

**TRANSPARENCY FOR ACCOUNTABILITY:
THE EFFECT OF DIGITAL TRANSPARENCY ON
GOVERNMENT ACCOUNTABILITY
IN HYBRID REGIMES**

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Abstract

This study aims to research the relationship between digital transparency and government accountability in the hybrid regimes and answers the question of why in some hybrid regimes the positive causality between the concepts is present, while in others is not and how the actions of civil society impact the causality. The method of process tracing is used to construct the causal mechanism of the specific actions of civil society of converting digital transparency into government accountability. The theorized causal mechanism is then tested on the typical case of Ukraine by analyzing the specific actions of civil society within the two most effective digital transparency initiatives – the system of assets declaration and public procurement. The study confirms the presence of the causal relationship between digital transparency and government accountability in hybrid regimes, which is conditioned by the actions of civil society. This research concludes that strong civil society can increase horizontal and diagonal government accountability in hybrid regimes by taking specific actions developed in the causal mechanism.

Table of Contents

Abstract.....	ii
List of Figures	iv
List of Abbreviations.....	iv
Introduction	1
Chapter 1 - Theoretical Framework	4
<i>1.1 The Conceptualization of Transparency</i>	<i>4</i>
<i>1.2 The Conceptualization of Accountability</i>	<i>7</i>
<i>1.3 Relationship between transparency and accountability</i>	<i>9</i>
Chapter 2 - Research Design and Methodology	16
<i>2.1 Causal Mechanism and Process-Tracing Method</i>	<i>16</i>
<i>2.2 Case Selection</i>	<i>20</i>
<i>2.3 Data Collection</i>	<i>21</i>
<i>2.4 Operationalization of Variables</i>	<i>21</i>
2.4.1 The operationalization of dependent variable	21
2.4.2 The operationalization of independent variable	22
Chapter 3 - Empirical Analysis.....	25
<i>3.1 Digital transparency, government accountability and civil society in Ukraine</i>	<i>25</i>
3.1.1 Digital transparency in Ukraine	25
3.1.2 Government Accountability in Ukraine	27
3.1.3 Civil Society in Ukraine	30
<i>3.2 Assets Declaration System</i>	<i>32</i>
3.2.1. Background.....	32
3.2.2 Civil Society Actions in Asset Declarations.....	35
<i>3.3. Public Procurement System</i>	<i>39</i>
3.3.1 Background.....	39
3.3.2 Civil Society Actions in Public Procurement	42
Conclusion.....	48
Appendixes.....	50
References	54

List of Figures

Figure 1: Conceptualization of transparency based on the definitions by Eric Welch (2002) and Jonathan Fox (2007)	6
Figure 2: The process of accountability relationship (Bovens 2007).....	8
Figure 3: The conceptualization approaches of a positive relationship between transparency and accountability	11
Figure 4: External conditions influencing the causal link between transparency and accountability	12
Figure 5: Causal Mechanism of Civil Society Influence on Transparency and Accountability Relationship.....	17
Figure 6: Operationalization of government accountability	23
Figure 7 Comparative Results of Causal Mechanism Testing	46

List of Abbreviations

NABU – “National Anti-Corruption Bureau of Ukraine”

NAPC – “National Agency on Corruption Prevention”

SAPO – “Specialized Anti-Corruption Prosecutor's Office”

HAAC – “High Anti-Corruption Court of Ukraine”

CSO – civil society organization

EUACI – “European Union Anti-Corruption Initiative”

Introduction

The emergence of new digital tools of transparency and their influence on democratization, including accountability, presents a researchful theoretical framework for determining how the technology might influence the political processes. Among the well-researched topics of the technology influence on political processes, scholars have paid special attention to the information disclosure for transparency and accountability of the governments. The vast group of studies confirms that government accountability relies on transparency (Meijer 2007; Lourenco 2015). However, the effects of transparency on accountability in the context of hybrid regimes, where democratic institutions tend to be exploited by the ruling elites, is not so straightforward. While the literature succeeds in capturing the dynamics of transparency for accountability in hybrid regimes, with some exceptions, it tends to fail to move beyond the found statistical correlation to the specified causality of the relationship between concepts. For instance, as theorized by some of the scholars, transparency has the potential to improve the level of accountability in countries (Hollyer 2011; Koppell 2005; Fung 2007), but at the same time, there is a growing body of research that argues about the non-linear relationship between the variables (Fox 2007; Robinson & Yu 2012).

The influence of the transparency changes brought by technology development on accountability is also an important topic that remains underresearched. Information published by government agencies online operates as a powerful tool for citizens to hold the government accountable, a process constructed by the specific features of political system in which transparency is amplified.

The theoretical findings are not universal and mainly focus on the research of the proposed impact of transparency on accountability without the inclusion of external conditions into the analysis, which might alter the proposed causality. Political participation of citizens, the development of both formal and informal political institutions, the strength of non-

government actors, and their ability to oversee the government activity without constraints constitute the character of the relationship between the variables and determine the extent of possible accountability. The research field lacks the conceptualization and operationalization of the specific mechanisms behind transparency for accountability and inclusion of specific context features. Therefore, there is a growing need of the research discovering the role and specific actions of context-dependent conditions and actors, engaging in the link between the use of digital transparency for accountability.

One of the most important actors is civil society, which acts as an intermediary between the state and citizens and analyzes the raw data to create meaningful insights about the government's activity and hold the government to account based on this analysis. Consequently, in the research of the relationship between transparency and accountability in the context of hybrid regimes, it is more beneficial to uncover the specific causal mechanisms by which civil society as intermediary actor converts transparency into accountability, how this process is influenced by external features of political regimes and internal characteristic of civil society.

Based on the theoretical background of civil society impact on the democratization, it is presupposed in the paper that in hybrid regimes civil society is one of the most important actors influencing the digital transparency effect on accountability. The functions of civil society include the ability to check the abuses of state power, prevent democratic backsliding, encourage citizen's political participation, play a disciplinary role to the state by enforcing the standards of government performance and act as an intermediary agent between state and society (Mercer 2002; Burnell and Calvert, 2004).

This study eliminates the described knowledge gap of how digital transparency affects the government accountability in hybrid regimes and argues that strength and specific actions of civil society is the defining condition influencing the causality. Therefore, this study answers the question of why in some hybrid regimes digital transparency positively influences

government accountability, while in others does not, and explains how strength of civil society influences the adoption of digital transparency for government accountability in hybrid regimes. The method of theory-testing process tracing is chosen (1) to construct a theoretically embedded causal mechanism of civil society use of digital transparency to enhance government accountability and then (2) to test this causal mechanism on the typical case study of Ukraine for the universe of cases of the hybrid regimes in Eastern Europe.¹ The study of the proposed causal mechanism will contribute to the existing knowledge gap of how digital transparency influences government accountability in hybrid regimes and provides a basis for further research of the topic.

The research paper is structured in three chapters, with the first chapter providing a guiding theoretical framework of the conceptualization of variables and the character of relationships between them. Based on the described theoretical assumptions, research methodology is developed in the second chapter, with the specification of developed causal mechanism and operationalization of variables. The third final chapter focuses on the empirical analysis of chosen typical case study of Ukraine when the causal mechanism is tested on the two most significant advances of digital transparency in Ukraine and their effect on government accountability. The research findings are summarized in conclusion, which also includes suggestions for future research on this promising topic.

¹ The justification of case selection is outlined in chapter 2

Chapter 1 - Theoretical Framework

1.1 The Conceptualization of Transparency

The common knowledge correlates with the most basic definition of transparency in the literature, which states that transparency relates to the publication of the relevant information about the organization's decision-making processes and performance (Welch, 2012). This definition, however, offers little insight into the transparency processes and thus the more elaborated conceptualization, which would address the specific mechanisms by which accessed information can be interpreted to draw meaningful conclusions from it. Therefore, the more elaborated conceptualization includes the missing dimensions by introducing inward observability, external accessibility and active disclosure (Welch 2002). Inward observability allows to assess the processes happening in the organization by the actors outside the organization, active disclosure refers to the extent to which an organization publishes the information about its activity, and external accessibility concerns the willingness of the organization to consider external critique about its activity (Welch 2002). Based on this identification of basic principles of transparency, it is concluded that transparency is “the disclosure of information by an organization that enables external actors to monitor and assess its internal workings and performance” (Welch 2002). Even though this definition helps to identify the general notions about transparency, it lacks a narrower explanation of the term, necessary for researching the concept in the specific contexts.

More context-specific definition of transparency suggests its definition as “a mandated public disclosure of standardized, comparable, and disaggregated information regarding specific products or practices to further a defined public purpose of organizations (Fung et al., 2007). Even though similar in background conditions to the definition suggested by Welch (2002), suggested conceptualization avails to define transparency more targeted by focusing on its objective to lead to the specific outcomes. Moreover, this framework alleviates from the

decontextualized definition of transparency and assesses it in detail, especially in its relationship with accountability. As such, transparency is conceptualized as a policy of bottom-up action of disclosure, which forms an openness of disclosed information to the public. This voluntary disclosure aims to assess the external reaction to organization functioning and use it as a guiding principle to improve the service delivery to the public (Fung et al, 2007). Moreover, the proposed interactive nature predicts the minimal conditions for accountability, such as an obligation of an actor to improve its activity based on the external assessment. This advancement in defining transparency as a term closely related to accountability helps to establish elaborated links between the concepts further in the research.

The presented account of a one-dimensional definition of transparency is used as a background definition to advance the conceptualization further. As such, a multidimensional description of transparency, based on the construction of the term's typologies, is presented by Jonathan Fox (2007). Transparency is divided into two types based on the incentives – proactive and demand-driven and based on the internal characteristics – clear and opaque (Fox, 2007). Proactive enclosure encompasses the information that government itself makes publicly available, while demand-driven enclosure constitutes an institutional commitment of the government to respond to the citizen's requests for information disclosure. Opaque transparency incorporates the publication of information only nominally, publication of some parts of information, or outdated information. In contrast, clear transparency constitutes both information-access policies that form reliable information about the performance of an organization and, by doing so, allows to infer the organization activity (Fox 2007, 8). This typology-based conceptualization of transparency advances the understanding of the varying degrees of transparency, which is further assists in establishing the operationalization of the transparency.

With the rapid development of information technologies, transparency has also advanced its techniques. The speed of generation and transition of information via the Internet has accelerated, which contributes to the greater provision of government information to citizens at a lower cost (Welch 2012). The capacity of digital transparency to instantly reduce the information asymmetry, which in turn accelerates its interactivity and responsiveness, is the laying assumption of the scholarly research on digital transparency (Meijer 2005; Welch 2005). The importance of technical characteristics of transparency allows to define it as a concept that “constitutes a basic map of the organization as depicted in the information on the side and reveals the depth of access it allows, the depths of knowledge about processes it is willing to reveal, and the level of attention to citizen’s response it provides” (Welch 2012).

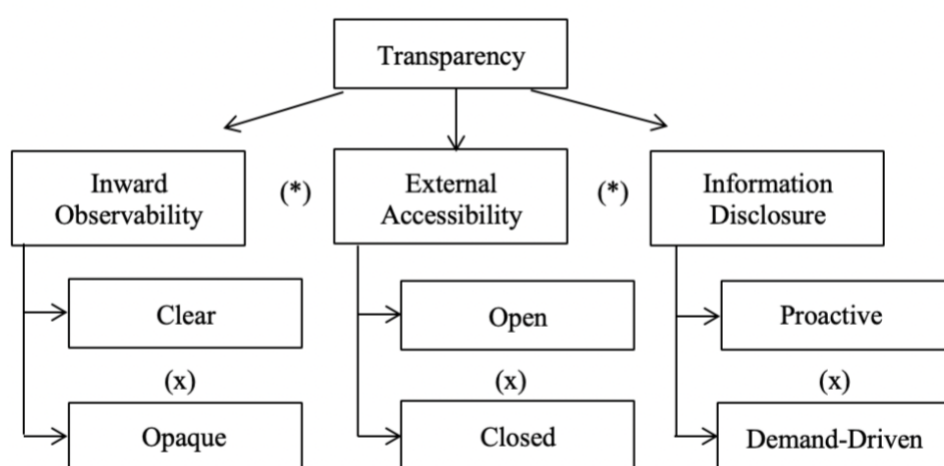


Figure 1: Conceptualization of transparency based on the definitions by Eric Welch (2002) and Jonathan Fox (2007)

Overall, while transparency is a popular concept to describe the openness of governments, the range of its definitions is fairly broad. Nevertheless, in this research, the conceptualization of transparency suggested by Fox (2007) and Welch (2002) is combined to establish the most efficient operationalization of the term. The three necessary indicators of transparency suggested by Welch (2002) are used at the level of systematized concept, followed

by their specification on the lower level ladder of generality suggested by Fox's (2007) typology (Figure 1).

1.2 The Conceptualization of Accountability

Similarly to transparency, accountability is also a contested concept, which has a wide range of definitions, differing on the ladder of generality. The central feature of accountability is the idea that one actor has an obligation to report about their activity to another actor. The variety of conceptual frameworks for defining accountability ranges from the philosophical tradition to its modern social construction. The growing body of research can be simplified into two main frameworks for assessing accountability – agency-driven and system-driven approaches.

In the theoretical tradition of the agency-driven conceptualization, accountability is defined as an obligation of an actor to explain its activity (Hood 2010). Even though this definition explains political accountability to the broadest extent, its abstractness eliminates the conditions under which this process is conducted and its complexities. Less abstract definition introduces two indicators, which are sufficient only in conjunction to constitute the accountability - answerability and enforceability (Goetz and Jenkins 2005). While answerability requires the responsibility of account-givers to share the information about their activity and justify its content, enforceability refers to the prospect of sanctions application for failure in accounting (Goertz and Jenkins, 2005). This definition embraces that while answerability is an important asset of accountability, it is often equated to accountability per se, without the necessary attention given to the requirement of sanctions enforcement.

Another approach to accountability focuses on the system of the relationship between the actors of accountability rather than on the incentives of one actor as the main driving force. The drawback of previous definitions, such as an actor-centered approach that prohibits external conditions into conceptualization, is eliminated in the most common-used approach to

accountability based on the principal-agent relationship, which simultaneously operationalizes the terms and provides a solid basis for operationalization.

In this systematic approach, accountability is not defined as a one-sided definition but from the more structured process approach. Accountability is thus a process of the relationship between actor and forum (Bovens, 2007). The actor (the entity that does the act of accounting) and the forum (the actor to whom accounting is directed) can either be an individual or an

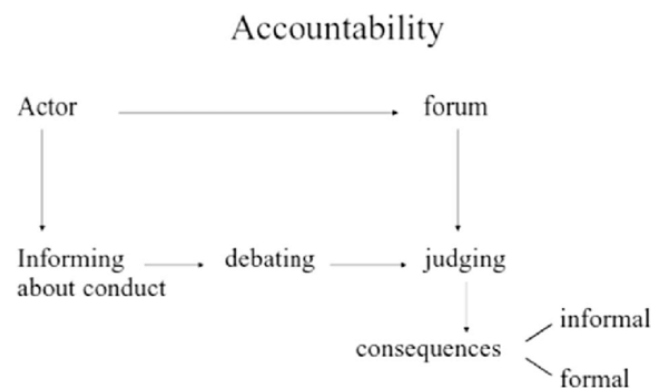


Figure 2: The process of accountability relationship (Bovens 2007)

institution. For example, a local deputy is an individual actor obliged to account for their actions to the forum of voters. The principal-agent relationships between them presupposed that the forum delegates its authority to the actor, who acts as an executor and is obliged to report about execution process (Bovens 2007). Those obligations can be either formal and informal. Formal obligations entitle the legal duty of public officials to report about their public activity, while informal obligations demand the actor's public presentation of its activity using various media formats (Falk et al. 2011). In this model, accountability consists of three main stages. Firstly, an actor should be obliged to inform the forum about their activity, the forum should have the ability to question the relevance of the actor's actions. In the third stage, forum should examine the activity of an actor and apply sanctions if needed (Bovens 2007, 147). This model presents a detailed conceptualization of the term and is therefore used in the paper to operationalize the concept further. Consequently, the accountability concept used in this paper is defined as the

principal-agent relationship between actor and forum, in which the actor is obliged to explain their actions, followed by the forum's capability to assess and question those actions and apply sanctions (Bovens 2007).

1.3 Relationship between transparency and accountability

The complexities of the research about the relationship between digital transparency and government accountability are also influenced by the broad conceptualization of these two terms. As the number of transparency and accountability initiatives is rapidly growing, the threat of transforming these concepts into abstract buzzwords is increasing as well (Cornwall 2007). The growing body of research argues that there is a positive relationship between two terms and that the increase of transparency is a necessary condition for the positive changes in accountability, however importantly specifying specific conditions which should be present for the causation to occur (Fox 2007, Mabillard 2006, Robinson & Yu 2012). Contrary, an opposite theoretical framework suggests that the relationship between two terms is either not present or the causality between the concepts is not sufficiently elaborated, which explains concepts use in the conjunction, eliminating the possible causal links between them (Gaventa 2013).

The later research perspective views both concepts of transparency and accountability in conjunction (TAs), without the need to stress the possible causal links between them. TAs are viewed as a tool to solve the challenges of democratization, such as corruption and government inefficiency (Gaventa 2013). While the long-existing political accountability mechanisms have failed to effectively perform their mission in reducing corruption and keeping the government responsive to the needs of citizens, a new “demand-side” type of accountability is on the rise, found in the TAs (Gaventa 2013). Besides the common understanding of vertical accountability, some authors argue about the necessity of another form of accountability, social accountability. Malena et. al (2004) argues on the groundedness of the approach on civic engagement, with the civil society organizations directly participating in enacting

accountability. The critical distinction between vertical accountability and its subtype, social accountability is the origins of both concepts. While vertical accountability is embedded in the existing political institutions, social accountability is more demand-driven. The collective effort behind social accountability to hold the government accountable for the provision of services for the citizens is what distincts this subtype of accountability (Houtzager 2008).

Moreover, the use of transparency and accountability initiatives in a paradigm that focuses solely on the outcomes of TAs use undermines the research of underlying power politics that shape the adoption of those initiatives. The outcomes-driven approach fails to discern how the preexisting political arrangements influence the adoption of transparency and accountability (Gaventa 2013). Several studies focus on the efficient policy delivery process as due to TAs, bypassing the issues of how external political conditions might have altered the agenda-setting and outcomes in the first place. To eliminate mentioned discrepancies, another approach aims to abide de-politized notion of accountability and focuses instead on assessing the underlying conditions shaping transparency and accountability initiatives (Gaventa 2013).

The opposite research perspective argues about a positive causal relationship between transparency and accountability. In this research tradition, accountability is only possible if there is an institutional option of government to react to the citizen's demands and be vulnerable to the sanctions (Fox 2007). Furthermore, another theory that focuses on the system rather than actor analysis suggests that the openness of information can as well provoke the mechanisms of sanctions directed at the government (Mabillard 2006). Depending on the nature of the information made transparent, it is possible to apply the sanctions, and thus, transparency can lead to the increased accountability. A similar system-level approach to the analysis of the necessary condition for the impact of transparency on accountability argues that accountability as the outcome of transparency is influenced by the political regime features, such as the ability

of the regime to comply with the conditions of publicity and political agency (Robinson & Yu 2012). While publicity determines the degree to which available information resonates with the audience and is influenced by the democratic features of the country, such as media and information freedom, the political agency condition implies the presence of mechanisms for citizens to apply sanctions against public figures, which is only possible if the democratic institutions and civil society are well established (Robinson & Yu 2012).

Conceptualization	Necessary conditions	Authors
Actor-centered	Government reaction to the requests + government vulnerability to the sanctions	Fox (2007)
System-centered	Openness + sanctions	Mabillard (2006)
	Publicity + political agency	Robinson & Yu (2012)

Figure 3: The conceptualization approaches of a positive relationship between transparency and accountability

The described complexity of the relationship between transparency and accountability permits to construct the necessary methodological framework for analyzing these concepts in hybrid regimes. The complementarity of the described definitions of accountability and transparency allows further detection of the possible relationships between those concepts. Therefore, the provided theoretical background formed the basis for methodology building to reflect the operationalization of the concepts.

1.4 External Factors of Influence on the Transparency and Accountability Relationship:

Civil Society as a Condition

Among the factors that might influence the relationship between transparency and accountability and their effects, the majority is context-dependent and structure-centered. For

instance, it is argued that the level of democratization of the country influences the consequences of transparency adoption (Goetz and Jenkins 2005). Moreover, political will also influence the outcomes of the concepts, followed by the success of adopted accountability initiatives depends on their institutional embeddedness and strength, which ensures their ability to overcome possible institutional constraints of the political system (Gaventa 2013). Freedom of association and information are also vital context features which shape the adoption of transparency and accountability (Goetz and Jenkins, 2005). Nevertheless, while the latter mentioned conditions play a significant structural role in the proposed causality, it is the agency-centered conditions that determine the process of the transparency adoption for accountability in the context of hybrid regimes, influenced by the importance of civil society activity in altering the power relationship, signified by the specific actions of civil society.

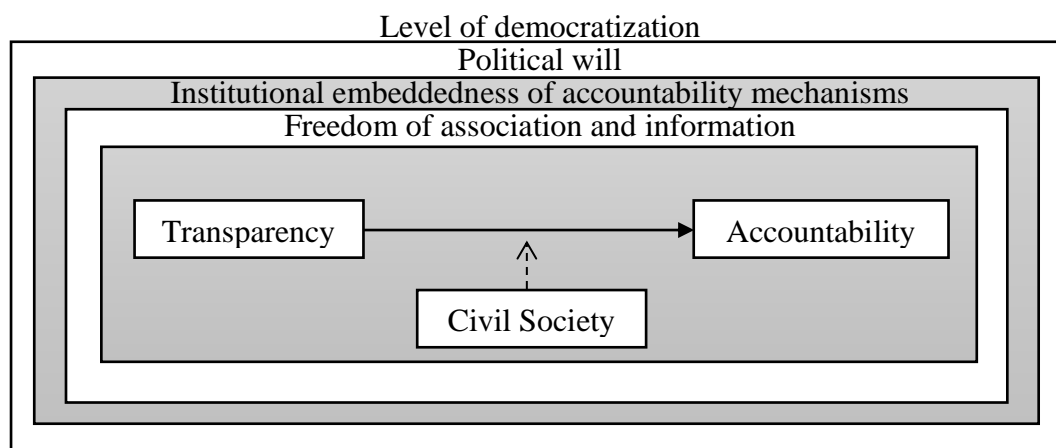


Figure 4: External conditions influencing the causal link between transparency and accountability

Therefore, it is presupposed in the paper that in hybrid regimes civil society is one of the most essential conditions influencing the use of transparency for accountability. Consequently, it is argued that the high levels of civil society participation influence government accountability (Mercer 2002).

For instance, civil society is thought to check the abuses of state power, prevent the democratic backsliding and encourage citizen's political participation (Mercer 2002). It is also argued to play a disciplinary role to the state by enforcing the standards of government performance and thus increasing government accountability (Burnell and Calvert, 2004) and act as an intermediary agent between state and society by functioning as an additional mechanism of representation (Burnell and Calvert, 2004). The significance of civil society as the intermediary actor whose role is to create a link between government which makes information about its decision-making processes transparent and citizens, who can use it to hold the officials accountable, is the background assumption of the scholarly research about the external conditions influencing the adoption of government accountability (Reggi 2016). For the available information to have an impact the actor of accountability should analyze it and create meaningful conclusions from the available data. The capabilities of citizens to do so are strengthened by intermediaries who can use and communicate this information (Gaventa 2013). Another important function by which civil society influences the effects of digital transparency is the facilitation of mobilization strategies and fostering collective action of the citizens (Gaventa 2013). While digital transparency solves the information problem, it also implicitly leverages the importance of collective action by reducing participation costs (Hansson, 2015). Moreover, the collective action approach allows to utilize other mobilization strategies, contributing to the rise of accountability, such as litigation, electoral pressure, and protest (Gaventa 2013). For instance, civil society actors can use confrontational or non-confrontational tactics to influence government accountability (Huss, 2020). Confrontational tactics involve highly visible public actions to put public pressure on the authorities to get a reaction from them (Huss 2020, 18). The use of coercive tactics is usually explained by the incapacity to influence the political order in a conventional way, which explains the use of confrontational tactics as a necessity in the context of a generally non-responsive government

(Huss 2020). On the other hand, when the government has some degree of answerability, civil society tends to use non-confrontational tactics aimed at fostering accountability by facilitating collective action through the means of advocacy, research, education and cooperation with media to inform the society about the possible misconduct by public officials, thus imposing informal sanctions on the government (Huss 2020, 17). By making the information about government misconduct widely available in the media, CSO aims to educate the public about the activity of their governors, which ideally should influence the electoral decisions of the population later on (Huss 2020). It is also important to note that both confrontational and non-confrontational tactics can be effective in combination as well, and the formation of networks of civil society organizations with diverse tactics allows for more efficient use of CSOs resources (Huss 2020).

At the same time, for civil society organizations to have an impact on government accountability based on the use of transparency, a few favorable conditions should be present. Social networks of civil society organizations positively influence government accountability if at least three other conditions are fulfilled – political competition, freedom of the press and government transparency (Grimes 2012, 19). In the presence of political competition, the likelihood for civil society activists to gain support from the public officials is higher, as showcasing the corruption or lack of government accountability is a beneficial strategy for the opposition (Grimes 2012). Moreover, public oversight and access to government documents are also considered a starting point for the social accountability mechanisms to be put in place (Grimes 2012, 20). However, it is also important to note that civil society should not be considered a substitute for formal mechanisms of accountability (Grimes 2012). While civil society impacts the government's accountability, its ability to do so is also constructed by other structural factors, such as the presence or lack of institutional mechanisms of accountability (Grimes 2012). All in all, the findings of this study suggest that civil society strength is an

important condition influencing the causal link between transparency and government accountability, which is also constrained by the power-sharing patterns in the political regime.

As argued above, the practical benefits of transparency are heavily dependent on the initiatives implemented by intermediaries, and in political regimes, where political participation is not sufficient, proposed intermediaries are assumed to take on the citizen's role of holding governments accountable. Other features of civil society influencing the causality between digital transparency and government accountability are the facilitation of mobilization and fostering collective action of citizens, use of either confrontational or non-confrontational tactics at interacting with the political regime, and a disciplinary role civil society can play in constraining the state. In the research of the relationship between transparency and accountability in the context of hybrid regimes it is more beneficial to uncover the specific causal mechanism by which civil society as intermediary actor converts transparency into accountability, how this process is influenced by external features of political regimes, and internal characteristic of civil society.

Chapter 2 - Research Design and Methodology

2.1 Causal Mechanism and Process-Tracing Method

The mere statistical results of the correlation rarely provide essential information about the theoretical foundations of a found correlation and often fail to explain the causality behind it effectively. Single case methods, on the contrary, do a better job of establishing the patterns of causal inference and explain the relationship between cause and outcome more comprehensively (Beach 2013). The benefits of small-n case studies are only multiplied by the use of process tracing methods concerned with hypothesis testing, which aim to uncover the details behind the correlation between cause and outcome. As the literature about the relationship between transparency and accountability continuously suggests, there is a correlation between those concepts, however, the specific causality behind this relationship is not fully specified. To fill this research gap, the process tracing method is used to test the already established theory of the relationship between digital transparency and accountability by developing the causal mechanism of this relationship and testing it on the case with the necessary cause and outcome.

The process tracing method is used in this paper to answer the **research question** of why in some hybrid regimes digital transparency positively influences the government accountability, while in others does not and explain how the strength of civil society affects the adoption of digital transparency for government accountability in hybrid regimes. Based on the described theoretical assumptions, it is expected that *in hybrid regimes where civil society is strong, digital transparency will increase government accountability (H1)*. The null hypothesis predicts that *in hybrid regimes where civil society is weak, the transparency will not correlate with the increased levels of accountability (H0)*.

The theory-testing approach of process-tracing is chosen to create the causal mechanism and further test its presence on the chosen typical case to analyze if the mechanism linking

dependent and independent variables was presented. The process of mechanism building starts from the definition of activities an entity engages in. The agency-centered method of process define the entity as civil society organizations and then traces their activities, which together constitute a causal link between digital transparency and government accountability.

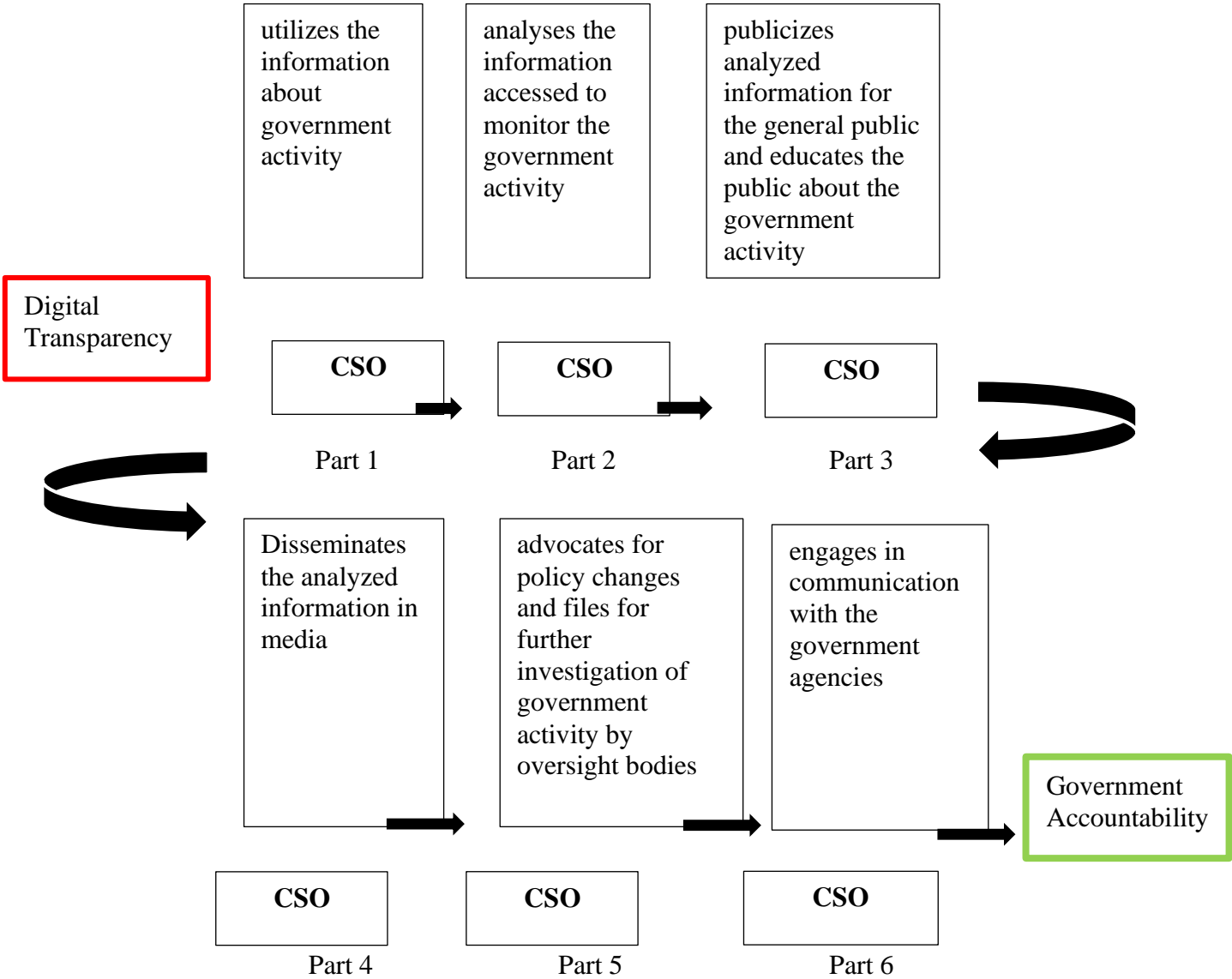


Figure 5: Causal Mechanism of Civil Society Influence on Transparency and Accountability Relationship

The civil society organization’s engagement in fostering government accountability based on digital transparency in hybrid regimes is framed by the external context of hybrid

regimes, which are democratizing. As political participation of citizens is low, CSOs is an agency that interacts with government more often than citizens. The voter's decision also influences the credibility of the government during an election cycle, and in the context of the presence of opposition, political actors in power are expected to behave in such a way that will allow them to sustain the popular support and secure the reelection, thus increasing the likelihood of their engagement with society's demands.

The causal mechanism begins when civil society organizations utilize the information about government activity, which is available due to advances in digital transparency. CSOs should have access to the information presented online, and this information ideally should be published in accessible formats (in a machine-readable format for further analysis) and in a timely manner with the fullest possible disclosure (information should be present as a whole, without major parts of information missing, which might distort the conclusions drawn on its basis). CSOs use the information about the government activity, which is presented online in various formats (e.g., open data, statistics about public expenditures, government reports) to understand the processes behind government activities. CSOs then analyze the available information in a way that allows them to monitor the government activity. For instance, CSOs can use the available information to create reports about the government's decision-making processes, analyze if the government activity does not present the case of misuse of public sources, violations of the rule of law, or any other unlawful behavior, assess the possible differences between government public statements and actions. The leverage of reports created using the information available as a result of digital transparency is the primary indicator of this step. For such a monitor to be effective, the created reports should be widely accessible for the general population and gain enough attention to be considered an important factor influencing the public opinion about the government's credibility. Therefore, the next part of the causal mechanism begins when CSOs leverage the dissemination of their reports by gaining necessary

media attention, which in turn promotes the reports to the general public. The number of media articles published about the government's overall activity and the government misconduct, in particular by media publications and the number of articles published by CSOs themselves, is two main indicators of this part of the mechanism. As a result of a widespread promotion, the general population educates itself about the government activities by gaining new knowledge, which can then hypothetically alter the voting choices of the population. As such, the mechanism of informal sanctions is being activated, as the government is criticized in the public sphere for its misconduct, which undermines its credibility. In the context of the enacted informal sanctions, CSOs can then advocate for policy changes through the already existing institutional mechanisms of accountability, such as public consultations with the government, cooperating with the government in policy implementation, sending requests for further investigation of misconduct to oversight institutions. Consequently, the government is conditioned to explain its activity and engage in communication with CSOs as a result of those advocacy campaigns. CSOs efforts in engaging in communication with the government are measured by the extent of public consultations and public hearings held by the government, the level to which government officials react to the mentioned by CSOs claims in their speeches, and most importantly, accepted requests from CSOs for further investigation of public officials' misconducts. As a result of this enactment of formal sanctions, CSOs have forced the government to interact with them and explain its activity and allegations of misconduct. The outcome of the described parts of the causal mechanism is the government accountability, enacted using informal and formal sanctions, and the pressure on the government to explain and justify its activity.

Nevertheless, even when civil society is an important factor influencing the adoption of digital transparency for accountability, it is not the only factor of influence, as theory suggests, and omitted causes might alter the proposed causality between dependent and independent

variables. Other external conditions such as the political will of the regime's governing circles, level of democratization, and international conditionality are the influential variables that are, however, not the focus of this research. Nevertheless, in the context of hybrid regimes in Eastern Europe, the influence of international organizations' on the rate of adoption of digital transparency and the pressure for government accountability is one of the most influential variables, which can be connected both to the changes in political will and the alteration in civil society strength. Therefore, the international organizations support to civil society organizations and international conditionality on government is the background assumption of this research, which is not possible to eliminate to trace only the civil society as the sole agency in the suggested causal mechanism.

2.2 Case Selection

In order to fill the described research gap and test the proposed causal mechanism, a typical case study, which represents a population of cases of hybrid regimes, is chosen (Gerring, 2007). Additionally, for the research of the relationship between transparency and accountability, it is beneficial to focus on a set-theoretical rather than a correlational model, as it allows to understand cause and outcome in terms of their presence (or absence), rather than degrees of variables (Beach 2013, 157). Following the logic of the theory-based case selection for the within-case analysis, the case of Ukraine, which scores high on cause and outcome, is chosen in order to test the causal mechanism on it (Rohling 2012, 89). As an example of a hybrid regime in transition, where civil society strength changed drastically since the adoption of digital transparency, Ukraine is a liable case which satisfies the requirement. Even though the general knowledge presupposes that in hybrid regimes the level of government accountability might be low, the focus on the positive changes in accountability to qualify these criteria as sufficient for the set-theoretic relationship allows eliminating this concern in research. Ukraine is an example of a typical case as it satisfies the criteria of the presence of

cause, outcome and condition and has medium values of accountability and civil society index². Consequently, the two most effective digital transparency initiatives in Ukraine that satisfy the necessary criteria for independent variable are chosen – the system of electronic asset declaration and public procurement. The timeframe of 2014-2020 is chosen to test the causal mechanism, as the presence of cause, outcome, and the proposed condition of the causal relationships are only sufficient in this timeframe due to the political development of Ukraine outlined in the next chapter.

2.3 Data Collection

The data used to test the proposed causal mechanism consist of the already available formal and informal information types. Formal information is gathered through the government reports and documents, national legislation, international reports and treaties, as well as the reports, monitors, and other analytical materials of NGOs. Informal data sources are collected from the interviews, public statements, social media content of the civil society members and government officials studied. The use of both types of data sources allowed to gather the data sufficient for the testing of causal mechanism in the most effective and unbiased method.

2.4 Operationalization of Variables

2.4.1 The operationalization of dependent variable

The concept of transparency is operationalized based on the previously discussed theoretical conceptualization to use the mutually inclusive conceptualization by Eric Welch (2002, 2012) and Jonathan Fox (2007).

² The accountability index in Ukraine has risen significantly from 2014 (0.45) to 2020 (0.77), according to the V-Dem ranking. Civil society strength has remained on the same high level through the chosen timeframe, ranging from 0.73 to 0.77.

The digital transparency is thus assessed based on five indicators, which all should be present for transparency to occur. The digital transparency is measured based on the information about: if there is a mechanism for citizen requests for information and citizens can access documents about legislative process of government (1), if the assets disclosure process for public officials is present (2), if public agencies regularly publish data about its activity requested by national legislation (3), if data is published in a timely manner and accessible formats (4) and if the information provided by public agencies provides a necessary basis for analyzing the internal decision-making processes of the agencies (5).

2.4.2 The operationalization of independent variable

The operationalization of government accountability is following the suggested theoretical definition of accountability by Mark Bovens (2007). As the focus of the research is on government accountability in its broadest sense of the possibility for citizens and civil society to hold the government accountable, the indicators representing this type of accountability have been chosen from the V-Dem dataset (Lührmann et al. 2017, 219). The general accountability index is used to sort the cases of hybrid regimes in Eastern Europe in the first step of case selection and then applied as a reference in understanding the state of accountability in chosen case of Ukraine. The accountability index is the average value of three subtypes of accountability – vertical, horizontal, and diagonal. All index subtypes present an essential indicator in operationalizing the concept of accountability used in the research. For instance, vertical accountability measures the extent to which citizens possess the power to hold government accountable through the mechanisms of political participation – elections and political parties (Lührmann et al. 2017, 219). The ability of citizens to influence government officials' rotation is a measure that indirectly might be influenced by digital transparency regarding the presentation of information which can alter the citizens' voting behavior and cause changes in their political parties' membership.

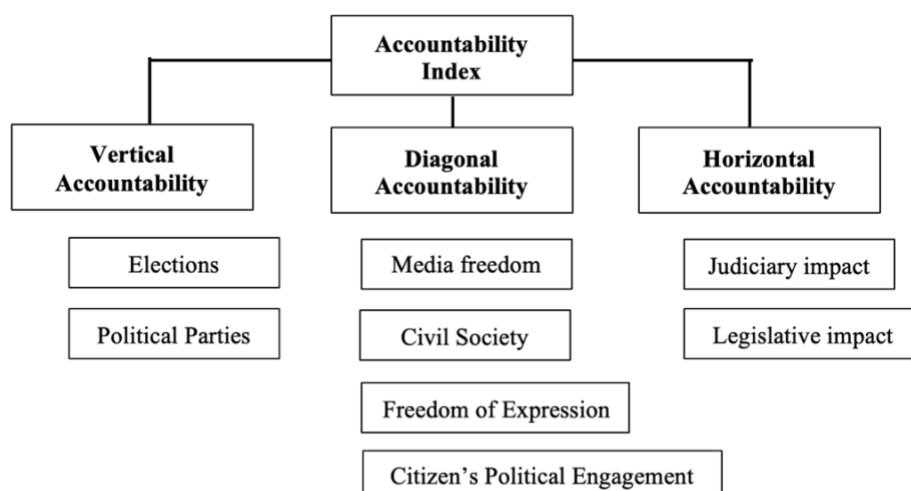


Figure 6: Operationalization of government accountability (Lührmann et al. 2017; Coppedge et al. 2021)

Diagonal accountability tries to capture the extent to which civil society organizations and media can hold the government accountable (Lührmann et al. 2017, 221). The four components of diagonal accountability, media freedom, civil society characteristics, freedom of expression, and citizens' political engagement, are also formed by the influence of the dependent variable of digital transparency. The media censorship provides the structural conditions for the information to be accessible to the population, freedom of expression allows citizens to discuss their views on the presented information, their political engagement influences the power-sharing structure, and finally, civil society development ensures the opportunity of citizens to oppose the government in an organized way (Lührmann et al. 2017, 221). Even though civil society is included in the dependent and conditional variables, this overlap does not present a severe problem, and the argued causality is not significantly interrupted. Horizontal accountability, which measures the oversight power of other institutions over the government, is of equal importance, as the audit bodies are an essential actor of the accountability relationships. The extent to which judiciary and legislature agencies can hold the government to account is measured by separating the suggested indicators (Lührmann et al.

2017, 222). Judiciary impact is measured by the judicial constraint of the executive, while legislature influence is assessed as the presence of legislature which can scrutinize government's misconduct and take actions, which are independent of the government influence (Lührmann et al. 2017, 223).

Chapter 3 - Empirical Analysis

3.1 Digital transparency, government accountability and civil society strength in Ukraine

3.1.1 Digital transparency in Ukraine

The legal framework of access to information in Ukraine presents a case of a stable high openness. The law “On Access to Public Information” presupposes that any public information should be made available to the citizens by requests if this information is not for internal use by the state³. The external pressures from the international environment also drive the government’s efforts in transparency adoption. The member of the “Open Government Partnership” initiative from 2011, Ukraine had started to implement the prerequisites of the initiative such as transparency, accountability, and political participation of citizens in 2015 when the four-step implementation plan of the initiative was developed. In the OGP 2018 - 2020 report, it was stated that the country had been successful prosperous in following the conditions of the initiative concerned with the free access to the information and transparency of policymaking processes⁴. Furthermore, the creation of legal bases for transparency and access to the information in the form of open data was one of the main aims of the Anticorruption Strategy of Ukraine for 2014-2017⁵ and was then included in the “Strategy of Sustainable Development of Ukraine”⁶. Ukraine also signed several international treaties regarding to transparency and open data development in 2015, such as Open Data Charter, Open Government Partnership, Open Data for Development.

³ Law of Ukraine ‘On Access to Public Information’.

⁴ ‘Independent Reporting Mechanism (IRM): Ukraine Design Report 2018– 2020’.

⁵ Law of Ukraine ‘On the Principles of State Anti-Corruption Policy’.

⁶ Decree of the President of Ukraine ‘Strategy of Sustainable Development’.

A number of important advancement in digital transparency was enabled with the introduction in 2015 of mandatory electronic assets declaration assets which obliged public officials to submit electronic lists of all the incomes and property information yearly to the widely-accessible digital platform. NACP assesses the submitted declarations, and if the assets are found to be suspicious the further investigations are handed to NABU. Later, the development of digital transparency proceeded with the increased openness in the public procurement framework due to the creation of the “ProZorro”, an online portal for monitoring the use of public funds based on the system of public contracts monitoring (Law of Ukraine ‘On Corruption Prevention’).

Simultaneously, the legal framework of information openness has been advanced with the adoption of open data strategy into the policy framework⁷. In the context of the international development of the values of open government, Ukraine also implemented open data into its policy framework. The law on information which should be made available in the form of open data obliges public authorities to publish the information about their activities in machine-readable format regularly. The national open data portal was created shortly after to store the information from all government agencies publishing data. Since the introduction of open data in 2015, which was largely the result of lobbying by civil society organizations, the advances in that sphere have drastically improved the level of digital transparency, followed by the alteration in the position of Ukraine in international open data and transparency rankings (see Appendix F for the overview of changes).

The advances in access to information framework, followed by the introduction of electronic assets declaration, open data development, and openness of public procurement

⁷ Resolution of the Cabinet of Ministers of Ukraine ‘Provisions on Data Sets Disclosed in the Form of Open Data’.

system, transformed the transparency framework in Ukraine and allowed to classify Ukraine as a case with a necessary condition for the digital transparency development.

3.1.2 Government Accountability in Ukraine

The elections as one of the tools of government accountability, relatively low degree of government's public consultations with citizens, combined with the weak state of civil society and political participation of citizens have contributed to a low degree of accountability before 2014. However, as the public pressure on the government grew as the result of the civil society mobilization after the 2014 protests, the accountability dimension in Ukraine also began to change. In order to establish an independent oversight over government officials' a number of separate institutions have been created, such as the National Agency on Corruption Prevention (NACP), the National Anti-Corruption Bureau of Ukraine (NABU), the Specialized Anti-Corruption Prosecutor's Office (SAPO), and finally the High Anti-Corruption Court (HACC). Even though the government accountability in Ukraine began to change rapidly since 2015, the analysis of the subtypes of accountability allows to determine which types of accountabilities have been altered positively and which remained unchanged.

Vertical accountability

For vertical accountability to be satisfied, the conditions of free and fair elections and stable political party structures should be met. Citizen's preferences, which are subject to change as a result of information presented by NGOs about the official's activity, should be translated into the outcomes of elections, meaning that the results of the election trigger the accountability mechanisms, and some officials might lose their chances of reelection (Herron 2020, 46). For such a transition of preferences into votes to occur, mentioned condition of free elections should be met, which is rarely possible in the context of hybrid regimes. The misuse

of administrative resources, corruption, unclear rules of electoral system changing with every new election, failure in counting results, media biases are the factors which undermine the complete fairness of elections in the chosen universe of cases of hybrid regimes, and in Ukraine in particular (Herron 2020, 47). Therefore, the vertical accountability in the chosen case of Ukraine tends to fail to meet the minimal requirements, and therefore tracing the suggested causal mechanism will not benefit the aims of the research.

Horizontal accountability

Even though the development of horizontal accountability in Ukraine began in the 2000s with the strengthening of legislature oversight mechanisms, its more striking alterations were activated after the protests in 2014, constructed by the international pressure and civil society advocacy. As a result, new accountability institutions were created, with different levels of effectiveness and impact on the accountability feasibility.

The National Agency for Prevention of Corruption was established in 2015 to lower the corruption of public officials by monitoring their activity. The main transparency and accountability mechanism of NAPC, the electronic assets declaration, has proven to be an effective tool at informing the public and relevant audit agencies about the economic state of public officials and its legality. By the end of 2020, more than a thousand protocols were drawn in line with the competence of NAPC⁸. For the investigation of non-compliance with the law, National Anti-Corruption Bureau has been launched, which is responsible for the investigating corruption convictions of public officials and has been created to disseminate political influence on the investigation process. NABU mandate is to investigate illegal actions against public officials, and a total of 3745 cases were registered for inspection, 471 cases are classified as

⁸ 'Monitoring the Activities of the National Agency: Results of Declarations Monitor', 2021. <https://nazk.gov.ua/uk/monitoryng-diyalnosti-natsionalnogo-agenstva/>.

indictments, 266 of which have been sent to the court, and 60 convicted from 2017 till the end of 2020⁹. Additionally, Specialized Anti-Corruption Prosecutor's Office has been established to ensure the independence of NABU and support the conviction of the subjects alleged in corruption by NABU and prove the guilt of the convicted subjects in the court. At the beginning of criminal investigation, each case is coordinated by the prosecutor and detectives, who investigate the case. After the detective's investigation, NABU creates an indictment sent to SAPO for the prosecutor's approval and transfer of the case to the court. At this point, it is the responsibility of SAPO to prove the guilt of the convicted subjects. However, the SAPO prosecutors often fail to prove convicted government officials guilty and try to close the cases as non-guilty or prolong the court hearings. The SAPO has sabotaged not less than 16 cases of top corruption from 2017¹⁰. To begin the elimination of frequently biased decisions of SAPO and NABU, the High Anti-Corruption Court was introduced in 2019 after strong advocacy of civil society and the international community. The court handles cases investigated by the NABU/SAPO and enjoys supreme jurisdiction over the handling of top corruption cases. The details of the duties and responsibilities of each institution are also highlighted in Appendix A. It is also important to mention that a characteristic applicable to all the mentioned accountability institutions is the involvement of civil society in their functioning, as the civil society can assess qualifications of candidates for the managerial positions in these bodies and can overview the activity of those institutions (Tregub 2019).

It is also important to remember that the overall level of government accountability in Ukraine cannot be classified as high, which is in part predefined by the classification of a country as a hybrid regime. The advances in the legal framework of accountability partially lead to the practical advances in the effectiveness of public officials procurement. Even though

⁹ <https://rgk-nabu.org/uk/news/rhk/visnovok-rgk-nabu-na-zvit-byuro-za-ii-pivrichcha-2020-roku>

¹⁰ <http://sapfails.antac.org.ua/engsap>

the investigations of corruption based on the transparent data have increased since 2015, the number of officials punished remains low (Tregub 2019, 11). The lack of sufficient persecution of public officials places the accountability advances in Ukraine at the developing level, however, the described advances in the legal framework are still an important development of government accountability. All points considered, the government accountability in Ukraine is an example of a relatively developed accountability system in hybrid regimes.

Diagonal Accountability

Diagonal accountability is the most promising and rapidly developing accountability dimension in Ukraine. Freedom of expression and alternative sources of information in Ukraine ranks higher than the average index of this indicator for the hybrid regimes in Eastern Europe¹¹ with the civil society strength rising for the last five years, which is described in detail in the following section.

3.1.3 Civil Society in Ukraine

The studies of civil society in Ukraine in the years before the Euromaidan represent a vivid example of the weakened civil society in the post-communist context (Shapovalova 2018, 3). The civil society in Ukraine before 2014, despite being active for some time after the Orange Revolution in 2004, did not have a significant impact on politics. The state of civil society in Ukraine has changed rapidly after the Euromaidan protests in 2014, which fostered the mobilization of citizens during the protest and the mobilization of civil society in the post-protest period. Civil society actors assisted in the formulation and implementation of government policy by providing consultations to public officials on the implementation of some policies. For example, the law on open data provision by public officials would not be

¹¹ 0,77 for Ukraine; 0,7 average (2020) <https://www.v-dem.net/en/analysis/CountryGraph/>

effectively put into practice if NGOs, such as “TAPAS (USAID)”, “SocialBoost”, “Transparency International Ukraine”, have promoted it for the last 5 years by creating a methodology of open data state assessment, collecting the data about the advances in the open data sector, promoting the value of open data and sustaining many other initiatives focuses both on publication and the usage of government data.

Another important development of the civil society structure in Ukraine is the increased efforts of coordination between CSOs. If before the 2014 existing NGOs remained fragmented, in 2015 the coordination center for more than 80 NGOs and various expert groups have been created – the “Reanimation Package of Reforms”. The creation of this center uncovered more possibilities for CSOs to pressure the government for reforms, monitor its activity, and ask for the account as a collective body, rather than making isolated demands.

Consequently, after 2015 CSOs began to switch their tactics from the use of contention to influencing policy process by acting as proponents of various projects aimed at reforming Ukrainian political order in a more democratic notion. From the support of the defense sector to the promotion of anti-corruption initiatives, CSOs have been slowly becoming a vital actor of a political sphere (Tregub 2019, 6). For instance, the public procurement system, aimed at increasing transparency in the procurement process by public companies, “ProZorro”, was developed by a group of civil society activists and later adopted by the government with the support of Transparency International in Ukraine (Tregub 2019, 7). Such advocacy efforts of Ukrainian civil society allowed its actors to lobby certain legislation, promote the importance of the reforms to the public and monitor the government’s implementation (Shapovalova 2018, 5). The cooperation with the international donors allowed CSOs to accumulate the necessary

funding and put additional pressure on the government enacted due to international conditionality¹².

At the same time, the described advances in the development of civil society after 2015 have been constrained by the state efforts to either ignore the advocacy campaigns of CSOs or create legal challenges for them to function. The methods of state control over civil society include the use of one set of civil society groups against the others, support of the self-censorship of activists aimed at hiding the issues from public attention, and obstacles in legislative functionality of NGOs (Shapovalova 2018, 7). The complexities of the cooperation with CSOs by the government and its pressure on them are outlined in Appendix G.

This section concludes that the significant improvements in digital transparency and development of government accountability satisfy the requirement for the necessary presence of both the cause and outcome based on which the proposed causal mechanism can be tested. The strength of civil society as a condition influencing the causal mechanism is also sufficient in Ukraine to choose the country as a typical case study.

3.2 Assets Declaration System

3.2.1. Background

The introduction of the mechanism of electronic assets declaration by public officials is one of the successful examples of anti-corruption efforts in Ukraine. Even though the legal framework required public officials to submit their assets since 2000, this process remained ineffective in its implementation and the outcomes. The need for new assets disclosure system arose after the Euromaidan protests in 2014 with the demand for anti-corruption reform. The creation of a new institutional actor in that sphere, NAPC, has advanced the background

¹² An overview of international support of NGOs projects is provided in Appendix D

conditions needed for the e-assets system to emerge. The international cooperation of Ukraine largely conditioned the adoption of this system. Firstly, the need for assets declaration was framed in the context of Ukraine's ratification of the United Nations Convention against Corruption in 2009, which encourages states to establish a duty of public officials to submit asset declarations. Following this background condition, the fight against corruption as the precondition for EU-Ukraine visa liberalization requirements within the EU-Ukraine Association Agenda and general macro-economic conditionality served as the catalysator of implementing of new legislation (Kralikova 2015). Since the time system introduction, the EU has continuously supported its further development when both the State Building Contract (355 million EUR) and the Macro-Financial Assistance (3.4 billion EUR) have included the requirement for further development of asset declaration (Kralikova 2015). Furthermore, the assets disclosure was one of the requirements of the Ukraine Second Action Plan (2014-2015) for Implementation of the OGP 2014-2015¹³ with the requirement of creating a unified web-portal of civil servants declarations in partnership with the main implementing body (NAPC) with CSOs (Transparency International and others by consent)¹⁴. The described international conditionality multiplied by the civil society pressure has forced the parliament to adopt the "Law on Prevention of Corruption" and the Anti-Corruption strategy of Ukraine (2014-2017), which included the development of the system of electronic asset declaration. In 2015 the draft terms of reference for electronic assets declaration system were handed by World Bank in response to the Ministry of Justice of Ukraine report, and two months later, UNDP in Ukraine

¹³ Open Government Partnership. 'IRM Report: Asset Disclosure on a Single Web Portal (UA0044)', 2015. <https://www.opengovpartnership.org/members/ukraine/commitments/UA0044/>.

¹⁴ The Cabinet Of Ministers Of Ukraine Ordinance 'On Approval of the Action Plan for Implementation of the Open Government Partnership Initiative in 2014-2015'.

used those terms as a basis for creating a centralized digital server of assets in 2016 (Bajpai and Myers, 2020).

The system of electronic assets declarations increased the digital transparency in the country, while updated requirements for the content of requested information allowed this newly introduced digital transparency tool to provide clear transparency. As such, declarants are required to submit information of the assets they benefit from yearly regularly.¹⁵ Late submission, failure to submit any parts of information, or submission of inaccurate information will be penalized with either administrative or criminal liability (Falk et al. 2000). The changes introduced in 2016 have only be advanced in 2019 after the change of political leadership. Shortly after the 2019 elections, parliament adopted new amendments that broadened the scope of asset's disclosure by including new categories of declarants (such as the leadership of president's office) and the mechanism for property clarification (with the introduction of beneficial ownership in trusts, cryptocurrencies, bank accounts and deposits as a new requirement for disclosure). Besides that, NAPC started using automated analysis of declarations, when previously such analysis was ineffectively performed by manually reviewing each declaration. However, the most important outcome of the described electronic assets system declaration is its web-based format, which enables the submitted documents to be instantly available in the form of machine-readable data, suitable for analytical purposes of NGOs, journalists, and the general public.

Considering both the potential advances the electronic assets declaration system can bring both to digital transparency and government accountability, the reform is one of the most effective innovations in Ukraine in the anti-corruption sphere. The Ukrainian system of assets

¹⁵ An overview of the verification process is outlined in Appendix B

declaration is regarded as the most advanced one internationally, and despite its flaws, its value is multiplied by domestic recognition and acknowledgment of the society with its advances¹⁶.

3.2.2 Civil Society Actions in Asset Declarations

Numerous CSOs in Ukraine use the data from assets declaration in its activity aimed at monitoring the government activity, however, one of the most influential CSO who engaged in the use of this digital transparency tool to demand government accountability has been the NSO “TOM 14”, which is closely related to media company “Bihus.info” and have created a variety of projects based on the e-declarations analysis – “Declarations”, “People’s NAPC” and “Our Money”, which are interconnected.

“Declarations” is a project by NGO “TOM 14” which gathered the data from the centralized database and presented it in the more user-friendly interface, including the numerous tools for on-site data filtration and small-scale analysis with visualizations. This NGO has not only used the available information from declarations but created full scale platform for the analysis of this information, which can be done by any citizens possessing basic computer skills, and which in turn ensures the function of educating the general public about the actions of government officials. Other think tanks and journalists further used the dataset to create analytical reports and journalistic investigations of the corruption cases. Besides that, there is a media agency centered around the project compiled by the journalists, who engage in data analysis to investigate the activity of government officials and create reports documenting important aspects of this activity – “Bihus.info” who are working on the project “Our Money”. The “Bihus.info” has continuously used the available data in their journalistic projects, which investigate the corruption of Ukrainian politicians. Simultaneously with the launch of the “Declarations” project, the special journalist project “Our Money” by

¹⁶ Details in Appendix H

“Bihus.info” was created. “Our Money” has been covering corruption cases by public officials in general, and later another project covering the corruption of judges specifically has also been launched. The close relationship of NGO “TOM 14” with the media “Bihus.Info” allowed this CSO to effectively disseminate its monitors and reports about government officials to the general public through media means. As Bihus.info is the innovative media company itself, it spreads the content in the form of articles on their webpage and videos on YouTube and other social media channels. From 2016 to 2017, 26 episodes of the program focused on judges have been aired, followed by supplementary 60 articles about the described cases¹⁷. The number of video episodes of “Our Money” is over 250 in 2021, with the most popular episode gathering on average 200k views per episode only via the YouTube channel¹⁸. Besides that, “Our Money” is being aired on national television channels “24” and “Suspilne”, which possess higher coverage than just online platforms.

The team of “Our Money” and Bihus.info did not stop its “watchdog” activity after the analysis and media dissemination of the information but also paid special attention to gaining the government response to the publicized cases. The team of lawyers is continuously submitting requests for further investigation corruption cases to oversight institutions. In response to those lawyer’s requests and growing public pressure, numerous criminal investigations have been opened by NABU/SAP, which signifies the enactment of the final steps of the described causal mechanism concerned with the CSO’s engagement in communication with the government and demands for the response. More than 30 requests are submitted to the police for further investigation of corruption yearly. Several of the sent-to-court cases were

¹⁷ *The Results of the First Half of the Reform and the View of the NABU Director*. YouTube: BIHUS info, 2017. https://www.youtube.com/watch?v=DXLeY965Bjc&list=PLj1W_YfyNdvlHbH2PRbNw7BWacrG35uTl&index=3.

¹⁸ *‘The Most Popular’ Playlist*. YouTube: BIHUS info, 2020. https://www.youtube.com/playlist?list=PLj1W_YfyNdvnzhMPMzKkzHuJYjEmhnrKk.

successful in the exercise of horizontal and diagonal accountability, as some of the alleged judges were proven guilty of illicit activity and therefore restricted from holding government office. For instance, NAPC together with SAP launched an investigation of the corruption case of the government officials from the Ministry of Justice as a result of the resonance of information presented by “Our Money” and as a response to the legal requests by lawyers of CSO¹⁹. It was found in the journalistic report that large sums have been illegally transferred from the government officials to the non-government actor, which became evident after the declaration of the salary amount of specific public servants in the Ministry of Justice in 2016. Moreover, in 2017 NAPC launched two criminal investigations against the member of parliament Anton Yacenko, who had been found to provide illicit information about his property rights by transferring the rights of the ownership of 1500 km² property to his father-in-law²⁰. Furthermore, the National Police of Ukraine began an investigation of the financial report by political party “Oppositional Block” and “Batkivshchyna”²¹ in 2016, as a result of pressure from the lawyers of the project and based on information presented in “Our Money”²². For the false information provided in the asset declaration, judge Oleh Golyashkin has received court suspicion²³ in 2015, together with Yurii Sheremeta in 2014. The advisor to the Kyiv city mayor has been fired from his position as a result of the investigation of his corruption²⁴ in 2015, the leading investigator of the National Prosecutor’s Office was fired²⁵, followed by the

¹⁹ BIHUS info. ‘SAPO Opens Corruption Case in Ministry of Justice after Investigation of “Our Money”’, 2017. <https://bihus.info/sap-vidkrila-spravu-sodo-korupcii-v-minusti-pisla-rozsliduvanna-nasih-grosei/>.

²⁰ BIHUS info. ‘People’s Deputy Yatsenko Received 2 Criminal Cases Due to the Investigation of “Our Money”’, 2017. <https://bihus.info/nardep-acenko-otrimav-2-kriminalni-spravi-cerez-rozsliduvanna-nasih-grosei/>.

²¹ BIHUS info. ‘The Court Ordered the GPU to Open a Case against Tymoshenko’s Managers’, 2017. <https://bihus.info/sud-zobovazav-gpu-vidkriti-spravu-sodo-menedzeriv-timosenko/>.

²² BIHUS info. ‘Not the Only the “Batkivshchyna”: The National Police Will Check the Donors of the Opolok’, 2017. <https://bihus.info/ne-batkivsinou-edinou-nacpolicia-perevirit-donoriv-opobloku/>.

²³ BIHUS info. ‘NABU Handed over Suspicion to the Judge of the Supreme Administrative Court for the Investigation of “Our Money”’, 2017. <https://bihus.info/nabu-vrucilo-pidozru-suddi-visogo-adminsudu-z-rozsliduvanna-nasih-grosei/>.

²⁴ BIHUS info. ‘Klitschko’s Adviser Kryvopishin Resigned’, 2017. <https://bihus.info/radnik-klicka-krivopishin-pisov-u-vidstavku/>.

²⁵ BIHUS info. ‘Influenced: Lutsenko Fired Scandalous Prosecutor Dmytro Sus’, 2017. <https://bihus.info/vplinuli-lucenko-zvilniv-skandalnogo-prokurora-dmitra-susa>.

head of the National Commission for State Regulation of Energy and Public Utilities fired in 2017. Another crucial case of corruption by public officials detected by CSO was the failure to declare some of the assets (the car and parking lot) of the former head of NAPC Natalia Korchak in 2017. “Our Money” analyzed the electronic assets of Mrs. Korchak and created a journalist investigation, which was promoted and disseminated in the media²⁶. Because of the public attention the case gained, the NABU was forced to start the investigation based on the evidence collected by CSO²⁷. Despite some of the challenges to the independent investigation, the case was handed over for further conviction to the Anti-Corruption Court²⁸.

“People’s NAPC” is another project by Bihus.info, which was launched shortly after the publication of the first electronic asset declarations and encouraged the team of analysts to check the assets of more than a thousand public officials to create a statistical database of illicit cases²⁹. As the result of analysis in 2016-2017, 33% of checked declarations have either false or insufficient data. The causal mechanism again repeated, starting from CSO members within the initiative using the information presented due to digital transparency in order to analyze and compare it with the actual government activity. The comparison results were published by CSO on the widely accessible website for further use by other citizens and also disseminated into media outlet “Bihus.info: for further use in the investigative activity. Based on created reports, “People’s NAPC” members filed for further investigation by NAPC, NABU, and GPO more than 250 appeals. CSO had also succeeded to engage in communication with the government

²⁶ *Fleet for Korchak: How NAPC Chairman Violates e-Declaration Rules*. YouTube: BIHUS info, 2017. <https://www.youtube.com/watch?v=4GEzUZPt7JM>.

²⁷ ANTAC. ‘The Case Against Former NAPC Head Korchak’, 2018. <http://sapfails.antac.org.ua/engsap#Korchak>.

²⁸ SAPO. ‘The Case of Former NAPC Officer Submitted to Court’. Facebook. 2019. <https://www.facebook.com/sap.gov.ua/photos/a.836519139784604/2000332936736546/?type=3&theater>.

²⁹ BIHUS info. ‘People’s NAPC’. <https://bihus.info/projects/narodne-nazk/>.

when audit institutions began to react to the submitted appeals and initiated investigation for 9 cases³⁰.

The described cases of the successful use of e-declarations to firstly assess and analyze the information about government officials financial state and then to use analyzed information to gain media attention and advocate for the criminal investigation of the cases of misconduct provide necessary and sufficient evidence to trace the theorized causal mechanism on the example of asset declarations system.

3.3. Public Procurement System

3.3.1 Background

Another result of the 2014 protests is the changes in the public procurement system, initiated by the civil society in 2015 and later implemented on the government level in 2016. “Prozorro”, a system of electronic procurement, has been developed by volunteers from the business sector, who assisted in funding, international donors, and civil society activists who promoted the value of such a system and coordinated its initial creation. The current system is fully transparent and is classified as one of the most successful reforms in Ukraine. The system has more than 258 952 suppliers, followed by the 55 037 tenders³¹.

From the early stages of the creation, building a transparent system where “everyone sees everything” was a guiding principle of the “ProZorro” team.³² Civil society activists engaged in the system development have paid special attention to establishing secure and open software applications and to the values behind the “ProZorro” operation, the actual translation

³⁰ BIHUS info. ‘People’s NAPC’. Accessed 18 May 2021. <https://bihus.info/projects/narodne-nazk/>.

³¹ ‘Prozorro’. Accessed 18 May 2021. <https://prozorro.gov.ua/about>.

³² Open Contracting, “‘Everyone Sees Everything’”.

of which is “transparent” from Ukrainian. The principles of visibility, openness, depersonalization, and decentralization formed the basis of the public procurement reform (Nizhnikau, 7). “ProZorro established the best standard on open data procurement in the world”, an expert from Transparency International Ukraine has once mentioned, as the system publishes structured data online via open API and datasets (Bugay 2016). These advances in the publishing process allowed the automated data integration with the Unified State Registers, eliminated the possibility for fake companies to bind in tenders, and provided a legitimized mechanism to reduce corruption in procurement.

Since its introduction in 2016, the “ProZorro” system has been continuously updated. The provision of openness and transparency in public procurement has been one of the international commitments of Ukraine within the OGP, which World Bank and EU. Also supported. Ukraine had successfully fulfilled this commitment, and substantial changes into the public procurement process were introduced in 2017. The software of the application has been updated according to the international Open Contracting Data Standard, the multilateral monitoring group, which included members of civil society, has been developed to take into account the public feedback on procurement and implement this feedback into future policies. Consequently, the system for collecting public feedback was also introduced³³. “DoZorro” portal allowed to collect the feedback from users and offered analytical modules for the submitted feedback and provided a place for communication between government and non-government actors. Moreover, the system of automated risk indicators, regularly updated through machine-learning, has been adopted in 2017, which offered better oversight function, detection of violations, and faster analysis of discrepancies.³⁴ Fast forward to 2019, the new

³³ Open Government Partnership. ‘IRM Report: Transparency in Public Procurement (UA0073)’, 2020. <https://www.opengovpartnership.org/members/ukraine/commitments/UA0073/>.

³⁴ Law of Ukraine ‘On public procurement’.

changes to the public procurement system have been adopted by the newly elected parliament and enacted the new mechanism of appeal, personal accountability for breaches of the legislation, and a more efficient system (Nizhnikau, 9). These updates, characterized as “the second procurement revolution” by one of the government officials (Pidlasa 2019), lead to positive alterations in the budget savings and changes in the appeal system. For instance, sanctions for unjustified use of procurement procedures and bidder determination together with the increase of the contract terms for the top level of government officials and tools to determine fraudulent suppliers have been adopted were launched (Nizhnikau 9).

While “Prozorro” introduced the effective system of procurement transparency³⁵, the most crucial component of the public procurement reform was the later introduction of the “DoZorro”. A civil network coordinated by a coalition of NGOs, “DoZorro” allows CSOs to review tenders monthly. The system established a platform for users to leave their feedback on specific tenders or the procurement process. Those comments are then stored in the platform for others to reflect on, which in itself constitutes a basis for further communication of the most vital issues by CSOs to the government. Moreover, “DoZorro” has also launched a mechanism for the management system of CSOs, who engage in reporting about the procurement procedures on local levels (Nestulia 2019). Another vital point of “DoZorro” is its use by media and CSOs for monitoring the tenders and interaction with government officials based on it. Besides that, the “DoZorro” team engages the society in public procurement reform by holding various professional training to form the capacity of other CSOs and media to monitor the government activity based on the information about procurement. Over the years of 2016-2017, 350 pieces of training attended by over 20 thousand people have been organized (Nestulia 2019).

³⁵ An overview of the drawbacks of the reform outlined in Appendix J

3.3.2 Civil Society Actions in Public Procurement

The assessment of international organizations of the civil society participation in the public procurement development has been labeled not less than “outstanding”³⁶, when accounting for the number of projects emerged intending to analyze the published data. Numerous special projects which assist in the use of published data and its real-time analysis have been created (“YouControl”, “Opendatabot”, “Clarity Project”, “Anti-Corruption monitor”, “Zakupivli”), however, the most important NGOs working in the sphere of public procurement have proven to be “DoZorro” and “Anti-Corruption Action Center”, on the activities of which the theorized causal mechanism is tested.

It is important to note that the “DoZorro” project itself has fostered the civil society organizations to use the information presented as a result of digital transparency on “ProZorro” and analyze it to monitor the government activity and ask the government for the account. As such, the monitoring management system was presented by “DoZorro” in 2017 and included 10 CSOs who were trained to analyze the information about tenders and address audit institutions with the requests for investigation of the found discrepancies. As a result of the beta version of the training, 703 procurement violations have been found and reported to the authorities. The success of the first training encouraged the team to develop the network of CSOs involved in assessing the tenders, which drastically increased the number of CSOs monitoring government activity and imposing collective pressure on the government to account for the allegations. Together with the support of other CSOs and international donors, “DoZorro” managed to establish a strong network of CSOs engaged in monitoring the procurements and asking the government to account based on these monitors (Nestulia 2019).

³⁶ Open Government Partnership. ‘IRM Report: Open Public Procurement (UA0064)’, 2020. <https://www.opengovpartnership.org/members/ukraine/commitments/UA0064/>.

As of 2021, 25 CSOs have joined the network and process around 1500 procurement monthly. As a result of these monitors, 30% of procurements with violations are corrected instantly by the officials, some of the cases result in firing the alleged persons, and for the other cases, the requests are sent to oversight institutions (Nestulia 2019). To this year “DoZorro” network identified violations in 10000 procurements, reported 12000 violations, which resulted in the correction of 1000 of them with 9 cases transferred for criminal investigation³⁷. Furthermore, the “DoZorro” team pays special attention to distributing its reports and analytics to major media outlets, both domestic and international. While international media recognition of “DoZorro” only increases the legitimacy of the project, which was classified as one of the six most successful projects in the world for citizens to control the authorities, the spreading of information into domestic media leverages the chances for enacting the next step of causal mechanism concerned with the dissemination of materials into media, which in turn triggers the advocacy by CSOs for policy changes and requests for investigation of illicit cases to which government is forced to react (Maasen, 2017).

The most prominent case of the “DoZorro” network fostering government accountability through transparency was the detection of corruption in the National Railway procurement in 2017. The NGO “Railway without corruption”³⁸ had noticed unusual activity on the public tenders for the national railway system, when some unknown company started to win numerous tenders, even when its bids were much higher than other’s. NGO’s team analyzed and monitored the procurement for several months and published follow-up reports, which pointed to the illicit activity of this company and published an article about the found

³⁷ Transparency International in Ukraine. ‘Public Procurement Oversight’, 2021. <https://ti-ukraine.org/en/project/public-procurement-oversight/>.

³⁸ Dozorro. ‘Railway without Corruption: Stops Violation of Ukrzaliznytsia’, 2018. <https://dozorro.org/blog/zaliznicya-bez-korupciyi-zupinyaye-porushennya-ukrzaliznici>.

misconduct with all the evidence depicted^{39,40}. The article was further disseminated to other major media outlets⁴¹ which allowed to multiply the pressure put on the oversight authorities to investigate the case. NGO filed a request to the Security Service of Ukraine to alert further investigations. SSU began the investigation and determined that the company used only 20% of the received budget from the national railway, while another sum is not specified. National Police of Ukraine opened a criminal investigation, and SSU concluded that over 400 million of UAH have been stolen⁴².

Another important CSO that engages in the link between digital transparency enacted by electronic public procurement and accountability of the government agencies is the Anti-Corruption Action Center, which focuses its activity on the publication of articles depicting the cases of corruption by government officials. The latest project of NGO aimed at influencing the last two steps of the causal mechanism focused on transferring the published reports or media pieces into the pressure on government to explain its activity is used to trace the causal mechanism. “UKR.AW”⁴³ is the project aimed at collecting the data in the forms of media articles, analytical reports by CSOs, or the data from the “ProZorro” system on the cases when public officials engaged in corrupt activity and filing requests for further investigation by oversight bodies of the found cases⁴⁴. The CSO team ensures that any journalistic piece or analytical report created is acted upon and used as the background information for engaging in

³⁹ ZBK. ‘Sumy “Superlay” Received 90 Millions for 6 Months of Existence’, 2017.

<http://zbk.org.ua/2017/03/09/sumska-superprokladka-za-6-misyaciv-isnuvannya-otrimala-90-miljoniv-vid-uz/>.

⁴⁰ ZBK. ‘Bermuda Triangle: A Firm That Received 300 Million’, 2017.

<http://zbk.org.ua/2017/12/12/bermudskij-trikutnik-firma-yaka-otrimala-vid-uz-300-miljoniv-viyavilasya-fiktivnoyu/>.

⁴¹ Hromadske. ‘The SBU Has Exposed Multimillion-Dollar Thefts of Spare Parts in Ukrzaliznytsia’, 2018. <https://hromadske.ua/posts/sbu-vykryla-bahatomilionni-rozkradannia-na-zapchastynakh-v-ukrzaliznytsi>.

⁴² ZBK. ‘SBU Reveals Million Theft of Funds during Purchase of Spare Parts by “National Railway”’, 2018. <http://zbk.org.ua/2018/02/16/sbu-vikryla-bahatomiljonni-rozkradannya-koshtiv-pid-chas-zakupivli-zapasnix-chastin-pidrozdilami-ukrzaliznici/>.

⁴³ translated as “someone who stole something”

⁴⁴ ‘UKR.AW’. Accessed 18 May 2021. <https://ukr.aw/>.

the accountability relationship with government officials. As the project members are convinced that every act of corruption should not be left without consequences of criminal prosecution, they are determined to force oversight institutions to start the investigation of their requests and follow the process of investigation carefully to detect any issues with the lack of independent oversight by submitting requests to higher-ranked institutions and updating the database of government actors who fail to investigate a case independently. The outcomes of these requests allowed to enact administrative sanctions on 20 government officials who engaged in corruption in public procurement, followed by one official being fired from her position⁴⁵ as the result of multiplied pressure from the dissemination of the information in media⁴⁶, another public servant being convicted in criminal responsibility and fined⁴⁷, and the rest charged on either administrative (11) or disciplinary basis (7)⁴⁸. Furthermore, around 530 cases still are being investigated, some of which have been submitted more than four years ago.

In summary, the activity of the “DoZorro” and the “Anti-Corruption Action Center” is the example of civil society’s effective work in the sphere of public procurement as the watchdog actor who ensures that the data on procurements is being acted upon. Similarly, the analysis of “Bihus.info” actions in the sphere of assets declaration allowed to conclude that digital transparency was used to assess the activity of public officials further and trigger the mechanisms of diagonal and horizontal accountability for the officials who engaged in corrupt activities.

⁴⁵ UKR.AW. ‘Official Was Released for Violations during Tender for Road Repair’, 2016.

<https://ukr.aw/case/oskarzhujemo-tender-na-remont-dorih-v-dnipropetrovsku-vartistyu-27-mln/>.

⁴⁶ Our Money. “‘UPS’ Won the First 27 Million on the Roads after the Closure of the Crime of the Appearance of ‘Privateers’ in the Owners”, 2016. <https://nashigroshi.org/2016/04/17/ups-vyhrav-pershi-27-miljoniv-na-dorohy-pislyva-zakryttya-kryminalu-poyavy-pryvativtsiv-u-vlasnykah/>.

⁴⁷ UKR.AW. ‘Achieved the Criminal Persecution of the Company Which Military Coal Was 9 Million’, 2015. <https://ukr.aw/case/vidminyajemo-zakupivlyu-na-20-mln-minoborony-cherez-neyakisne-vuhillya/>.

⁴⁸ ‘UKR.AW. Figuranty’. Accessed 18 May 2021. <https://ukr.aw/fihuranty/>

Causal Mechanism	Operationalization	Electronic Assets	Public Procurement
1. CSO utilizes the information about government activity	<ul style="list-style-type: none"> - access to the information - information published in accessible formats - information is published on time 	<ul style="list-style-type: none"> - information is available via the online portal - data published in JSON format - declarants are obliged to yearly update the information (1) - information is regularly published by more than 250 000 suppliers (2) 	
2. CSO analyses the information accessed to monitor the government activity	<ul style="list-style-type: none"> - the leverage of the reports created based on transparent information 	<ul style="list-style-type: none"> - 276 video episodes, more than 60 media articles 	<ul style="list-style-type: none"> - 1500 procurement monitored monthly
3. CSO publicizes analyzed information for the general public and educates the public about the government activity	<ul style="list-style-type: none"> - widely accessible tools for the general public 	<ul style="list-style-type: none"> - open platform for analysis of submitted declarations 	<ul style="list-style-type: none"> - platform for analysis of procurements and feedback collection (“DoZorro”) - database of corrupted officials
4. CSO disseminates the analyzed information in media	<ul style="list-style-type: none"> - media articles published by independent channels - media articles published by CSO 	<ul style="list-style-type: none"> - Journalistic project “Our Money” covering found corruption cases - Dissemination of “Our Money” to national TV channels 	<ul style="list-style-type: none"> - Media coverage by major channels (“Hromadske”, “ZBK”, “Ukrayinska Pravda”, “KyivPost”) – “DoZorro” - Media articles are used as evidence for further investigation (“UKR.AW”)
5. CSO advocates for policy changes and files for further investigation of government activity by oversight bodies	<ul style="list-style-type: none"> - requests for investigation sent to accountability institutions - cooperation with the government in policy implementation 	<ul style="list-style-type: none"> - + 30 requests are submitted yearly from 2016 by the “Our Money” - + 250 requests submitted by the “People’s NAPC” 	<ul style="list-style-type: none"> - 12000 requests sent from 2016 (“DoZorro”) - Around 2700 request sent (“UKR.AW”)
6. CSO engages in communication with the government agencies	<ul style="list-style-type: none"> - number of accepted for investigation requests received - number of investigated cases charged with sanctions 	<ul style="list-style-type: none"> - 12 cases charged with formal sanctions (“Our Money”) - 9 cases have been investigated (“People’s NAPC”) 	<ul style="list-style-type: none"> - 1000 investigated cases, 9 cases transferred for criminal investigation (“DoZorro”) - 40 cases charged with sanctions; 530 cases are being investigated (“UKR.AW”)

Figure 7: Comparative Results of Causal Mechanism Testing

The actions of assessed CSOs allowed to trace all the steps of the proposed causal mechanism and support the mechanism with necessary and sufficient empirical evidence, highlighted in the comparative table.

Conclusion

This study aimed to research why in some hybrid regimes digital transparency increases government accountability while in others not and assess how the specific actions of civil society influence this process. The research confirmed the positive causal relationship between digital transparency and government accountability in the presence of strong civil society and introduced a specific causal mechanism of how civil society influences the studied causality. While previous studies mostly focused on the correlational research between variables without including external conditions into the analysis and lacked the contextuality, this research focused on the qualitative analysis of causality by constructing a detailed causal mechanism and testing it on Ukraine as a typical case for hybrid regimes in Eastern Europe. Conceptualization and operationalization of the causal mechanism availed in finding necessary and sufficient empirical evidence for the causal mechanism on the example of two cases of digital transparency in Ukraine.

The traced actions of CSOs “TOM 14” and “Bihus.info” in the use of electronic assets declaration to alter the government accountability and CSOs “DoZorro” and “Anti-Corruption Action Center” actions in converting the transparency gained as a result of public procurement reform into greater government accountability encompassed the sufficient empirical evidence for confirming the suggested causal mechanism. By confirming the constructed causal mechanism of civil society influence on the causal link between transparency and accountability, this research contributed to the introduction of a novel mechanism for studying often simplified relationship between those variables in the context of hybrid regimes, where the use of transparency can often be exploited as the tool for establishing “façade” of democracy.

Those findings placed in the broader framework of the technology influence on political systems and democratization allow to navigate the importance of the technology use for

democratic consolidation in hybrid regimes, with accounting for necessary conditions needed to achieve positive changes in democratic development. The role of civil society in facilitating the impact of digital transparency initiatives on increased government accountability is one of the most important factors influencing the studied causality. This research argues that strong civil society can increase horizontal and diagonal government accountability in hybrid regimes by the specific steps of using available information to create meaningful reports about government activity, which are then promoted to the widest parts of the population to increase their relevance and public pressure they put on government officials. Following these steps, civil society organizations then file investigation requests of the found government misconduct and engage the government officials in principal-agent relationships. The outcome of the described steps of the mechanism is the enacted formal and informal sanctions on the government and invigoration of government accountability.

Even though this research eliminates the pressing knowledge gap of how digital transparency influences government accountability in hybrid regimes, it has some limitations. The research tried to solely focus on the actions of civil society as the only condition influencing the proposed causal link when in practice, a plethora of conditions impact proposed link. Their complete separation, however, is not possible due to their close connectivity. For instance, the influence of international conditionality on both the government use of transparency for accountability and the CSOs functioning is a variable that cannot be controlled entirely. Other challenges of the research are time and data constraint, which can be solved in future studies incorporating data triangulation techniques. Nevertheless, the research provided a novel starting base for future studies of the digital transparency impact in hybrid regimes using the cross-case comparative method for greater generalizations, the introduction of other conditions in the research, and their multidimensional analysis.

Appendixes

Appendix A “The Functions of Accountability Institutions in Ukraine”

SAPO ⁴⁹	<ul style="list-style-type: none"> - Provide procedural guidance over criminal cases of NABU - Gather evidence for the investigated cases - Coordinate detectives - Approve investigative (e.g., searches) and procedural (e.g., notices of suspicion) actions - Participate in court hearings with the possibility to appeal against court decisions - Appeal to the court on behalf of state - Transfer the case for trial after the investigation - Support the court hearing of top corruption cases and prove the guilt of the convicted subjects
NABU ⁵⁰	<ul style="list-style-type: none"> - Possess the authority to investigate corruption cases of top public officials - Conduct pre-trial inquiry of criminal crimes - Arrest funds or property of convicted subject for compensation - Demand investigations from other law-enforcement agencies - Request the information about property, financial state of the subjects under investigation from banks, public institutions, private organizations - Act as state representative during the case investigation
NAPC ⁵¹	<ul style="list-style-type: none"> - Development of anti-corruption policy and its implementation - Coordinate the electronic asset declarations system - Conduct the verification of submitted e-declarations, enforce sanctions for non-compliance - Cooperate with other anti-corruption institutions by sending cases for further investigation

Appendix B “Verification Process of Electronic Assets Declarations”

The current process of the audit of electronically declared assets provides the necessary ground for enacting formal sanctions in case of non-compliance with the rules, however the horizontal accountability dimension is only fulfilled by legislative indicator, when judicial dimension in opposite restricts the proceeding with the criminalization and conviction of found cases of misconduct. The compliance of declarants with the law is at first ensured by the responsible actor within the organizational structure of declarants, who checks if the declarants submitted a declaration by the deadline of April 1, from which these responsible actors have 10 days to check if all declarants submitted the data. In case they find non-compliance, they need to notify NACP within 3 days and wait for NACP to verify the non-compliance. In case the

⁴⁹ ANTAC. ‘Register of Dumped Cases’, n.d. <http://sapfails.antac.org.ua/engsap>.

⁵⁰ ‘National Anti-Corruption Bureau of Ukraine’, n.d. <https://nabu.gov.ua/en>.

⁵¹ ‘National Agency on Corruption Prevention’, n.d. <https://nazk.gov.ua/en/>.

non-compliance is confirmed by NAPC the agency notifies the NABU and declarant together with the state body to which they belong with the request to provide an explanation within 10 days of the found misconduct. If no explanation is provided, the case is brought to the court for further criminal or administrative investigation by the NAPC or is forwarded to police, who then sent it to the court (Tilman, 2017). After this cycle of audit the court is the final actor who has the power to convert this process into full scale accountability, yet often fails to do so due to the lack of reforms in judicial sector in Ukraine.

Appendix C “NABU Open Cases”

Year	Registered Requests	Reasonable suspicions	Indictments	Sent to Court	Court Convictions
2017	542	117	96	61	35
2018	1204	79	123	68	0
2019	1207	153	146	69	13
2020	792	201	106	68	12
SUM	3745	550	471	266	60

data source: <https://rgk-nabu.org/uk/news/rhk/visnovok-rgk-nabu-na-zvit-byuro-za-ii-pivrichcha-2020-roku>

Appendix D “International Donor’s Support to CSOs”

CSO Project	International Donors
“Declarations”	Internews Ukraine
	UNDP in Ukraine
“Our Money”	US Embassy in Ukraine
	European Commission
	National Endowment for Democracy
	Internews Ukraine
	European Union Anti-Corruption Initiative in Ukraine
“People's NAPC”	UNDP in Ukraine
“DoZorro”	USAID
	UKAID
	Eurasia Foundation
	European Bank for Reconstruction and Development
	Omidyar Network
“UKR.AW”	Pact.United (USAID)
	International Renaissance Foundation
	European Union
	Open Society Foundation

Appendix F “Open Data Rankings of Ukraine in 2015-2020”

Ranking	Timeframe	Changes
Open Data Barometer ⁵²	2015-2017	+ 45 (from 62 nd to 17 th)
Open Data Index ⁵³	2014-2016	+ 23 (from 54 th to 31 st)
Open Data Maturity Ranking ⁵⁴	2020	15 th (out of 37)

Appendix G “An overview of government relationships with civil society organizations”

The government cooperation with civil society organizations began to significantly improve after 2015, both the result of the increasing internal strength of civil society organizations and the international conditionalities of the country. The government of Ukraine within the Open Government Partnership committed to improve the CSOs involvement over the 2015-2018 as signified by the action plans of 2014-2015 and 2018⁵⁵. The commitments of 2014-2015 Action Plan were fully completed, however their impact was classified as moderate, rather than transformative. The government improved rules on CSO involvement and adopted several regulations which allow greater participation of civil society in the policy making process - Procedure for Consultations with the Public on Policy Development and Implementation, and Model Regulations on Public Councils to the Executive Authorities (both adopted in 2010), Procedure for Facilitating Public Examination of the Executive Authorities (adopted in 2008)⁵⁶. The CSO advocacy for the revision of these regulations have been fulfilled by the government and the consultations methods with CSO have been simplified by making them more inclusive and accountable, as the mechanism of public examination of authorities have been significantly improved, together with a law on public consultations as noted in the OGP evaluation . At the same time, despite the fact that government did complete all the commitments, their impact did not prove to be really significant by 2016. The government used to mitigate the adopted changes and manipulate the law to its own benefit, such as stressing on the importance of public consultations with civic councils (which mainly comprised of government affiliated NGOs (GONGOs)), and ineffective government communication with CSOs⁵⁷. The last issues have been raised in the next Action Plan for 2018-2020 with the government commitment to create an online platform for the interaction of government officials with CSOs , which however was not delivered in time and the action plan has been reactivated to be completed in 2021-2022 with the introduction of unified platform (“VzayemoDiia”) for submitting e-petitions, requests for information, voting for the composition of government organizations by civil society,

⁵² ‘Open Data Barometer 4th Edition — Global Report’, The World Wide Web Foundation, 2017.

<https://opendatabarometer.org/doc/4thEdition/ODB-4thEdition-GlobalReport.pdf>.

⁵³ ‘Global Open Data Index’, 2016. <https://index.okfn.org/place/?filter-table=ukraine>.

⁵⁴ ‘Open Data in Europe 2020’. EU Open Data Portal, 2020. <https://data.europa.eu/en/dashboard/2020>.

⁵⁵ Open Government Partnership. ‘IRM Report: Open Public Procurement (UA0031)’, 2015.

<https://www.opengovpartnership.org/members/ukraine/commitments/UA0031/>

⁵⁶ Open Government Partnership. ‘IRM Report: Open Public Procurement (UA0031)’, 2015.

<https://www.opengovpartnership.org/members/ukraine/commitments/UA0031/>

⁵⁷ Open Government Partnership. ‘IRM Report: Open Public Procurement (UA0064)’, 2016.

<https://www.opengovpartnership.org/members/ukraine/commitments/UA0064/>.

holding consultations with civil society etc⁵⁸. Even though this action is still in process, the commitment of government to include civil society in policy making processes signifies an increase in the strength of civil society, perceived by the government as well. It also important to note that the majority of commitments outlined in the Action Plan are planned to be developed with the CSOs cooperation, as numerous CSOs are mentioned as partners continuously throughout the document .

Appendix H “The drawbacks of the system of electronic assets declaration in Ukraine”

The real-life activity of newly introduced asset declaration system has been followed by the frequent delays or misconducts in the work of NAPC due to its dependance on the executive, technical difficulties in verifying the declarations and general institutional constraints on the independent functioning of the oversight bodies (Kralikova 2015). Some of the other weak spots of this digital transparency initiative is the process of declaration’s verification and the sanctioning procedure for non-compliance with the law. Since 2016 the NAPC has been continuously criticked for its political dependance on the executive and illicit activities which ignored the major cases of corruption found in declarations. This critique after the elections in 2019 stimulated the process of leadership replacement for the agency through the open competition, in which experts panel (including representative of civil society and international experts) conducted the selection process of new candidates. Even though the new leadership has been elected, the major advances in sanctioning the legal non-compliance of declarants by NABU have remained relatively weak. Even though NAPC specifically launched a database of cases of corruption found in assets declarations which stores 36928 cases, the cases (6001) which have been forwarded for criminal investigation tend to remain stagnant⁵⁹. In other words, while the sanctions for non-compliance presuppose the criminal responsibility, their enforcement has several obstacles influenced by power sharing structure in political regime and the lack of democratic development of the judicial system in Ukraine.

Appendix J “The drawbacks of the system of public procurement in Ukraine”

The issues with the functioning of the public procurement system in Ukraine are not too major to undermine the effectiveness of the reform, however, should they be accounted for as well. For instance, despite the fact that government implementation of DoZorro, a mechanism for collecting public feedback on the procurements, was a breakthrough action in the open public procurement, the feedback given through the DoZorro is often labeled by government agencies as advisory, and not constructive and unofficial, as mentioned by the one CSO member⁶⁰. Another issues of this digital transparency initiative, which are being tackled currently as per the commitments of Ukraine to OGP⁶¹, are low professionalism of staff employed to assist in procurement procedure, frequent violation of procurement law by the users, and cases of biased decision-making processes during the oversight of audit institutions in the area of public procurement.

⁵⁸ Open Government Partnership. ‘IRM Report: Open Public Procurement (UA0064)’, 2018. <https://www.opengovpartnership.org/members/ukraine/commitments/UA0082/>

⁵⁹ ‘Monitoring the Activities of the National Agency: Results of Declarations Monitor’, 2021. <https://nazk.gov.ua/uk/monitoryng-diyalnosti-natsionalnogo-agenstva/>.

⁶⁰ Open Government Partnership. ‘IRM Report: Transparency in Public Procurement (Prozorro) (UA0073)’, 2020. <https://www.opengovpartnership.org/members/ukraine/commitments/UA0073/>.

⁶¹ Open Government Partnership. ‘IRM Report: Open Public Procurement (UA0064)’, 2020. <https://www.opengovpartnership.org/members/ukraine/commitments/UA0064/>.

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