

*"Only an effective coalition of state, business and civil society can bring transparency and accountability to global governance — not only to fight corruption, but other ills of globalization too, including injustice and inequity, poverty, violence, conflict, environmental destruction and climate change."*

*Peter Eugen, TI founder<sup>1</sup>*

## **PACT project: The role of CSOs in limiting corruption in Ukraine**

### **Literature review.**

We review the studies of CSOs involved in anti-corruption actions looking mostly for quantitative estimates of their effect. Specifically, we try to answer the following questions: Are CSOs able to significantly decrease corruption in their countries or regions? If so, what are the necessary conditions for that? What are the differences between national and local CSOs?

Before turning to these questions, we need to define the subject of our study.

### **What is corruption?**

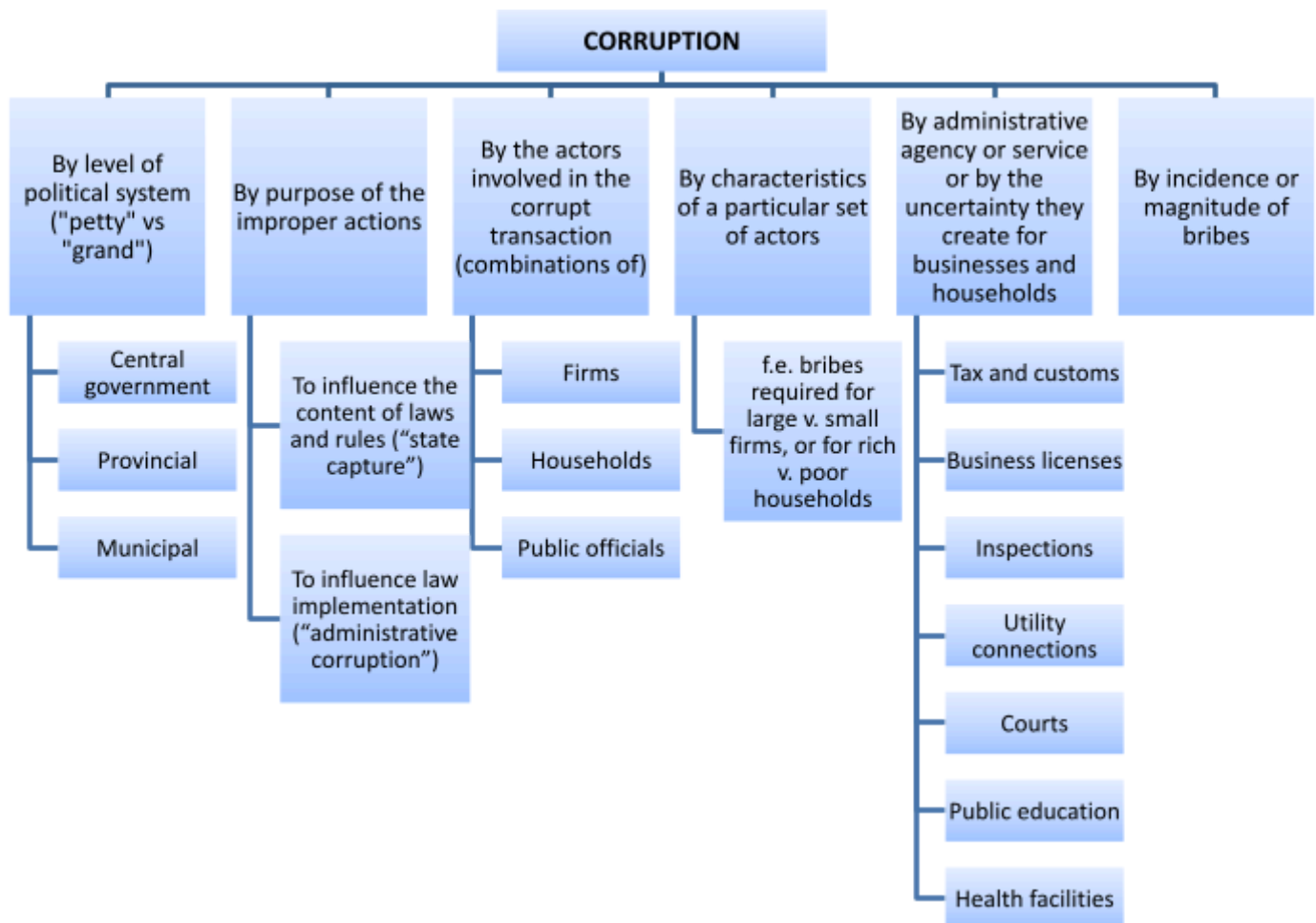
Transparency International defines corruption as “the abuse of entrusted power for private gain”.

Corruption may take various forms depending on the classification parameters<sup>2</sup>. Types of corruption are summarized in the scheme below (Knack, 2006).

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<sup>1</sup> <https://www.devex.com/news/how-organized-civil-society-can-aid-corruption-fight-86330>

<sup>2</sup> <http://www1.worldbank.org/publicsector/anticorrupt/corruptn/cor02.htm>



Source: Authors' presentation based on Knack (2006)

Opportunities for corruption arise whenever there is a market failure – e.g. asymmetric information or some monopoly power – or whenever markets are regulated. Thus, most often corruption is associated with the government because it is the monopolistic provider of certain goods and services and at the same time the regulator, although in the private sector corruption is present as well. For the purpose of this report, we narrow our definition of corruption to only those interactions which involve government entities or officials.

With this definition, the states can be classified into two broad groups: those where corruption is systemic (inherent into the state apparatus and present almost in any interaction of the state with the private sector) and those where corruption is episodic – an exception rather than the rule. In the first case, the majority of economic agents are involved in corrupt activities, so those unwilling, for example, to pay bribes, are at a disadvantage. In the second case, the majority of agents are honest and expect their counterparties to be honest, so very few people try to either ask or offer bribes or to involve in other corrupt activities. Ukraine currently falls into the first category – it is the state of systemic corruption.

### Why do we care about corruption?

Today, the phenomenon of corruption is in the focus of policymakers worldwide – and for a good reason, since corruption induces economic instability and hinders growth (see, for example, Merz (2004) or Tanzi (1998) for an overview). Corruption increases poverty, suppresses the development of democratic institutions, ruins the communities and destroys personal integrity (Farida and Ahmadi-Esfahani, 2006). In countries where it is systemic

rather than episodic, corruption can even be viewed as a security threat<sup>3</sup>. Moreover, corruption is not contained in countries with high corruption indices<sup>4</sup>. The issue of exporting corruption was raised a long time ago<sup>5</sup> but today only a few countries actively enforce the OECD Convention on Combatting Foreign Bribery, for example<sup>6</sup>. Corruption spreads like a contagious disease to which no country is immune.

Corruption has been extensively studied by economists since mid-20<sup>th</sup> century. In some early works it was viewed as a positive phenomenon – the "grease" that speeds up transactions<sup>7</sup>. However, starting with Mauro (1995), an increasing body of literature shows that corruption is detrimental to both investment and growth.<sup>8</sup>

Various economic concepts can be used for modelling corruption (Farida and Ahmadi-Esfahani, 2006). Countries with systemic corruption can be explained as the "tragedy of the commons". When one firm bribes an official, and others do not, the bribe-paying firm receives some preferential treatment. However, when all firms start paying bribes in order to get preferential treatment, the "preferences" dissipate, and an official starts requiring a bribe for simply doing her job. Thus, a country may fall into "corruption-poverty trap". Abundant corruption (with underlying weak law enforcement and property rights protection) scares off investors; low investment leads to low growth and high unemployment. With high unemployment wages, including those in the public sector, are low; hence, there is an incentive for officials to search "additional income" from corruption<sup>9</sup>.

To pull away from this "bad equilibrium" with high corruption and low growth (Mauro, 2004), countries need more than just incremental changes; they require radical and comprehensive reform (Klitgaard, 1988, Rothstein, 2011).

Georgian experience shows that systemic corruption can be effectively fought "from above". On the contrary, reducing the level of corruption "from below" is very hard (see Setiyono and McLeod, 2010 for the case of Indonesia). Unfortunately, current situation in Ukraine resembles Indonesia rather than Georgia<sup>10</sup>.

At the moment, public perception of corruption did not change much compared to pre-Maidan times<sup>11</sup>, despite some decline in personal corruption experience<sup>12</sup>. This can be explained by increased coverage of corruption in media, many of which are at the same time anti-corruption CSOs.

Today we see a noticeable rise in civil society activism (for example, the CSO sustainability index<sup>13</sup> for Ukraine increased in the recent two years along all dimensions; for a brief history of civil society development in Ukraine see Ghosch, 2014).

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<sup>3</sup> <http://carnegieendowment.org/2014/06/06/corruption-unrecognized-threat-to-international-security/hepq>

<sup>4</sup> Such as CPI computed by Transparency International which in 2015 ranked Ukraine 130 among 168 countries (which is nevertheless slightly better than 2014 – rank 142 of 175 countries).

<sup>5</sup> See, for example, this paper: <http://www.thecornerhouse.org.uk/resource/exporting-corruption-0>

<sup>6</sup> [http://www.transparency.org/exporting\\_corruption%20](http://www.transparency.org/exporting_corruption%20)

<sup>7</sup> E.g. Lien (1986) or Beck and Maher (1986).

<sup>8</sup> See for example, this article <http://voxeu.org/article/does-corruption-sand-or-grease-wheels-economic-growth> for an overview of econometric evidence.

<sup>9</sup> At the same time, high wages in the public sector is a necessary but not sufficient condition for reducing corruption (Kanso, 2007, Galiani and Weichelbaum, 2013)

<sup>10</sup> <http://voxukraine.org/2015/05/15/john-herbst-top-level-corruption-in-ukraine/>

<sup>11</sup> 45% of respondents think that corruption level in 2015 did not change compared to 2013, and 34% think that it has increased (ibid).

<sup>12</sup> According to the "Rating Group" survey, the share of respondents involved in bribery reduced from 27% in 2013 to 18% in 2016 ([http://ratinggroup.ua/files/ratinggroup/reg\\_files/electoral\\_and\\_social\\_moods\\_012016\\_press.pdf](http://ratinggroup.ua/files/ratinggroup/reg_files/electoral_and_social_moods_012016_press.pdf)). UNITER survey also shows some decline in corruption experience.

<sup>13</sup> [https://www.usaid.gov/sites/default/files/documents/1863/EuropeEurasia\\_FY2014\\_CSOSI\\_Report.pdf](https://www.usaid.gov/sites/default/files/documents/1863/EuropeEurasia_FY2014_CSOSI_Report.pdf)

As noted by the majority of our respondents, many reforms launched within the last two years<sup>14</sup> progressed only due to active participation of civil society – e.g. the army reform, the state procurement reform, the state service reform, and others. Among the anti-corruption reforms the most frequently mentioned are creation of specialized anti-corruption bodies (National Anti-Corruption Bureau, Specialized AC Prosecution Office, National Corruption Prevention Agency and others), opening of some property registers by the Ministry of Justice, and introduction of e-procurement system. Practically everyone notes that without civil society there would have been no or very little progress in the anti-corruption sphere.

Although about 40% of Ukrainians still believe that corruption is inherent in Ukrainian society, some surveys<sup>15</sup> show a decline in corruption tolerance among the population. To what extent this decline can be attributed to the anti-corruption activity of CSOs and activists, however, remains to be seen.

**Are CSOs able to significantly decrease corruption in their countries or regions? If so, what are the necessary conditions for that?**

Civil society organizations have a rather limited toolkit for controlling corruption (Villareal, 2012). They can engage in oversight, whistleblowing, some investigation and information campaigns. They cannot prosecute corrupt officials. This limits their power "from above". However, their power is also limited "from below" – i.e. their reports on incidence of corruption may not produce much social impact either because they are too technical or due to the high tolerance for corruption among the general public.

There is evidence<sup>16</sup> of a strong correlation between the control of corruption, democracy, press freedom, governance quality (including the rule of law) and civil society development indicators<sup>17</sup>. However, correlation does not imply causality. For example, Dong and Torgler (2011) show that democratization reduces corruption in the presence of strong property rights protection and in countries with low income inequality. In countries where property rights are poorly protected and income inequality is high, introduction of democratic institutions may even increase corruption<sup>18</sup> – since with more democracy (1) planning horizons of officials are shortened, which creates incentives for extraction of higher rent "here and now", and (2) corruption becomes decentralized and therefore not so easily controlled "from above". Ukraine is a perfect illustration to these findings. Under the USSR, when economic planning and price controls induced severe deficits, petty corruption thrived while grand corruption was controlled by the Communist party. After 1991, with when party control was removed and some elements of democracy introduced (however, not the law enforcement), there emerged a cohort of people enriched because of their political connections (now known as oligarchs). By the end-1990s, corruption became systemic.

A counterexample is Botswana (Ganahl, 2013), which is not a democracy despite the existence of formal democratic procedures. There, anti-corruption efforts were implemented because the ruling class found it profitable to reduce extortion in the economy and provide some incentives for growth. This country is so far the only success story in sub-Saharan Africa<sup>19</sup>.

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<sup>14</sup> For quantitative estimates of the progress in economic reforms see [www.imorevox.in.ua](http://www.imorevox.in.ua)

<sup>15</sup> For example, [http://ratinggroup.ua/files/ratinggroup/reg\\_files/electoral\\_and\\_social\\_moods\\_012016\\_press.pdf](http://ratinggroup.ua/files/ratinggroup/reg_files/electoral_and_social_moods_012016_press.pdf) In 2016, The survey shows that 78% of respondents believe that it's inappropriate to bribe an official for solving a personal matter, and 85% - for solving a social matter, compared to 51% and 65% respectively in 2013.

<sup>16</sup> E.g. Villareal (2012) or Treisman (2007)

<sup>17</sup> Heckelman (2010) suggests that democracy and civil liberty promote economic growth.

<sup>18</sup> As noted by Treisman (2000), it is not democratic institutions *per se* but rather long exposure to democracy that is associated with lower corruption.

<sup>19</sup> Kaufman (2005) stresses the importance of actual, rather than formal, features of democracy, such as free media or absence of political repression, for controlling corruption.

The central role of CSOs in fighting corruption was recognized as early as 1999.<sup>20</sup> However, their actual impact on governance, including corruption, is rather hard to measure because it is highly correlated with other factors.

A study of CEE countries (Mingui-Pippidi, 2010) stresses an extraordinary role that civil society played in establishing legal and institutional framework of good governance in the region: *"Civil society by itself explains 70% of the variation in corruption across the region and is a robust predictor, retaining its significance with controls"*. At the same time, she notes that while CEE countries have more advanced anti-corruption legislation than Western Europe, enforcement of these recently adopted legal norms remains poor, and upon the EU accession, when an external stimulus (and funding) for anti-corruption activities disappeared, many CEE countries have seen a rollback of anti-corruption effort (e.g. the budgets of anti-corruption institutions were cut, and on some instances their heads dismissed).

This brings us to the first condition of CSO anti-corruption effort efficiency – cooperation and support on the side of government (Villareal, 2012; Kalikh, 2015; Ladipo et al, 2009; OECD<sup>21</sup>, 2003). Setiyono and McLeod (2010) support this condition by a counterexample of Indonesia. They show that although anti-corruption CSOs successfully lobbied for establishment of five anti-corruption agencies, adoption of the law on whistle-blowers protection, induced changes to the Constitution regarding institutional reform and triggered the imprisonment of many corrupt officials, corruption persists. At the same time, as noted by Langseth (1999), *"Government efforts have failed when the confidence and support of civil society were absent, so it is essential to develop broad coalitions supporting reform."*

Ukraine recently launched a decentralization reform, so it is good to know whether it is likely to increase corruption. The evidence from the literature on the issue is mixed<sup>22</sup> (Lankina, 2008; Bardhan and Mokherjee, 2005). Holloway (2013) finds that in Indonesia *"Regional autonomy has created localized corruption particularly in the field of natural resource extraction"*.

The European Commission<sup>23</sup> report states that *"the corruption risk is greater at regional and local level because of the close ties between individuals, all being part of social networks in which conflicts of interests can arise but for which there is less 'national attention' from law makers, enforcement agencies and CSOs."*

Thus, in decentralized environments corruption risk is higher but the realized level of corruption depends on other factors, one of the most important being accountability of local governments – both upward (i.e. to the national authorities) and downward - to citizens (Yilmaz et al, 2009).

Accountability is negatively associated with corruption on both local and national levels (Hamilton, 2013). But for this result to hold voters have to (1) have strong preferences for non-corrupt officials<sup>24</sup> and (2) be informed about the incidence of corruption of elected officials. The civil society and media can play a crucial role in

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<sup>20</sup> <http://www.cartercenter.org/documents/1189.pdf>

<sup>21</sup> <https://www.oecd.org/daf/anti-bribery/anti-briberyconvention/19567549.pdf>

<sup>22</sup> E.g. Ivanyina and Shah (2013) show that index of closeness of governments to people (decentralization index) is positively related with HDI and negatively with corruption. Kolstad et al (2014) in a cross-country study don't find evidence that bringing governments closer to people leads to higher accountability or changes the probability of bribe in any given transaction.

<sup>23</sup> [http://www.mai-dga.ro/downloads/SSPA/EN\\_Best%20Practices%20Manual.pdf](http://www.mai-dga.ro/downloads/SSPA/EN_Best%20Practices%20Manual.pdf)

<sup>24</sup> Although, as shown by Myerson (1991), even in this case under some election rules and in the presence of other socially significant issues, corrupt parties can be elected.

building up both of these conditions. In fact, a number of authors show that press freedom both reduces corruption and enhances the anti-corruption role of civil society (Ahrend et al, 2002, Grimes, 2013, Themudo, 2013)<sup>25</sup>. The last author stresses that free media also reduce the extent of corruption *within* the civil society<sup>26</sup>.

A case study by Transparency International<sup>27</sup> suggests that crucial factors for an anti-corruption project success are

- trust of community,
- quality of people involved in a project,
- a specific rather narrow project objective,
- and involvement of local people.

These factors are highlighted by other authors as well. The necessity of a focused program and strong leadership is underlined by Mungiu-Pippidi (2010). Tisne and Smilov (2004) evaluating anti-corruption activities of NGOs in four Southern European countries note that there were just a few successful anti-corruption projects, and these were projects focused on a certain sphere and involving either a strong opinion-leader or an exceptional amount of donor resources provided to a single client.

A number of studies suggest that simply transplanting the international best practices into home ground will not yield significant results. They stress that successful CSOs need to be "organic" (Devarajan et al, 2011, Singh, 2016), use existing networks of people and be trusted by their communities<sup>28</sup>.

#### **What are the differences between national and local CSOs?**

As can be inferred from the prerequisites of successful CSO anti-corruption activities described above, the majority of incentives and constraints of local and national CSOs mirror each other. Thus, trust of community and involvement of local people can be more easily gained at the local level while there are probably more resources (including donor resources) and high-quality people at the national level.

Cooperation of government with CSOs is more easily established at the national level – and international organizations can largely help in establishing this cooperation. Local governments tend to be more closed to cooperation with CSOs, caring more about higher-level rather than popular approval of their actions. At the same time, it can be easier for civil society activists who gained trust of local communities to be elected to local government bodies and try to change them from within.

It can be harder for national-level CSOs to "clean" national-level establishment - because there are too many officials and because they use sophisticated ways to hide their improperly acquired assets. Local level corruption is usually less sophisticated, and also, local CSOs can get more insider information through a network of personal connections.

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<sup>25</sup> Inspiring is his other finding that in countries with low press freedom increases in higher and secondary education lead to lower levels of corruption.

<sup>26</sup> Holloway (2013) provides a lengthy discussion of corruption *inside* the civil society. Looking at Indonesia, he shows that many anti-corruption NGOs are themselves corrupt; moreover, in some instances their unethical behavior can be caused by donor policies. <http://www.10iacc.org/download/workshops/cs30a.pdf>

<sup>27</sup> [http://transparency.org.au/wp-content/uploads/2012/08/What\\_works\\_and\\_why\\_FINAL\\_Report.pdf](http://transparency.org.au/wp-content/uploads/2012/08/What_works_and_why_FINAL_Report.pdf)

<sup>28</sup> [http://www.mai-dga.ro/downloads/SSPA/EN\\_Best%20Practices%20Manual.pdf](http://www.mai-dga.ro/downloads/SSPA/EN_Best%20Practices%20Manual.pdf)

At the same time, information flows both ways, and so local activists are less protected from retaliation of corrupt officials.

Villareal (2012)<sup>29</sup> reviews the main differences between national-level and grassroots CSOs and arrives at the conclusion that comparative advantage of national level organizations is dealing with grand or political corruption, while local-level organizations can more effectively spot specific cases and tackle petty corruption.

This implies that there are benefits to cooperation for both national and local CSOs. For example, when local organizations provide information on corruption cases, national ones can systematize this information and lobby for legislation changes that would close some corruption opportunities and/or provide local anti-corruption CSOs with more instruments for their job.

To sum up the findings from the literature, the rate of success of civil society anti-corruption activities is highly increased by (1) the presence of rule of law and free press; (2) cooperation on the side of the government; (3) high-quality people involved into these activities and (4) involvement and trust of the respective communities.

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<https://www.surrey.ac.uk/corruption/files/Roberto%20Villarreal%20-%20Countering%20Corruption%20from%20One%20or%20Two%20Sides.pdf>



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