Working paper

ANALYSING CONTEXTUAL FACTORS FOR ANTI-CORRUPTION ACTIVISM IN THE REGIONS OF UKRAINE

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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[1]. Thus, the Revolution of 2013-2014 reinforced an anti-corruption sentiment among Ukrainians leading to greater pressure for broad anti-corruption reform. 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.

Little is known about commitment of local elites to resist corruption. 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 institutional and structural contextual factors that shape society-driven anti-corruption initiatives in the regions of Ukraine. We specifically highlight the role of 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. 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.

1 According to the December 7–8, 2013 survey conducted by the Ilko Kucheriv Democratic Initiatives Foundation and the Kyiv International Institute of Sociology, 49.6% of Maidan participants considered it crucial to punish the corrupt political elite. 1037 respondents were questioned. See "Maidan–2013," Fond"Demokratychniinitsiatyvyimeni Ilka Kucheriva,accessedMay 21, 2016, http://www.dif.org.ua/en/events/gvkrlgkaeths.htm.

CONCEPTUALIZING CORRUPTION IN UKRAINE

The problem of corruption in Ukraine is more than an occasional violation of the law by public servants. Corruption is an informal institution that is deeply rooted in society. Despite normative agreement among population that corruption is a negative phenomenon, it became a norm both at low everyday level and at high political decision-making level to cross the line between public and private interest in favour of the latter. Under these conditions, politics in Ukraine is best conceptualized as a system of corruption (Huss 2017).[2] This is a specific type of governance structure which includes the political regime and its formal and informal institutions, as well as structures and processes that influence participants' behaviour and which is characterized by a high degree of informality and patron-client relations. In post-Soviet context the term sistema is commonly used to denote a system of corruption (Shevtsova 2005).

The system of corruption in Ukraine indicates five interrelated particularities. The first particularity is a close interdependency between politics and oligarchic[3] business. Politicians and oligarchs are interwoven in informal patronal networks that follow the rules of favoritism (Hale 2015, Kostiuchenko and Melnykovska 2019). Second, Ukraine is considered a democratic country where elections decide about key personalities in politics at different levels. Nevertheless, fair political competition is violated due to the oligarchic influence on political parties (Zubytska 2018). Most political parties in Ukraine are not ideological but rather projects of political technology. (Bader and Meleshevich 2012; Bader 2010; Meleshevich 2007) They serve "as business platforms for certain groups or persons rather than as channels for citizen interests." (Kjellström et al. 2010: 2). Third, the norm of impartial distribution of public resources is mostly violated due to favouritism in the decision-making. Accordingly, access to public resources is restricted for the general population, which corresponds to the society with limited access order[4] (North et al. 2007).

Fourth, the system of checks and balances is heavily undermined. Political actors are trapped in a vicious circle: They either follow the rules of the system of corruption or they are excluded from it. In practice this means that there is no universal and impartial punishment for corruption, since law enforcement and judiciary are a part of the system. Finally, the system of corruption is dynamic due to the hybridity of the political regime in Ukraine.[5] Election creates uncertainty for politicians and oligarchs in terms of personalities that can access political elite. This uncertainty has been underpinned by two revolutions since the start of the century. The uncertainty leads to flexible constellations of actors and a variety of strategies exploited by political and economic elites (Zubytska 2019). Diverse constellations of influential actors can result in decentralized or centralized settings, which reflects certain level of economic and political competition and which defines different types of the system. The system of corruption provides institutional settings not only for politics at the national level but also in the regions of Ukraine. Local specifics of the system (e.g. natural resources, preferences of citizens, constellations of elites) create political opportunity structures, i.e. they define opportunities and challenges for anti-corruption activism.

2 The concept of a system of corruption has to be differentiated from the phenomenon of systemic corruption: While systemic corruption aims at describing permanently repeating corrupt practices and processes that follow certain patterns, independently of the scale of corruption, the concept of the system of corruption focuses on structures and governing forms of formal and informal institutions by means of corruption and aims to analyse the role of grand political corruption in all its forms upon the political system.

3 Pleines defines "oligarch" as "an individual, who owns the largest enterprises in a country, has control over its media as well as their own direct representatives in politics – briefly "politically active entrepreneurs" (Pleines 2016, 114). Often, economic terminology such as "big business" (Melnykovska 2015) or "financial-industrial groups (FIGs)" (Razumkov Centre 2010) stand in for the oligarchy.

4 The seminal work of North et al. (2007; 2009) develops the concept of open and limited access order (LAO). Accordingly, "a common feature of limited access orders is that political elites divide up control of the economy, each getting some share of the rents," (North et al. 2007) which limits competition and hampers access to public resources for other societal groups. The social order that occurs has a very different logic than the open access order with open competition, competitive multi-party democratic political systems, and a secure government monopoly over violence.

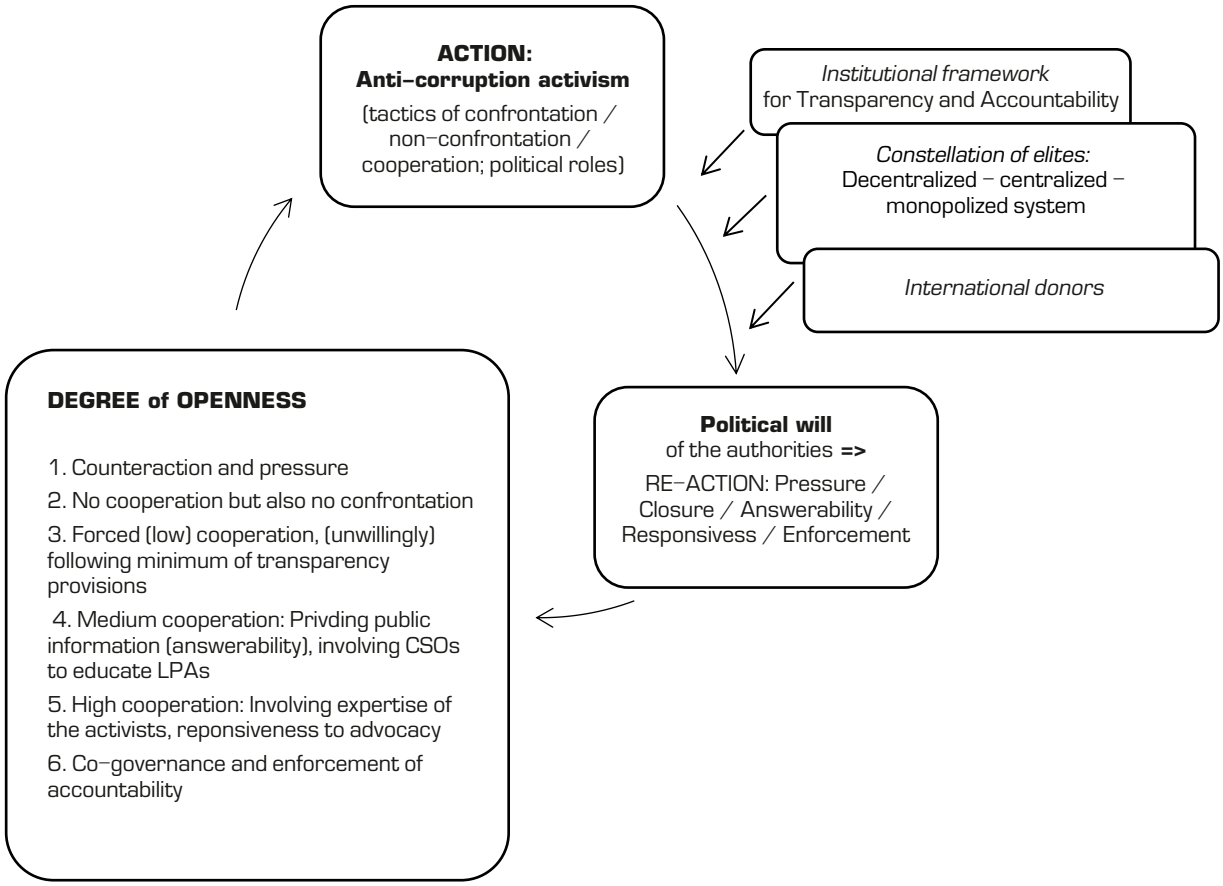
5 Hybrid regime means that political system is not fully authoritarian, since persons in power change based on the decision of electorate. However, the system is not fully democratic, since the violation of formal rules in favor of small ruling coalition is so high that it is incompatible with the concept of deliberate democracy.

THEORIZING CONTEXTUAL FACTORS FOR SUCCESSFUL ANTI–CORRUPTION ACTIVISM

The literature in both civil society and corruption research increasingly highlights the importance of local context for the prospects of activism (Carothers 2016; Hanna et al. 2011; McGee and Gaventa 2011; Williamson and Eisen 2016). Political opportunity structure theory has been broadly applied as an analytical model for CSOs to think about their environment, to recognize critical factors in various political settings, and to strategize accordingly (Kamstra 2017: 32). While many different approaches exist in political opportunity structure, researchers tend to focus either on the more structural aspects relating to the formal political institutional arrangements, while others focus on the process-oriented opportunities relating to elite alignments and support in the political process (Giugni 2009 cited in: Kamstra 2017: 32). For the holistic analysis of regional anti-corruption activism in Ukraine, both approaches seem useful. The formal political institutional arrangements especially on the national level allow for an understanding the overarching framework for the actors involved, while the process-oriented opportunities related to elite alignments reveal particularities of local actor constellations. All together provide a framework for dissecting the concept of political will.

Political will is one of the most cited factors of influence of civic activism in general and anti-corruption activism in particular (Bader, 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.[6]

In addition to local actors, the role of external actors is also important. 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 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.[7] 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.[8]

6 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.

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

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

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.[9] 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 format. Open data provisions in Ukraine have enabled significant progress in the public control of the state and local budgets,[10] public procurement,[11] and beneficial ownership disclosure[12] (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.[13] 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. Multiple interlocutors report that since 2015 new provisions on open data, access to information and assets disclosure have boosted anti-corruption activities in the regions of Ukraine. 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

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

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

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

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

13 "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

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) 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:[14] horizontal (intra-governmental) and vertical (electoral) (Bauhr and Grimes 2017; 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.

Broad anti-corruption legislation adopted after the Revolution in 2014,[15] 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 are important success factors for the work of the anti-corruption CSOs. One CSO in Kropyvnytskyi mentioned that courts are the only operational institutions.[16] 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.[17] This fact brought a positive dynamic

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

15 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.

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

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

to anti-corruption. An activist in Sumy reported similarly positive examples, particular three judges being dismissed because of corruption.[18] 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.[19] 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. 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 demonstration of political will or anti-corruption as a public relations move can open the door for advocacy and public scrutiny.

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

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

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."[20] Another activist from Ternopil states that "[a]nti-corruption is a tool in a fight among clans."[21] "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

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

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

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.

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.[22]

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.[23]

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

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

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.[24] An activist from Odesa reports that the mayor uses selective anti-corruption prosecution to punish disloyalty of his "clients".[25] 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, however, Drohobych is a small a town with little resources, and the sector of land distribution in the city remains vulnerable to corruption.[26]

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.[27] 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.[28] 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.

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

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

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

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

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

CONCLUSIONS AND POLICY IMPLICATIONS

Drawing on the findings in corruption research and literature on civil society, 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 operationalize 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.

We conceptualized openness as corresponding to six possible situations: 1. Counteraction and pressure; 2. No cooperation but also no confrontation; 3. Low openness and forced cooperation; 4. Medium cooperation and providing proper access to public information; 5. High cooperation and responsiveness to advocacy; 6. Co-governance and enforcement of accountability. 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 with 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.

The results from our empirical data contribute to insights into external support to anti-corruption activism (see Table 1). Under conditions of centralized or monopolized system of corruption and political closure, the goal is to increase political and economic pluralism and foster collective action among citizens to increase opportunities for effective activism. While engagement in accountability politics under these conditions fails, information- and symbolic politics seem most useful to achieve a greater degree of pluralism. In combination with educational and representative political roles of the CSOs, information and symbolic politics reinforce collective action of a large group of citizens, increasing pressure on the authorities. Under conditions of a decentralized system of corruption, where informal and formal competition leads to openness of the authorities, the goal is to further strengthen competition and increase capacity for cooperation between activists and authorities. The focus shifts here to non-confrontational tactics in order to influence authorities in a dialogue through constructive suggestions (e.g. anti-corruption advocacy) or through education offers (e.g. trainings on conflict of interest, public procurement etc.). Even a small degree of political competition opens political space for the societal influence. CSOs have sufficient space to fulfill communicative and cooperative roles, since politicians are responsive. Engagement in leverage and accountability politics can lead to success in this context.

Table 1: Context–dependent tactics and roles for anti–corruption activism

Constellation of actors	Centralized system of corruption					
		Monopolized system of corruption				
			Decentralized system of corruption			
				System of impartial governance		
Degree of openness of the authorities (imple-mentation of transpar-ency & accountability)	Counter-action and Pressure	NO cooperation, but also NO confrontation	Forced (low) coop-eration: (unwilling-ly) following mini-mum of transpar-ency provisions	Medium cooperation: Providing public info properly (answerability), involving CSOs into edu-cation of Local political authorities	High cooperation: Involving expertise of the activists, re-sponsiveness to ad-vocacy	Co-governance: In-volving activists into implementation of reforms, enforcement of accountability
Suggested (content-dependent) priorities for activists and do-nors	Increasing political and economic plurality, fostering collective action (e.g. networks and coalitions) among activists and citizens for increasing influence possibilities					
			Strengthening competition			
				Increasing professionalism of public authorities, strengthening and increas-ing capacity for citizen participation in anti-corruption politics		
Suggested tactics of claim to support	Інформаційнф Information politics Symbolic politics Relying on confrontational tactics					
			Add: Leverage politics Evolving non-confrontational tactics in combination with confrontational tactics			
				Add: Accountability politics Relying on non-confrontational tactics, "constructive" confrontation (monitoring of authorities)		
Suggested political roles to support	(External) educational role (esp. school of democracy) Representational role					
			Add: Communicative and Cooperative roles			

Source: Authors' depiction

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