

Civil Society against Corruption in Ukraine: Analyzing organizational characteristics and contextual factors

Oksana Huss
Leiden University, Department of International Studies
oksanahuss@gmail.com

Max Bader (principal investigator)
Leiden University, Department of International Studies

Andriy Meleshevyh
**National University of Kyiv-Mohyla Academy, Department of Legal
Philosophy and Constitutional Law**

Oksana Nesterenko
**National University of Kyiv-Mohyla Academy,
Anti-Corruption Research and Education Centre**

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Introduction

The 2013-2014 Euromaidan Revolution has spurred an increase in anti-corruption activism across Ukraine. Several factors have contributed to this increase. Political corruption was one of the most prominent causes of the Revolution of Dignity. Thus, the Revolution of 2013-2014 reinforced an anti-corruption sentiment among Ukrainians leading to greater pressure for broad anti-corruption reform (Worschech 2017, 24). Legal provisions on transparency, access to public information and open data were substantially improved soon after the Revolution, providing activists with more tools to fight corruption. An ongoing decentralization reform included prominent anti-corruption elements as well. As a result of this reform the power of the central government establishment has been reduced, municipalities in Ukraine have gained additional financial resources from the center and additional authority over local services delivery. However, the decentralization efforts produced undesirable consequences for the state of corruption in the country – it moved corruption schemes from the center to local government posing important challenges for local anti-corruption civil society organizations. Anti-corruption activism in Ukraine at the national level receives considerable attention, but little is known about the nature of anti-corruption activism in the regions of the country. The specific conditions that shape anti-corruption activism in the regions of Ukraine moreover have barely been researched.

Researchers and policy analysts often cite political will as a key precondition for successful anti-corruption activism. Johnston and Kpundeh (2002: 4), for instance, argue that '[p]olitical will - credible, demonstrated, and sustained commitment to reform - is essential to overcoming apathy and outright opposition, to setting clear priorities, and to mobilizing people and resources. Similarly, Benequista and Gaventa (2012: 11) observe that '[t]he presence of influential officials who are committed to holding open the door for citizens significantly expands what can be accomplished through citizen engagement – and further still when those officials have a background

in activism'. Our research on anti-corruption activism in the regions of Ukraine suggests that political will is indeed an important conducive factor to the effectiveness of anti-corruption activism as it creates, in particular through advocacy efforts, more opportunities for impact. However, we have come across a substantial number of cases of anti-corruption initiatives that were effective while political will among local authorities to counteract corruption was low.

In cities such as Zaporizhzhia, Nikopol and the main cities in Zakarpattia all CSO representatives agreed that political will among authorities to fight corruption is absent. Equally negative assessments of political will with few exceptions was given in Dnipro, Kharkiv, Kropyvnytskyi, the Kyiv region, Mykolaiv, Odesa, Poltava, and Ternopil. At the same time, the assessment of CSOs' success in these regions showed unexpected results. While the success of anti-corruption activism in Zaporizhzhia, Nikopol, Dnipro and Mykolaiv is as low as predicted by theory, there are a number of regional capital cities, such as Kharkiv, Kropyvnytskyi, Odesa, Poltava, Ternopil, municipalities in the Kyiv region and Zakarpattia, where multiple activists report counterintuitively medium to high success. These findings raise the question why there are successful anti-corruption CSOs in the face of minimal political will among local authorities. This question requires a better understanding of the model of interaction between anti-corruption CSOs and local authorities.

This paper aims to analyse this empirical puzzle through a study of the organisational characteristics and contextual factors that shape society-driven anti-corruption initiatives in the regions of Ukraine. We specifically highlight the role of organisational capacity, institutional frameworks for transparency and accountability, local elite constellations, as well as degree of openness for activism. The paper draws from a comprehensive study of anti-corruption activism outside the capital city.¹ For the purposes of the study, we have conducted 242 semi-structured interviews with representatives of anti-corruption civic initiatives in 57 cities and towns in all regions of Ukraine that are under control of the Ukrainian government. The first two sections of the paper conceptualize corruption in Ukraine and define relevant contextual factors of influence for anti-corruption activism. Next, we conduct an empirical analysis of institutional factors for transparency and accountability and of the importance of local elite constellations. The concluding section discusses the implications of our findings for international support to anti-corruption activism in Ukraine.

Theorizing determinants of successful anti-corruption activism

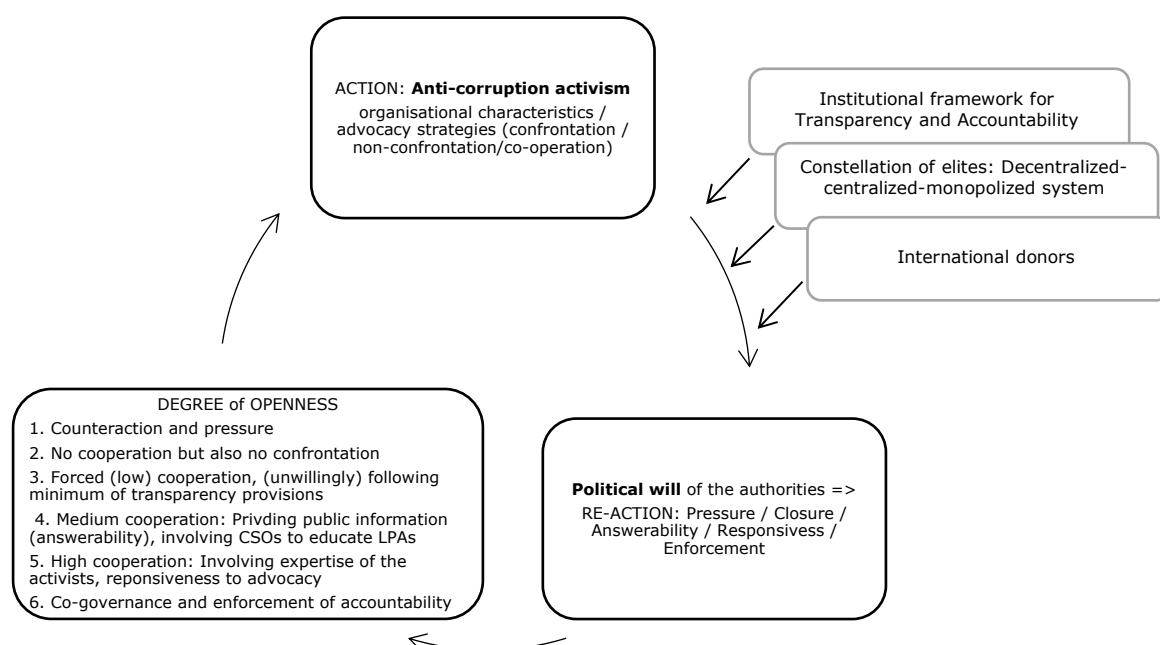
The literature in both civil society and corruption research increasingly highlights the importance of both organisational characteristics of the anti-corruption CSOs and local context they act in, for the prospects of activism (Bader et al. 2019; Carothers 2016; Hanna et al. 2011; McGee and Gaventa 2011; Williamson and Eisen 2016). Organizational characteristics of anti-corruption CSOs, refer to their capacity, including human and financial resources, and the extent of a support base. Another organizational characteristic that may help explain effectiveness of activism concerns the support base of anti-corruption organizations. (Bader et al. 2019)

With regards to external factors, political will is one of the most cited factors of influence of civic activism in general and anti-corruption activism in particular (Bader,

¹ The research has been conducted within the project "Civil society against corruption in Ukraine: political rules, advocacy strategies and impact". The project has been funded by the Dutch Research Council (NWO) and conducted in 2017-2019 in a partnership between Leiden University, Netherlands and Anti-Corruption Research and Education Centre at National University of Kyiv Mohyla Academy, Ukraine.

Marchevska, and Mössinger 2018: 16). Some scholars argue however that political will, broadly understood as the will of leaders to initiate and sustain reforms, is based on a severely flawed understanding of leadership behaviour. Persson and Sjöde (2012: 617 ff.) for instance state that an excessively voluntarist view of leaders effectively downplays the contextual influences on their behaviour. Persson and Sjöstedt (2012) approach the concept from two theoretical perspectives – principal-agent and collective action. They conclude that behaviour of political leadership is highly context dependent. As rational actors, political leaders calculate their benefits and losses determined by institutions and power relations. In addition to institutional framework, the authors argue political will is conditioned by the availability of a coherent and well-defined public that provides civic monitoring and control of the ruling elite. In this logic, political will is determined by the reaction of political leadership to a range of contextual factors, including the actions of civil society. The openness of authorities to reform indicates authorities' political will. The degree of openness demonstrates simultaneously the reaction of authorities to civil society's activism and redefines in turn the political space for activism (*Figure 1*).

Figure 1: Contextual factors for success of anti-corruption activism



An entire strand of literature on transparency and accountability (T&A) treats both phenomena as basic preconditions for successful anti-corruption actions. The assumption about the positive influence of transparency and accountability on anti-corruption stems from the principal-agent approach (Klitgaard 1988; Rose-Ackerman 1978), which reflects the hierarchical relation between citizens – “principals” and public officials “agents”. According to the principal-agent theory, a principal entrusts an agent through direct elections or indirect appointments to provide public services and administer public resources. Agents will engage in corruption if according to their calculation the benefits from corrupt action outweigh the costs (e.g. punishment). Information asymmetry is the main precondition for corruption, because the principal is unable to perfectly monitor the actions of the agent, and so the agent has some discretion to pursue their own interests (IIEP 2019). As a corollary, transparency is a critical tool to avoid information asymmetry, reduce discretion, and reveal or prevent corruption. Transparency ensures not only the formal control of authorities in the form of horizontal accountability, but also public control in the form of vertical (direct) or

societal (indirect) accountability. In addition to the control function, accessibility of public information reinforces political and economic competition (IIEP 2019). A competitive market creates incentives for public officials to avoid corruption in order to provide better public services (Cheng and Moses 2016: 25 ff.). Besides, transparency fulfils a deliberation function and enables citizen participation by providing citizens with all necessary information which opens the door for broad public influence on decision-making (Hansson, Belkacem, and Ekenberg 2015; Heller 2015)

There are however limits and even risks around implementation of transparency. Researchers and practitioners warn that in a context of endemic corruption, transparency without accountability leads to frustration and may demobilize civic activism rather than enhance accountability (Bauhr, Grimes, and Harring 2010; Bauhr and Grimes 2014; Galster 2018; Rumbul, Parsons, and Bramley 2018). Besides, even a regime that ignores fundamental democratic principles can claim to be open and transparent without accountability and deliberation of citizens (Yu and Robinson 2012). In other words, transparency is only one factor that indicates a regime's openness, and it must be considered in conjunction with accountability.

Based on the inductive framework from our empirical data, the openness and closure of local political authorities is conceptualized in this paper as corresponding to six possible situations (*Figure 1*): 1. Full ignorance of transparency legislation with counteraction to anti-corruption and pressure on activists; 2. No cooperation but also no confrontation; 3. Low openness: unwillingly following minimum of transparency provisions (not reacting to the requests for info, providing inaccurate data, postponing requests), forced cooperation between authorities and activists; 4. Medium openness: answering requests for information properly, accepting offers for education, trainings from activists for the authorities; 5. High openness: involving expertise of the activists, responding to advocacy; 6. Co-governance – involving activists into implementation of reforms, horizontal enforcement of accountability. We hypothesize that the extent of openness or closure influences tactics (confrontational or non-confrontational) and collaboration patterns (cooperation or confrontation) of CSOs.

Empirical data shows variation in openness of different regions of Ukraine irrespective of unified national legislation on transparency and accountability. An evolving body of literature suggests that structural conditions, such as the constellation of actors and the power relations among them are relevant to the openness of a regime and the success of anti-corruption activism (Chayes 2016; Gel'man 2008; Hale 2015; Johnston 2014; Mungiu-Pippidi 2015; Stefes 2006). The central question is, thus, how public resources in the society are distributed. It is crucial whether the distribution of public resources takes place under the influence of one, few or many groups of interest and whether there is competition or coalition among informal patronal networks. Accordingly, we distinguish between a decentralized system of corruption with at least two competing pyramids, a centralized system of corruption with one or several co-opted pyramids, and a monopolized system of corruption with one powerful centre.²

In addition to local actors, the role of external actors is also important³. In particular, international donors can influence the effectiveness of society-driven anti-corruption activism in several ways. A direct way is by providing funding for CSOs in line with the

² This typology has been elaborated in more detail and applied to Ukraine in dissertation: Huss, Oksana. 2018. "Framing and practicing corruption as a political tactic in hybrid regimes: A case study on political domination in Ukraine", defended on 19.12.2018 at Institute for Development and Peace, University of Duisburg-Essen, forthcoming publication.

³ This paper analyses the role of institutional and structural factors, while the policy paper by Nesterenko et al. (2019) deals with the role of donors in more detail.

requirements of donor organizations. Anti-corruption CSOs receiving this type of funding have incentives to engage in certain types of anti-corruption activities and fulfil certain political toles (Beichelt et al. 2014). Another way through donors can exert influence is by mediating between civil society and public authorities. On the national level, their suggestions are often built on careful consultations with civil society representatives. A CSO from Dnipro highlights the lack of such consultations at the local level.⁴ Authorities in Ukraine are responsive to the suggestions of international donors not only as a result of conditionality policies but also because they are interested in a favourable public image. If international organizations are involved in their projects, even authorities initially closed for cooperation show up for round tables on anti-corruption issues.⁵

Data and Method

For the purposes of this study, we have constructed a dataset containing publicly available information of anti-corruption organizations that are based outside Kyiv – the capital of Ukraine. In addition, we have conducted 242 semi-structured, confidential interviews of on average one to one and a half hours with representatives of these organizations between June 2018 and April 2019⁶. Organizations were identified based on the criteria that they explicitly, or according to their records, confront corruption. The organizations in our dataset cover a wide spectrum. They include formally registered organizations and non-registered grassroots initiatives; organizations with diverse ideological positions including liberalism and nationalism; organizations involved in ‘traditional’ NGO activities such as awareness-raising and advocacy, but also organizations employing coercive methods. Of the organizations with whom we have conducted interviews, 178 are located in an oblast capital and 64 are located outside the oblast capital. Most of the organizations interviewed are concerned with corruption related to the authorities of the city in which they are based. Many organizations in addition address corruption related to authorities at the oblast level.

Some of the organizations in our dataset work only on corruption (and 47 of these have ‘corruption’ in the name of the organization). For other organizations, anti-corruption is just one of the areas of their activity. Organizations in this latter group may not explicitly state that they are engaged in anti-corruption activity, in some cases because of the risks associated with anti-corruption activism in Ukraine. 188 of the organizations we have interviewed address corruption in general or multiple types of corruption, while 54 organizations focus on corruption related to one particular public service or corruption in one particular policy area. Among the latter category, eight organizations focus on schools and education, seven on small and medium enterprises, seven on corruption related to environmental policies, five on road construction or road safety, four on healthcare, four on the operation of courts, and four on public transport. It should be noted that is not obvious that all organizations in our dataset are primarily driven by a desire to fight corruption in the public interest. Activists from anti-corruption organizations often accuse activists from other organizations of, for instance, being loyal to corrupt authorities or serving the interests of private actors, and such accusations may be justified in some cases.

4 Interview with representative of civil society organization, 4 September 2018, Dnipro

5 Interview with representative of civil society organization, 25 October 2018, Odesa

6 We have conducted the qualitative content analysis of the interviews. Given the large number of interviewed organisations, we make use of numerical data for internal generalizability, useful for revealing patterns of anti-corruption activism, although the research has been designed and conducted as a qualitative study (Maxwell 2010).

We have gauged the effectiveness of the anti-corruption organizations in our dataset using different types of evidence, including examples of impact presented by the organizations, media reports on the activities of the organizations, and their social media activity. During the interviews with anti-corruption civil society organizations, they were asked to name examples of concrete impact from their work, and these examples of impact have served as the primary indicator of effectiveness. The examples of impact were triangulated with other types of evidence including media reports and assessments from other organizations. In each region we have additionally monitored local media outlets to find reports about the activities of the civil society organizations and about the impact of these activities. The anti-corruption organizations often liaise with local and sometimes national media outlets in order to generate publicity about their activities and their accomplishments. In other cases, media outlets reach out to the anti-corruption organizations to publish a story about their work. The extent to which the media report about the anti-corruption organizations and their work is an indicator of the organization's overall effectiveness. Finally, we have monitored the social media activity of the anti-corruption organizations. The social media platform of choice for most anti-corruption civil society organizations is Facebook. A small number of organizations in addition publish videos on YouTube. Our monitoring of the Facebook sites of the anti-corruption organizations has especially focused on the number of subscribers, frequency of posts on (anti-)corruption, and extent of interaction with other Facebook users in those posts. It should be noted that some effective anti-corruption civil society organizations choose to keep a low profile on social media and are not interested in attracting attention from the media.

Organisational characteristics

Among the organizational characteristics of anti-corruption CSOs that can help explain variation in effectiveness are capacity in terms of their human and financial resources and the existence of grassroots support. As noted in Freedom House's 2018 Nations in Transit report for Ukraine, there is a large discrepancy in the country between the capacity of civil society organizations at the national and local level. Anti-corruption organizations working outside Kyiv invariably rely on a small group of activists and in a significant number of cases on the dedication of one individual. The personnel composition of organizations with hired employees tends to frequently change and is typically dependent on the obtainment of grants from Western donors. Organizations that are formally registered as non-governmental organizations have members, but membership is usually only a formal element of their status as a registered organization and does not have practical significance. Many organizations boast having a number of volunteers, in most cases between one dozen and several dozen, but the extent to which these volunteers are substantially active for the organizations seems limited.

The anti-corruption CSOs are diverse in the amount of funding with which they carry out their work. Many organizations lack any financial resources besides voluntary contributions of core activists. Membership fees apply to few organizations and are insignificant where they do apply. Of the anti-corruption organizations in our dataset which have sources of funding beyond contributions of their own activists, almost all funding comes in the form of grants from international organizations and Western governments such as UNDP, the Renaissance Fund, USAID, and grant programs of national embassies in Ukraine. 103 organizations (43%) have indicated in interviews conducted for this study that they currently receive one or more grants or have received one or more grants in the recent past. Most such grants, however, are small and short-term and therefore do not allow to hire a core staff and compete with salaries in other

sectors. The lack of alternative sources of funding moreover has negative implications for the sustainability of anti-corruption activism: once a grant expires, the activism in most cases is interrupted.

Studies of anti-corruption activism, as noted, suggest that locally originating grassroots initiatives, building on existing social capital, tend to have higher success rates than initiatives without grassroots. Among anti-corruption organizations in the regions of Ukraine that do not receive external funding, some clearly have a genuine grassroots base that helps them to create impact. An organization from Ternopil which was established by local fishermen and which focuses on the issue of poaching and other forms of illegal use of water bodies, has won a number of court cases. And in Dnipro, a grassroots organization that focuses on corruption related to road safety receives much appraisal for its awareness-raising efforts and has been successful in holding corrupt actors to account. What these grassroots initiatives have in common is a clear focus related to the personal or professional background of their activists. This background provides them with an intimate knowledge of the issues that they address through their anti-corruption activism. Because they share a set of interests with a more or less clearly defined group of people, moreover, these activists are also relatively successful in mobilizing others. What this type of activists also has in common is that, as theory would predict, they do not receive external funding. While the grassroots nature of these organizations strengthens their ability to create impact, their lack of material capacity impedes their effectiveness. Without the type of funding that grants provide, grassroots organizations have, for instance, fewer resources to employ people, hire consultants, pay legal fees, or print newspapers. The grassroots nature of these organizations therefore is at the same time a strength and obstacle.

Institutional framework for anti-corruption in Ukraine: The role of transparency and accountability

Both transparency and accountability represent umbrella terms for broad sets of practices. Transparency describes “the extent to which government makes available the data and documents the public needs in order to assess government action and exercise voice in decision making” (Harrison et al. 2012: 87). Published data is expected to be relevant, accessible, timely, and accurate (Bauhr and Grimes 2017: 433 ff. De Ferranti et al. 2009: 7). In practice, the implementation of transparency principle takes place in the form of four mechanisms: access to information, open data, disclosure and record management (Galster 2018).

Access to information in Ukraine is considered to be high due to progressive legislation and its implementation via new technologies.⁷ According to the Global Right to Information Rating, Ukraine ranks 28th in the list of countries and has 108 points out of a maximum score of 150. In line with the Law “On Access to the Public Information”, no information held by public authorities can be restricted, unless an assessment reveals that the information is confidential, or secret, or for internal use only (Nesterenko 2012). Accordingly, citizens have the right to request and obtain information from public authorities (“*zapyt informatsii*”). Besides, in 2015 the amendments to the law obliged public authorities and local governments to publish and regularly update public information in the form of open data. Open data means content generated by new technologies to be freely used, modified, and shared by anyone for any purpose (Galster 2018: 11). The data shall be open by default, provided free of charge on the webpages of the authorities and published in a machine-readable

⁷ For further details, see: <https://www.rti-rating.org/country-data/Ukraine/>

format. Open data provisions in Ukraine have enabled significant progress in the public control of the state and local budgets,⁸ public procurement,⁹ and beneficial ownership disclosure¹⁰ (Hughes and Huss 2017). Moreover, the launch of the electronic asset declarations system for public authorities and granting online access to these declarations are considered crucial accomplishments in the area of prevention of corruption in Ukraine.¹¹ The system has become an important tool of public scrutiny. In terms of record management, the law provides for the obligation to create structural units or appoint freedom of information officers by public authorities for appropriate record management.

Our interviews reveal that the national legislation on transparency has an important impact on anti-corruption activism at the local level. Not only new organizations but also older CSOs have expanded their watchdog functions. Monitoring of the local decision-making is the most reported activity that over half of all CSOs in the regions exercise with the purpose to make information about corruption and its risks public. Most CSOs accordingly engage in information politics and accountability politics and strive for both horizontal and vertical accountability. Every fifth CSO specializes in the monitoring of public procurement – most widespread field of anti-corruption activity, and over thirty CSOs specialize in conflict of interest and asset declaration monitoring. Both spheres are prone to public oversight owing to open data regulations and electronic implementation of the related legislation. The activists use open data and requests for information as the main instruments for their monitoring activities. Over thirty CSOs report that boosting transparency and access to public information including e-governance represent one of their core activities.

Despite immense progress in the legislation, there are challenges in the enforcement of transparency. Our interlocutors report that frequently authorities provide incomplete information or low-quality information or provide it with delay. Often these obstacles point at a lack of professionalism on the part of authorities, sometimes however they go hand in hand with purposeful closure of authorities to avoid public scrutiny. If authorities deny answers to the information requests, they are considered as closed authorities. The regions where authorities are non-transparent correlate with regions with low political will to fight corruption. These are primarily Dnipro, Kharkiv, Odesa, Sumy, and Zaporizhzhia. In the regions with closed public authorities, activists highlight the importance of informal connections to individual decision-makers who provide information and are willing to help.

On the contrary, our interlocutors associate willingness of the authorities to answer requests for information, to publish open data, and implement tools of e-governance with available political will to fight corruption. For instance, municipalities of Chernivtsi, Drohobych, Ivano-Frankivsk, Lutsk, Lviv, Mariupol and Rivne fall under this category. Many activists consider the implementation of the legislation on access to public information and open data as the first step to cooperation with local public authorities. Around fifty CSOs mention constructive monitoring of the authorities and requests for information as non-confrontational tactics they rely on.

Accountability can be seen as consisting of three components: answerability, responsiveness and enforcement. (Bauhr and Grimes 2017: 434; Lindberg 2013: 209)

8 The Law No. 183 “On Open use of Public Funds” imposed the online publishing of the information about state and local budgets transactions.

9 The electronic system ProZorro became known worldwide as an exemplary system for public e-procurement.

10 Ukraine is the first country in Europe that legislatively obliged all companies to indicate their beneficial owners.

11 “Anti-corruption reforms in Ukraine: 4th round of monitoring of the Istanbul Anti-Corruption Action Plan”, OECD, 2017, page 57. Available at: <https://www.oecd.org/corruption/acn/ACN-Ukraine-Round-4-Monitoring-Report-ENG.pdf>

Answerability means that public authorities provide an account to citizens regarding their activities, and they explain and justify their decisions. This component is closely related to transparency. Public authorities are responsive if they positively react to advocacy and take the interests of citizens into account. Enforcement means that citizens have the authority and the means to sanction public officials effectively. The literature differentiates two broad ways to enforce accountability:¹² horizontal (intra-governmental) and vertical (electoral) (Bauhr and Grimes 2017; Grimes 2013; Mendel et al. 2014). Horizontal accountability encompasses “a web of institutional relationships” that creates a system of checks and balances (Mendel et al. 2014, 3). For instance, the principle of rule of law and independent judiciary or the parliamentary oversight of the executive are mechanisms of horizontal accountability (IIEP 2019). Also, independent institutions, such as anti-corruption commissions, human rights commissions, ombudsmen, information commissions and judicial commissions are examples of horizontal accountability (Mendel et al. 2014: 4). Vertical or electoral accountability can be ensured by direct and indirect mechanisms. Elections are the direct way through which citizens can enforce their preferences towards the government (*political accountability*). Public pressure through media and monitoring of the government through civil society networks are indirect forms of vertical (*reputational*) accountability. In addition, Grimes (2013) differentiates the possibility of citizens “to monitor government offices and report observed irregularities, which institutions with formal investigative powers may then utilize” that she defines as “fire alarm accountability”.

Broad anti-corruption legislation adopted after the Revolution in 2014,¹³ aimed at creating specialized anti-corruption institutions, such as the National Anti-Corruption Bureau of Ukraine (NABU) for investigation of corruption, the Special Anti-Corruption Prosecutor’s Office (SAP), the High Anti-Corruption Court of Ukraine as well as the National Agency on Corruption Prevention (NACP) for the monitoring of conflict of interest and violations of code of conduct. The legislation increased the penalties for corruption, which includes administrative or criminal liability for corruption related offences. The web of specialized anti-corruption institutions provided local activists with new instruments of resistance. Accordingly, CSOs can file appeals about cases of corrupt acts to all these institutions and address authorized departments on the prevention and detection of corruption in public authorities. As for response to civil appeals, each authority responds differently depending on their competence and jurisdiction. However, in most cases CSOs expect from authorities to open criminal proceedings or start an investigation process.

According to the empirical data, over one hundred CSOs follow accountability politics, around ninety CSOs reported that they file lawsuits and forward information to the special anti-corruption authorities, but most of them see very little success. Most CSOs report that their success ends where impunity for public authorities begins, because local law enforcement either conceals or ignores corruption. In line with the theory, many activists talk about a vicious circle, where the judiciary, law enforcement and decision-makers are trapped and cover each other. As a result, our interlocutors repeatedly mention that widespread impunity despite high transparency and broad publicness of corruption leads to frustration of citizens and activists.

We found however four striking exceptions: In the regions with predominantly low to medium political will, the activists reported that improvements in the local judiciary

¹² For the overview of other forms of accountability, see Lindberg (2013).

¹³ On 14 October 2014, a package of anti-corruption laws, including the Anti-Corruption Strategy 2014-2017 and the Law No. 1700-VII “On Prevention of Corruption” has been adopted.

are important success factors for the work of the anti-corruption CSOs. One CSO in Kropyvnytskyi mentioned that courts are the only operational institutions.¹⁴ A CSO in Lviv reported that local judges are subject to scrutiny by the public accountability council (*hromadska rada dobrochesnosti*) that prohibited accreditation of corrupt judges.¹⁵ This fact brought a positive dynamic to anti-corruption. An activist in Sumy reported similarly positive examples, particular three judges being dismissed because of corruption.¹⁶ Moreover, monitoring and answerability in court became a norm, and local judges comment on their decisions. A CSO in Ternopil reported that monitoring and presence of multiple activists in court hearings compels judges to make impartial rulings despite pressure of corrupt public authorities.¹⁷ These are examples where public monitoring and participation in combination with relative openness of the public institution breaks through the vicious circle and reinforces horizontal accountability. The success of anti-corruption activism in these regions is above average despite a general absence of political will.

The absence of answerability and enforcement among local political authorities forces many organizations to exploit confrontational tactics, such as demonstrations and public pressure (*aktsii priamoi dii*) in order to provoke some reaction from the authorities (Grimes 2012). Numerous CSOs, especially in regions with low political will (Kharkiv, Odesa, Ternopil, Zakarpattia), report that public pressure is a useful tool to enforce responsiveness of the authorities to anti-corruption claims. Fifteen interlocutors have reported being in a forced confrontation with the authorities despite non-confrontational tactics of their CSOs.

A large number of activists work in formal and informal coalitions, allowing CSOs with diverse political roles and functions to benefit from each other's capacity and create public pressure through collective action. CSOs with non-confrontational tactics such as advocacy, research and education rely on CSOs with confrontational tactics in order to create necessary public pressure and force authorities with low political will into action. Good examples of effective formal coalitions are found in Rivne and Ternopil. An effective informal coalition of activists exists in Odesa. Both examples demonstrate how coordinated action can reinforce influence of activists under conditions of closed authorities and low political will for anti-corruption. Altogether around one quarter of CSOs are part of a formal coalition or informal network of activists, with most of these having medium to high levels of success.

Another widespread instrument of public pressure that around one hundred CSOs use, is publishing information about corrupt officials – the tactics of shaming and blaming. These CSOs engage in leverage politics and target vertical accountability. The aim is to educate the public about corruption cases in local decision-making. The underlying assumption is that published information will influence the choices of the electorate and encourage answerability and responsiveness of the local political authorities. Many interlocutors report that public authorities make anti-corruption claims or undertake some minimal anti-corruption actions for public relations purposes, and demonstration of political will to fight corruption often increases before elections. Twenty-three interlocutors report that regional authorities have higher political will to fight corruption than municipal authorities, which is generally explained by an interest on the part of regional authorities to create a positive public image. Often, a public

14 Interview with representative of civil society organization, 19 December 2018, Kropyvnytskyi.

15 Interview with representative of civil society organization, 9 October 2018, Lviv.

16 Interview with representative of civil society organization, 12 June 2018, Sumy.

17 Interview with representative of civil society organization, 20 November 2018, Ternopil.

demonstration of political will or anti-corruption as a public relations move can open the door for advocacy and public scrutiny.

Structural factors and constellation of actors

Existing scholarly literature points to political and economic competition as important factors that influence civic activism and anti-corruption reforms (Edwards 2009; Khan 1998; Shen and Williamson 2005). Corruption researchers who study structural preconditions for corruption highlight the importance not only of formal competition but also of informal competition. Characteristics of the system of corruption vary depending on formal and informal constellation of elites and power relations among them. The metaphor of one or several pyramids, applied by Hale (2015) and Stefes (2006; 2008), allows us assess levels of competition for public resources and replicate constellation of local actors. Our interlocutors refer occasionally to the metaphor of one or several pyramids to describe the regional organization of political and economic elites. They also emphasize that the type of elite constellation is essential for success of one anti-corruption tactics and failures of another.

A decentralized system of corruption usually exists under conditions of political instability and fragmentation of the ruling elite. (Huss 2018b: 41) The source of the fragmentation can be a failure of the ruling elite to co-opt local networks, or citizens' protest. Corruption remains systemic, but it lacks central oversight. In such a case, several pyramids of corruption exist side by side, depriving the political leadership of being the exclusive beneficiary of illicit activities taking place under its watch (Stefes 2006, 3). Moreover, the merger of political power and economic resources is imperfect, preventing the political leadership from reinforcing its rule through patronage and clientelism. Highly fragmented economic recourses open the door for the rise of opposition. The political competition that results from these circumstances sustains media pluralism and provides an opportunity for society to raise a critical voice. At the same time, fragmented leadership is too weak and not able to change the way the system of corruption works, even if there is personal will to do so.

Activists point out the existence of at least two competing pyramids in municipalities of Cherkasy, Chernivtsi, Kropyvnytskyi as well as in Dnipro and Ternopil on the oblast' level. Our interlocutors explain higher political will in Dnipro and Ternopil oblast' by the absence of central oversight on the regional level in contrast to the municipal level. Informal competition for prevalence of resources results in formal political pluralism and indicates at democratic tendencies, while these tendencies are mostly deceptive. For instance, while there is media pluralism in the above-mentioned regions, there is no independent press. Each informal interest group controls media resources that they use for political advertisement before elections. While in Kropyvnytskyi CSOs stress that there is open space for their anti-corruption activities, in Chernivtsi several activists report pressure from the side of authorities, especially in cases in which the investigations of activists touch upon corrupt public procurement and control over natural resources.

A decentralized system of corruption fosters success of anti-corruption activism in two ways: anti-corruption is a useful tool to selectively discredit opponents and at the same time to develop a positive public image (Huss 2018a). Under conditions of genuine uncertainty and fragmentation of power, the importance of image increases as a means to gain sufficient votes during elections. Our interlocutors correspondingly argue that competition between several pyramids opens the door for anti-corruption. A CSO representative from Kropyvnytskyi states that informal fragmentation of elites is a positive factor that influences success of activism: "Under conditions of severe competition between corrupt officials one party helps fighting another one. This way it

was possible to achieve the dismissal of some corrupt officials.”¹⁸ Another activist from Ternopil states that “[a]nti-corruption is a tool in a fight among clans.”¹⁹ “Black PR” is an important element in this: with media being financially dependent on different groups, information about corruption leaks out into the press, and the public is manipulated.

On the contrary, the centralized system of corruption requires strong leadership that is able to exert high levels of control and often corresponds with authoritarian rule (Huss 2018b: 41 ff.). Hale describes the single pyramid of authority as “a giant political machine based on selectively applied coercion and reward, on individualized favour and punishment.” (Hale 2015: 11). Thus, corruption is instrumentalized as both stick and carrot. The political leadership does not necessarily gain material advantages from corrupt action, but often endures the corrupt action of other influential actors in order to secure their loyalty but also to be able to coerce them by means of blackmail (Darden 2008). The political leadership strives to dominate structures of corruption in order to tie the economic elite to its rule by guaranteeing certain benefits in return for exclusive financial support during political campaigns (Stefes 2006: 29). The ability to control the structures of corruption reinforces the powers of the leadership. The fusion of political and economic power stabilizes the political regime but also prevents the development of a genuine democracy and stifles opposition, as illicit gains can be used to distort the political process to such a degree that governments become unaccountable to their citizens. Essential to this type of system is not only the ability to control structures of corruption, but also to be able to limit corrupt activities especially at lower levels of the state apparatus. Stefes asserts that political leadership in a centralized system of corruption has “an interest in curbing corrupt activities, because the costs of widespread corruption among lower official outweigh the benefits that accrue for example in form of bribes that flow to the top” (2006: 29).

Clear examples of a centralized system of corruption, according to our interlocutors, include the cities of Chernihiv, Dnipro and Nikopol, Kharkiv, Odesa, Ternopil, Uzhhorod, Zaporizhia. In these cities, our interlocutors frequently report a dominant role for one actor – either mayor or local business representative, who is able to co-opt other actors. There are several municipalities where the degree of centralization is lower. For instance, in Ivano-Frankivsk the dominant position is assigned to the leading political party that is represented in the city council by businessmen from the construction sector. Similarly, incomplete centralization is reported by activists in Kherson where over one third of the members of the city council have leading positions in municipal enterprises. Loose centralisation goes often hand in hand with state capture.

The regions with a centralized system of corruption were characterized by our interlocutors as regions with little to no political will to fight corruption. This generally means that despite the existence formal pluralism in local councils one person or one group plays a central role in formal and informal decision-making with regards to distribution of public resources. As a rule, dominant control over resources goes hand in hand with strong political influence on local media which either belong to the dominant coalition or which experience pressure. Our empirical data however reveal variation with regard to success of anti-corruption activism under conditions of a centralized system of corruption, which raises questions about relevant contextual factors.

¹⁸ Interview with representative of civil society organization, 14 December 2018, Kropyvnytskyi

¹⁹ Interview with representative of civil society organization, 20 November 2018, Ternopil

An important feature of centralized systems of corruption is the coercive capacity of the authorities. Indeed, in most regions where political will is between low and average, CSOs report active counteraction to anti-corruption activism in diverse forms: from black PR to selective prosecution and personal threats. CSOs working on corruption in the area of construction or natural resources (land, forest, ecology) as well as public procurement are especially vulnerable to pressure and threats against their activities. Although many activists report that pressure against them is an important obstacle to their anti-corruption activism, the data show no correlation between average regional success of anti-corruption activism and political pressure. For instance, in Zaporizhzhia, where both political will and success of anti-corruption activism is among the lowest, few activists report pressure. At the same time, despite multiple reports of pressure against activists in Odesa, Ternopil, anti-corruption CSOs in these regions report on average medium to high success.

Activists note an important positive contextual factor under conditions of high centralization and full closure of local political authorities: even a small number of supportive politicians of high integrity in a local council can make a difference if acting jointly with CSOs. In all regions with low political will and medium to high success of anti-corruption activism, CSOs reported that individual members of local political authorities are key to obtaining necessary information to prevent corruption or to advocate anti-corruption policies in the local council. One CSO in Lviv reported that they even changed their tactics from confrontational to non-confrontational when they realized that there are individual local politicians open to constructive dialogue.²⁰

Under conditions of closure of the authorities, local anti-corruption activists frequently display the ambition to become active in political parties or develop new political parties in order to enter the local council and renew the political elite. Especially in Kharkiv, Kropyvnytskyi, Odesa, Poltava, Sumy, and municipalities in Zakarpattia - all cities with low political will - several interlocutors argue that entering politics is the only way to introduce change. In Ternopil, one organization reported disappointment with this strategy, since new politicians with a civil society background were co-opted and have not fulfilled the expectations of local activists.²¹

An interesting characteristic of a centralized system of corruption in contrast to a decentralized system of corruption is that strong political leadership is able to control corruption and enforce the political will to fight it. For instance, an activist in Kharkiv reports that the city's mayor demonstrates the will to fight petty corruption, which does little to reduce the overall negative impact from corruption since petty administrative corruption is less dangerous than political corruption in the region.²² An activist from Odesa reports that the mayor uses selective anti-corruption prosecution to punish disloyalty of his "clients".²³ A positive example of strong leadership that is able to enforce anti-corruption instruments is Drohobych: despite resistance of some local politicians including his deputy, the mayor has pushed for the implementation of e-governance through the "smart city" tool that improves public control and citizen participation in decision-making. Local interlocutors report that the mayor's incentive for doing so was fostering economic competition and foreign investments as well as ensuring support of the citizens for the next elections. Compared to Kharkiv and Odesa,

20 Interview with representative of civil society organization, 9 October 2018, Lviv

21 Interview with representative of civil society organization, 19 November 2018, Ternopil

22 Interview with representative of civil society organization, 25 February 2019, Kharkiv

23 Interview with representative of civil society organization, 18 September 2018, Odesa

however, Drohobych is a small a town with little resources, and the sector of land distribution in the city remains vulnerable to corruption.²⁴

Monopolization of corruption is an extreme form of its centralization (Huss 2018b: 42 ff.). In a monopolized system of corruption, the political leadership relies on a very narrow circle of individuals. The main goal of the leadership in this system is not only to manage structures of corruption, as in a centralized system, but also to be a part of them personally and to take them over. The governance structure of such a system bears little resemblance to a pyramid but has a straight top down vertical form. Such a system is designed to be beneficial to very few actors, increasingly eliminating not only political competition, but excluding potential competitors among oligarchs or other groups of influence from the system. A monopolized system has devastating consequences for both politics and the economy. The revenue from corrupt acts flow from the lowest level upward. In other words, public officials at the lower level who are involved in corrupt acts are forced to give up a certain share of their income to the very top. The monopolization of corruption results in increased prices for all corrupt transactions, since there is no competition in delivering “corrupt services”. This has a negative impact on small and medium-sized enterprises, because tax preferences go to the big business, while the public budget has to be filled by remaining entrepreneurs.

An example of a monopolized system of corruption, according to interlocutors, is the industrial city of Mariupol. Its economy is closely interwoven with large enterprises, and local politics are highly dependent on big business. Our interlocutors report extensive state capture by a single oligarch. As a consequence, neither political nor economic competition exist in the city, and most local media are owned by one business group. Local activists describe it as a paternalist system.²⁵ One CSO assesses a high degree of political will of the local political authorities to fight corruption, however this assessment refers specifically to the instruments of transparency and public access to information.²⁶ Interestingly, in 2019 Mariupol was ranked as the second most transparent city in Ukraine. While high transparency in combination with high state capture seems a contradiction, this example echoes critical voices in the literature on transparency and accountability that transparency is not necessarily an indicator of accountability or democratic deliberation (Bauhr and Grimes 2017; Yu and Robinson 2012). Unchallenged political leadership is not only able but also interested in enforcing anti-corruption measures in low-level public administration, while at the same time access to distribution of public resources at the high political level remains uncontested.

Availability of natural and material resources is an additional structural factor that can lead local authorities to become politically closed. Our interlocutors indicate that the presence of more abandoned resources in municipalities than on the regional level are the reason for a lower degree of political will to fight corruption in some municipalities. Besides, the CSOs often report that even comparatively open local political authorities demonstrate low political will to fight corruption when distribution of land and natural resources is at stake.

Conclusions and policy implications

Anti-corruption organizations in the regions of Ukraine are confronted with a multitude of challenges, but many of them are able to point to examples of real impact.

²⁴ Interview with representative of civil society organization, 21 November 2018, Drohobych

²⁵ Interview with representative of civil society organization, 5 October 2018, Mariupol

²⁶ Interview with representative of civil society organization, 4 October 2018, Mariupol

In their struggle to create impact, they face two key dilemmas. First, many organizations lack sufficient capacity to be effective. More than half of anti-corruption organizations function without any type of funding beyond voluntary contributions of core activists. The funding of other organizations typically comes in the form of grants from foreign governments, non-governmental organizations, and foundations. With few exceptions, however, such grants are small and cover a short period. Given a lack of substantial funding, anti-corruption organizations cannot hire necessary staff and services, and have fewer opportunities to acquire knowledge and skills that could help make their work more effective. Second, many organizations lack a credible support base. They are far from the ideal type of community-based organizations that represent the interests of their members and contribute to building social capital. Most of them instead rely on the dedication of, usually, between one and five activists, while membership is more often than not ephemeral. Because they do not have a substantial support base, anti-corruption organizations, like many other types of civil society organizations in Ukraine, cannot mobilize supporters to help them advance their cause and are often seen as lacking legitimacy to promote change for the public good.

Our findings show that the anti-corruption organizations that are most effective tend to be those that convincingly solve either one of these two dilemmas. Some organizations solve the capacity dilemma by attracting sustained and substantial funding, typically in the form of international assistance, allowing them to hire a core staff, purchase professional services, and engage in multi-year planning. Other organizations solve the support dilemma by drawing from a real base of support, such as the workers of an organization or a group of people directly affected by a certain type of abuse. There are in practice few if any organizations that solve both dilemmas: organizations with substantial professional capacity are not built on grassroots, and activists with a grassroots organization struggle to build a professional organization or have no interest in doing so.

In terms of external determinants for impact, we have addressed the interplay of the main contextual factors for the success of anti-corruption activism in Ukraine, such as the institutional framework for transparency and accountability, constellations of elite actors, and the availability of competition for access to public resources between informal groups of interest. Besides, we consider political will as an important contextual factor, having operationalized it as a reaction of the authorities to anti-corruption activism. The reaction, however, depends on institutional and structural conditions. Thus, the action of the anti-corruption activists in combination with other contextual factors and reaction of the authorities result in a given degree of openness that defines political opportunity structures for the activists (see *Figure 1*). In other words, the degree of openness for anti-corruption activism is both a result of and the precondition for the action of CSOs and reaction of the authorities.

The degree of openness correlates with certain types of elite constellation (see *Table 1*). If diverse groups of interest are co-opted under one strong leadership, the system of corruption is centralized. Under these conditions, activists report closure of elites or counteraction to anti-corruption activism. An extreme form of centralization is a monopolized system with very few actors profiting from misuse of public resources. In line with theory and our data, a monopolized system counterintuitively can go along with a relatively high degree of transparency since there is no danger for the ruling elite to be challenged in its particularistic decision-making. At the same time, a monopolized system is closed for co-governance, in including civil society activists. Corruption is decentralized if several informal groups of interest compete for access to public resources. Competition and uncertainty of elites increase their interest in a positive public image, and this interest serves as an incentive to follow institutional

provisions for transparency and demonstrate answerability and responsiveness to public demands. Even in these circumstances, however, enforcement of accountability is limited, and co-governance is restricted to areas where no rents can be extracted. Finally, the system of impartial distribution of public goods allows monitoring through available public information, answerability and responsiveness of local political authorities to public requests, and sanctioning of corrupt officials. In the regions of Ukraine, anti-corruption activists point to the existence of all three types of systems of corruption, but not to a system of impartial governance.

In addition to structural factors, transparency and accountability are highly important institutional factors that shape tactics and political roles of the CSOs and influence the type of reaction from the authorities. Our interlocutors confirm that the institutional framework for transparency and accountability that was considerably improved after the Revolution in 2014 gave an impetus to anti-corruption activism. In particular, regulations on access to public information and open data provisions made anti-corruption monitoring possible for the general public. A range of specialised anti-corruption institutions moreover came to present an alternative to highly politicized institutions of law enforcement. As a result, most anti-corruption CSOs in the regions of Ukraine are conducting investigations of corruption, monitor local decision-making, publish the information, and file appeals about the cases of corruption to the specialized anti-corruption institutions.

At the same time, there is a high level of frustration with the enforcement of accountability, caused by the fact that horizontal accountability mechanisms are dysfunctional under the rules of a system of corruption. Vertical and societal accountability function only under conditions of some degree openness of the authorities. These conditions are fulfilled in the decentralized system of corruption. The rare cases of success of anti-corruption activism in a centralized system of corruption are the result of an improved judicial system or the support of particular individuals among local political authorities.

An additional factor of success of society-based anti-corruption activism under conditions of political closure is collective action and availability of alternative, society-based political forces (as an alternative to oligarchic initiatives). In regions with a low degree of political will and successful anti-corruption activism, such as Ternopil or Odesa, CSOs create formal and informal coalitions to increase collective action and public pressure on the authorities. In addition, a range of CSOs report that under conditions of political closure the only opportunity to exert influence is to change the rules from within. These CSOs focus on their role as a school of democracy and attempt to develop political parties. To reach the goal of collective action, engagement in symbolic politics is crucial. Of the ca 70 anti-corruption CSO engaging primarily in symbolic politics, roughly half operate in a context of low political will but nonetheless demonstrate medium to high success.

In terms of advocacy tactics, CSOs that follow non-confrontational tactics and establish a dialogue with authorities on average demonstrate more success. Several CSOs reported that confrontational tactics work rarely, which has led them to develop non-confrontational approaches. At the same time, a range of interlocutors have reported that under conditions of low political will they are often forced to confrontation. Thus, if authorities are closed, public pressure (*aktsii priamoi dii*) can be the only instrument of influence.

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