer: softXpansion, <https://ua.sx-space.com/solutions/alfresco-community-edition/document-management-system-for-government/>

Overall, communities that had experience with transparency initiatives marked the following as the five most relevant challenges ('relevant' means a sum of 'hard to overcome' and 'easy to overcome' options) (see Figure 16, options marked with green diamond and Appendix 18 for details): ensuring use [of transparency tools] by residents (93%); finding the necessary software (92%); ensuring council deputies' support (88%); finding funds for software (85%); ensuring automated access by LSG bodies to national databases (83%). These challenges concern three of the five broad types of challenges: stakeholder attitudes, financial and technological challenges.

Figure 16 Challenges faced by communities while introducing transparency initiatives



Note: n = 106 (communities who confirmed having initiated a transparency initiative).
Question: Think of the last three transparency and open data initiatives you have implemented. What challenges did you have to overcome during the implementation process and how difficult was it to do?
Options: create a technical task (ToR) for software developers, provide (create or find) the necessary electronic platform or software, ensure the confidentiality of personal data, insufficient qualification of employees in the field of information and communication technologies, ensure automated data exchange within the LSG, ensure automated access to the required data from government databases, low quality of internet connection, ensure active use of electronic platforms by residents, resist external pressure from individual stakeholders, ensure support for initiatives by the deputy corps of LSG (voting for regulatory documents, for budget allocation), the necessary regulatory framework has not been created at the national level, find funding for a responsible employee, find funds for software. Respondents could mark each challenge as 'rather hard to overcome', 'rather easy to overcome' or 'irrelevant' (this category is not on the graph for simplicity). The options were simplified for the graphical representation.

Among the five most relevant challenges three are considered rather **hard to overcome**:

- 1) ensuring the use of transparency tools by residents (55%),
- 2) finding funds to buy software (54%), and
- 3) ensuring automated access by LSG bodies to the national databases (45%).

On the contrary, ensuring council deputies' support and finding the necessary software are considered rather as **easy to overcome**, independently of the community type (see Appendix 19 for details). However, additionally, a hard-to-overcome challenge for medium- and small-sized urban communities

was finding funds for a responsible employee. Also, a hard challenge for medium-sized communities is finding the necessary software.

Further challenges were marked often (at about 80%) but considered rather **easy to overcome**: ensuring ICT capacity of LSG employees, creating Terms of Reference (ToR) for software developers, protection of personal data [during use of technology] and setting data exchange within the local authorities.

Challenges referring to **human resources** capacity are relevant for about 80% of respondents. External interest groups pressure and lack of national legal framework are the least relevant as challenges overall – yet, they are still mentioned by at least a half of respondents.

The above listed challenges are relevant for all community types, with some exceptions. One exception concerns low quality of internet connection: while it was considered one of the least relevant challenges by communities overall, it is one of the major challenges for rural communities (though, considered as easy to overcome by most of the respondents). Similarly, setting data exchange within the LSG bodies is more challenging for rural and medium-sized communities than for any other two types of communities. Finally, in large and medium-sized communities, creating ToR for software and LSG employees' capacity is as often marked as automated access and finding funds for software (see Appendix 19).

The most relevant **obstacles for communities who have not had transparency initiatives** over the past five years, were:

- 1) setting data exchange within the LSG body (72%),
- 2) [perceived] lack of demand from citizens (67%) and
- 3) absence of a necessary national legislative framework (61%).

Further, finding funds for software was a relevant challenge for more than a half of such communities (Appendix 20).

Box 7: Recommendations to overcome challenges for transparency initiatives

Respondent communities who have the experience of introducing transparency initiatives marked many challenges relevant for the introduction of transparency initiatives. The areas where communities may need help considering that it is hard to overcome these challenges are:

- **Supporting the use of transparency tools by residents** (whether this is rather awareness raising or IT literacy activities, both, or ensuring that initiatives fit the citizens' needs, needs to be examined in the follow-up research).
- **Explicitly promote equity in OG initiatives** to mitigate the exclusion of citizens without a minimum level of digital literacy. The proposed activities are promoting OG initiatives that combine online and offline formats and initiatives aimed at educating citizens on how to use the tools of e-governance and e-democracy.
- **Introducing licenced software** for record management and/or for the coordination of citizen participation, which can be done in multiple ways, either by providing/earmarking funds, or finding free solutions, or raising local authorities' awareness of existing free options.
- **Ensuring automated access by LSG bodies to the national databases** (collaboration with Ministry of Digital Transformation, for example).
- Rural and smaller urban communities will benefit additionally from **support in finding necessary software for their purposes**. Furthermore, when planning employee capacity-building activities in dealing with various aspects of ICT, specific skills for preparing the ToR for software developers could be considered (despite that communities consider this a relevant but easy-to-overcome challenge).
- For inexperienced communities, **clarification of the enabling national legal framework** should be done (e.g. promoting the be-open tool of the Congress) as well as supporting these communities in aligning internal processes to exchange the necessary data (or to foster collaboration more broadly).

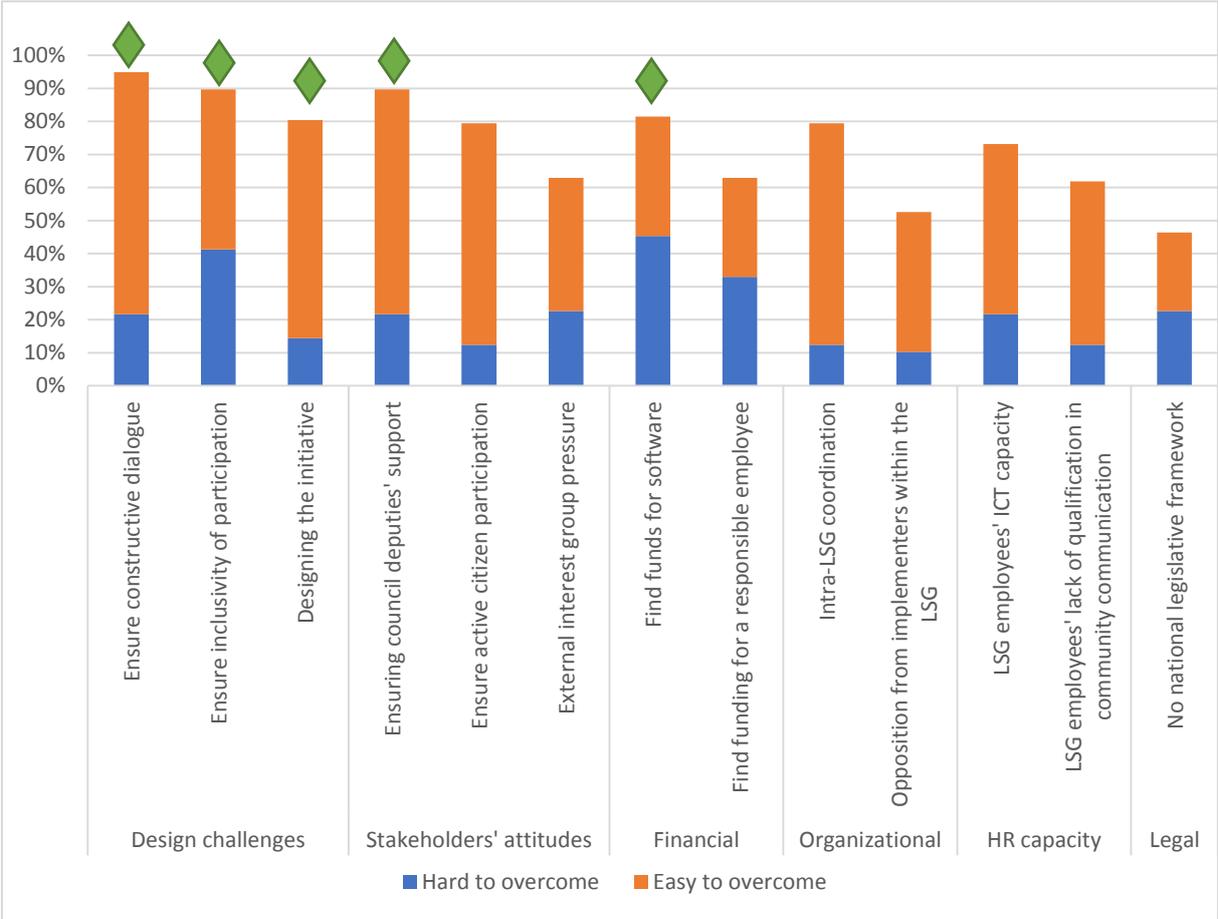
6.3 Challenges to citizen participation

The communities were asked about the challenges to introducing citizen participation initiatives in two ways. First, the communities who confirmed having had at least one citizen participation initiative over the past 5 years, were asked to mark in the list of possible challenges whether they were hard/easy to overcome or irrelevant *while* introducing the three most recent citizen participation initiatives. Second, communities that claimed not to have had citizen participation initiatives were asked about the reasons that prevented them from introducing transparency initiatives altogether.

Overall, communities that have experience with citizen participation marked the following as the **five most relevant challenges** ('relevant' means a sum of 'hard to overcome' and 'easy to overcome' options) (see Figure 17, options marked with green diamond and Appendix 21 for details): ensure constructive dialogue (95%); ensuring council deputies' support (90%); ensure inclusiveness of participation (90%); find funds for software (81%); designing the initiative (developing its process and rules) (80%).

These challenges concern three of the six broad types of challenges: design challenges, stakeholders' attitudes, and financial challenges. It is noteworthy that almost every respondent community faced challenges related to designing the participation for constructive dialogue and inclusion and, respectively, designing the process and rules.

Figure 17 Challenges faced by communities while introducing citizen participation initiatives



Note: n = 97 (communities who confirmed having initiated a citizen participation initiative).
 Options: Find funding for a responsible employee, find funds for software, insufficient qualification of employees in the field of information and communication technologies, insufficient qualification of employees in the field of communications with community, design the process and rules for the initiative, ensure necessary coordination between executive departments of LSG, opposition from implementers within the LSG, ensure active citizen participation, ensure inclusivity and equal participation of all social groups, ensure constructive dialogue between participants of the initiative, resist external pressure from individual stakeholders, ensure support for initiatives by the deputy corps of LSG (voting for regulatory documents, for budget allocation), the necessary regulatory framework has not been created at the national level. Respondents could mark each challenge as 'rather hard to overcome', 'rather easy to overcome' or 'irrelevant'. The options were simplified for the graphical representation.

Further, about 80% of respondents also consider **ensuring active citizen participation, coordination within the LSG bodies** to make citizen participation possible and **ICT capacity of LSG employees** as also relevant challenges.

The patterns of prioritisation of the above listed challenges are similar for all types of communities and reflect the general pattern (see Appendix 21).

Unlike in the case of transparency, however, most of these challenges are considered by participants as easy to overcome. Only for the **finding funds for software**, there were more communities considering it 'hard to overcome' than 'easy'. Further on, while finding funds for a responsible employee is not among the top 5 challenges, it is still a concern for about 60% of respondents – and is mostly considered 'hard to overcome' (Figure 17). The pattern is similar for all community types, with one exception: more respondents from the urban small communities considered ensuring inclusivity of citizen participation as a challenge hard to overcome (see Appendix 22).

Thus, among the most relevant challenges, three are considered rather **hard to overcome**:

- 1) finding funds for software (45%),
- 2) ensure inclusiveness and equal participation of all social groups' representatives (41%),
- 3) finding funds for a responsible employee (33 %).

The most relevant **obstacles for communities who have not had citizen participation initiatives** over the past five years were:

- 1) finding funds for a responsible employee,
- 2) [perceived] lack of demand from citizens, and
- 3) absence of know-how to design the initiative (Appendix 23).

Further, lack of citizens' expertise in the matters of LSG and their lack of skills for constructive dialogue were relevant challenges for more than a half of such communities (Appendix 23).

Summarising, respondent communities who have the experience of introducing citizen initiatives marked many challenges relevant for the introduction of such initiatives, albeit overall they perceive it as a less challenging enterprise than introducing transparency and open data. For example, the least relevant challenge for citizen participation – absence of a national legal framework - is relevant for slightly less than a half of respondents (compare: same challenge is also least relevant for transparency but for about 60% of respondents, while transparency provisions are much better regulated in the national legislation). Mostly, communities seem to struggle with finding funds to buy software: a possible support may not be necessarily funding such software but also finding free solutions or raising awareness among local authorities of existing free options provided by developers or NGOs.

Box 8: Recommendations to overcome challenges for citizen participation initiatives

While the rest of the challenges were reported as easy to overcome, further attention should be paid to the following challenges as they have been named as relevant for the vast majority of respondents:

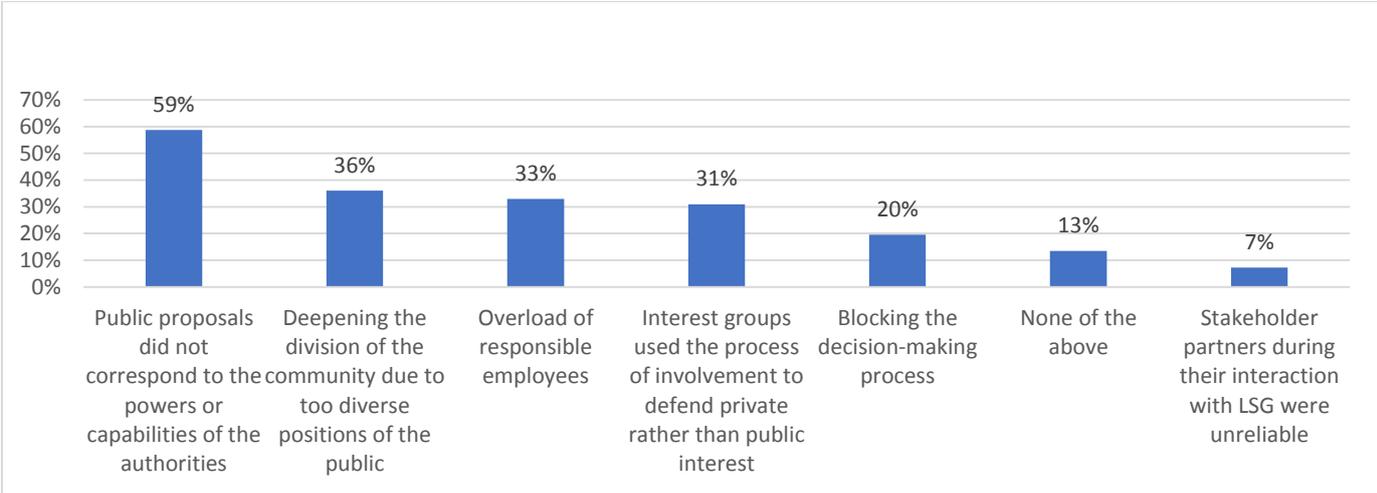
- **Support initiatives for practical citizen education in deliberative democracy** to overcome the lack of citizen skills in constructive dialogue and public ignorance regarding powers and competencies of local authorities. This can be done in mini-projects for citizen education through participation via targeted approach to already existing cohesive communities (such as schools, neighbourhood associations [*органи самоорганізації населення*] and in urban communities – the house associations [*укр. організація співвласників багатопверхових будинків*]). Importantly, the didactic focus should be based on the principle “learning-by-doing” instead of a direct input about constructive dialogue. In other words, the design of such project shall imply the space for failures and systematic learning process based on those failures.
- **Foster a learning- and design-thinking approach to OG initiatives** to overcome challenges that concern designing participatory initiatives to ensure constructive dialogue and inclusiveness of participation and ensuring active citizen participation. In particular, this can be done through incentivising experimentation and openness of communities for learning based on citizen feedback, e.g. by facilitating peer exchanges and a professional design-thinking approach to the initiatives. For the inexperienced communities, methodological support for basic participatory tools and approaches would be useful.
- When implementing OG initiatives, **ensure explicit reflection on the intra-institutional processes and their potential change**, such as internal coordination within LSG bodies and the ICT capacity of LSG employees, to overcome organisational challenges and those related to human resources capacity. In addition, about half of the respondents reported the challenge of internal opposition by employees, who are assigned to implement OG initiatives. As open government concerns a shift in standard operating procedures towards more external participation, the organisational culture and employee capacity must be considered strategically when implementing participatory initiatives (e.g. conducting a SWAT analysis for the particular purpose of OG implementation).
- **Provide a politically neutral platform and facilitation for the dialogue of deputies and executive officials in charge of OG.** As with transparency, a relevant challenge is ensuring council deputies’ support. One reason for this could be a natural outcome of the separation of executive and legislative powers at the local level, which may result in critical treatment of the other branch’s initiatives. In that case, a Congress can serve as a neutral platform to support dialogue between representatives of the executive and the deputy assembly. At the same time, the lack of deputies’ support may be an outcome of an antagonistic political arrangement in the community – in that case, neutral facilitation would unlikely be effective. Therefore, sources of a lack of the assembly support need to be investigated on a case-by-case basis for a more contextualised solution.

6.4 Unintended outcomes of open government

Only a handful of respondents (13%) have not observed any unintended outcomes of citizen participation. The most quoted unintended outcome of public participation is that the public proposals did not correspond to the powers or capabilities of local authorities, followed by deepening the division

of the community due to too diverse positions of the public. These two aspects can be frustrating for both the local authorities and the public, considering the resources that organising participation and participation itself requires. (Figure 18)

Figure 18 Unintended outcomes of citizen participation



Note: n = 97 (all respondents who confirmed having had citizen participation initiatives).
Question: What unintended outcomes have you observed as a result of the implementation of citizen participation initiatives? Respondents could choose multiple options.

Every third community marked **overload of responsible employees**. Although the reasons for that are not specified in the survey, the main problem is associated with open data: as long as the data exchange is not systematised and automatised, the communities face the challenge of entering the data at least twice – on their website and on the national open data portals. This problem has been raised by the Association of Ukrainian Cities (AUC)⁷⁹ and by the sectoral research on the open budget in secondary education.⁸⁰

Almost one third of communities reported the **misuse of participatory processes by interest groups** as an unintended outcome. The mechanism behind this problem has been elaborated in one of our interviews⁸¹: when the community organises a public consultation process primarily with entrepreneurs on the rates of taxes and fees, the dialogue has been interpreted “as a week spot, when one can dictate their terms.” Thus, the participants of consultation “brought the decision into a dead end – the approval of taxes for the next tax period was under threat, because no one wanted to do a compromise, and not everyone understood the benefits of them [taxes] for the community.”

Importantly, the interlocutor also reflected on the learning process based on this failure to improve future consultations:

“In the following years we took all this into account. We first reported for what the collected taxes have been used, explained the mechanism of distribution of those costs, for example, how much will this be the tax deducted per person and how much it was in total. Then entrepreneurs realised that for them these are peanuts in

⁷⁹ <https://auc.org.ua/novyna/amu-nadala-zauvazhennya-do-proyektu-postanovy-shchodo-vidkrytyh-danyh>
⁸⁰ Huss, O., and Oleksandra K. (2021). . Open Budget: Learning from the Open School Platform in Donetsk Oblast, Ukraine. Case Study for the IIEP-UNESCO Research Project ‘Open Government in Education: Learning from Experience’. Bologna, Italy: Bononia University Press <https://buonline.com/prodotto/open-budget-learning-from-the-open-school-platform-in-donetsk-oblast-ukraine/>
⁸¹ Interview with a representative of Demydivka community, conducted on 04.06.2021

proportion to their income. And we have not received any objections to tax decisions this year.”

Box 9: Recommendations on unintended outcomes of open government

- **Analyse OG failures** and encourage communities, who start OG initiatives to systematically reflect on the risks not only in a process of implementation, but also on the stage of outcomes and provide the ideas how to overcome those risks.
- **Create a safe and confidential space for the communities to exchange their failures**, e.g. based on the Platform for National-Local Dialogue on Open Government in Ukraine. This will make the learning process more efficient, as one community will be able to learn from the mistakes of others. Besides, this will allow coordinating the problem-solving with the national level, where appropriate.

6.5 Open government dynamic

More than a third of the respondents provided their vision for the future of open government⁸². The prevailing vision of open government among the respondents was linked to the development of electronic services, followed by mentions of keywords that belong to the classic definition of open government: more transparency and participation of citizens in the local decision-making, and accountable local governments. A recurring theme was increasing collaboration with civil society organisations not only over policymaking but also service provision. **A less recurring but extremely interesting theme was the perception of open government as a vehicle to achieve sustainable community development and guarantee adherence to human rights.** These answers referred to a shift towards a

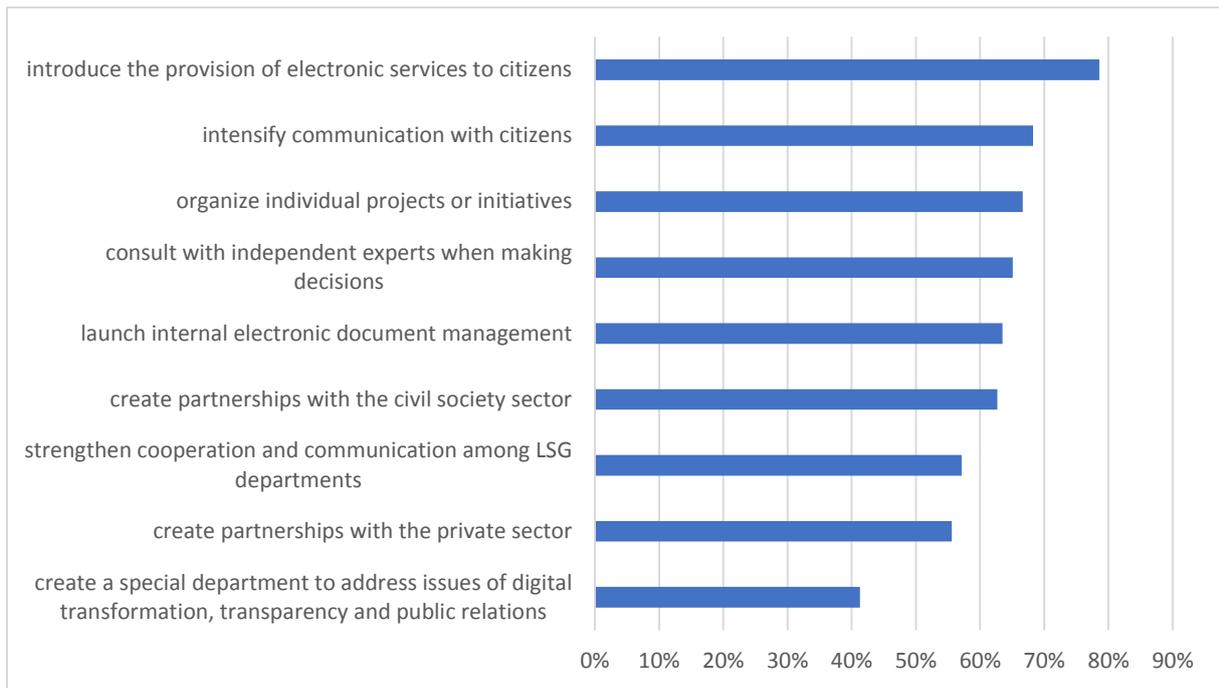
“new philosophy of governance, which would account for modern challenges, crises, limited resources, increase in needs and democratic demands of the people.” (a respondent from a small urban community).

Organisational adaptation, including processes and integration of ICT within LSG bodies, as well as all policies and practices associated with open government would then serve this overarching goal.

Coherently, the respondents referred to the following **actions** and resources as **needed** to achieve the open government vision: **introduction of electronic services for citizens, organising individual projects or initiatives and intensifying communication with citizens** (Figure 19). This prioritisation, as well as the vision for the future, suggest that respondent communities in general do not differentiate between open government and the provision of administrative services via electronic channels (e-service).

Figure 19 Relevant actions and resources for achieving the vision of open government

⁸² We asked an open question: “What is your vision for the future of open government in your community if there were no obstacles?”



Note: n = 126.

Question: What do you think is needed to implement your ideas of open government in your community?

Answer options: 1 – the least important to 5 – the most important. For the table, all answers ranging from 4 to 5 were taken into account.

There are some differences among community types in terms of prioritisation of actions (Appendix 24). Notably less respondents from rural and small urban communities than from large and mid-sized urban communities marked strengthening cooperation and communication among LSG departments and the launch of electronic document management as important steps. Whether this is the issue of lack of resources or the effect of small size (which makes personal communication, and hence, inter-departmental communication easier and e-document management less needed) needs to be further investigated.

7 Outlook

The aim of this report was to map open government initiatives and to assess needs and challenges for its further development at the local level of governance in Ukraine. The analysis has been conducted based on the 126 survey responses by local authorities, the good practices overview presented during the OG week marathon, and four explorative interviews.

Since 2015, the OG approach at the national and local levels of governance in Ukraine has been boosted by the influential civil society, the decentralisation reform and the digital transformation strategy. The OG-related legislation is still actively evolving. While there is a strong normative foundation for the transparency principles, most provisions for citizen engagement in politics are in the drafting stage. Some evident gaps at this stage are associated with the lack of equity and (societal) accountability provisions that are currently undermined. Despite immense possibilities for OG coming with the digital transformation, this process bares serious risks associated with the exclusion of those who are not able to follow the digitalisation trend as well as with the data protection. Besides, most support is provided to the large urban communities, while the rural and semi-urban communities are left behind.

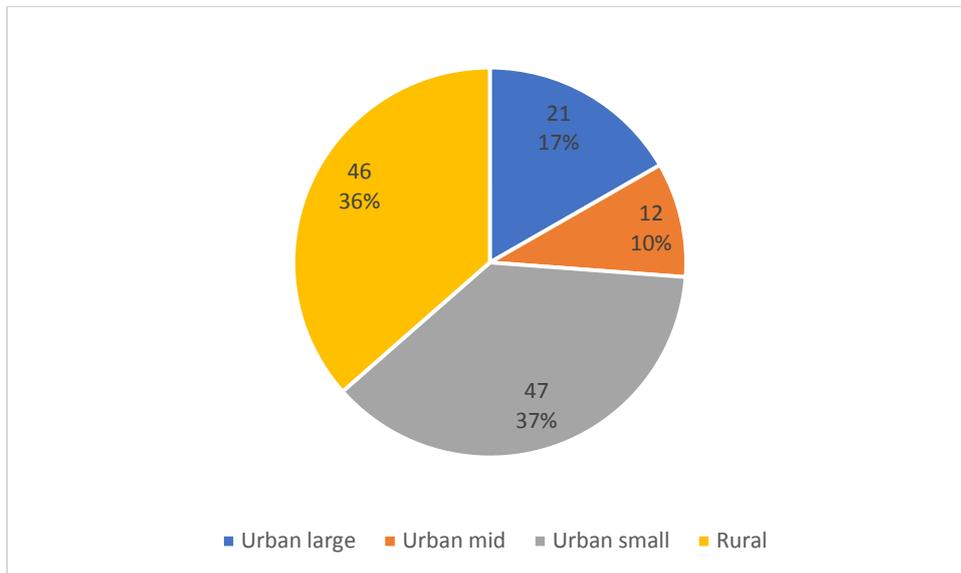
The mapping of the OG initiatives was based on the approximately 240 transparency and participation initiatives that respondents listed as the most important ones for their community or considered worth sharing with other communities. One third of the initiatives referred to transparency, while the rest to citizen participation. The most widespread among them are participatory budget initiatives and public consultation mechanisms. Geoinformation systems (GIS) are becoming an increasingly popular tool of transparency and sometimes of citizen participation. Several unique examples of innovative and impactful initiatives, worth to be further studied, have been highlighted in the report. Most OG initiatives are introduced with the purposes to foster good governance, improve public services and community's reputation. For these purposes, local authorities mainly inform and consult ordinary citizens, while the engagement of NGOs, experts and entrepreneurs is less widespread. Naturally, most active citizen engagement is observable in issues such as community development, youth policies, rates of taxes and fees.

The introduction of OG initiatives requires resources and, just as any new governance practice, this encounters challenges. While many communities have premises and earmarked funds for OG initiatives, most of them lack sufficient human resources: a specialised public relations unit and a qualified IT support. Finding funds for such professionals as well as for the software that supports OG initiatives are often-cited challenges. Ensuring the use of transparency tools by residents and ensuring inclusiveness and constructive dialogue with residents during the citizen participation are challenges considered hard to overcome.

Further research of the OG success cases and failures needs to be explored to learn which mechanisms, processes, and resources correlate with positive OG outcomes and impact. Simultaneously, a systematic assessment of the OG-related goals and achievements set by communities would encourage communities to reflect on their own learning and failures when introducing OG initiatives. In addition, a follow up assessment of the extent of deliberation practices would be illuminating, as there was a discrepancy in the high number of respondents who indicated using some deliberative elements during decision-making, while very few communities highlighted deliberative processes in the open questions on the most important initiatives and those that are worth sharing.

8 Appendices

Appendix 1 Distribution of responses by community type

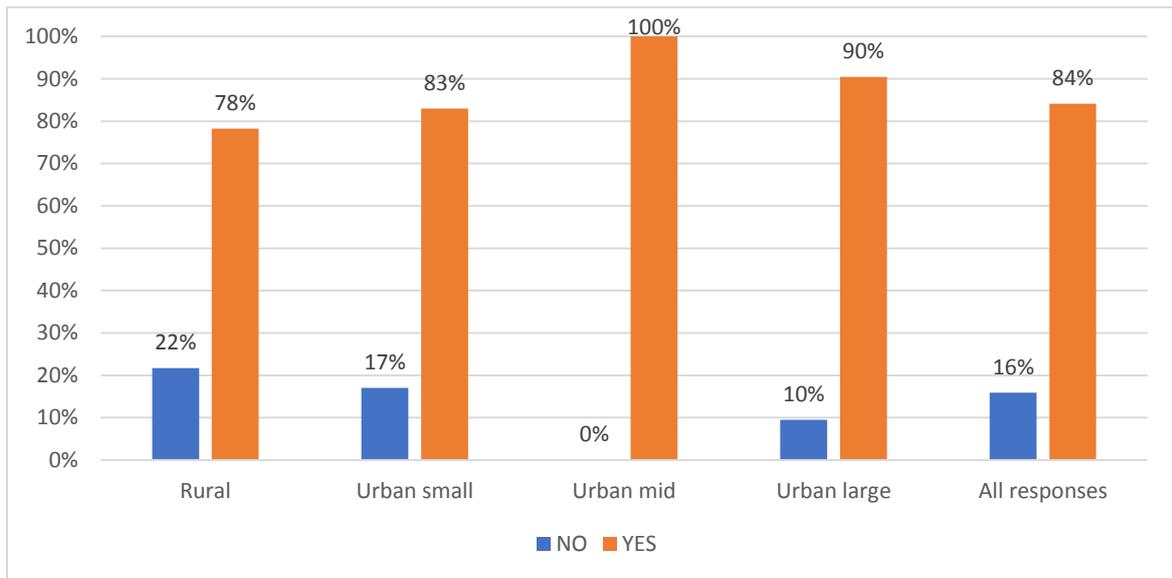


Note: n total = 126

Appendix 2 Distribution of survey responses by region

Region (oblast)	Communities responded
Cherkasy	5
Chernihiv	4
Chernivtsi	2
Dnipropetrovsk	10
Donetsk	3
Ivano-Frankivsk	8
Kharkiv	6
Kherson	7
Khmelnyskyi	3
Kirovohrad	7
Kyiv	11
Luhansk	8
Lviv	5
Mykolayiv	4
Odesa	1
Poltava	8
Rivne	3
Sumy	4
Ternopil	4
Vinnytsia	5
Volyn	6
Zakarpattia	2
Zaporizhzhia	4
Zhytomyr	6
Total	126

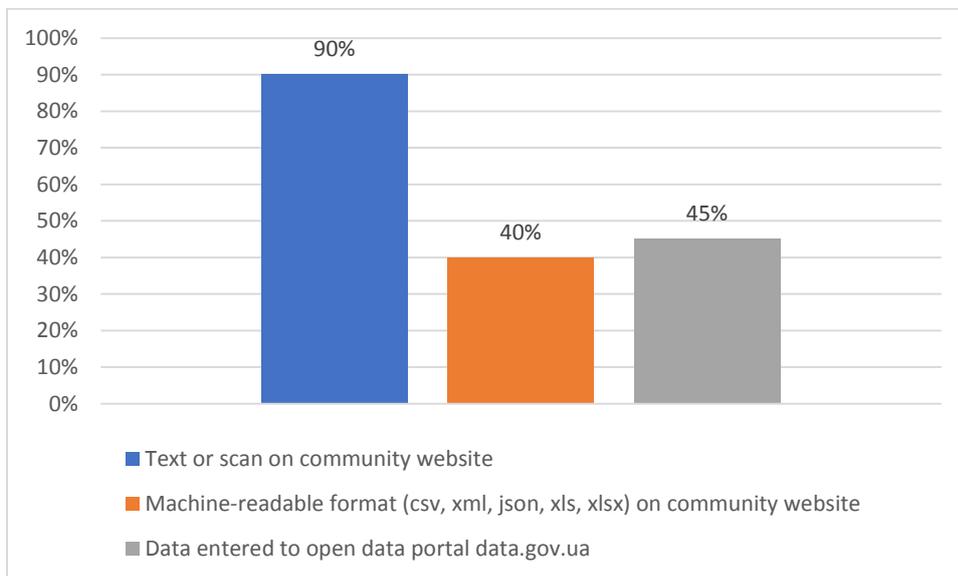
Appendix 3 Introduction of transparency initiatives



Note: n all responses = 126, n rural = 46, n urban small = 47, n urban mid = 12, n urban large = 21. All percentages are given from the relevant n of respondents.

Survey question: Has the LSG body in your community implemented any projects, programmes or specific initiatives aimed at increasing transparency of processes, decisions or data of the local authorities for citizens over the five past years? Options: yes/no

Appendix 4 Formats of publishing budget data among communities who have not introduced transparency initiatives



Note: n = 20, only options with more than 0 answers reflected in the graph

Question: Which of the following applies to the information about the budget data (data on budget revenues and spending) of your community? Options: Formats of budget data publishing by communities who have not introduced transparency initiatives, Text or scan on community website, Machine-readable format (csv, xml, json, xls, xlsx) on community website, Data entered to open data portal data.gov.ua. There is a chat-bot. None of these. Multiple choice question

Appendix 5 Detailed information on availability, thematic areas and interaction opportunities of geoportals

1. Availability of a geoportal

No	59	61%
Yes	38	39%

Note: n = 97 (communities with participatory initiatives)

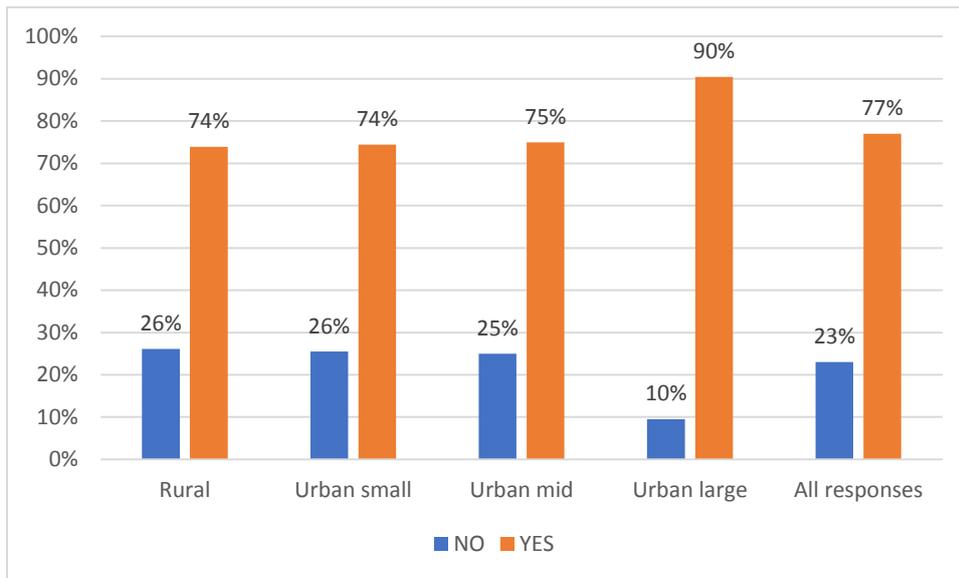
2. Thematical content of geoportals	Residents receive information	Residents can send suggestions or complaints	Residents can amend information
Educational institutions, including extracurricular	76%	26%	5%
Healthcare	71%	24%	5%
General plan of the city, settlement, village	66%	18%	5%
Leisure facilities (e.g. parks)	61%	21%	11%
Location of communal property for rent or sale	58%	26%	8%
Location of communal enterprises and organisations	55%	34%	8%
Sports grounds	55%	21%	8%
Social care (welfare centres, elderly homes)	53%	24%	11%
Outdoor advertising	47%	16%	8%
Land plots in communal ownership	47%	24%	11%
Greenery	29%	13%	13%
Road repair works	26%	21%	13%
Economic and planning zones	26%	13%	13%
Summer terraces (for restaurants)	24%	16%	11%
Companies responsible for cleaning neighbourhoods	16%	18%	5%
Illegal buildings	8%	18%	13%

Note: **Note:** n = 38 (communities that have geoportals). The figure shows all thematical areas, for which more than 50% of respondents marked 'residents receive information'

Question: For which issues is there an interactive map or geoportal on the LSG website that is accessible to citizens?

Answer options: multiple choice among 'residents receive information', 'residents can send suggestions or complaints', 'residents can amend information'

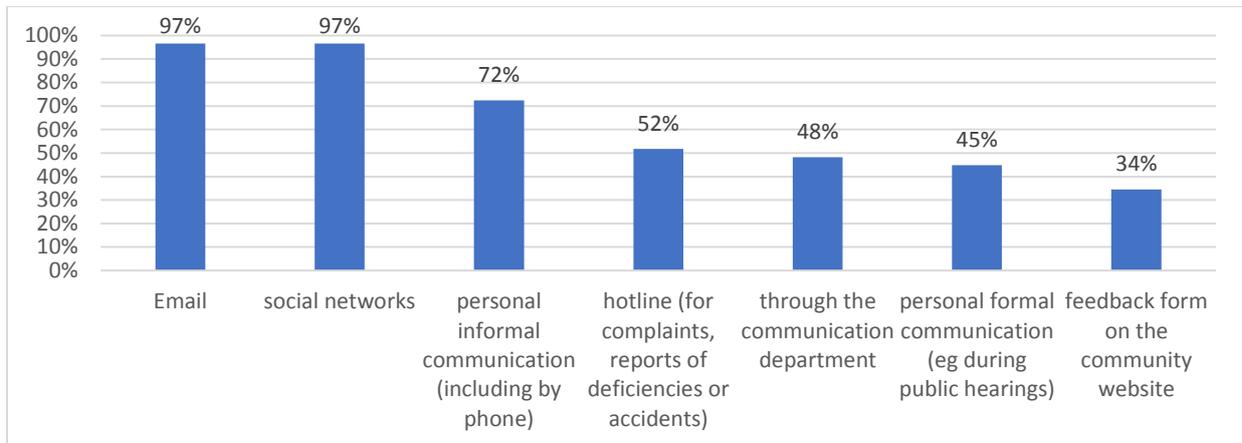
Appendix 6 Introduction of citizen participation initiatives



Note: n all responses = 126, n rural = 46, n urban small = 47, n urban mid = 12, n urban large = 21. All percentages are given from the relevant n of respondents.

Survey question: Has the LSG body implemented in your community any projects, programs, specific initiatives or events aimed at involving the residents, NGOs or other stakeholders of your community in policy planning within the competence of local government, adoption or implementation of decisions of the LSG body in the last five years? Options: yes/no

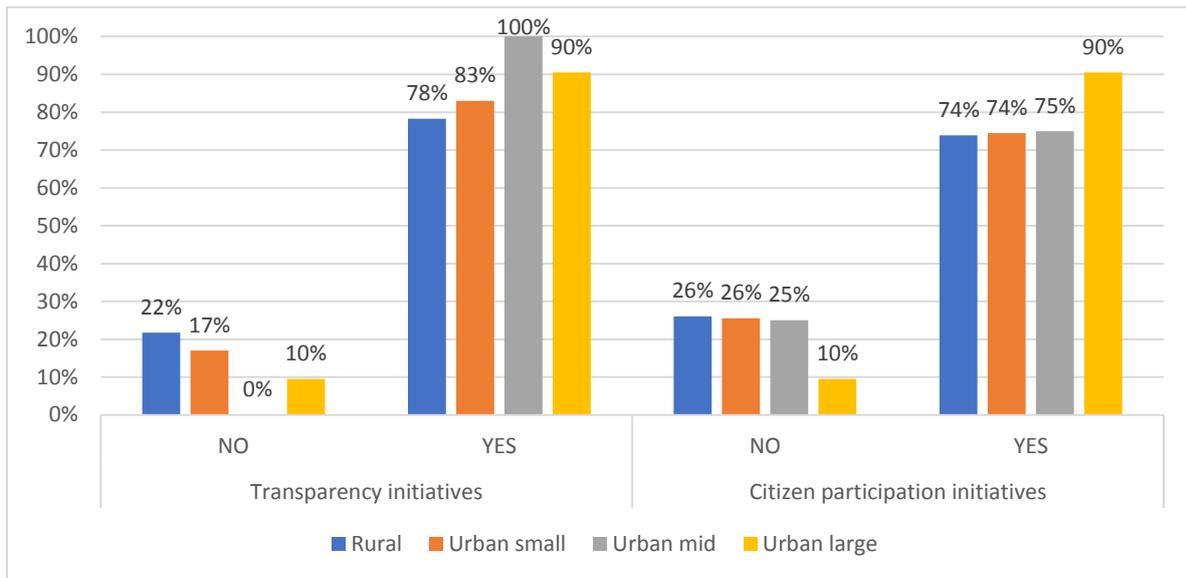
Appendix 7 Communication channels for citizens in communities without citizen participation initiatives



Note: n = 29

Question: What channels of communication with the LSG body are available to the residents of your community? Answer options: multiple choice and 'Other'

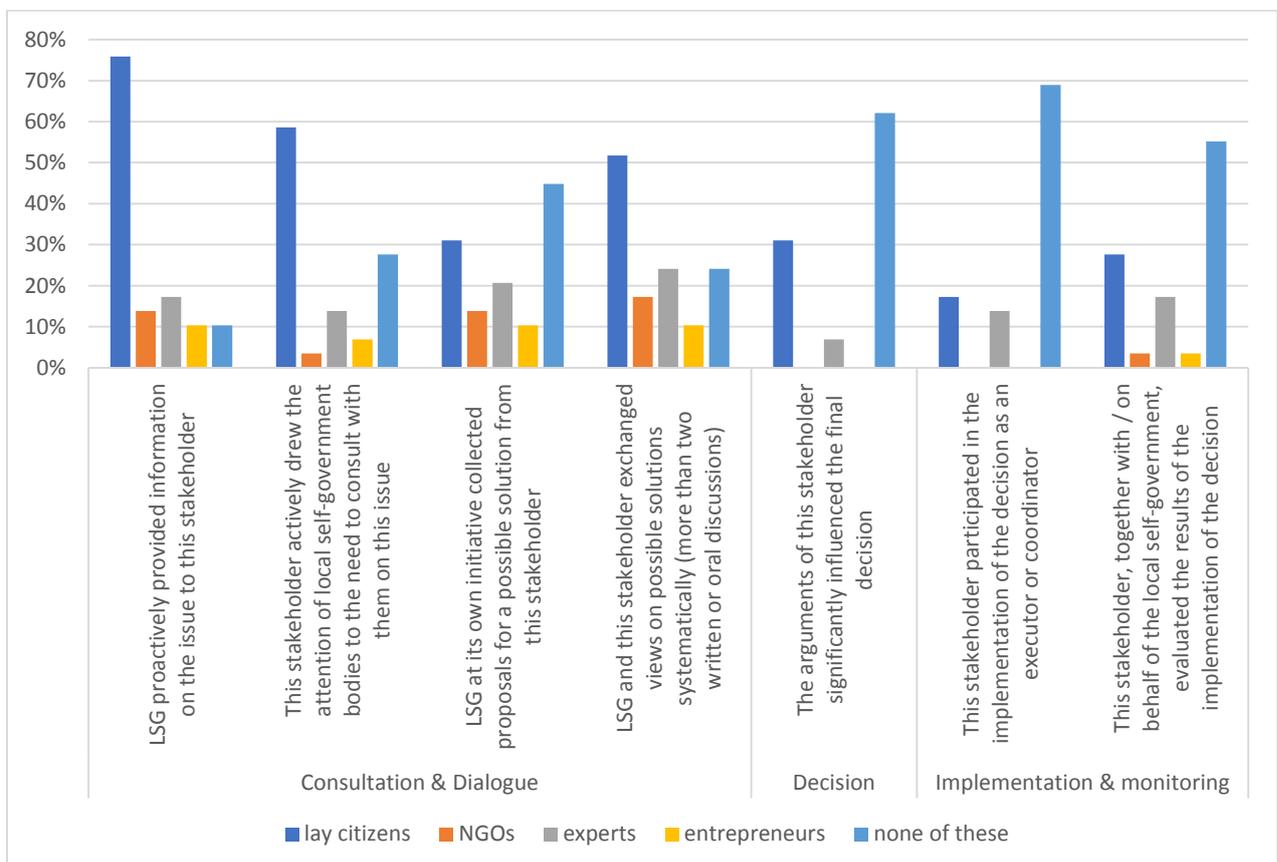
Appendix 8 Transparency and citizen participation initiatives compared by type of community



Note: n rural = 46, n urban small = 47, n urban mid = 12, n urban large = 21. All percentages are given from the relevant n of respondents.

Survey question: [Citizen participation initiatives] Has the LSG body implemented in your community any projects, programs, specific initiatives, or events aimed at involving the residents, NGOs or other stakeholders of your community in policy planning within the competence of local government, adoption or implementation of LSG decisions in the last five years? Options: yes/no; [Transparency initiatives] Has the LSG body in your community implemented any projects, programmes or specific initiatives aimed at increasing transparency of processes, decisions, or data of the LSG body for citizens over the five past years? Options: yes/no

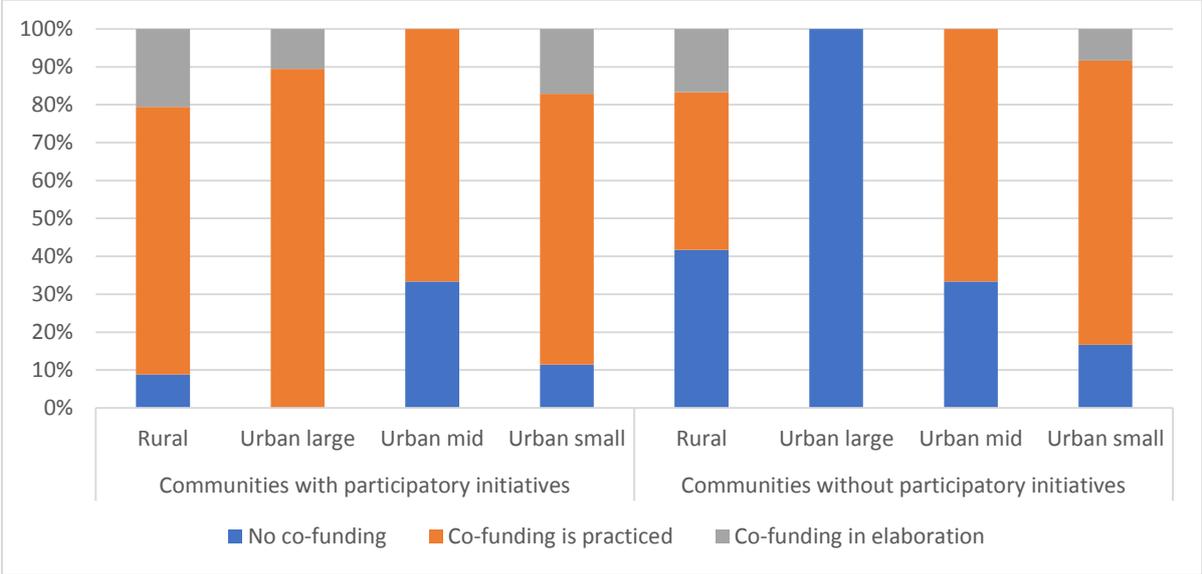
Appendix 9 Stakeholder engagement in solving resonant policy issues, communities without participatory initiatives



Note: n = 29 (communities with citizen participation initiatives). Percentages show a proportion of communities who have selected a stakeholder or 'none of these', respectively.

Question: Regarding the problem you identified in the previous question, indicate which stakeholders and how they were involved in solving the problem. Options: lay citizens, NGOs, experts, entrepreneurs, none of these. Multiple stakeholders could be selected

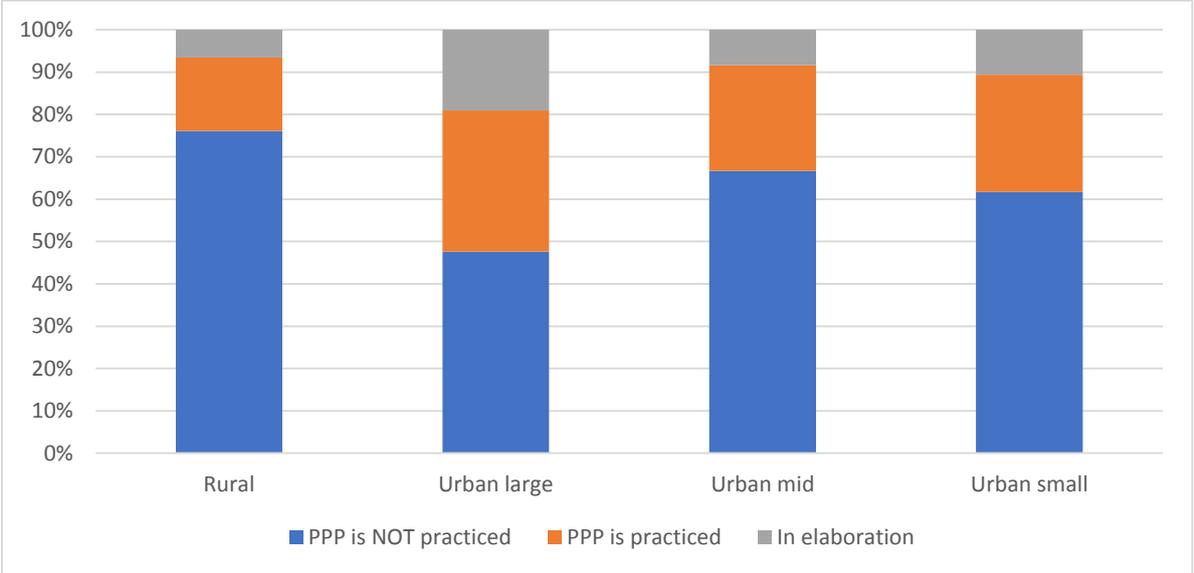
Appendix 10 Availability of co-funding schemes with civil society or business



Note: n communities without participatory initiatives: n rural = 12, n urban large = 2, n urban mid = 3, n urban small = 12; n communities with participatory initiatives: n rural = 34, n urban large = 19, n urban mid = 9, n urban small = 35

Question: Does the LSG body in your community practice co-funding of projects (for example, with representatives of business or civil society)? Options: yes, no, in elaboration

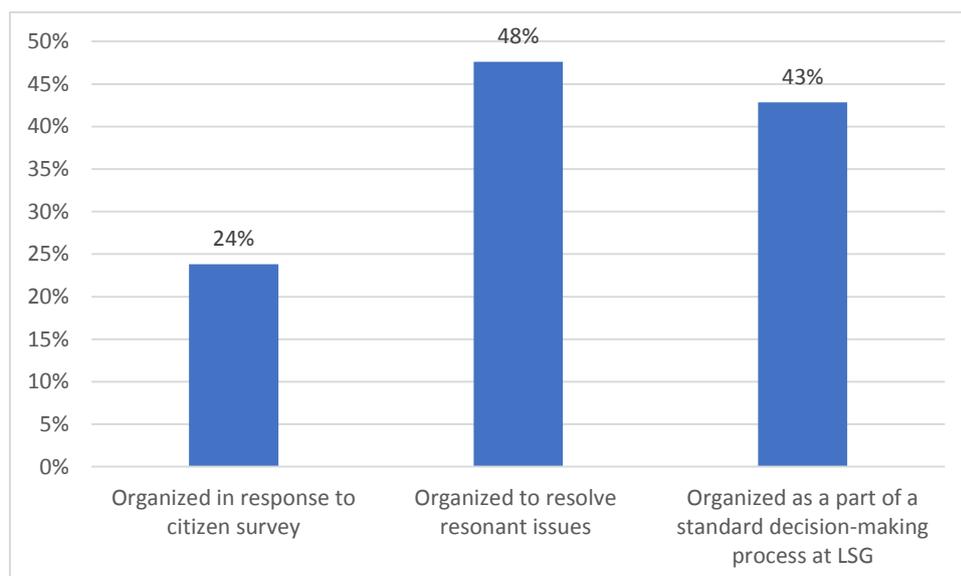
Appendix 11 Practice of public-private partnership



Note: n rural = 46, n urban large = 21, n urban mid = 12, n urban small = 47

Question: Does the LSG body in your community practice public-private partnership? Options: yes, no, in elaboration

Appendix 12 Drivers for initiating public discussions



Note: n = 126.

Question: When the LSG body conducts public consultations (e.g. public hearings), which of the following is in line with your community's practice? Only these options are considered: Discussions are organized in response to surveys of citizens, Discussions are organized to resolve resonant issues, Discussions are organized as part of a standard decision-making process at LSG.

Answer options: Respondents could choose whether a practice is a 'standard practice', 'practices from time to time', 'tried once as an experiment', 'no such practice'. The graph shows ONLY answers 'standard practice'.

Appendix 13 Public discussions: drivers for initiating, the course, and the decision-making modes

	STANDARD PRACTICE		SOMETIMES	
	Communities with citizen participation	Communities without citizen participation	Communities with citizen participation	Communities without citizen participation
Organised in response to citizen survey	24%	24%	44%	34%
Organised to resolve resonant issues	48%	45%	47%	41%
Organised as part of the standard process of developing a decision of the LSG	41%	48%	49%	28%
Discussion participants receive in advance expert information about the problem	46%	52%	36%	31%
In the process of discussion, all the pros and cons of different options for solving the problem are debated	64%	76%	33%	17%
LSG substantiates its proposals for solving the problem	79%	90%	20%	7%
Discussion participants vote to make a decision	54%	69%	31%	10%
Decisions in the discussion are made through consensus	20%	34%	46%	31%
Neutral moderator facilitates the discussions	11%	10%	33%	24%
Participants in the discussion actively provide suggestions for solving the problem	59%	72%	34%	17%

Note: n communities with participatory initiatives = 97, n communities without participatory initiatives = 29. All percentages are given from the relevant n of respondents.

Question: When the LSG conducts public consultations (e.g. public hearings), which of the following is in line with your community's practice? Only these options are considered: Discussions are organised in response to surveys of citizens, discussions are organised to resolve resonant issues, discussions are organised as part of the normal process of developing a decision of the LSG.

Answer options: Respondents could choose whether a practice is a 'standard practice', 'practices from time to time', 'tried once as an experiment', 'no such practice'. In the table, header 'standard practice' refers to the answer option with the same name; 'sometimes' is a sum of answers on options 'practices from time to time' and 'tried once as an experiment'

Appendix 14 Use of citizen engagement mechanisms: distribution between online, offline, and both

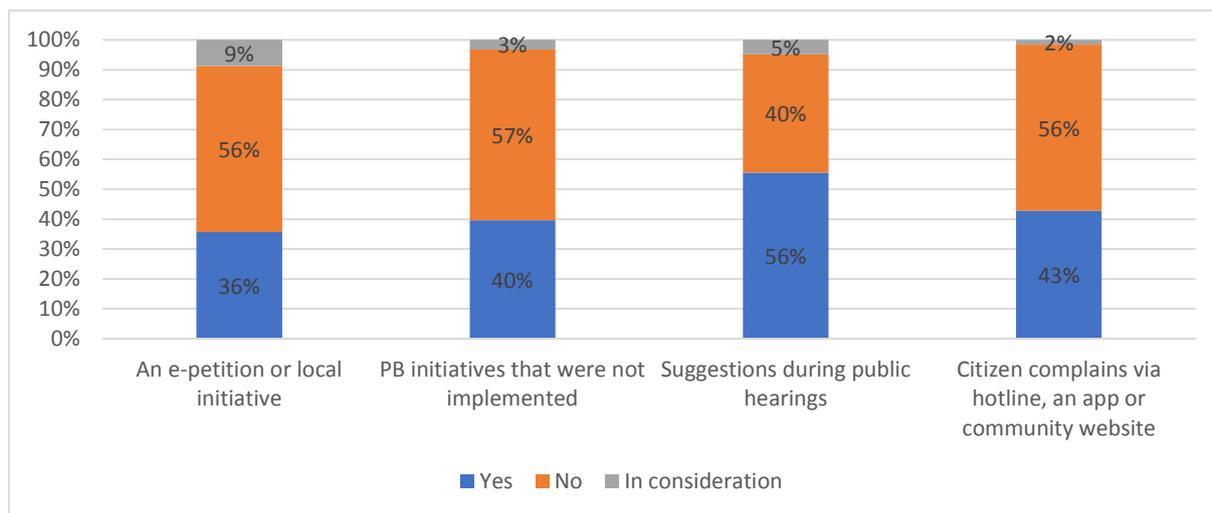
ONLINE	Responses	%
Deliberative Participatory Budgeting discussions	21	22%
Interactive methods of public hearings & consultations	19	20%
Creative crowdsourcing of citizen ideas	11	11%
Sociological methods of public opinion research	24	25%
Discussing policy problems & solutions with socially representative citizen groups	8	8%
Co-creation of administrative or social services with citizens	7	7%
Automated collection of feedback on quality of public services	29	30%
Social audit of construction or repair works	10	10%
OFFLINE	Responses	%
Deliberative PB discussions	26	27%
Interactive methods of public hearings & consultations	24	25%
Creative crowdsourcing of citizen ideas	39	40%
Sociological methods of public opinion research	29	30%
Discussing policy problems & solutions with socially representative citizen groups	49	51%
Co-creation of administrative or social services with citizens	28	29%
Automated collection of feedback on quality of public services	16	16%
Social audit of construction or repair works	19	20%
ONLINE&OFFLINE	Responses	%
Deliberative PB discussions	27	28%
Interactive methods of public hearings & consultations	14	14%
Creative crowdsourcing of citizen ideas	8	8%
Sociological methods of public opinion research	23	24%
Discussing policy problems & solutions with socially representative citizen groups	11	11%
Co-creation of administrative or social services with citizens	11	11%
Automated collection of feedback on quality of public services	15	15%
Social audit of construction or repair works	5	5%
DID NOT USE	Responses	%
Deliberative PB discussions	23	24%
Interactive methods of public hearings & consultations	40	41%
Creative crowdsourcing of citizen ideas	39	40%
Sociological methods of public opinion research	21	22%
Discussing policy problems & solutions with socially representative citizen groups	29	30%
Co-creation of administrative or social services with citizens	51	53%
Automated collection of feedback on quality of public services	37	38%
Social audit of construction or repair works	63	65%

Note: n = 97 (communities with citizen participation)

Survey question: From the list below, list all the mechanisms your community has had to engage lay citizens. **Options in original:** LSG studied public opinion using methods of sociological research (focus groups, demographically representative surveys of citizens), LSG organised a broad discussion of the

advantages and disadvantages of participatory budget projects before voting, LSG invited a representative group of people (representing all social groups of residents) to discuss problems and solutions, LSG collected ideas for programs or policies in a creative way (e.g community development festivals, workshops on community development strategies), LSG used interactive methods of public hearings or public consultations, for example, brainstorming in small groups, "World Cafe", fishbowl-format and more", LSG involved potential users in the creation of administrative or social services, LSG systematically engaged residents to assess the quality of construction or repair works (for example, in schools, health care facilities). Respondents marked online, offline, both, not used. The options were simplified for the graphical representation

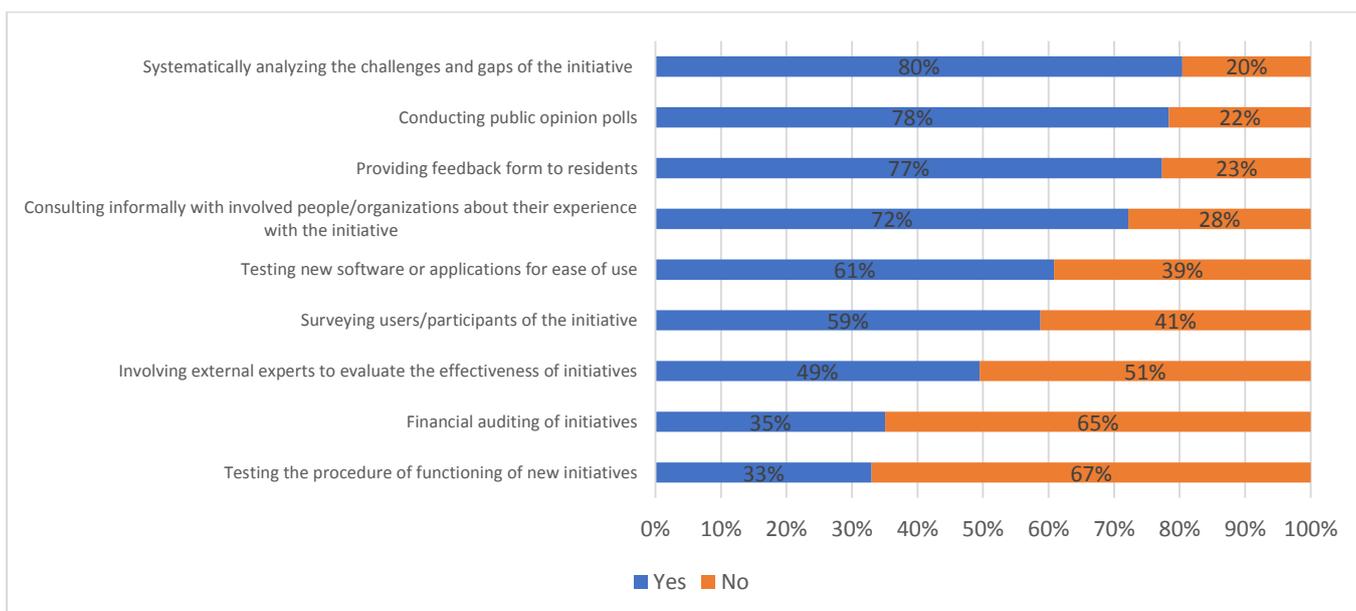
Appendix 15 Responsiveness of local authorities towards citizen input via diverse channels



Note: n = 126

Question: Has the LSG body in your community had to make changes to current programs, regulatory decisions or make new programs or decisions in response to the following citizen initiatives over the past 5 years? Answer options: 'yes', 'no', 'a decision is currently being in consideration'.

Appendix 16 Evaluation mechanisms for open government initiatives among communities who practice participatory initiatives



Note: n = 97

Question: How do you evaluate your open government initiatives? Answer options for each suggested mechanism: 'Yes', 'No'

Appendix 17 LSG membership in professional networks related to open government

Covenant of mayors	54	56%
Smart City Club of the Ministry for Digital Transformation	14	14%
Islands of integrity	1	1%
East Europe Foundation	2	2%
Collaboration with EDEM	1	1%
Transparent procurement	1	1%
OGP	1	1%
No networks	39	40%

Note: n = 97 (communities with participatory initiatives).

Question: What professional networks in terms of transparency, digital transformation, development of open government, citizen participation does your community belong to? Multiple options possible and 'Other'

Appendix 18 Ranking of relevant challenges for introduction of transparency initiatives by community type and overall

This table shows the overlaps and differences between the perceptions of relevant challenges by respondents overall and considering the type of community they represent.

Rural	Responses	Urban large	Responses	Urban mid	Responses	Urban small	Responses	Overall	Responses
Ensuring use by residents	97%	Ensuring use by residents	95%	Ensuring use by residents	100%	Finding necessary software	92%	Ensuring use by residents	93%
Finding necessary software	92%	Finding necessary software	89%	Ensuring council deputies' support	100%	Ensuring use by residents	87%	Finding necessary software	92%
Setting data exchange at LSG	92%	Ensuring council deputies' support	89%	Personal data protection	100%	Finding funds for software	87%	Ensuring council deputies' support	88%
Automated access by LSG to national databases	89%	Creating ToR for software developers	89%	Finding necessary software	92%	Ensuring council deputies' support	85%	Finding funds for software	85%
Ensuring council deputies' support	86%	Automated access by LSG to national databases	79%	Creating ToR for software developers	92%	Automated access by LSG to national databases	79%	Automated access by LSG to national databases	83%
Low internet connection quality	86%	Finding funds for software	79%	Finding funds for software	92%	Personal data protection	77%	Setting data exchange at LSG	80%
Finding funds for software	83%	LSG employees' ICT capacity	79%	LSG employees' ICT capacity	92%	Creating ToR for software developers	77%	Creating ToR for software developers	79%
LSG employees' ICT capacity	78%	Setting data exchange at LSG	74%	Setting data exchange at LSG	92%	LSG employees' ICT capacity	72%	LSG employees' ICT capacity	77%
Finding funds for responsible employee	78%	Personal data protection	68%	Automated access by LSG to national databases	83%	Setting data exchange at LSG	69%	Personal data protection	75%
Creating ToR for software developers	72%	Finding funds for responsible employee	63%	No national legislative framework	75%	Finding funds for responsible employee	67%	Finding funds for responsible employee	68%
Personal data protection	67%	No national legislative framework	63%	Low internet connection quality	67%	No national legislative framework	59%	Low internet connection quality	64%

No national legislative framework	53%	Low internet connection quality	53%	Finding funds for responsible employee	50%	External interest group pressure	59%	No national legislative framework	59%
External interest group pressure	53%	External interest group pressure	42%	External interest group pressure	42%	Low internet connection quality	49%	External interest group pressure	52%

Note: In **bold**, are the top5 challenges marked by a respective type of a community or overall. Challenges are listed from the largest to smallest proportion of responses in each community type and overall. If two challenges receive the same proportion of answers, they share the same rank. In **green shade**, are the challenges that are among the TOP5 challenges overall.

n all responses = 106, n rural = 36, n urban small = 39, n urban mid = 12, n urban large = 19. All percentages are given from the relevant n of respondents.

Question: Think of the last three transparency and open data initiatives you have implemented. What challenges did you have to overcome during the implementation process and how difficult was it to do?

Options: create a technical task (ToR) for software developers, provide (create or find) the necessary electronic platform or software, ensure the confidentiality of personal data, insufficient qualification of employees in the field of information and communication technologies, ensure automated data exchange within the LSG, ensure automated access to the required data from government databases, low quality of internet connection, ensure active use of electronic platforms by residents, resist external pressure from individual stakeholders, ensure support for initiatives by the deputy corps of LSG (voting for regulatory documents, for budget allocation), the necessary regulatory framework has not been created at the national level, find funding for a responsible employee, find funds for software. Respondents could mark each challenge as 'rather hard to overcome', 'rather easy to overcome' or 'irrelevant'. The options were simplified for the graphical representation

Appendix 19 Prioritisation of challenges into hard or easy to overcome while introducing transparency initiatives, by community type

This table shows overlaps and differences between relevant challenges overall and the perceptions of respondents of different community types of how hard or easy it is to overcome those challenges.

	Rural		Urban large		Urban mid		Urban small		All responses	
	Hard	Easy	Hard	Easy	Hard	Easy	Hard	Easy	Hard	Easy
Ensuring use by residents	61%	36%	47%	47%	50%	50%	54%	33%	55%	39%
Finding funds for software	53%	31%	53%	26%	58%	33%	54%	33%	54%	31%
Automated access by LSG to national databases	33%	56%	63%	16%	42%	42%	49%	31%	45%	38%
Finding funds for responsible employee	39%	39%	42%	21%	42%	8%	38%	28%	40%	28%
Finding necessary software	42%	50%	42%	47%	50%	42%	31%	62%	39%	53%
Creating ToR for software developers	36%	36%	21%	68%	25%	67%	33%	44%	31%	48%
No national legislative framework	22%	31%	21%	42%	50%	25%	36%	23%	30%	29%
Setting data exchange at LSG	31%	61%	26%	47%	33%	58%	31%	38%	30%	50%
LSG employees' ICT capacity	25%	53%	16%	63%	42%	50%	15%	56%	22%	56%
Ensuring council deputies' support	25%	61%	11%	79%	17%	83%	23%	62%	21%	67%
External interest group pressure	22%	31%	16%	26%	25%	17%	18%	41%	20%	32%
Low internet connection quality	39%	47%	5%	47%	17%	50%	10%	38%	20%	44%
Personal data protection	22%	44%	16%	53%	17%	83%	18%	59%	19%	56%

Note: n all responses = 106, n rural = 36, n urban small = 39, n urban mid = 12, n urban large = 19. All percentages are given from the relevant n of respondents. Cells shaded in green show five challenges that have received the highest proportion of responses overall; for each challenge, it is highlighted in **bold** whether a larger proportion of the respondents from respective community type and overall marked it, respectively, as hard or easy to overcome. The table is sorted from the largest proportion of 'hard to overcome' answers overall (pre-last column).

Question: Think of the last three transparency and open data initiatives you have implemented. What challenges did you have to overcome during the implementation process and how difficult was it to do?

Options: create a technical task (ToR) for software developers, provide (create or find) the necessary electronic platform or software, ensure the confidentiality of personal data, insufficient qualification of employees in the field of information and communication technologies, ensure automated data exchange within the LSG, ensure automated access to the required data from government databases, low quality of internet connection, ensure active use of electronic platforms by residents, resist external pressure from individual stakeholders, ensure support for initiatives by the deputy corps of LSG (voting for regulatory documents, for budget allocation), the necessary regulatory framework has not been created at the national level, find funding for a responsible employee, find funds for software. Respondents could mark each challenge as 'rather hard to overcome', 'rather easy to overcome' or 'irrelevant'. The options were simplified for the table representation

Appendix 20 Reasons for not introducing transparency initiatives

	No. of communities for which this reason is relevant	% of those communities who have not introduced transparency initiatives
Setting data exchange at LSG	13	72%
No demand from residents	12	67%
No national legislative framework	11	61%
No funds for software	10	56%
Lack of employees' ICT skills	9	50%
No automated access by LSG to national databases	9	50%
Low technical analysis skills of users	9	50%
No funds for a responsible employee	8	44%
No council deputies' support	7	39%
No know-how for creating ToR for developers	7	39%
Finding necessary software	6	33%
External interest group pressure	1	6%

Note: n = 18 (2 of the communities that have not introduced transparency initiatives are newly created, that is why we have excluded them from the calculation of responses regarding obstacles). Five most often marked reasons are shaded in green.

Question: You noted that in the last 5 years, LSG bodies have not implemented projects, programs or individual initiatives aimed at increasing the transparency of LSG processes, decisions, or data for community residents. Please indicate why such initiatives were not implemented.

Answer options: 1 – absolutely irrelevant to 5 – main reason

For the table, all answers ranging from 3 to 5 were taken into account

Appendix 21 Ranking of relevant challenges for introduction of citizen participation initiatives by community type and overall

This table shows the overlaps and differences between the perceptions of relevant challenges by respondents overall and considering the type of community they represent.

Rural	Responses	Urban large	Responses	Urban mid	Responses	Urban small	Responses	Overall	Responses
Ensure constructive dialogue	100%	Ensure inclusivity of participation	89%	Ensure inclusivity of participation	100%	Ensuring council deputies' support Ensure constructive dialogue	91%	Ensure constructive dialogue Ensuring council deputies' support	95%
Ensure inclusivity of participation	91%	Ensuring council deputies' support Ensure constructive dialogue	89%	Ensuring council deputies' support Ensure constructive dialogue	100%	Ensure inclusivity of participation Find funds for software	86%	Ensure inclusivity of participation Find funds for software	90%
Ensuring council deputies' support Designing the initiative	85% 82%	Designing the initiative	84%	Find funds for software	100%	Ensure active citizen participation	83%	Find funds for software	81%
Find funds for software	76%	Ensure active citizen participation	84%	Designing the initiative	89%	Ensure active citizen participation	83%	Designing the initiative	80%
Ensure active citizen participation	71%	Intra-LSG coordination	84%	Ensure active citizen participation	89%	Intra-LSG coordination	83%	Intra-LSG coordination	79%
Intra-LSG coordination	71%	Find funds for software	79%	Intra-LSG coordination	89%	Find funding for a responsible employee	77%	Ensure active citizen participation	79%
LSG employees' ICT capacity	71%	LSG employees' ICT capacity	74%	LSG employees' ICT capacity	78%	Designing the initiative	74%	LSG employees' ICT capacity	73%
Find funding for a responsible employee	65%	External interest group pressure	58%	LSG employees' lack of qualification in community communication	67%	LSG employees' ICT capacity	74%	Find funding for a responsible employee	63%
LSG employees' lack of qualification in community communication	65%	Opposition from implementers within the LSG	58%	Opposition from implementers within the LSG	56%	External interest group pressure	71%	External interest group pressure	63%

External interest group pressure	62%	LSG employees' lack of qualification in community communication	53%	No national legislative framework	56%	LSG employees' lack of qualification in community communication	63%	LSG employees' lack of qualification in community communication	62%
Opposition from implementers within the LSG	47%	No national legislative framework	47%	Find funding for a responsible employee	56%	Opposition from implementers within the LSG	54%	Opposition from implementers within the LSG	53%
No national legislative framework	44%	Find funding for a responsible employee	37%	External interest group pressure	44%	No national legislative framework	46%	No national legislative framework	46%

Note: In **bold**, are the top5 challenges marked by a respective type of a community or overall. Challenges are listed from the largest to smallest proportion of responses in each community type and overall. If two challenges receive the same proportion of answers, they share the same rank. In **green shade**, are the challenges that are among the TOP5 challenges overall.

n all responses = 97, n rural = 35, n urban small = 34, n urban mid = 9, n urban large = 19. All percentages are given from the relevant n of respondents.

Question: Think of the last three citizen participation initiatives you have implemented. What challenges did you have to overcome during the implementation process and how difficult was it to do?

Options: Find funding for a responsible employee, find funds for software, insufficient qualification of employees in the field of information and communication technologies, insufficient qualification of employees in the field of communications with community, design the process and rules for the initiative, ensure necessary coordination between executive departments of LSG, opposition from implementers within the LSG, ensure active citizen participation, ensure inclusivity and equal participation of all social groups, ensure constructive dialogue between participants of the initiative, resist external pressure from individual stakeholders, ensure support for initiatives by the deputy corps of LSG (voting for regulatory documents, for budget allocation), the necessary regulatory framework has not been created at the national level. Respondents could mark each challenge as 'rather hard to overcome', 'rather easy to overcome' or 'irrelevant'. The options were simplified for the table representation

Appendix 22 Prioritisation of challenges into hard or easy to overcome while introducing citizen participation initiatives, by community type and overall

This table shows overlaps and differences between relevant challenges overall and the perceptions of respondents of different community types of how hard or easy it is to overcome those challenges.

	Rural		Urban large		Urban mid		Urban small		All responses	
	Hard	Easy	Hard	Easy	Hard	Easy	Hard	Easy	Hard	Easy
Find funds for software	53%	24%	32%	47%	44%	56%	46%	37%	45%	36%
Ensure inclusivity of participation	44%	47%	21%	68%	33%	67%	51%	34%	41%	48%
Find funding for a responsible employee	35%	29%	16%	21%	33%	22%	40%	37%	33%	30%
External interest group pressure	26%	35%	5%	53%	11%	33%	31%	40%	23%	40%
No national legislative framework	18%	26%	21%	26%	22%	33%	29%	17%	23%	24%
Ensure constructive dialogue	21%	79%	16%	74%	11%	89%	29%	63%	22%	73%
Ensuring council deputies' support	21%	65%	11%	79%	33%	67%	26%	66%	22%	68%
LSG employees' ICT capacity	18%	53%	11%	63%	44%	33%	26%	49%	22%	52%
Designing the initiative	12%	71%	16%	68%	22%	67%	14%	60%	14%	66%
Intra-LSG coordination	9%	62%	5%	79%	11%	78%	20%	63%	12%	67%
Ensure active citizen participation	9%	62%	5%	79%	11%	78%	20%	63%	12%	67%
LSG employees' lack of qualification in community communication	9%	56%	0%	53%	33%	33%	17%	46%	12%	49%
Opposition from implementers within the LSG	6%	41%	16%	42%	22%	33%	9%	46%	10%	42%

Note: n all responses = 97, n rural = 35, n urban small = 34, n urban mid = 9, n urban large = 19. All percentages are given from the relevant n of respondents. Cells **shaded in green** show five challenges that have received the highest proportion of responses overall; for each challenge, it is highlighted **in bold**, whether a larger proportion of the respondents from respective community type and overall marked it, respectively, as hard or easy to overcome. The table is sorted from the largest proportion of 'hard to overcome' answers overall (pre-last column) to the smallest.

Question: Think of the last three citizen participation initiatives you have implemented. What challenges did you have to overcome during the implementation process and how difficult was it to do?

Options: Find funding for a responsible employee, find funds for software, insufficient qualification of employees in the field of information and communication technologies, insufficient qualification of employees in the field of communications with community, design the process and rules for the initiative, ensure necessary coordination between executive departments of LSG, opposition from implementers within the LSG, ensure active citizen participation, Ensure inclusivity and equal participation of all social groups, ensure constructive dialogue between participants of the initiative, resist external pressure from individual stakeholders, ensure support for initiatives by the deputy corps of LSG (voting for regulatory documents, for budget allocation), the necessary regulatory framework has not been created at the national level. Respondents could mark each challenge as 'rather hard to overcome', 'rather easy to overcome' or 'irrelevant'. The options were simplified for the table representation

Appendix 23 Reasons for not introducing citizen participation initiatives

	No. of communities for which this reason is relevant	% of those communities who have not introduced transparency initiatives
Funds for a responsible employee	12	43%
No demand for participatory initiatives from the residents	21	75%
Did not know how to design the initiative	20	71%
Lack of citizens' expertise in LSG matters	20	71%
Citizens lack skills for constructive dialogue	18	64%
No national legislative framework	16	57%
Find funds for software	14	50%
No intra-LSG coordination	13	46%
LSG employees' ICT capacity	11	39%
LSG employees' lack of qualification in community communication	10	36%
No council deputies' support	10	36%
Opposition from implementers within the LSG	4	14%
External interest group pressure	4	14%

Note: n = 28 (1 of the communities that have not introduced citizen participation initiatives is newly created, that is why we have excluded it from the calculation of responses regarding obstacles). Five most often marked reasons are shaded in green. Question: You noted that LSG bodies in your community have not implemented projects, programs, individual initiatives or activities aimed at involving community residents, NGOs or other stakeholders in LSG responsibility policy planning, adoption or implementation of LSG decisions. Please indicate why such initiatives were not implemented.

Answer options: 1 – absolutely irrelevant to 5 – main reason.

For the table, all answers ranging from 3 to 5 were taken into account

Appendix 24 Relevant actions and resources to achieve the vision of open government, by community type

	Rural	Urban large	Urban mid	Urban small	All responses
Organise individual projects or initiatives	74%	90%	50%	85%	79%
Launch internal electronic document management	67%	86%	75%	60%	68%
Introduce the provision of electronic services to citizens	70%	81%	42%	64%	67%
Create a special department to address issues of digital transformation, transparency, and public relations	65%	71%	50%	66%	65%
Intensify communication with citizens	54%	86%	67%	62%	63%
Create partnerships with the private sector	54%	81%	83%	57%	63%
Consult with independent experts when making decisions	54%	86%	58%	47%	57%
Strengthen cooperation and communication among LSG departments	54%	71%	42%	53%	56%
Create partnerships with the civil society sector	35%	52%	42%	43%	41%

Note: n all responses = 126, n rural = 46, n urban small = 47, n urban mid = 12, n urban large = 21. All percentages are given from the relevant n of respondents. Cells shaded green, show the three most cited actions and resources for a specific community type and overall. The data is sorted from the most to least cited actions and resources for all responses.

Question: What do you think is needed to implement your ideas of open government in your community?

Answer options: 1 – the least important to 5 – the most important. For the table, all answers ranging from 4 to 5 were taken into account

Appendix 25 Conceptual glossary

The conceptualisation is adapted from the literature review on OG, conducted for the IIEP UNESCO.⁸³

TRANSPARENCY

Definition of transparency

Transparency means relevant, accessible, timely, and accurate data that authorities make available to the public in order to assess government action (accountability), exercise a voice in decision-making (deliberation), and unlock social and economic value (public re-use).

Information should be:⁸⁴

- *relevant* = tailored to the specific need of different audiences;
- *accessible* = comprehensible and in an appropriate format for reuse; and
- *timely* = up-to-date, accurate and complete.

Mechanisms of transparency

OPEN DATA = “initiatives which facilitate the free and proactive release of large volumes of information held in government databases in formats and under conditions that permit re-use.”⁸⁵

Data is open if it is:⁸⁶

- open by default;
- timely and comprehensive;
- accessible and useable;
- comparable and interoperable;
- for improved governance and citizen engagement; and
- for inclusive development and innovation-

ACCESS TO INFORMATION = a legal right for citizens to request information from government, which must be provided unless it fits a specific exemption in law.⁸⁷ It is often enacted by Freedom of Information legislation.

DISCLOSURE = the act of routinely publishing certain information, sometimes required by law. It can support anti-corruption measures by requiring the routine publication of assets and declarations of conflict of interest, for example.⁸⁸ Disclosure is primarily important to ensure accountability.

RECORDS MANAGEMENT = the efficient and systematic control of the creation, use, and maintenance of all information including records to properly support an organisation (OGP n.d.). Good records

⁸³ Huss, O., & Keudel, O. (2020). Open government in education: Clarifying concepts and mapping initiatives. Paris: IIEP-UNESCO. Retrieved from <http://www.iiep.unesco.org/en/publication/open-government-education-clarifying-concepts-and-mapping-initiatives>

⁸⁴ Bremers J. and Deleu W. (2016). Towards Faster Implementation and Uptake of Open Government. Final Report. (Brussels: European Commission, Directorate-General for Communications Networks, Content and Technology), 11. <https://ec.europa.eu/digital-single-market/en/news/final-report-study-towards-faster-implementation-and-uptake-open-government-smart-20150041>

⁸⁵ OECD. (2013). Investing In Trust: Leveraging Institutions For Inclusive Policy Making. Paris, 20, <https://www.oecd.org/gov/ethics/Investing-in-trust.pdf>

⁸⁶ Open Data Charter. (2015). International Open Data Charter.” September 2015. <https://opendatacharter.net/principles/>

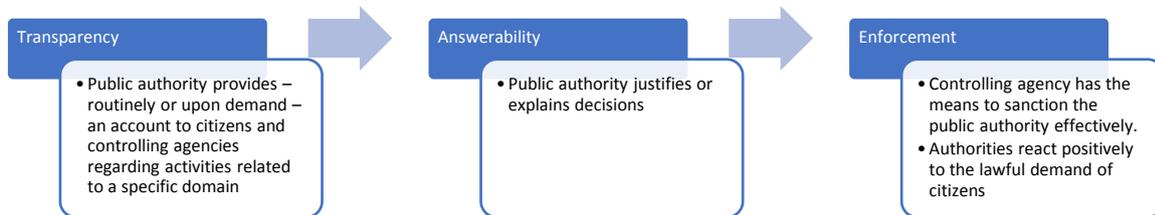
⁸⁷ Galster A. (2018). Transparency and Open Government. 35th Session (Strasbourg: Congress of Local and Regional Authorities, Council of Europe, November 7, 2018. https://search.coe.int/cm/pages/result_details.aspx?ObjectId=09000016808d341c

⁸⁸ OECD. (2011). Asset Declarations for Public Officials: A Tool to Prevent Corruption, Fighting Corruption in Eastern Europe and Central Asia (OECD Publishing, 2011), <https://doi.org/10.1787/9789264095281-en>

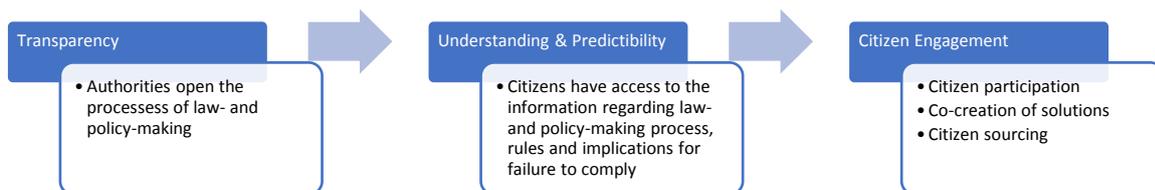
management ensures that information is accessible, authentic, comprehensive, and reliable, and therefore underpins both access to information and open data (Galster 2018, 11).

Functions of transparency

- Transparency is the basis for **accountability**. Transparency does not automatically lead to accountability, but accountability is not possible without transparency. Accountability consists of three components – transparency, answerability, and enforcement.



- For an extensive and meaningful **participation** and societal oversight of the decision-making process, the public needs to understand the workings of their government. Thus, another function of transparency is to provide citizens with all necessary information (e.g. open law- and policy-making, open contracting, open budget etc.) to enable their participation.⁸⁹ The information regarding rules and regulations, as well as the implications for failure to comply with rules and regulations fulfil the function of understanding and predictability, which builds the basis for citizen participation.



- Transparency for **public reuse** is grounded in the idea that the information maintained by the government is a national asset with social and economic value, that should be unlocked to the maximum extent possible.⁹⁰ Mainly this function is based on the open data mechanism, while relevant information can foster economic competition and reduce collusion, bid rigging and clientelism.



PUBLIC ENGAGEMENT: CITIZEN PARTICIPATION AND COLLABORATION

Public engagement means in a broad sense that “the public can influence the workings of their government by engaging in governmental policy processes and service delivery programs” (Heller, 2015). Some OG definitions, for instance those from the US (Orszag, 2009; White House, 2009) and of the EU Commission (Bremers and Deleu, 2016) refer to two terms – **(citizen) participation** and

⁸⁹ Oksana Huss and Oleksandra Keudel, Open Government in Education: Clarifying Concepts and Mapping Initiatives, Ethics and Corruption in Education (Paris: UNESCO. IIEP, 2020), 38, <http://www.iiep.unesco.org/en/open-government-education-clarifying-concepts-and-mapping-initiatives-13372>

⁹⁰ Tim O’Reilly. (2011). Government as a Platform. Innovations: Technology, Governance, Globalization 6, no. 1 (January 2011): 13–40

collaboration – as separate principles of OG. Linders and Wilson (2011) elaborate on the difference between the two as follows:

“Collaboration differs from participation in two regards. First, collaboration requires significant (if not equal) power sharing (partnering), whereas with participation opportunities the government maintains full decision-making powers. Second, collaboration, as defined in the OGD [Open Government Directive], has an implicit link to organised entities (corporations, non-profits, etc.) rather than individuals. Improved collaboration can occur both externally with non-governmental entities and internally within the government” (Linders and Wilson 2011, 268).

At the heart of public engagement, in the context of OG lies the concept of “**citizen coproduction**” (E. Johnston, 2010; E. W. Johnston and Hansen, 2011; Linders, 2012). This concept indicates the change of paradigm in government-citizens relations: citizen coproduction means that government treats the public not as customers but as partners. In other words, the role of citizens expands from passive consumption of public services “to one of active involvement to jointly tackle social problems” (Linders 2012, 446). Such change of paradigm became possible thanks to the use of ICT in the past two decades. According to Linders,

“whereas coproduction in the past was constrained by the limited ability of government to effectively coordinate citizen actions and the difficulty of ordinary citizens to self-organise, the advent of the Internet's unique many-to-many interactivity and of ubiquitous communications promises to enable coproduction on an unprecedented scale” (Linders, 2012, 446).

Functions of public engagement

Citizen participation in its different forms fulfils various functions. Each function reflects a different level of government-citizen relations, which allows to differentiate between the “empty ritual participation” and “real power to affect the outcome of the process” (Arnstein, 1969, 216). Based on the original “ladder of citizen participation”, developed by Arnstein (1969) decades ago, nowadays, the International Association for Public Participation (IAP2) identifies five levels of participation (IAP2 n.d.):

- **inform:** to provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions;
- **consult:** to obtain public feedback on analysis, alternatives and/or decisions;
- **involve:** to work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered;
- **collaborate:** to partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution; and
- **empower:** to place the final decision making in the hands of the public.

Critical researchers argue however that more participation is not always better (Fung, 2006; Harrison et al. 2012). Fung (2006), for instance, argues “there may indeed be contexts in which public empowerment is highly desirable, but there are certainly others in which a consultative role is more appropriate for members of the public than full “citizen control” (Fung, 2006, 67). Harrison et al. (2012) point out that the context - especially the characteristics of the policy process -, and the goals of public engagement shall be the basis for the decision about the design and implementation of functions and mechanisms of participation (Harrison et al., 2012, 88).

Mechanisms of public engagement

The literature differentiates a few terms that reflect different levels of public engagement:

Citizen engagement entails creating opportunities for citizens to actively contribute to government decision-making and agenda setting processes (Linders and Wilson, 2011, 267).

Citizen sourcing entails tapping the talent and inventiveness of the public by sharing data and other inputs to enable citizens to construct ideas and solutions to public/government problems. (Linders and Wilson, 2011, 268).

Collaborative service delivery entails enabling citizens and partner organisations to participate in the design and delivery of services to improve their quality and responsiveness by opening government to contributions from the community (Linders and Wilson, 2011, 268).

Intra-governmental partnering entails collaboratively constructing government-wide solutions, improving intra-agency and inter-agency collaboration, promoting knowledge sharing, and disseminating best practices to improve government efficiency and effectiveness (Linders and Wilson, 2011, 268).

Methods of citizen participation at different stages of the policy cycle

Policy stage	Examples of methods⁹¹
Agenda setting	Citizens' initiatives Deliberative forums Participatory budgeting Petition Visioning
Policy formation	Citizen panels Crowdsourcing Deliberative forums Focus groups Opinion polling
Decision making	Citizens' assemblies Citizens' juries Consensus Conferences Public consultation Referenda
Implementation	Co-commissioning Co-production Service co-design User panels
Monitoring and evaluation	Citizen report cards Community score cards Complaint mechanisms Surveys

Source: (Galster, 2018, 18)

ACCOUNTABILITY AND RESPONSIVENESS

In a broad sense, **accountability** means that the public can hold their government to account for its decisions and actions, i.e. its policy and service delivery performance (Galster, 2018; N. Heller, 2015). (Mendel et al., 2014) state:

⁹¹ These and further methods are described on the website of the NGO Involve, "Methods", available under: <https://www.involve.org.uk/resources/methods>

“public power thus needs to be organised in a way which ensures that the people can demand answers from and, if needed, indicate displeasure with or even sanction the government” (Mendel et al., 2014, 2).

Lindberg (2013) states that “accountability is closely associated with authority though not necessarily political authority” (Lindberg, 2013, 208). In other words, accountability has to be backed up by power to request an account, since it is provided upon request. This is where the **difference between accountability and integrity** is crucial: while accountability functions in line with the principle ‘the more strictly we are watched, the better we behave’ (quoted in Lindberg, 2013, 208), integrity means doing right things when no one is watching. To provide accountability, availability of control is crucial, while integrity is rather an intrinsic norm.

The responsibilities of a government with regards to accountability can be analytically divided in two dimensions: enforcement/sanctioning and answerability (Bauhr and Grimes, 2017; Mendel et al., 2014). **Enforcement** means that there are sanctions and mechanisms by which the obtained information can be made effective for ensuring responsibility of the state for its decisions and actions. There are several ways to enforce accountability⁹²: horizontal (intra-governmental) and vertical (electoral) (Bauhr and Grimes, 2017; Mendel et al., 2014). The **horizontal** way encompasses “a web of institutional relationships” that enforce accountability (Mendel et al., 2014, 3). These institutions are often referred to as checks and balances in democracies. **Vertical or electoral accountability** can be ensured by direct and indirect mechanisms. Elections are the direct way how citizens can enforce their preferences towards the government (*political accountability*). Public pressure through media and monitoring of the government through civil society networks are indirect forms of vertical (*reputational*) accountability.

Another dimension of accountability is **answerability** – i.e. “the obligation of State actors to provide information and an explanation to the public about their activities” (Mendel et al., 2014, 1). Within this dimension, accountability closely overlaps with transparency, although transparency in terms of open data goes beyond the function of answerability.

While answerability provides the link between accountability and transparency, responsiveness provides the link between accountability and citizen participation. **Responsiveness**⁹³ – the positive reaction of the agents to the wishes and interests of the principals – is often considered as an integral part of vertical accountability (Lindberg, 2013, 216). Research shows that responsiveness increases the probability of further citizen participation (Sjoberg, Mellon, and Peixoto, 2015), while the lack of responsiveness decreases trust and confidence of citizens in participation mechanisms (Rumbul and Shaw, 2017).

Mechanisms of accountability

The Congress of local and regional authorities of the Council of Europe elaborates three mechanisms of accountability as a foundational element of open government:

“**audit**, both internal and external, is critical to ensuring that public money is appropriately collected, managed and spent by local government [...];
social audits are conducted by civil society in a locality through accessing information from government, engaging citizens and reviewing the situation on the ground. Social

⁹² For the overview of other forms of accountability, see (Lindberg, 2013)

⁹³ The OECD (2005) identified responsiveness of the government as a core characteristic of open government, next to transparency and accessibility. The World Bank analysts include responsiveness as the third principle, next to transparency and participation & collaboration. According to the World Bank analysis, “responsiveness includes government-led reforms or institutions that have the force of law and/or the potential to impose consequences for government entities and officials who fail to comply” (World Bank, 2016)

audits are most effective when they are supported by and feed-into official audit institutions;

codes of ethics outline what is expected of public servants and provide an important basis for challenging malpractice and corruption in government. Codes of ethics need to be underpinned by clear procedures for complaints, review and sanctions [...]; and **scrutiny** of the executive functions of local government by elected representatives is an important cornerstone of democratic governance. It helps to ensure that decision makers are responsive and accountable to residents for their decisions; scrutiny by elected representatives is further supplemented by scrutiny by residents, civil society and the media. As with auditing, this can take place through local government structures (e.g. town hall meetings, evidence sessions, shadow citizens' committees), or independently of them" (Galster, 2018, 13).

SUMMARY OF OG PRINCIPLES

Transparency

... is **relevant, accessible, timely, and accurate data** that government makes **available to the public** in order to assess government action (**accountability**), exercise voice in decision making (**deliberation**), and unlock social and economic value (**public reuse**)

Mechanisms of transparency

- **Open data:** large volumes of information in databases in formats for electronic re-use
- **Access to information:** right for citizens to request information
- **Disclosure:** routine publication of assets and declarations of conflict of interest
- **Record management:** ensures that information is accessible, authentic, comprehensive and reliable

Risks of transparency

- Limited focus (e-solutions, public service, open data, but ignoring citizen participation)
- Security issues (privacy, national security)
- Disadvantaging marginalised groups of the society
- Challenge of data interpretation

Public engagement

Functions of public engagement: inform, consult, involve, collaborate, empower, while the utility of different levels depends on the specifics of policy process

Mechanisms of public engagement:

Participation

Citizen engagement: citizens contribute to government decision-making processes
Citizen sourcing: tapping the talent of the public to construct ideas and solutions

Collaboration

Collaborative service delivery: participation of partner organizations in the design and delivery of services to improve their quality
Intra-governmental partnering: collaborative construction of government-wide solutions, improving intra-agency and inter-agency collaboration, promoting knowledge sharing

Challenges of public engagement:

- Citizens' apathy and lack of sustainability in the engagement
- Heterogeneous interests of the public
- Imbalances in the use of civic technologies
- Disproportions and wrong expectations in the partnership btw public authorities and citizens

Accountability

Answerability

the obligation of state to provide information and an explanation to the public about their activities, overlaps with transparency.

Enforcement

there are sanctions and mechanisms ensuring responsibility of the state for its decisions and actions, overlaps with public engagement.

Horizontal (intra-governmental)

institutionalized system of checks & balances; the principle of rule of law; independent institutions (e.g. ombudsmen)

Vertical (electoral)

elections as direct mechanism; public pressure through media & monitoring as indirect mechanism

Responsiveness

positive reaction of the agents to the wishes and interests of the principals

Mechanisms of accountability: (social) audit, codes of conduct and codes of ethics, scrutiny

Source: Author

OG DIMENSIONS

Open budget is a "...budget accountability system [of three components]: public availability of budget information; opportunities for the public to participate in the budget process; and the role and effectiveness of formal oversight institutions, including the legislature and the national audit office (IBP, 2017). Hence, this category includes social audit of budget, participatory budgeting. This understanding is also in line with the OGP Guide on Budgets, where social audit and participatory budgeting are seen as advanced forms of open government related to budget (OGP, 2014, 53–54).

Open contracting is a combination of **information** related to procurement ("Developing a framework for a transparent and equitable contracting process; recognising the right of the public to access public contracting information; routinely disclosing core classes of documents and data about public contracting); and **participation of the public** at different stages of the procurement process ("creating mechanisms for participation at all stages of contracting; "building and sustaining capacity of stakeholders to disclose, understand, monitor and act upon contracting information") (Marchessault et al., 2013, 3). According to the OGP, open contracting:

"covers the entire process, including formation, award, execution, performance and completion of public contracts, and the full range of contract types, from basic procurement to joint ventures, licenses and production sharing agreements. Open contracting practices can be implemented at all levels of government and can apply to all public contracting, including contracts funded by combinations of public, private and donor sources" (OGP, 2014, 271).

Open policy(-making) is a description of value orientation of public officials who looks for ways to engage citizens at each step of a policy process. It is included in the OGP Guide as an advanced step of citizen engagement:

"among other things, it requires a much more open approach to policy making, whereby: a shared understanding of the issue in question is developed between relevant stakeholders (including citizens); possible policy solutions are developed with relevant stakeholders (including citizens), and collaborative solutions are sought; policy decisions are informed by the views and expertise of a broad range of stakeholders (including citizens), and the reasoning and evidence base for a decision is open to all; the implementation of a policy decision is informed by, and conducted in partnership with, relevant stakeholders (including citizens); the impact of a policy decision are properly evaluated, including by those it affects" (OGP, 2014, 84).

Open innovation is a blurred category referring to the way of thinking and internal culture of public administrations and emphasizes not only citizen participation, but also scientists and business. It may be understood as the way to think forward about what public service may look like in terms of participation culture, technology, goals, embracing scientific findings, etc.

Social audit "allow citizens receiving a specific service to examine and cross-check the information the service provider makes available against information collected from users of the service. This form of monitoring can cover all aspects of the service delivery process, such as funds allocated, materials procured, and people enrolled. The audit results are typically shared with all interested and concerned stakeholders through public gatherings, which are generally attended by users of the services as well as public officials involved in management of the service delivery unit. [...] The core of the social audit approach is to involve the entire affected group or community in the process. In most cases, the members carrying out the social audits are volunteers who are directly affected by the program, and these volunteers are generally trained in the social audit process by a civil society organization" (OGP.

2014, 308). Variety of a social audit are Community Score Cards, Citizens Report Cards (Ibid). It's a tool against petty and administrative corruption.

DEMOCRATIC INNOVATIONS

We propose to set a **special focus on the underlying processes** of the open local policymaking (e.g. instances of deliberative, collaborative, and participatory decision making), which indicate democratic innovations.

We define **democratic innovations** as “processes or institutions that are new to a policy issue, policy role, or level of governance, and developed to reimagine and deepen the role of citizens in governance processes by increasing opportunities for participation, deliberation and influence” (Elstub & Escobar, 2019, p. 14)

Criteria for ‘democratic’:

Criteria to assess democratic innovations is the extent to which these innovations enable ‘democratic goods’:

- **inclusiveness** turns our attention to the way in which political equality is realised in at least two aspects of participation: presence and voice, meaning who gets invited, who gets involved, who gets to speak;
- **popular control** requires consideration of the degree to which participants are able to influence different aspects of the decision-making process;
- **considered judgement** entails inquiry into citizens’ understanding of both the technical details of the issue under consideration and the perspectives of other citizens. Competence, rationality of decisions and even motivation to understand the problem are usually lacking among citizens; argumentation skills are usually missing too (this one not in Smith (2009)). More on considered judgement in (Smith, 2009, pp. 24–25), presenting an argument for participatory observation; and
- transparency centres reflection on the **openness of proceedings to both participants and the wider public.**

...and institutional goods:

- **efficiency** demands that we attend to the costs that participation can place on both citizens and public authorities, and
- **transferability** provides an occasion to evaluate whether designs can operate in different political contexts, understood in relation to scale, political system or type of issue (Smith, 2009, 12–13).

Criteria for ‘innovation’

Democratic innovation & legitimacy: “democratic innovations do not merely happen to increase legitimacy, but are designed and developed specifically to do so. Moreover, democratic innovations not only ‘deepen the role of citizens’ (Smith, 2009, 1) but also reimagine it. It is about more than deepening citizens’ current role as voters or activists, it entails alternative imaginaries of citizens as co-producers and problem-solvers” (Elstub & Escobar, 2019, 15). Point 23 in (Galster, 2018, 9) also refers to citizens as sources of ideas, experience, etc. for decision-making.

“In effect, democratic innovations do not suppress the influence of organised interests, advocacy groups and associational life, but they place it alongside a ‘universal subject of participation’ [lay citizen] that **enacts politics by prioritising deliberation over protest, or representation** (Baiocchi and Ganuza, 2017, 95). This notion of the

deliberative citizen is therefore mobilised to provide a political subject that can legitimately engage in the myriad theatres of the New Public Governance (Newman and Clarke, 2009; Mahony et al., 2010; Hajer and Wagenaar, 2003).” (Ibid, 16)

Types of democratic innovations according to Smith:

- **citizen assembly:** it is a forum where citizens can discuss various proposals, in the end there’s usually a vote; in Ukraine public hearings would classify but they are a standard tool;
- **mini-public:** “bodies that use forms of random sampling to bring together a diverse body of citizens to discuss matters of public concern. Examples: citizens’ juries , consensus conferences, and deliberative polls” (Smith, 2009, 29);
- **direct legislation** :that’s a referendum; in Ukraine new law on local referendum is being discussed; there’s also a similar tool but smaller in scope, the resident meeting;
- **e-democracy:** everything that is technology-mediated; some interesting forms are 21st [Century Town Meeting](#), it should be checked whether COVID made some communities use similar approach;
- **collaborative governance:** “most internally diverse, including public forums to collaborative partnerships and various participatory arrangements that seek to enable cooperation and coproduction between citizens, public authorities and stakeholders. The ineliminable elements of collaborative governance would be purposive or self-selection of participants, mode of participation based on discursive expression, and mode of decision-making based on consensus building articulated through either bargaining/negotiation or deliberation.” (Elstub & Escobar, 2019, 27)
- **deliberation:** “Floridia (2014, 305) sums up the differences between these two theories of democracy: ‘participatory democracy is founded on the direct action of citizens who exercise some power and decide issues affecting their lives, while deliberative democracy is founded on argumentative ex- changes, reciprocal reason giving, and on public debates which precede decisions’.” (Elstub & Escobar, 2019, 16)
 - While the co-creation process is suitable to generate the ideas, deliberation process is suitable to select the best ideas. James S. Fishkin (2011) described deliberative democracy as follows:

“face-to-face discussion by which participants conscientiously raise, and respond to, competing arguments so as to arrive at considered judgments about the solutions to public problems” (Fishkin, 2011, 17).

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Online marathon:

Good practices of Open Government at the local level in Ukraine

19 May 2021, 14:30 – 17:30

By Oksana Huss & Oleksandra Keudel

The Concept of OG

Many of the cases presented at the Marathon have exhibited the following concept of Open Government:

- OG is not the goal in itself but an instrument for problem-solving at the local level, comprising issues of education, quality of public service, or youth emigration from villages to cities;
- OG indicates the shift to a new mode of governance, while re-thinking relations between the authorities and citizens at all levels of local self-governance, including the region, district or community level, even in small rural communities;
- OG fosters horizontal coordination between various institutions of local government.

Common practices of OG

The change of citizen-government as well as inter-institutional relations is manifested through following practices that relate to the very purpose of governance:

- **Responsiveness** to the needs of citizens and internal clients by listening to them, engaging them in conversation, and analysing their needs. Exemplary are cases of security upgrade in Berezan', youth initiatives in Demydivka co-created with youth, and the Centre of professional development for teachers in Mena;
- Perception of policy **challenges** (such as lockdown due to COVID-19 pandemic) **as opportunities** for improvement and search for constructive solutions out of crisis. Exemplary is the case of educational platform in Kryvyi Rih that aggregated teacher material to ease up teacher effort of re-orienting towards online teaching;
- **Context-based design of OG initiatives and inclusive treatment of communities.** Exemplary are the cases of Lyman that considered equity when providing their mobile public service centres, Berdychiv with thematical councils (youth, elders etc) that also had youth projects developing activities for elderly thus encouraging community cohesion.

Learnings and Recommendations

The greatest learning from the marathon is the approach that the communities have shown: OG is implemented to solve policy problems and the OG initiatives are amended in an agile way by responding to the users' feedback. Therefore, our recommendations focus on replicating successful approaches to the implementation of OG initiatives rather than replicating specific formats. Two approaches are worth highlighting:

- The **dialogue formats for constructive discussion** of policy problems with citizens and the skills of local authorities to contextualise such discussions (the case of Berezan' security discussion is an exemplary approach, but not limited to security issues; other cases are

Demydivka that created community space for youth, out of which further youth initiatives followed, and Novohrad-Volynskyi that launched public discussion on the city charter);

- Practices that develop **collaborative organisational culture within local authorities** themselves and foster public sector innovation in this way – by moving away from hierarchy to partnership in employee relations. Exemplary is the case of Mena (teacher development programs were developed with teachers rather than having them as ‘objects’ of training) and the case of Kryvyi Rih with online portal of educational materials, which awarded the effort of teachers by counting their work on the portal as a part of their mandatory skill-improvement)⁹⁴;

Further, two aspects were missing from presentations, which could be attributed to the short format and should be investigated further (if it is really missing, the Congress could support them as well):

- **Impact analysis of transparency initiatives:** no cases have been presented that contain the evaluation of effectiveness of transparency and open data. For example, the city of Kryvyi Rih presented an online monitoring tool for air quality, but it remained unclear whether any action on improving air quality follows from this monitoring.
- **Systematic engagement of local business as a stakeholder in policy process through transparent communication channels.** Local authorities are responsible for regulating trade rules (e.g. summer terraces, permits for restaurants, parking lots and so on), land relations, a number of local taxes, management of municipal enterprises, yet we have not heard examples where there would be an open consultative process on these issues. So far, business appeared as a partner for social initiatives (as part of corporate social responsibility). Similarly, the business could be a much more prominent partner for solving issues of youth migration and unemployment, and open consultation process on business needs and offers is further potential application of the OG approach (with local government as a facilitator). To our knowledge, Lviv is using an open approach to develop some regulations for local business, and there is a platform for it.

⁹⁴ This case taps into a problem with introduction of open government technology that is increasingly evident in the research: technological innovation often doesn't take into account how technology is embedded into the workflow of service providers, and often it is cumbersome and duplicates their existing duties rather than easing the administrative burden. The simple solution from Kryvyi Rih shows the recognition of this issue and the decision that was made with service providers' (teachers') needs in mind