

CHANGING ANTI-CORRUPTION PRACTICES IN UKRAINE: 2022 ONWARDS

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A Master Thesis submitted to
the Department of Humanities and Social Sciences
in fulfilment of the requirements for a Master's Degree

University of Wales Trinity and Saint David

2024

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Abstract

The problem of corruption in Ukraine has existed since its declaration of independence. With the help of civil society, recommendations of international organisations, and international cooperation, Ukraine slightly improved the situation, but there was not as much change in the public acceptance of corruption. However, on the 24th of February 2022, the Russian Federation launched its invasion, changing Ukrainian society and its mundane life.

This thesis analyses the impact of the war on the anti-corruption processes in Ukraine and the shift in the perspective of the Ukrainian public on the problem of corruption in their country. The case of corruption in the Ukrainian Defence Ministry is used as the main example of an important trend in Ukrainian society: improving the involvement of the citizens in the anti-corruption processes and the role of investigative journalism in bringing public attention to the problems within the vital state institutions. Then, the findings from the case study are brought into the context of the corruption studies, and the papers studying corruption in Ukraine are utilised to compare the corruption before and after the beginning of the war. With the formed understanding of corruption both in a theoretical sense and in practice, the thesis expands on the current state of anti-corruption strategy and the social influence on the situation.

The ultimate goal of this thesis is to provide an understanding of the current corruption-related processes in Ukrainian society and how to retain them once the war ends.

Preface

Corruption: an important problem of humanity

How does a person make a choice? Does one first think of their own benefit or about their community? Often corruption is an inevitable part of human nature: choosing self-benefit over collective well-being, choosing friends over strangers. When the choices are translated to a greater scale, when the self-benefit becomes the main mean of decision-making in politics and involves public funds, the problem of corruption brings forward a challenge for a democratic society. Lack of trust for the government, tax evasion and eventually problems with state institutions will spread throughout the country. The problem of corruption is very important, so the anti-corruption strategies and preventive measures should be implemented timely. But of course, because corruption is a social problem, the treatment varies across the world. People are different, and so are the cases of corruption.

The thesis analyses the case of corruption in the war-torn Ukraine. Ukrainian case of corruption is quite interesting, particularly because of the hardships introduced by the war. Yet it is not only the hardships the war brings, but also some improvements, such as non-precedented social involvement and decrease of the social acceptance of corruption.

Background information on Ukraine

Ukraine, a country with a long history that has often been contested¹, gained sovereignty and independence relatively recently, in 1991. With abundant agricultural resources and significant share of agricultural exports, Ukraine is often called “breadbasket of Europe”², although Ukraine is also “an IT powerhouse” with significant export value of IT services and a great amount of various specialists³. In June, 2022, Ukraine was granted a European Union candidate status, marking an important point in the more than 30 years of the relationship between the EU and Ukraine⁴.

In a historical retrospective, as a post-soviet country, Ukraine started its newly found independence and democratic freedoms already undermined by the problem of weakened civil element of society: people not being ready to openly talk, many were sceptical with regards to their new role as the citizens of a now capitalist country, and those who were ready took the advantage of the new “game” rules. These problems can be seen in the debate on the phenomenon of “ambivalence”⁵, voiced by Mykola Riabchuk in his essay “Ukraine: One State, Two Countries?” in 2002⁶, introducing a topic of problematic nature of Ukrainian society: as if there were two completely different countries within one. This work was followed by two important comments, which expand the questionable issue, one of them made by Tatiana Zhurzhenko, on the importance of understanding the roots of such practices, as books mostly in Ukrainian language in the L’viv’s bookstores, and in Russian language in Kharkiv – not as the sign of “ambivalence”, but rather –

1 Dr. Björn Alexander Düben (2020) “There is no Ukraine”: Fact-Checking the Kremlin’s Version of Ukrainian History (LSE). Available at: <https://blogs.lse.ac.uk/lseih/2020/07/01/there-is-no-ukraine-fact-checking-the-kremlins-version-of-ukrainian-history/>

2 Kiran Bala Das (2014) *Ukraine: Stand-of Threatens Europe Breadbasket* (International Journal of Social Science, 3(3): 375-381) pp. 378-379

3 Japan International Cooperation Agency (2023) *Empowering Startups: IT Sector Key to Ukraine’s Recovery and Reconstruction* (JICA). Available at: https://www.jica.go.jp/english/information/topics/2023/1514852_36685.html

4 Ilona Sologoub (2022) *Ukraine’s EU Integration: A Long Way Home* (Intereconomics, 57(4)), pp. 218–224.

5 Ambivalence here used as the division between Eastern and Western Ukraine, pronouncing East as proletarian, and West as pro-European.

6 Mykola Riabchuk (2002) *Ukraine: One State, Two Countries* (Transit Online, 23).

different means to read the same books, because of the absence of English-language bookstores whatsoever and Russian language being more common in the Eastern part of Ukraine. She also raised an important question if preferred language should be linked to one's national identity and if it could be assessed as an evidence material to the question⁷. The second comment, made by Roman Szporluk, criticized the very concept of "ambivalence", stressing it to be too vague rather than up to the point and also voiced too early; he also notes the nations are not uniform in the ethnicity⁸, concluding this small part of the most heated debates during the years of independence⁹.

Thus, because of the national identity being a speculated aspect in the politics, which drove away the attention from the important issues happening in the country, Ukraine has, in the course of its history, struggled with the problem of corruption. It is important to mention, that in Ukraine, corruption exists at all levels, in one way or another. If assessed from the top to the bottom, it would become apparent, that two biggest uprisings in Ukraine, which brought changes to the political situation in the country, were tied to the corruption in politics and also tied to Russia. In 2004, the results of the presidential elections have led to massive protests, that are known as the Orange Revolution. As the result, pro-Kremlin candidate was not allowed in the office and even the "apolitical" Ukrainians have sensed the threat to their newly gained independence¹⁰. It was the very first step Ukrainians took in order to reassess and embrace their identity as the citizens of Ukraine. The second uprising, ten years later was also tied to the same candidate-turned-president's actions: because of the failure to choose the option expected by people – the way of democratic values and also the road to the European Union, instead of the Customs Union, offered by the Kremlin. The Revolution of Dignity was violent, which also made it "*a point of no return*" – an important milestone that contributed to the national identity and marked the change in the history¹¹. Yet, both two actions led Ukraine to the boiling point of its relationship with Russia, that started on the 24th of February, 2022, a full-scale war with Ukraine, that failed to achieve the "goals"¹² set by Russian dictator¹³.

What is particularly interesting in these the events happening now is the role of civil society in the process of overcoming corruption, and how Ukrainians aim to eliminate the corruption at the top-level, abuse of power, especially by politicians, and what role civil society play in the process. After the Orange Revolution, such processes were reflected in a report done by Anna Yemelianova back in 2010¹⁴: although there was already a little over 52 thousand of the non-governmental organisations (NGOs) accounting up to 40% of people being members of them, people were still not engaging actively into cooperation with each other. After the Revolution of dignity, these processes brought some further fundamental changes to Ukrainian society: the most importantly shifting the

7 Tatiana Zhurzhenko (2002) *The Myth of Two Ukraines* (Eurozone: 1-8).

8 Roman Szporluk (2002) *Why Ukrainians Are Ukrainians* (IWM). Available at: <https://www.iwm.at/publication/trnsit-online/why-ukrainians-are-ukrainians>

9 IWM (2021) *Thirty Years of Ukrainian Independence* (IWM). Available at: <https://www.iwm.at/blog/thirty-years-of-ukrainian-independence>

10 Peter Dickinson (2020) *How Ukraine's Orange Revolution shaped twenty-first century geopolitics* (Atlantic Council, 22). Available at: <https://www.atlanticcouncil.org/blogs/ukrainealert/how-ukraines-orange-revolution-shaped-twenty-first-century-geopolitics/>

11 Inga Vyshnevskya and Kvitka Perehinets (2022) *Revolution of Dignity: a point of no return* (weareukraine.info). Available at: <https://www.weareukraine.info/revolution-of-dignity-a-point-of-no-return/>

12 Paul Kirby (2023) *Has Putin's war failed and what does Russia want from Ukraine?* (BBC). Available at: <https://www.bbc.com/news/world-europe-56720589>

13 NV.ua (2023) *PACE recognizes Russia as dictatorship, recommends states cease all contacts with Putin* (The New Voice of Ukraine). Available at: <https://english.nv.ua/nation/pace-declares-russia-dictatorship-and-calls-for-non-recognition-of-putin-s-legitimacy-50360532.html>

14 Anna Yemelianova (2010) *A diagnosis of corruption in Ukraine* (ERCAS) pp. 4-5

direction of external political agenda to pro-European, what consequently led to the influx of European investments together with the anti-corruption agenda and democratic values¹⁵.

After the Russian war begun, Ukrainian society consolidated efforts on survival, building a strong resilience that brought strength to fight back¹⁶. The resilience of Ukrainians is almost entirely built on the power of civil society, which over the course of war has only grown stronger. An undermining factor of Ukraine's strength, however, is a clash between the values of democracy and the genuine safety concerns: the problem which is purely dictated by the presence of corruption and lack of trust for the officials. Because of the war more people initially opted in favour of safety concerns, thus undermining the beneficial democratic features, such as, for example freedom of movement for military obliged or principle of transparency. The latter has been proven to be crucial in the matter of corruption fight, as measures taken in order to secure the sensitive information have also created opportunities for corruption. Ideally of course, in the society of individuals not tempted to grow a fortune on the war, the prevail of safety concern would be only for the greater good. But in the case of Ukraine, it turned out problematic rather quickly. This thesis researches the impact of civil society actions on the modern top-level corruption fight in Ukraine.

Terminology and special symbols overview

This thesis actively engages with a topic of corruption, understanding corruption as an *abuse of entrusted power for private gain*¹⁷. Further development of the topic of corruption, as well as the types and classifications of corruption will be discussed later on, in the Chapter 2. As one of the commonly used practices in fight against corruption, the Chapter 1 introduces the notion of transparency, by such referring to disclosure of all relevant information tied to the decision-making process, being open and honest¹⁸. Various organizations and agents, who engage in the political discussions and investigative actions, are named in this thesis as civil society, that is a network of different groups, communities and ties, which includes journalists and non-governmental organisations (NGOs), which stand between the individual and the state, thus representing and defending the interests of the group¹⁹.

As the thesis investigates the case of Ukraine, the national currency, if not otherwise specified, is represented by “₴”, an official symbol of hryvnia. As the thesis observes corruption at the top level, it mentions public procurement, understanding it as a process of purchasing work, goods and services from private companies by public authorities²⁰. Another notion closely related to public

15 European Investment Bank (2021) *EIB records high investments in Ukraine in 2020: over €1 billion for infrastructure, environment, innovation and post-COVID-19 recovery* (EIB). Available at: <https://www.eib.org/en/press/all/2021-042-eib-records-high-investments-in-ukraine-in-2020-over-eur1-billion-for-infrastructure-environment-innovation-and-post-covid-19-recovery>

16 Yulia Bidenko (2023) *The puzzle of Ukrainian Resilience: Hidden Factors and Potential Risks* (ZOIS). Available at: <https://www.zois-berlin.de/en/publications/zois-spotlight/the-puzzle-of-ukrainian-resilience-hidden-factors-and-potential-risks>

17 Primary source: Transparency International, available online at: <https://www.transparency.org/en/what-is-corruption>
Further information and explanation may be found in the following work: Xizu Liu (2016) *A Literature Review on the Definition of Corruption and Factors Affecting the Risk of Corruption* (Open Journal of Social Sciences, 4: 171-177) p. 172

18 Catharina Lindstedt and Daniel Naurin (2006) *Transparency against corruption* (Göteborg: Göteborg University) p. 2

19 John Keane (2009) *Civil society, definitions and approaches*. (International encyclopedia of civil society: 461-464) p 461

20 Robert E. Lloyd and Clifford P. McCue (2009) *The implications of a muddled definition of public procurement* (Journal of Public Procurement, 9(3/4): 326-370) pp. 3-5

procurement is tender (or tendering), which refers to the process of bidding on the contract by suppliers, which later plays the decisive role in the contract landing.

Finally, the case study unfolds with a phenomenon called online democracy (“electronic democracy” or “e-democracy”²¹, also “digital democracy”), by such addressing digitalised version of the democratic decision-making and standard state processes, with the purpose of increasing the civic participation and improvement of the modern issues, such as declining trust and political instability as the result of disengagement²².

21 Council of Europe (2009) *Electronic democracy (e-democracy)* (Council of Europe Publishing), pp. 11-12.

22 Gianluca Sgueo (2020) *Digital democracy. Is the future of civic engagement online?* (European Parliament), p. 3.

Chapter 1: National security versus transparency clash during the war

Corruption in Ukraine is deeply rooted in society: corruption of all kinds and levels is normalised and occurs on an everyday basis. It is a systemic problem, which requires, among other solutions, a society that is confident in the rule of law, not in the prevalence of corrupt practices²³ to cure the culture of normalized corruption. To achieve such a goal it is important to convince the citizens that there is less and less corruption around. But how does a country achieve it? The answers to this question are already written in the Anti-Corruption Strategy for 2020 – 2024 by the National Agency on Corruption Prevention²⁴ and called *the fundamental principles of the anti-corruption policy*: streamlining functions of the state and local governments, digital transformation of the exercise of powers by the state authorities, transparency and disclosure of data, more user-friendly and lawful alternatives [of the state services], the inevitability of legal liability for corruption and corruption-related offences, formation of public intolerance to corruption, the establishment of a culture of integrity and respect for the rule of law. While the principles are quite universal, this strategy did not foresee the war in the middle of the implementation period, which has created certain obstacles for the anti-corruption fight in Ukraine.

Following the background information about Ukraine described in the Preface, it is necessary to mention the reforms that bring important changes to the system. In 2024 Ukraine is to pass ca. 230 *conditionalities*²⁵, among which are anti-corruption, judiciary, and law enforcement. Amongst those 230 reforms, 22 are part of the fight against corruption²⁶, and 10 reforms are aimed at fundamental rights, freedom of expression, and against organised crime²⁷. Most of these reforms are aimed at strengthening existing systems. However, Ukrainian transformation should not be exclusively limited to the reforms which are proposed by the international partners. Some of the changes are shaped by the development of the citizens and their needs. While such changes are not numerous, among the results is the existence of the Ministry of Digital Transformation in 2019²⁸.

Digitalization of Ukraine

The digitalization of various state services has influenced the fight against corruption, attributing to the means of enhancing transparency. It improved the means of communication by creating almost instant, always available online platforms that allow people to see what changes the government has introduced on a session and improving the processes of research and journalism, practised by civil society in order to remain in control and promptly alarm the society of possible corruption issues.

23 Thomas de Waal (2016) *Fighting a culture of corruption in Ukraine* (Carnegie Europe: Carnegie Endowment for International Peace) pp. 1-2, 8

24 National Agency on Corruption Prevention (2020) *PRINCIPLES of the State Anti-Corruption Policy in Ukraine (Anti-Corruption Strategy) for 2020 – 2024* (NAZK) pp. 5-6

25 The word “conditionalities” refers to the reforms that are either part of EU accession or are required to get access to various international funds. A comprehensive overview of pending reforms is given in the presentation of the Cabinet of Ministers of Ukraine (2024) *UKRAINE'S REFORMS MATRIX REFORMS AND CONDITIONALITIES 2024* (kmu.gov.ua). pp. 14-16 Available online at: https://www.kmu.gov.ua/storage/app/sites/1/reform_images/presentation-on-ukraines-reforms-matrix.pdf

26 Ibid, p. 24

27 Ibid, p. 29

28 The Ministry of Digital Transformation was created in late August 2019, succeeding the role of the State Agency on E-governance. The Ministry of Digital Transformation has developed an app Diia, which is discussed later in the thesis. More information about the Ministry can be read on its website: <https://thedigital.gov.ua/ministry>

An example of such a website would be “rada.gov.ua”²⁹, where a person may find news, proposed bills, and also see up-to-date versions of the Law of Ukraine with all related changes. The other way Ukraine has digitalized democracy is, for instance, the creation of online engagement platforms. These have introduced a new way to address the government, create a petition, or address the issue. Bringing to light necessary public projects has become easier and allowed the younger people to increase their civic activity, an example of such is the first online democracy platform, “e-dem.ua”, discussed in the thesis of Jan Benjamin Kwiek³⁰. He argues the digitalization of government services has helped to speed up the process and also it became much easier to gather the necessary signatures for a petition to be considered by the relevant authority, although, it was so far easier for the younger people rather than to the older generation, to enjoy the benefits of the e-democracy³¹. In the Law of Ukraine “On the appeals of citizens”³² the regulation of such appeals allows the citizens even to choose their preferred platform for the publication of a petition, as well as regulates the required number of signatures that are necessary for the petition to be registered. For example, the most popular Ukrainian platform that has also the most petitions is the website of the Ukrainian President’s Office which gained popularity due to the war, as people seek acknowledgement for the deeds of their family members, and friends, who died defending the sovereignty of the country³³.

The e-democracy has allowed people to react quickly without spending much time filing an appeal or a petition manually. The war has accelerated the necessity to react because the citizens have rediscovered not only their role in the political life of the country but also the fact that they can influence and control their government. People understand, that there is no place for corruption if they wish to win this war. Thus, word of mouth, spreading information thanks to anti-corruption institutions and organisations, and journalists’ work have all encouraged civil society to become more active overall. A recent smaller case was: the reaction of civil society on the decision of the politicians to keep their income declarations hidden. Despite the law itself aimed at returning to the e-declarations, politicians have deliberately voted for the law with this amendment for the reasons of privacy and safety concerns, causing immediate backlash. The strictness of the law was initially eased as a reaction to the war chaos in the spring of 2022, and now due to its comeback thanks to the efforts of the IMF and growing concerns of civil society: the persisting corruption problem despite the critical situation. The vote in question happened on the 5th of September, 2023³⁴. The next day, a petition³⁵ was created with a demand to veto this version of the law in order to accept the version that would allow journalists and anti-corruption organisations to monitor and control the situation. This petition has reached the target amount of signatures in one day³⁶, and as a result, the President vetoed the current version of the law on the 12th of September, 2023³⁷. The concluding episode in this situation, for now, was dated the 20th of September, when the vote on the refined law

29 Website available at: <https://www.rada.gov.ua>

30 Jan Benjamin Kwiek (2021) *Online Public Engagement Platforms and Participation in Ukraine* (OsloMet) pp. 19-21

31 Ibid, pp. 12-14

32 Law of Ukraine «On the appeals of citizens» Available at: <https://zakon.rada.gov.ua/laws/show/393/96-bp#Text>

33 The list of the petitions available at the website (source): <https://petition.president.gov.ua/?status=processed>

34 Interfax-Ukraine (2023) *Verkhovna Rada renewed the law on e-declarations but without the open registry* (Interfax-Ukraine). Available at: <https://interfax.com.ua/news/general/933112.html>

35 Petition available in its original at: <https://petition.president.gov.ua/petition/204906>

36 Nadia Sobenko (2023) *Zelensky is asked to veto the law on e-declarations. The petition has reached the target signature amount in just one day* (Suspilne Novyny). Available at: <https://suspilne.media/567121-zelenskogo-prosat-vetuvati-zakon-pro-e-deklaruvanna/>

37 Inna Andalitska (2023) *Zelensky vetoed the law on electronic declarations* (UNIAN). Available at: <https://www.unian.ua/politics/zelenskiy-naklav-veto-na-zakonoprojekt-pro-e-deklaruvannya-12390306.html>

happened, now with the absolute majority in favour of changes to the law³⁸ initially greeted with hesitation.

The problem of persisting corruption is deeply rooted in Ukrainian political life, and one of the contributing factors has been the problem of “ambivalence”³⁹. This transparency case proves Ukrainians to become more engaged in political life, and their voice to be heard and consulted when approving such important decisions. However, this case does not concern with matters of defence or national security, which is provisioned in the case with public procurements of the Defence Ministry.

Case: public procurements and Ukrainian Ministry of Defence

Background information

The war has of course highlighted the problems with the Ukrainian defence area of economy. After settling on its own independence and sovereignty back in 1991, in order to achieve a promising “safety for other countries” Ukraine gave up most of its weaponry and its nuclear arsenal — the decision that raises many questions today, that there is the full-scale war launched by one particular federation⁴⁰. After the 24th February 2022, with the quick advancement of the enemy forces on Ukrainian land, people questioned the existing problems in the military sector, starting with the way people are recruited, to the nitty-gritty of government contracts that the Ukrainian Ministry of Defence has conducted in secrecy, as with the war and for the safety concerns, the availability of the placed orders had been limited. However, the problems were found out anyway.

Public procurement implies substantial volumes of goods required over a contracted period of time. The benefit of open tenders (open bids) is the opportunity to settle on the lowest price, as the contract ensures constant demand (which is written in the contract) over a defined period of time. The price margins are set low purposely because for goods required in tons the overall gain will still be enough to account for the losses on a single unit calculated in smaller batches. When corruption occurs in public procurement deals, the budget loses significant amounts of funds that could be otherwise spent on other important projects. But there has been a bit of hope to combat the abuse of loosely worded contracts with the help of the same methods that improve the engagement of people in political life: digitalization of the relevant state services.

A dedicated online platform for public procurement in Ukraine, called “Prozorro”, was launched in 2016. This web portal is the result of cooperation between business, government, and civil society and is globally recognized as one of the most innovative platforms of the kind⁴¹. It exists officially as a resource for all tenders published in the framework set by the Ukrainian Law on Public Purchasing⁴², providing free access to all contracts published since July, 31st 2016⁴³. The web portal is administered by a state-owned enterprise “Prozorro” and is overseen by the Ukrainian Ministry of Economic Development and Trade. However, the state is not an exclusive stakeholder of the resource, as there are also contracting authorities and suppliers, and the important controlling functions are carried out by civil society: non-governmental organisations, such as Transparency

38 Kateryna Zhirii (2023) *E-declarations will be open: Rada voted on Zelensky's suggestions* (UNIAN). Available at: <https://www.unian.ua/economics/finance/elektronni-deklaraciji-rada-uhvalila-zakon-pro-vidkrittya-12399270.html>

39 See: Preface, Paragraph 2.

40 William J. Brood (2022) *Ukraine Gave Up a Giant Nuclear Arsenal 30 Years Ago. Today There Are Regrets*. (New York Times) <https://www.nytimes.com/2022/02/05/science/ukraine-nuclear-weapons.html>

41 More information available on the website: <https://prozorro.gov.ua/en>

42 Full text of the law available at: <https://zakon.rada.gov.ua/laws/show/922-19#Text>

43 More information available on the website: <https://prozorro.gov.ua/en/about>

International, independent journalists, and other controlling authorities⁴⁴. In a sense, “Prozorro” became quite a powerful tool that broke the corruption schemes in the public procurements, now requiring inevitable compliance with the law and proper accounting evidence for each tender⁴⁵. While not providing an effective system of punishment for the contracts signed with great deviation from the market price (overpriced goods/services compared to the average market price), the introduction of online public procurements became a significant step forward in the Ukrainian anti-corruption fight.

The problem of national security or the transparency issue?

The problem of analysis and control in the defence sector of Ukraine became a debated topic. Since the start of the war, the government concluded the Ministry of Defence procurements to be sensitive information, and changed the appearance of the orders placed by defence sector at “Prozorro” to look as “It is temporarily disguised so that rusnya⁴⁶ does not spy”. While it was great perhaps for the sake of national security, in November 2022, it evolved into the Law “On features of defence procurements for the period of the legal regime of martial law”⁴⁷, which translated changes to the legal norm of hidden procurements. It goes without mentioning, that civil society has lost its main source of control over the spent funds since the investigative actions were now tied to the material evidence: printed and signed direct contracts.

It took just a couple of months before the scandal, which was almost anticipated by the general public, surfaced in the article by the journalist Yurii Nikolov⁴⁸: it was reported that the officials from the Ministry of Defence used the situation in order to allow contractors to increase artificially the prices. In some cases, the price in the contract was double the price of the retail, which already implies the presence of a margin over the stock price. This situation was titled “Egg scandal”, as it were the eggs, somehow overpriced the most: at 17€ per egg, with the retail price of just 7€ pro egg. The documents were found by the journalist just a couple of weeks after the contracts were signed and were indeed quick to stain the reputation of the current Ministry. In three days, as a consequence of this scandal, the deputy minister Shapovalov, who was responsible for all of the back-end procurements, resigned⁴⁹ and was arrested on the 2nd of February⁵⁰.

Within the controversial and problematic framework of hidden procurements, the politicians have concluded it to be essential to open all the orders that are not connected to sensitive information and national secrets and passed Bill #8381 “On defence procurements” on February 24th, 2023⁵¹. The shocking effect of the scandal has, therefore, already taken place: polarizing civil society in such an important decision, as the consequences of the scandal, with 47% pro-immediate changes and 46%

44 More information available on the website: <https://prozorro.gov.ua/en/about/system-stakeholders>

45 Olena V. Altsyvanovych and Yana Y. Tsymbalenko (2018) *Theoretical and categorical analysis of the concept of public procurement and corruption risks in their implementation in Ukraine* (Igor Sikorsky Kyiv Polytechnic Institute; Public Administration Aspects 6(9): 92-103) pp. 99-100

46 Rusnya (*Ukrainian slang, plural*) – same as Russians.

47 Full text of the law available at: <https://zakon.rada.gov.ua/laws/show/1275-2022-п#n17>

48 Yurii Nikolov (2023) *Rear rats of Ministry of Defence during the war «embezzle» on the food for the Armed Forces more, than in the peaceful times* (ZN.ua | Dzerkalo tyzhnia). Available at: <https://zn.ua/ukr/economic-security/tilovi-patsjuki-minoboroni-pid-chas-vijni-piljajut-na-kharchakh-dlja-zsu-bilshe-nizh-za-mirnoho-zhittja.html>

49 Resignation letter available at: <https://www.mil.gov.ua/news/2023/01/24/ministr-oboroni-ukraini-pidtrimav-prohannya-vyacheslava-shapovalova-shhodo-jogo-zviltannya-z-posadi-zastupnika/>

50 Iryna Gamalii (2023) *The court arrested ex-deputy of the defence minister Shapovalov with pledge of 400 mln hryvnias* (LB.ua). Available at: https://lb.ua/society/2023/02/02/544586_sud_zareshtuvav_ekszastupnika.html

51 Information about the bill available at: <https://itd.rada.gov.ua/billInfo/Bills/Card/41226>

pro-investigation, reported Deutsche Welle at the beginning of March⁵². And while the initial action of passing the bill in favour of transparency might have been enough to soothe the hot issue, it was indeed not nearly enough to change the suspicions now bound to the current board of the Ministry.

In a couple of weeks, another team of journalists further investigated the problem, if the issue, after being brought to light, had some changes in dynamics. Indeed, the prices were more accurate, although still much higher than the prices at which the sellers initially got the goods at. For some goods, the price margin was still around 70%, which on the scale of a single contract's worth of billions was too much, especially for a country at war. This investigation was published by the journalist Stanislav Pogorilov on the 17th of March⁵³. After this, the investigations continued in the other branches of the defence sector, which also included the Main Directorate of Intelligence, however, in this case the findings reassured people: this department has been buying its supplies at the prices equal to the retail median, or even cheaper. According to the report of journalist Anastasia Horbachiova⁵⁴, not a single item had the same price as in the contracts signed by the Ministry of Defence.

Events took an expected turn and the audit was launched in order to clarify what had been happening in the Ministry under the Reznikov's leadership. In June 2023, the same journalist from the Egg scandal, Yurii Nikolov, reported that his information was, in fact, confirmed by the classified 3,000 pages of findings of the State Audit Service (SAS), and made public by the Head of SAS, Alla Basaeva⁵⁵ in a phrase: "They indeed bought the eggs 17€ per egg, 170€ per ten eggs". At that point, the corruption problem in the Ministry of Defence started snowballing: yet another investigation was published, now with regards to the gas prices in the contracts, which were also higher than those of the gas stations⁵⁶ – also published in June. And then, one more scandal was published in August, suggesting the fraudulent actions were also committed in the framework of ordering the military uniform for soldiers⁵⁷, in response to which Minister Reznikov offered journalists and people who were spreading word of the problem, a bet which would supposedly settle such scandals once and for all – surely not the action a person in such situation and status would make. The article published by BBC⁵⁸ showed the problem might not have been the jackets, but rather the way they were ordered, pointing out the handball player who created an enterprise that served as a contractor.

52 Olha Zhuravliova (2023) *Corruption scandals in the Ministry of Defence polarized Ukrainians* (Deutsche Welle). Available at: <https://www.dw.com/uk/korupcijni-skandali-u-minoboroni-polarizovali-ukrainske-suspilstvo/a-64905956>

53 Stanislav Pogorilov (2023) "Schemes" have found frauds in food supply for the army even after the "egg scandal" (Ukrains'ka pravda). Available at: <https://www.pravda.com.ua/news/2023/03/17/7393925/>

54 Anastasia Horbachiova (2023) *Striking difference: Main Directorate of Intelligence buys products many times cheaper than the Ministry of Defence* (UNIAN). Available at: <https://www.unian.ua/economics/agro/skandal-iz-zakupivlyami-produktiv-dlya-armiji-gur-kupuve-produkti-v-razi-deshevshe-minoboroni-12234417.html>

55 Yurii Nikolov (2023) *Ministry of Defence indeed was buying eggs 17 hryvnias per piece hence Minister Reznikov's excuses* (Nashi Groshi). Available at: <https://nashigroshi.org/2023/06/11/ministerstvo-oborony-taky-kupuvalo-jaytsia-po-17-hryven-za-shtuku-popry-vidmazky-ministra-reznikova/>

56 Lidia Serediuk and Mykola Chebotariov (2023) *Eggs, then apples, now it's gas: Ministry of Defence got into another scandal because of contracts at inflated prices* (5 channel). Available at: <https://www.5.ua/suspilstvo/yaitsia-potim-iabluka-a-teper-palne-minoborony-vtrapylo-v-cherhovyi-skandal-cherez-zakupivli-za-zavyschenymy-tsinamy-309981.html>

57 Kateryna Girnyk (2023) *Scandal with jackets for the military: Antykorrada of Defence Ministry took Reznikov's side* (UNIAN). Available at: <https://www.unian.ua/society/skandal-z-kurtkami-dlya-zsu-antykorrada-pri-minoboroni-stala-na-storonu-reznikova-12374331.html>

58 BBC.com (2023) *Reznikov, jackets and a bet. What is the essence of the scandal with the Ukrainian Minister of Defence?* (BBC). Available at: <https://www.bbc.com/ukrainian/articles/c84kg45vvejo>

Outcome

Because of all the facts signalling the persisting corruption problem and society at the boiling point, President Zelensky carefully stated the problems as “the necessity of new approach”⁵⁹, which only happened in September, as the President was rumoured to have found a new candidate⁶⁰. Consequentially, Minister Reznikov has resigned, and the new Minister of Defence, Rustem Umerov, has been assigned. While it is too soon to assess the results of his actions and consequences, he did vow zero tolerance for corruption⁶¹, which are total opposites to the expressions of denial used by the former Minister. The new Minister has also “cleaned the house”, firing all the deputy ministers who served under Reznikov’s command⁶².

As of the 25th of September, 2023, the Ministry of Defence was urged to partially open its procurements since May, 2023, it saved not less than 5 billion, which is almost as significant as the pre-war total yearly budget for tenders⁶³, thus, highlighting the severity of the problem and importance of transparency and public control. But it is also important, that this situation shows persisting action from the journalists and society, who fought against the misuse of public funds. The fight against corruption in the Ministry of Defence does highlight transparency as an important necessity that should be preferred and sought instead of just closing all the open sources. Indeed, during the war, the problem of corruption is not as easy to battle, as there is an enemy’s presence factor, that limits the information that could be available to transparency methods, in this case, the matter is transparency versus security, in which a solution must be derived based on the applying factors, in this case from one hand – national security, from another – trust and hope of the society. It can not be easily assessed, if one factor has more weight than the other, as for any country both are equally important.

Another outcome of the corruption case is the noticeable shift in public perception of corruption. Instead of former “forgetfulness”, it can be seen now that Ukrainian citizens have become more cautious and do not intend to ignore state matters. One of the families concerned with the corruption with procurements has recently made news about their inconsistency of contract fulfilment. Out of 20 contracts, 8 were not fulfilled, 7 were delivered partially and 10 more were delivered with a 3-5 months delay, which in the conditions of ongoing war is crucial, as every second of delay costs lives. The family Hrynkevych, however, was not only ditching their legal responsibilities but also lavishly overspending money which Ukraine paid them according to the conditions of the procurements. It is also a problem that they do not face charges with regards to the procurements, as the issue was raised because Hrynkevych tried to bribe “a wrong person”, and was caught in the act,

59 Gabriel Gavin and Paul McLeary (2023) *Ukraine to replace defense minister, saying ‘new approaches’ are needed* (Politico). Available at: <https://www.politico.eu/article/oleksiy-reznikov-ukraine-defense-minister-rustem-umerov-russia-war-invasion-zelensky/>

60 Iryna Krytska (2023) *Corruption scandals against Oleksii Reznikov. Zelensky ready to dismiss him from office of Ministry of Defence, but does not yet know who should replace him. Who’s on the longlist* (forbes.ua). Available at: <https://forbes.ua/money/koruptsiyni-skandali-proti-reznikova-zelenskiy-gotoviy-zvilniti-ministra-oboroni-ale-pokine-znae-kim-yogo-zaminiti-khto-u-longlisti-prezidenta-25082023-15612>

61 Aleksandra Klitina (2023) *Ukraine’s new Defence Minister vows zero tolerance of corruption* (Visegrad Insight). Available at: <https://visegradinsight.eu/ukraines-new-defence-minister-vows-zero-tolerance-of-corruption/>

62 Sebastian Seibt (2023) *Operation ‘carte blanche’: Ukraine’s new defence minister cleans house* (France24) Available at: <https://www.france24.com/en/europe/20230919-operation-carte-blanche-ukraine-s-new-defence-minister-cleans-house>

63 ArmiiaInform (2023) *Partial procurement through Prozorro has saved 5 billion hryvnias* (Army Inform). Available at: <https://armyinform.com.ua/2023/09/25/chastkovi-zakupivli-minoborony-cherez-prozorro-zekonomyly-5-milyardiv-gryven/>

unable to use the money he has no right to use. According to SBI⁶⁴ findings, the Hrynkevych family is accused of illegal appropriation of budget funds, and taking possession of other people's property through fraud, committed under martial law and in particularly large amounts. All five head members of the organisations linked to this family were detained. They now face punishment in the form of imprisonment of up to 12 years with confiscation of property.

The head/founder of the enterprise concerned with 17 hryvnias eggs, Tetiana Hlyniana, has also made it to the headlines, as she has recently bought a hotel in Croatia, but then suddenly got rid of it under what is assumed to be a fake contract.

As the public watches carefully while the situation unfolds, further questions arise about the functions of the responsible state agency, NABU, for not opening respectful cases with regard to these corruption schemes. On the brighter side, public attention is inevitably following the events, so there is hope the case is closed with appropriate measures taken against corrupt actors.

What can be learned from the case?

The digitalisation of public procurement processes has improved the process of combatting corruption in a way that sped up the feedback process. In the situation of Ukraine where corruption cannot be tolerated precisely because it directly corresponds to the effectiveness and supplies which the frontline soldiers have at their disposal, Ukrainian civil society opts for fairness and transparency. The problem of control which was lost initially because of safety concerns turned out to create a leap backwards and allow corrupt actors to use the situation for their own good.

Corruption itself is a deeply-rooted matter in Ukraine, as it exists on all levels. Transparency International uses the corruption perception index as a way to quickly grasp the situation in a given country. In 2022, Ukraine scored 33 out of possible 100, settling 116 out of 180 countries in 2022⁶⁵. Although still progress, Ukraine still has a long way to go, and perhaps, solving corruption practices at the top level would help resolve the problem overall. To research this matter, however, it is necessary to understand the theory of corruption and what strategies have been used so far.

In the process of developing useful tools in order to minimise corruption risks, was first created the online platform Prozorro, which introduced a great array of possibilities for investigation and research. With all contracts now available for every citizen to see, many digital tools and analytical instruments were created around the platform. One such connected resource is a reporting platform that also serves as a feedback platform, called "Dozorro"⁶⁶. Just before the war, the results of 2021 were published in a short report on "Dozorro": the open market operations have saved 735 mln ₪ to the Ministry of Defence alone, with the total amount of settled deals set at 7 bln ₪, roughly corresponding to 10 percent of the budget⁶⁷ – the core reason to why transparent operational practices have proven to be savvy and at least somewhat efficient in the corruption fight. NAZK⁶⁸ published on 29th of June, 2023 a strategic overview of corruption risks connected to the limited transparency in the conditions of martial law⁶⁹, where, hence the substantial recommendation list,

64 SBI – State Bureau of Investigation in Ukraine

65 Ukraine's profile by Transparency International, available at: <https://www.transparency.org/en/countries/ukraine>

66 More information available on the website: <https://dozorro.org>

67 Dozorro-News (2022) *In one year Prozorro saved 735 million to the Ministry of Defence* (Dozorro). Available here: <https://dozorro.org/news/za-rik-prozorro-zekonomilo-ukroboronpromu-735-miljoniv-griven>

68 NAZK – National Agency on Corruption Prevention (Ukrainian abbreviation)

69 National Agency on Corruption Prevention (2023) *Corruption risks in public procurement during martial law: recommendations of NAZK* (NAZK). Available at: <https://nazk.gov.ua/uk/novyiny/koruptsijni-ryzyky-v-publichnyh-zakupivlyah-pid-chas-voyennogo-stanu-rekomendatsiyi-nazk/>

mentioned only pre-war conditions are the most efficient in defending the interest of the state and citizens in diminishing potential corruption risks.

One other important point tied to the case is the use of such instruments, as a platform related to the analysis of the landed contracts, Anti-corruption Monitor (ACM)⁷⁰. It assesses the suppliers on the index called formal signs of corruption components (*ukr.* FOKS). This website provides a good base for further investigations and raises debates if the contract can be considered valid. However, it does not include direct contracts (not signed as the result of tendering), which became the main issue with this Ministry of Defence case: because of unavailability of the such contracts to civil society, they are initially out of control and possess the highest risk of corruption. Therefore, this case was brought to light only thanks to the efforts of the investigative journalists of Ukrainian civil society.

And last but not least in the list of findings is the change the war brought to Ukrainian society. Corruption never vanished with the war, but the perception towards particular forms of corruption, especially the cases tied to the military sector. During the war aimed to take Ukrainian independence away, citizens felt a connection to their identity, and many people changed their former warm relations to now enemies. Most importantly, Ukrainians rediscovered their moral values and now tend to keep track of what's going on in the country, and the cases tend to have quite a significant response rate from the society over short periods of time. This is also the main reason why the journalists who published the reports connected to the ongoing case became targeted by various “contra-agents” seeking to influence the power these journalists have over public opinion. With the ongoing war, Ukrainians are constantly targeted by different interest groups, including but not limited to Russians. This has consequently led to the “desensitization” of Ukrainians, which had an impact on the possibility to “erase” big cases of corruption by prolonging investigative actions, and waiting for the anger to settle. As Ukraine developed a certain level of independent investigative sources, deemed trustworthy by the credibility of their work and impossibility of bribery, such corruption cases also became “solid”. In the case of a corruption scheme in the Ministry of Defence and its actors, the case has already been published and damage to the reputation and trust has been inflicted.

Ukraine is in a state of war. The martial law is both significantly slowing the anti-corruption efforts and allows significant “sensitive” data to be hidden from the public eye. This case is a very important example of the problems Ukraine faces. Intentions to hide the vital information have brought not much safety for the army but rather allowed the opportunity for corrupt activities that not only did not help Ukraine but hindered the military forces with low-quality products, missed delivery terms, and high price levels. If compared to the anti-corruption strategy, digital transformation of the exercise of powers by the state authorities, transparency and disclosure of data, and establishment of a culture of integrity and respect for the rule of law are all affected negatively by the context of the ongoing war. However, the case also shows that there is at least some progress with the inevitability of legal liability for corruption and corruption-related offences, and most importantly – with the formation of public intolerance of corruption. To understand why public intolerance of corruption is so important, it is necessary to understand what corruption is.

70 More information available on the website: <https://acm-ua.org/>

Chapter 2: Theory of corruption

This chapter is aimed at investigating the theoretical fundamentals necessary to further investigate the mechanisms of interaction between civil society and government, as well as researching the applicable scheme of combatting persistent corruption practices. What is corruption: what kind of a problem is it and what is its role in society? What are the theories of corruption, and what known methods there are to fight it? Moreover, it is important to understand existing theory to evaluate the possible solutions for the case of corruption in Ukraine.

What is corruption?

“*Corruption is an abuse of entrusted power for private gain*”⁷¹. Given this definition, it is necessary to draw the line between what is exactly meant by ‘*private gain*’. A ‘*gain*’ is a positive result of the action or inaction, ‘*private*’ means only one person benefits from it. In the work of Xizu Liu, the abuse of power is reiterated to the political sovereignty (that is given by citizens to the state officials and politicians) being used against people, or exclusively with individual profits in mind⁷², while the righteous use of state power is dictated exclusively by the constitution and, therefore, with collective benefit in mind. Collective benefit refers to the citizens’ well-being, reforms aimed at improvement of the quality of life, important projects providing public services, etc.

The theoretical framework of corruption is quite extensive and differentiates between the selected classification characteristics. To classify the corruption in the case study, the thesis utilizes the essay “Forms of Corruption” by Stephen D. Morris, as it provides a comprehensive overview of the classifications of corruption⁷³. There are, according to his findings, four distinct characteristics, on the basis of which, corruption can be characterised. For reasons concerned with clarity and integrity, this thesis does not attempt to name all of the specific types of corruption and further classify and characterise them.

The main focus of the thesis revolves around the top-level corruption in the Ukrainian government, which corresponds to the following classifications provided in the “Forms of corruption”:

- by institutional location, the case falls into the category of upper-level corruption. The category deals with the types of corruption involving high-ranking officials;
- by systemic framework, the case is of institutional/systemic category. Institutional, as the case concerns the Ministry of Defence. Systemic, because corruption is deeply rooted in Ukrainian society;
- by nature of transaction, the case of corruption in the Ukrainian Ministry of Defence falls into the category of “grand” corruption, involving large sums of money and less frequent transactions;
- by motive/purpose the case is both in the bribes/kickbacks category and the systemic top-down corruption; the first category, however, will be either confirmed or denied by the results of the investigation, the question is: what was the deal for the Ministry officials?

71 Primary source: Transparency International, available online at: <https://www.transparency.org/en/what-is-corruption>

72 Xizu Liu (2016) *A Literature Review on the Definition of Corruption and Factors Affecting the Risk of Corruption* (Open Journal of Social Sciences, 4: 171-177) p. 172

73 Stephen D. Morris (2011) *Forms of Corruption* (CESifo DICE Report 2: 10-14) pp. 10-12

Were they bribed into signing the contracts? For now, the information is too limited to decide.

Now, why is that important: to categorise the case and decide whether or not it falls into a certain category? The categorisation confirms the corruption to “follow along” with the historical types of corruption present in Ukraine⁷⁴. This means Ukraine being in a state of war did not affect already existing patterns concerning corruption. The implications of this statement will be further referenced in Chapter 3 of the thesis; for now, it is important to further analyse corruption in the mostly theoretical framework.

What causes corruption?

What causes corruption to appear in the first place? In the work of G. de Graaf⁷⁵, improper working conditions and low salaries were named as the main reasons why corruption occurred in low-income countries. However, in Ukraine situation with government officials is contradictory to the country’s low income status: despite an average salary of around US\$450, deputies and ministers earn the salary of an average European citizen, US\$4,000⁷⁶. It could be argued, that some of the lower-level officials do earn much less, even somewhat lower than the average; however, the case of the Defence Ministry involves high-ranking officials, who clearly earn much more than the average⁷⁷. That is why the thesis disregards the division between low- and high-income countries and further studies the applications of the corruption causes theory.

The six theories of kinds of corruption causes suggested by de Graaf are not all universally useful for the thesis. The public choice theory can be applicable because it takes into account possible punishment and chances of being caught⁷⁸ - both of which are not as strict for the Defence Ministry in the martial law in place and ongoing war, so could be the true theory for the case.

Organizational culture theory might also contain some clues to the reasons for corruption persistency in Ukraine, especially if the political system is translated as organisation. This theory understands the corrupted climate being the reason why people engage in corrupt activities: unwillingness to engage in corrupt activities is assumed unethical⁷⁹. In organisational culture theory, corruption is contagious and passed from predecessors to succeeders like heritage.

The next one is the ethos of public administration theory, which problematizes *new public management*, deregulation, and privatization. According to this theory, such developments create structures of corrupt influence whilst removing agencies responsible for public accountability⁸⁰. This theory could be particularly useful for the Ukrainian corruption problem, given the transitional

74 Many works referenced in the thesis generally agree on Ukrainian problem with systemic corruption. One such confirmation may be found in the beginning of the following work: Yemelianova, A. (2010) *A diagnosis of corruption in Ukraine* (European Research Centre for Anti-Corruption and State-Building, Working Paper #14) p. 2

75 G. de Graaf (2007) *Causes of corruption: Towards a contextual theory of corruption* (Public Administration Quarterly, 31 (1): 39-86) p. 43

76 Bohdan Ben (2020) *How much Ukrainian top officials earn and why their salaries vex Ukrainians* (Euromaidan Press). Available at: <https://euromaidanpress.com/2020/01/17/how-much-ukrainian-top-officials-earn-and-why-their-salaries-vex-ukrainians/>

77 Iryna Balachuk (2024) *Defence Minister earns over US\$145,000 and rents 2 apartments in Kyiv* (Ukrainska Pravda). Available at: <https://www.pravda.com.ua/eng/news/2024/02/1/7439856/>

78 G. de Graaf (2007) *Causes of corruption: Towards a contextual theory of corruption* (Public Administration Quarterly, 31 (1): 39-86) pp. 46-47

79 Ibid, pp. 51-52

80 Ibid, pp. 56-57

political system, post-soviet political and economic systems, and collective properties that were privatized often not the way from which people would benefit.

The clashing moral values theory assumes an individual is prompted to corrupt activities because of personal beliefs⁸¹. This theory is rather related to bribery than to the case study. Similarly, bad apple theory takes a corrupt individual and holds them responsible for the corrupt activities⁸². Both theories are not the Ukrainian problem, because it is known that Ukrainian society justifies corruption to a certain extent. But even that justification is enough to characterise the corruption in Ukraine as a collective problem.

Last, but not least, is *correlation “theories”*, which is rather a method of corruption assessment than just a theory. It assumes and studies corruption causes on all levels⁸³, but does not provide much details for a particular case.

Overall, there are three main categories of causes of corruption: individual (character, conditions) and work (type, colleagues, contacts); organization (structure, culture, policy); environment (law, political-administrative or societal)⁸⁴. The case of corruption in the Ukrainian ministry of Defence is likely caused by both organisational and environmental causes, although there is no denial of the individual nature of the actions as well. Ukrainian Ministry of Defence is rather unnecessarily bureaucratic and old-fashioned, with lots of the protocols still in the same state they were in times of the USSR – meaning not everyone follows them and uses the “detour” schemes to avoid paperwork. There is an environmental problem, where the society does not trust its government and the government inevitably confirms the concerns with new cases, where society justifies petty corruption because of the presence of a “bigger problem”, but likely it works the other way around, too. Lastly, the individual cause of corruption cannot be dismissed, because each action or inaction has consequences. And each action or inaction is a choice, not a written constant.

Why corruption exists?

Corruption is not a one-time event, it is a process, that is a part of human nature⁸⁵. There is no universal solution against corruption unless the causes are treated in time. The reasons why corruption happens, are numerous, yet all of them are social, be it the system that encourages corruption to remain part of it or social injustice, where one does not earn enough to provide for themselves on the state official duty and is urged to ask for bribes each time they provide the service. From a corrupted individual perspective, there is no corruption, and such “friendly acts” are not criminal at all. Therefore, the main reason why simple elimination of the reasons is not enough is a public willingness to ignore the problem and the high level of social acceptance. Ukrainian society is used to both petty and grand corruption, in fact – petty corruption is deemed inevitable, as citizens “often justify their participation in such petty corruption by noting that high-level officials and oligarchs are involved in graft on a much grander scale”⁸⁶. Therefore, the hardest challenge Ukrainian society faces in its battle with corruption is: it persists because people justify their actions

81 Ibid, pp. 53-54

82 Ibid, pp. 49-50

83 Ibid, pp. 59-60

84 Ibid, p. 68

85 Camila Vergara (2020) *Systemic corruption: constitutional ideas for an anti-oligarchic republic* (Princeton University Press) pp. 13-17

86 Dr. Sean R. Roberts, and Dr. Robert W. Orttung (2015) *Changing corrupt behaviors assessment: addressing everyday corruption in Ukraine* (USAID) p. 7

by the norms of society, and shift the blame to the bigger actors of corrupt schemes while justifying their actions. As a result, the country is stuck in the vicious circle of corruption.

Undeniable is the fact that corruption is a part of human nature because it is tied to human evolution⁸⁷: in the long run a corrupted individual is more likely to succeed, for the individual advantages are more valuable than collective benefit. Corruption persists because *it solves problems*⁸⁸. Yet, in the modern world corruption is illegal by its very definition: individual freedom in a democratic society is limited by the point where the freedom of others begins; therefore misuse of entrusted power may be viewed as the actions that lead to the violation of the rights and freedoms of the citizens. However, in the conditions of social injustice, or, like in Ukraine, the widespread corruption of every level of society, an individual benefit is often more desirable than the collective well-being.

There is research that links corruption to be a factor for diminishing value of money, e.g. a customer's decision is affected by the integrity of the company offering services, if there is an alternative company that does not have a bad record, it would be more favourable than the one involved in a scandal with "dirty money"⁸⁹. This is social stigmatization, which is the opposite factor of social acceptance. The historical events and post-colonial past have made the Ukrainian level of social acceptance of corruption and other forms of social injustice quite high, with the post-colonial past playing an indefinitely significant role in forming "the collective unconscious" of the society⁹⁰.

Ukraine has struggled with corruption since the declaration of independence in 1991. Ukraine is known to have corruption, moreover, the extent of corruption in Ukraine is not limited to a group of people, on the contrary, corruption in Ukraine can be found everywhere, and that is what was not subjected to change until 2013, when the Revolution of Dignity launched the collective cooperation mechanism ruined by collectivism and the syndrome of "small people", particularly affected by which were the regions close to the Russian Federation and troubled by its soft power. It would have taken much longer otherwise to create the conditions for the creation of the climate where the public would be so justice-driven that regular social acceptance would be just ignored. The Revolution of Dignity, and now the war have created a strong image for the Armed Forces of Ukraine, which made the case study the way it is, where justice is so important for society, it actually influences how the events unfold.

Corruption is not exclusive to the political sphere of life, it occurs in the business world as well. But in the business world, corruption is not that big of a problem, because the purpose and goals of the business are aimed at bringing profit to the stakeholder(s), so there is seemingly no problem with bribing a supplier to get a good exclusive product or in order to settle a unique deal. In the business world, corrupt actions are somewhat justified by competition and the type of ownership. There is neither an obvious culprit nor the easily identified victim to assess the situation, which is why this type of corruption, private-to-private, is usually ignored by society⁹¹. The similar corruption

87 Ajit Mishra (2006) *Persistence of Corruption: Some Theoretical Perspectives* (World Development, 34 (2): 349-358) pp. 353-355

88 Heather Marquette and Caryn Peiffer (2015) *Collective Action and Systemic Corruption* (ECPR Joint Sessions of Workshops, 19) pp 19-20

89 Jennifer E. Stellar, and Robb Willer (2014) *The Corruption of Value: Negative Moral Associations Diminish the Value of Money* (Social Psychological and Personality Science, 5(1): 60-66) pp. 64-65

90 Sharat Kumar (1999) *Corruption: A Managerial Challenge* (Paradigm 3(2): 118-122) p. 118

91 Claudia Ogrean (2007) *From Business Corruption To Business Ethics – New Challenges For The Competitive Strategy Of The Firm* (Studies in Business and Economics, Lucian Blaga University of Sibiu, 2(2)) pp. 55-57

problem concerned with the state officials, however, will always be more important to the society. It is because a state is always a community: a group of people living together, paying taxes to keep their community running, and establishing goals for the country, which politicians are to fulfil. When people in a community feel mistreated, substantial parts of the economy turn to “shadow”, which hinders taxes and impacts the overall well-being, bringing a run-down to the most vulnerable sectors and people relying on the state support.

Anti-corruption strategies

An effective strategy against corruption is vital to establishing proper goals and creating viable plans for improvement. The very first step towards creation of one, is to assess the *corruption climate* in a given country⁹²: how willing are people to pay bribes and how willing are officials to receive them? How *socially acceptable* it is to be corrupt in this country? The next step is answering two other questions, which arise from the different social circumstances of corrupt actors. The first one concerns literacy rate difference, where there is a notable gap between literate government and illiterate citizens: a good extreme example of which could be found in colonial Africa⁹³. Another question arises when laws conflict with public or individual interest: *all laws create disadvantages for certain people*⁹⁴. And when laws are practically imposing favourable conditions for oligarchs while other businesses struggle, corruption spreads inevitably.

During the war, the vital defence sector being corrupt does not help Ukrainians to progress in their fight against their corruption. People feel betrayed, and left alone; as if no one is looking out for them – similarly to the anonymous report used as an example in the report of the EBRD’s commission SAGSUR, where corruption becomes so deeply rooted in the society, it cannot be considered corruption any more⁹⁵. This is why in some studies of corruption, it is sometimes debated, if corruption could actually in some cases enhance the development of a country⁹⁶, by allowing people to be treated equally despite the laws not working. Thanks to the events of the Revolution of Dignity, when the corrupt government was overthrown, people understood, that there could be another Ukraine, where democracy stands above all, and no space is left for corruption. What Ukrainians perhaps had not considered, was the time required for the system to *change*. Social transformation is necessary to tackle several types of corruption in Ukraine⁹⁷.

Ukraine is in a very tough situation because of its inability to effectively cease corruption in the military area. In times when might and unity are of the biggest importance, when cooperation and honesty are vital for sovereignty and future, corruption sparks new unnecessary debates on whether or not everyone is corrupt, hinders the image of the country on the world level, and further impacts the trust people have for their chosen government. These very debates together with investigative actions, however, are also an important part of the anti-corruption process. They are a sign of freedom of speech and independent journalism, which highlight healthy processes for a society: people learn to recognise corruption as unacceptable and react to the findings of the investigations by exercising their democratic rights, including protests and petitions to communicate their opinion

92 M. McMullan (1961) *A theory of corruption* (The Sociological Review, 9 (2): 181-201) p. 187

93 Ibid. p. 188

94 Ibid. pp. 190-191

95 The opinion can be found in the following work as a part of the “Box 1: Corruption in healthcare system”: Ivan Miklos and Pavlo Kukhta (2019) *Reforms in Ukraine after Revolution of Dignity* (EBRD) p. 14

96 Zoe Pearson (2013) *Corruption and Anti-Corruption: An international human rights approach to corruption* (ANU Press: 30-61) pp. 40-41

97 Mushtaq H. Khan (2004) *Corruption, Governance and Economic Development* (The New Development Economics; in Jomo, K.S. and Ben Fine (eds)) pp. 17-18

to the responsible government bodies. Examples of such include protests against mindless public spending and pro-military payments; creating petitions in response to the incomplete laws with the demand to review them⁹⁸.

How can corruption become easy to recognize and, therefore, easier to deal with? By acknowledgement, that corruption is not vague or non-existent, and by allowing public services to become areas with easy access to data. In other words, if a state is an embodiment of national interest, all the actions, transactions, and inactions concerned with it should be easily accessible for every citizen and civil society agent, which would make important decisions easier to control. Such is the principle of transparency – the base principle of any anti-corruption strategy. Before the 24th of February, 2022, Ukraine was rather successful in the implementation of anti-corruption measures into the Constitution. The path of reforms was chosen after the Revolution of Dignity, when the Ukrainian political course was settled westward, with democratic values and the goal of becoming a member of the European Union. Before the Revolution, zero progress was made in relation to the reforms or EU integration⁹⁹. Although wars and armed conflicts, in general, are seen as a hindrance to successful anti-corruption campaigns and most of the efforts are mostly dependant on changing government¹⁰⁰, Ukraine could be a different case, because the existential war brings forward the problem of national identity, thus excluding the problem of “the collective unconscious”.

In a review of anti-corruption strategies conducted in 2006 by the Australian Institute of Criminology¹⁰¹, reforms in three areas were noted: agenda-setting, decision-making, and implementation. It was also highlighted that the moral value of punishment does not have the same impact as creating anti-corrupt mechanisms. It is also important to implement different strategies in different countries, as the same means used in different countries cannot produce the same results¹⁰². Access to information laws, being one of the transparency implementation means, provide easy access for civil society agents, that enhance both communication and control over the state activities. Ukraine has also improved the accessibility of public procurement (tendering) with the help of Prozorro, mentioned in Chapter 1. However, since the beginning of the full-scale war, the information displayed on the online portal became very limited, so Russian intelligence does not use it to track the vital defence sector locations and warehouses. This also impacted already settled contracts, allowing the contractors to ditch their responsibility and avoid submitting reports about the money obtained from tenders, simply because of lack of control.

What later on brought even more problems was the step to allow the Ministry of Defence to use direct contracting as the main sourcing method. The direct contracting method as opposed to public procurement is outlined by the contract and is limited to just one supplier that landed the contract with defence ministry. Already the very process of negotiation of such a form of cooperation raises questions about the screening process of candidates, and even more problems are created because the transactions are beyond the control of civil society. And these are not merely suggestive outcomes, as the case study of the Ukrainian Ministry of Defence “egg scandal” shows. For in a

98 Markiian Klymkovetsky (2023) *A rally gathered under the walls of the KMDA: people demand to direct money "to the army, not to paving stones"* (hromadske). Available online at: <https://hromadske.ua/posts/pid-stinami-kmda-zibravsya-miting-lyudi-vimagayut-spryamuvati-groshi-na-armiyu-a-ne-brukivku>

99 Ivan Miklos and Pavlo Kukhta (2019) *Reforms in Ukraine after Revolution of Dignity* (EBRD) pp. 10-11

100 Alix J. Boucher, William J. Durch, Margaret Midyette, Sarah Rose, and Jason Terry (2007) *Mapping and Fighting Corruption in War-Torn States* (The Henry L. Stimson Center, 61) pp. IX-X

101 Rob McCusker (2006) *Review of anti-corruption strategies* (Australian Institute of Criminology), pp. 28-30

102 Alan Doig and Stephen Riley (1998) *Corruption and anti-corruption strategies: issues and case studies from developing countries* (UNDP, OECD. Development Centre: 45-62) pp. 49-50

society infected with corruption, there is no such universal trust: even the most prominent “clean” politicians are doomed to play in the corrupt schemes of the system.

In some situations, when the most direct methods of corruption fight become perceived as aimed at the sovereignty of a state, the indirect strategy proves to perform better and ensures corruption will be perceived as corruption. Bo Rothstein has published in 2018¹⁰³ a work, that is aimed at popularising a novel, indirect way to overpower systemic corruption, and as an example mentions free universal public education. He argues, that even the most strict measures and laws limiting power and establishing control over the state institutions, will likely be necessary, but not enough. The problem with persisting systemic corruption is almost exclusively linked to the public tolerance of corruption. There is definitely a lack of state efforts to communicate changes in the laws and policies to the public, and there is a lack of funds to improve public engagement in the political life of the country, despite the very public engagement being a core goal of many parties and the government¹⁰⁴. The communication issue was resolving slowly over the last couple of years, but it was not sufficient change. It is also important to consider Russian efforts to keep the heated debates afloat: a recent example is a “conflict between the General of the Armed Forces of Ukraine and the President of Ukraine”. Has there been an actual conflict or not, it influenced Ukrainian news enough for the public to turn a blind eye to other topics, which would have been more important for the country rather than pure speculations over something that is neither confirmed nor open for everyone to witness.

Why is it important for Ukraine to eliminate corruption on the top level rather than to focus on the overall corruption problem? First of all, it is important for the development of a national identity¹⁰⁵ to coincide with the political processes, to eradicate the corruption at the “head” so that the growth of the sense of identity will be confirmed by the actions perceived as a “citizen”, what would consequently impact the interactions between the people and the state, consequently affecting the international perception of Ukraine, too. It is important to also mention the country profile and the importance of “leading by example” for Ukrainian people¹⁰⁶. And, without sufficient cases to justify corrupt behaviour any more, Ukrainians will need to start thinking more responsibly about their own actions, which would gradually resolve the problem of the corrupt society. Corruption is a form of social injustice, consequently, the anti-corruption strategy is only then successful, when the process is truly justice-driven. Otherwise, should the borders between the victim and the culprit be smudged, the strategy would in the long run be ineffective.

As Ukraine faces systemic corruption, it is suffering from the collective action problem, described in the work of Anna Persson, Bo Rothstein, and Jan Teorell as *punishing honesty while offering*

103 Bo Rothstein (2018) *Fighting Systemic Corruption: The Indirect Strategy* (Dædalus, the Journal of the American Academy of Arts & Sciences, 147 (3): 35-49) pp. 44-45

104 More information on the anti-corruption legislation pre-Revolution of Dignity: Yemelianova, A. (2010) *A diagnosis of corruption in Ukraine* (European Research Centre for Anti-Corruption and State-Building, Working Paper #14) pp. 7-9

105 Part “Developing a National Identity” in: Karina Korostelina and Gerard Toal (2023) *The Dynamics of Identity in Ukrainians Living at the Front* (Wilson Center). Available at: <https://www.wilsoncenter.org/blog-post/dynamics-identity-ukrainians-living-front>

106 According to G. Hofstede’s country comparison tool, Ukraine has scored 92 in Power Distance, what translates as quite high. It comes from the Soviet Union period and centralized country, that has a significant difference in influence between “higher ranks” and “lower ranks”, consequently highlighting “leading by example”, as those of “lower ranks” would follow. More information available online at: <https://www.hofstede-insights.com/country-comparison-tool?countries=ukraine>

*benefits to corrupt behaviour*¹⁰⁷. It is expected from a person to act corrupt in contrast to the person simply choosing to act for their own benefit. Quite often, too, a corrupt person is just a little cog in the grand scheme, with the money from bribes and kickbacks being shared among the organisation. Exactly because of this reason neither “effective” legislation, nor the punishments written in the courts will be an ultimate anti-corruption measure. Only when corruption becomes socially unacceptable can the situation finally be improved.

An ideal theoretical anti-corruption strategy

Considering the particularly complex nature of corruption, there is no universal solution to corruption. Thus, an ideal theoretical anti-corruption strategy is not a one-time solution, but rather – a process of constant measures aimed at diminishing the risks of people even considering buying the advantages for themselves. As such, when developing an anti-corruption strategy the context is the most important to take into account: where do the roots of the problem lie? Is it financial scrutiny that subjects people to seek other sources of funds? Is it a problem that is historically embedded in the country’s history? What kind of vision of corruption prevails in the country: is corruption more stigmatized or accepted? After the context is clear, the strategy will aim at these problems.

Because corruption is a social problem, the theory has only advisory solutions for the generalised image of corruption. Then, because the theoretical solutions are not suited for every case, they do not yield the expected results, consequently rewarding stalled anti-corruption efforts with new recommendations and reforms that may or may not be based on the actual situation that exists in a given country. The real roots of corruption in each country are, of course, embedded in the nature of humanity. However, the reason why corruption persists is different: in some countries, it is a lack of human rights, and in some others – economic advantages one can get out of a deal. For Ukraine, the main reason is the social acceptance that stems from social inequality. The next Chapter of the thesis sets the context of Ukrainian corruption which provides general ideas about the anti-corruption strategy applicable in Ukraine for sustainable healing of the system.

107 Anna Persson, Bo Rothstein, and Jan Teorell (2013) *Why Anticorruption Reforms Fail—Systemic Corruption as a Collective Action Problem* (Governance: An International Journal of Policy, Administration, and Institutions, 26(3): 449-471) pp. 456-458

Chapter 3: Anti-corruption strategy during war

This Chapter aims to provide an important context for the corruption problem in Ukraine. As discussed in the previous Chapter, the context of corruption in a given country is very important for effective anti-corruption strategy development: it is important to understand the context of the problem in Ukraine to assess the changes that both already occurred and are currently “in the making”.

Historical roots of the corruption problem in Ukraine

First of all, it is necessary to highlight the changing social context of Ukraine. After the dissolution of the USSR, Ukraine became an independent, sovereign country, yet retained much of its post-colonial characteristics, such as corruption, embedded into all the state structures, “powerless” people, and marginalized society as a whole, with the middle class being almost non-existent¹⁰⁸. The problem such aftermath induced was privatization, which allowed very few to climb very high, allowing a small circle of people to control more than half of the Ukrainian economy¹⁰⁹. Not surprisingly, it led to obvious problems for small and middle businesses, because the state control was easily bribed – the big businesses were “immune” to the control of the state. With time, the situation stagnated, and corruption spread to every layer of society, every service, and became an “everyday norm”. All the post-Soviet countries initially shared the problem of weak organization¹¹⁰, featuring some common characteristics of systemic corruption, such as bribe sharing within an organisation in return for protection from the superiors¹¹¹.

Yet the situation has been slowly changing with the following two factors: Ukraine becoming an IT-oriented country and the Revolution of Dignity, which has damaged lasting Russian soft power and decreased the connection between the two. The latter had allowed Ukraine to move on with disregard to the narrative about “small people” which is so popular in Russia. Afterwards, the years after the Revolution became years of relief and establishing new norms. However, the system does not change as fast, and the factor of social acceptance of corruption at the levels during Yanukovich’s presidency all acted as slowing mechanisms, at times resetting the efforts and nullifying them. In support of this statement exists continuous surveying, highlighting a “shift of perspective” in 2013, when 41% of respondents chose the European Union over the Customs Union, which was chosen by 34%. As compared to 2008, when an overwhelming 54% were pro-Customs Union, this change set a trend that held until October 2014. Since October 2014, the new group has overtaken the Custom Union supporters, which consisted of people not supporting either union¹¹². The reason for this group’s appearance is also mentioned in the study: it is the value system of Ukrainians. The first place in this system occupied the values of personal well-being (health, prosperity, success, and family), followed by paternalistic values (free education and

108 Alikhan Baimenov and Saltanat Liebert (2018) *Governance in the Post-Soviet Era: Challenges and Opportunities* (Public Administration Review, 79(2): 281-285) pp. 281-282

109 Rosaria Puglisi (2003) *The Rise of the Ukrainian Oligarchs* (Democratization, 10(3): 99-123) pp. 101-103

110 Celeste Beesley (2015) *Globalization and corruption in post-Soviet countries: perverse effects of economic openness* (Eurasian Geography and Economics, 56(2): 170-192) p. 171

111 Cristoph H. Stefes (2007) *Measuring, Conceptualising and Fighting Systemic Corruption: Evidence from Post-Soviet Countries* (Perspectives on Global Issues, New York University, 2(1)) p. 7

112 Matthes Buhbe (ed., 2017) *How Ukrainians Perceive European Values Main Results of an Empirical Survey* (Friedrich Ebert Stiftung, Gorshenin Institute) p. 7

medicine, social benefits, stability) and closed by the European values (the rule of law, democracy, freedom of speech, honesty/transparency, etc.)¹¹³.

After the Invasion of 2022, and the beginning of the war, the social context changed a lot, and the value system was contested: it became no longer possible to ignore the problems that exist within the established system¹¹⁴. The fight for the right to exist, and the gratefulness to the Armed Forces, have changed the social acceptability for corruption connected to the military sector of the economy, pertaining mainly to the increase in importance of honesty/transparency, democracy, and the rule of law in the value system. No citizen could live peacefully within their self-centred values, as the country witnessed the crimes and shelling, and the only power that defended them was the Armed Forces of Ukraine. The defenders of the country should never be a victim of corruption, therefore the culprit needs to be punished, and there is no dialogue on this, which is also the core reason why the charity/donation system is so developed in Ukraine – to bypass the corrupted bureaucratic procedures which cost the country lives of its defenders. The ones who rob the army need to be punished, an expression of the need for the rule of law. The situation is quite curious because even though corruption is still present, there is a trend for the positive: the investigations that lead to resolutions and punishment. However, there are still many areas where people sadly did not regain control over the course of actions. Hopefully, after the corruption becomes socially stigmatized with the connection to the Armed Forces, this very stigmatization would transfer consequently to all the other sectors that also need the attention.

Following the theme from the previous chapter, any anti-corruption strategy is mainly a justice-driven process and therefore requires clearly established differentiation between the victim and the culprit. Since the beginning of the war in 2022, there has been a change in the national identity of Ukrainians, which led to further distancing Ukrainians from Russians. In the war, it is clear who the aggressor is, and who is the victim, which has translated some clarity to the inner situation in the country, too. The Armed Forces, who defend the country and its people, who put their lives in this fight, are the heroes. Now, the title of a hero means a kind of “sacred” status to it, meaning the society that does not participate in the war should respect the defenders, and try to help where they can. It also means, that anyone who intends to rob the defenders, should get the punishment with no exception. This leads us to another insight in the case study, where the representation of the problem is also part of the solution because it satisfies the need for justice. As has also been mentioned previously, such a type of justice is rather a novelty for Ukraine. Because of the high level of social acceptance of corruption, the corruption cases rarely came to a conclusion, lest to a punishment. A great deal of people involved in corruption schemes have fled the country because nobody cared.

War versus corruption theory

The war made corruption unacceptable if it relates to the Armed Forces. For a regular Ukrainian, to ignore corruption means to ignore people who defend you, ultimately meaning one does not care for their life or is siding with the aggressor. The very existence of Ukrainians is threatened by the war, which also means that personal well-being for many Ukrainians became secondary, whilst the problems of national scale are primary. The war taught and is still teaching people to get together: share electricity, donate to the military units, help, volunteer, etc. - all the activities that were not

113 Ibid, p. 9

114 Oleksandr Radchenko, Oleksii Kriukov, Valeriia Kovach, Inna Semenets-Orlova, Artur Zaporozhets, and Vitalii Kostenko (2023) *Mental and Value Features of Ukrainian Society in the Context of “Civilizations Clash” as the Main Object of Information War in Ukraine* (National Security Drivers of Ukraine: 301-316) pp. 303-307

quite popular before the 2014¹¹⁵, and finally surged to their full scale in 2022¹¹⁶. Therefore, to lose the son of the Hrynkevych family, to let him cross the border would also mean to betray the soldiers on the frontline and to betray all the “ordinary” people, who donate and volunteer. Thus, the capture of the suspect in this case is yet another example that not only people in Ukraine are slowly changing and making corruption socially stigmatized, but this change is reflected in the resolutions of corruption cases.

Civil society, a network of various agents and organisations that act in favour of the public interest, is an integral part of any anti-corruption strategy. It is very important because of the ability to appeal to and interact with the state institutions in order to pursue the set goal. For the matters concerned with corruption, civil society is usually the representative of the citizens, able to play advisory and controlling roles. However, the problem Ukraine is likely facing is the culture of corruption and the legacy of communism affecting the strength of the civil society¹¹⁷.

Would international cooperation embodied in the efforts to establish civil society in a country be enough to combat and decrease the prevalence of corruption? The answer is likely “no”. A report on the Indonesian situation with corruption that studied the contribution to the efforts of corruption reduction by civil society organisations gives rather an upsetting answer: despite superficial achievements, civil society organisations did not achieve much progress on the core goal of the corruption fight. Even though a number of new organisations emerged and corrupted officials were imprisoned, the failure to aim at the systemic corruption roots has brought not many results in the long run¹¹⁸, simply because the goal was not the system, but the corrupted officials. From the other perspective, too, there is little justice to the cases that public does not understand or where the victim is not identified. In the activities conducted by civil society, establishing justice is not the main aim, yet the “corruption fight” is.

This problem translates into the Ukrainian perception of corruption: many think that corruption is like *rust* and requires *an iron brush* to be removed¹¹⁹. However, even if the corrupted officials were all punished with no exception, there would be no guarantee the “rust” would not be back: because the type of corruption in Ukraine is systemic. It functions as a mechanism: as soon as a “rusty cog” is removed, it is only a matter of time until the problem comes back. Because in essence, the corrupted officials are likely not the cause of the corruption, only one of the symptoms existing in the state institutions and the country overall.

In Ukraine, one of the significant civil society agents is Transparency International (TI) Ukraine. The work of TI Ukraine was, in fact, already mentioned in the case study, in fact both projects Prozorro and Dozorro were accomplished with the help and cooperation of Transparency

115 “were not quite popular” – meaning they were not completely non-existent, yet causes and scale of such activities rarely were reflected anywhere except for the local press.

116 The development of Ukrainian volunteering during the period of Russian aggression is divided into two “waves”: the first one began in 2013 and continued in 2014 because of the annexation of Crimea and occupation of some parts of Ukrainian Donbas, especially years 2014-2016; the second wave starts on the 24th of February, 2022. More detailed information can be found in the work: Pankova, O., and Kasperovych, O. (2022) *Ukrainian Volunteering under Conditions of Armed Russian Aggression: Strengthening Capacities through Digitalization, Platformization and the Involvement of ICT, Network Technologies* (Ekonomichnyy Visnyk Donbasu 2(68):113-123). pp. 113-115

117 The extended argument (although not discussing any certain country, but the region of Central and Eastern Europe) is available in the following work: Patty Zakaria (2012) *Is corruption an enemy of civil society? The case of Central and Eastern Europe* (International Political Science Review, 34(4): 351-371) pp. 353-354

118 Budy Setiyono and Ross H. McLeod (2010) *Civil society organisations' contribution to the anti-corruption movement in Indonesia* (Bulletin of Indonesian Economic Studies, 46 (3): 347-370) pp. 367-368

119 Analogy and data from the following research paper: John Lough and Vladimir Dubrovskiy (2018) *Are Ukraine's Anti-corruption Reforms Working?* (Chatham House), p. 4

International. However, in the case of corruption in the Defence Ministry of Ukraine, TI Ukraine did not play that big of a role, more concentrating on the formal advisory role rather than participating in an active investigation. According to TI, the Ukrainian corruption perception index is among the countries with the best performance in 2023, giving Ukraine +3 points¹²⁰. Overall, over the last decade, Ukrainian CPI had an increase of +11 points, which coincides with the steady improvements on the path to the European Union and the successful implementation of the needed reforms. While TI Ukraine does constantly monitor the law changes and ongoing trials, it has rather left the case of corruption in the Ministry of Defence to the brief overview of the challenges of 2023¹²¹, which then was only continued with the results of the ongoing investigations about Hrynkevych family¹²². Thus, such dynamics show that mostly TI Ukraine does not conduct the investigations, only gathering the information already available, after it has been confirmed.

Investigative journalism importance in anti-corruption process

Evidently, in the case study, most of the primary sources come from the various Ukrainian investigative journalism sources, which have published and investigated the case of corruption in the Defence Ministry. Investigative journalism is quite different from “mainstream” journalism where it is important to show the situation from all perspectives in order to stay objective and neutral. Investigative journalism is what actually journalism in the ranks of the civil society can do: control the state even when regular civil society agents are forced to accept the unfair updates to the corruption schemes. In the case study, where the war became the force majeure which pushed Ukrainian transparency laws significantly back, even though initially for the concerns of national security, the journalists found and published copies of direct contracts which led to further actions from the state. Thanks to the case of investigative journalism in Ukraine, the case of the Ministry of Defence is resolving rather quickly.

Investigative journalism in Ukraine is quite developed and has advanced ever since the war began as well. For example, there is a joint project of the German-based “Network for Border Crossing Journalism”, Lviv Media Forum, and the Institute of Mass Information (Kyiv), which is aimed at “supporting the Ukrainian regional media in their fight against fake news and disinformation”¹²³, what is very important in the conditions of constant informational campaigns orchestrated by the Russian government in order to undermine Ukrainian trust and demotivate them. Another example of an investigative journalism project is called “Nashi Groshi” (*ukr*: Our Money). It is supported by Ukrainian journalists from various publishers and is partnered with the Global Investigative Journalism Network¹²⁴. The project is aimed at controlling the tenders and reporting the findings to the public. Their work is particularly unwanted by yet-to-be-named corrupt actors, who go as far as to target some of the journalists in hopes of covering their deeds. In a short period of time, there have been two cases of attacks on journalists: the first one aimed at the flat of the journalist Yurii

120 Transparency International (2023) *Corruption Perception Index #CPI2023* (Transparency International Ukraine). Available online at: <https://cpi.ti-ukraine.org/en/>

121 Maryna Pavlenok (2023) *STORMY BEGINNING OF 2023: BIGGEST ANTI-CORRUPTION CASES AND CHALLENGES* (Transparency International Ukraine). Available online at: <https://ti-ukraine.org/en/news/stormy-beginning-of-2023-biggest-anti-corruption-cases-and-challenges/>

122 Oksana Kopiichuck (2024) *THE HRYNKEVYCHS MAFIA. EXPOSING A LVIV-BASED BUSINESSMAN AND HIS FAMILY* (Transparency International Ukraine). Available online at: <https://ti-ukraine.org/en/news/the-hrynkevychs-mafia-exposing-a-lviv-based-businessman-and-his-family/>

123 N-ost (2023) *Project Fight For Facts!* (Network for Border Crossing Journalism). Available online at: <https://n-ost.org/projects/fight-for-facts>

124 Information from: <https://nashigroshi.org>

Nikolov¹²⁵, the one who brought attention to the crimes occurring in the Ministry of Defence during the war; the second one aimed specifically at the journalists of another project, Bihus.info, that involved tracking (stalking) and illegal recording of the private life¹²⁶. Bihus.info is a project which monitors more general matters “all around”, whereas Nashi Groshi is more specific and aimed at procurements. However, these two cases are quite similar, because both of them target journalists who tell the people what is really going on, which in turn affects the certain individuals capable of staging an intervention in the private life of a journalist, only to make them silent. What these cases mean for the country is actually also two important things: the first is that the work of the investigative journalists is accredited by the ones involved in the schemes, which means the findings are correct; the second is that both cases have somewhat concluded in positive for the journalism results. The case of Nikolov’s flat was apparently resolved after the two men involved in the attack basically turned themselves in (excluding the fact that the one behind the orders is of yet unknown), and the case of Bihus.info concluded on January 31, 2024: President Zelensky's decree dismissed Roman Semenchenko, head of the National Statehood Protection Department of the Security Service of Ukraine¹²⁷.

It is important to note, that during the years of independence, the attacks on the journalists took lives. The founder of *Ukraiinska Pravda* (*ukr.* Ukrainian Truth), Georgii Gongadze is one among almost seventy names of the journalists killed because they were telling the truth, because their profession, especially when it is concerned with grand corruption, is concerned with risk¹²⁸. Gunfire, planted bombs, brute force, staged suicides. Now, since February 2022, the case of journalism has become even more important than previously. And also, it is notable, that the perception of corruption is now different: it is immoral to steal from the military that guards the safety of your life. Therefore, the names mentioned in the corruption cases are affected much more than before: it is one case when everyone is corrupt and one case amongst many pops up and dissolves, it is another case when the home is at war, everyone’s life is in danger, yet protected by the soldiers, from which one dare to steal. Because of this shift in perspective, Ukraine now is amidst the storm, because the corruption never stopped, and many people in the schemes are still failing to recognise the actual state of the matters. They think, that if they threaten journalists, if they make them “shut up” and disguise it as the deed of the state officials, they can keep on stealing. But people did change, and so did the news and perception of the politically motivated crimes, because during the war the dependency of Ukraine on international funds has skyrocketed, therefore, all the recent cases are monitored closely not only by the civil society but also by the international community as well. This is why this attack on Bihus.info is so significant in terms of progress in the case of independent journalism in Ukraine and in the case of corruption in Ukraine.

There is relevant research on the mechanism of interaction between corruption and civil society. In 2013, the journal of the Royal Society “Interface”, published a particularly curious report, that tied

125 Dmytro Klymenko and Iryna Ostapchuck (2024) “*It is an attack on the freedom of speech*”: *Kyivan journalist Yurii Nikolov told new details about the attack on his flat* (Suspilne.media) Available online at: <https://suspilne.media/671500-ce-zazihanna-na-svobodu-slova-kiivskij-zurnalst-urij-nikolov-rozpoviv-novi-podrobici-napadu-na-jogo-kvartiru/>

126 Bihus.info (2024) *The resource which published the video about tracking Bihus.Info, deleted both the video, and the article* (Bihus.info). Available online at: <https://bihus.info/resurs-yakyj-rozmistyv-video-stezhennya-za-bihus-info-vydalyv-i-video-i-novynu/>

127 Yurii Butusov (2024) *Zelensky admitted, who was spying on the journalists of Bihus.info* (Censor.net). Available online at: https://censor.net/ua/blogs/3471178/zelenskiyi_viznav_hto_stejiv_za_jurnalstami_bgusnfo

128 Zmina (2021) *Killed because of the profession. Remembering killed Ukrainian journalists and the investigations of their cases* (ZMINA). Available online at: <https://zmina.info/articles/vbyti-za-profesiyu-zgaduyemo-zagyblyh-zhurnalistiv-ukrayiny-ta-rozsliduvannya-yihnih-sprav/>

the emergence of civil society to the phenomenon of corruption¹²⁹. This report mentions corruption being the reason people tend to favour peer punishment instead of solely relying on centralized punishment institutions. The reason for such conclusions is the lack of trust in just one institution being responsible for judging the severity of the offence together with the openness to bribery, making such an institution *a single point of failure, highly vulnerable to corruption*¹³⁰. In other words, if a system becomes corrupt in one institution, it cannot be trusted with the power of punishing in the eyes of civil society: there must be independent, trustworthy agents that can work with the authorities in order to deliver a satisfactory punishment. In the case of the Ministry of Defence during the war, the facts confirm that unless there had been a case that disturbed the society, the crimes would have continued to this day instead of investigative actions launched by SBI. However, instead of the general civil society, the credit for this case is definitely given to the investigative journalists.

Of particular interest is a mechanism of interaction between the state and the journalists: how the investigations actually influence the anti-corruption actions. The mechanism in Ukraine is tied to a unique feature that triggers a response: “singling out” a case. It functions as follows: there is a case of corruption in Ukraine in general, however, in this big, generalised situation there are the corks, which interact and source the corruption. One such cork is the Hrynkevych family, who not only dared to enrich themselves in a criminal way, but stole from the defenders, the ones who ensure the safety of the back-end citizens! The importance of not letting such people get away with bribes was the core reason why the case went public. It is also important to mention the SBI agent, who tipped away the head of the family when he tried to bribe them to win back already “frozen” property. It would be easier to drop the case, if it were not for the fact that they have marked themselves twice, not only with one case but with several, including the food supply for the army. They were this way, “singled out” not only in the general case of corruption in Ukraine but even among the three food suppliers, too.

Transparency and social integrity are vital for the Ukrainian battle against corruption. With the available IT resources, the Ukrainian Ministry of Digital Transformation has achieved great advancement in the sphere of state services, successfully eliminating the human factor in many different procedures, including, but not limited to: car sharing, marriage-, birth- certificates, entrepreneurship registration, e-declarations, various range of other payments (including taxes and fines) etc. The general direction is in this sector to improve state-citizen relations by introducing “a country in the smartphone”, which functions independently without interventions and is impossible to bribe or corrupt, which improves the trust of the citizens in such services.

The major project of a kind is “DiIA” (*ukr.* Derzhava I Ia – State and Myself), which is simultaneously an identification kit (has a driver’s licence, various ID documents, such as passports and individual tax number), and a state services provider to the citizens. The app features a vast array of integrations, which provide even more opportunities to do with no need to go to various instances. During the war, the importance of Diia has only grown: some documents were lost, some burnt, and to re-order them or just get a necessary service, Ukrainians only need to use their phone, which conveniently saves a lot of time. Moreover, the app also helped the refugees to access some services abroad, for example in Poland it is possible to issue a residency permit just with the documents from the app, and in two provinces of Canada people were able to get drivers licences

129 Sherief Abdallah et al (2014) *Corruption drives the emergence of civil society* (J. R. Soc. Interface 11) pp. 1-6

130 Ibid. p. 2, two last paragraphs in the left column.

of Canadian standard based on their Ukrainian licences¹³¹. This all, of course, improves the general attitude towards the state, yet what undermines it is how the public funds are actually spent. This introduces the next point: the importance of providing access to the public procurements for the purpose of easy control over how and where the public budget is spent.

For the reasons of utmost importance, the problem of spending money on unnecessary projects like pavement renovations during the war, when special attention should be directed to the bomb shelters, ensuring emergency alerts are heard and delivered timely, improving hospitals and schools, is still a bother and a topic for heated discussions. In big cities like Dnipro¹³² and Kyiv¹³³, the problem has attracted enough attention of the public to evolve into local protests held at the administrative buildings. It is an important phenomenon in Ukrainian socio-political relations. It is also likely that the purpose of spending on such “important social projects” as pavements would escape the attention of civil society agents like TI Ukraine, especially since such projects do not necessarily indicate the presence of corruption and the problem is the difference in the interests of citizens and politicians. For such reasons, the state projects aimed at improving transparency of the public procurements not only attract exclusively journalists and civil society, but they also are of interest to socially responsible citizens¹³⁴.

Accessibility of any kind of information today in comparison to how it was before the Internet and media has also changed a lot. Both the Internet and traditional media became powerful tools in the fight against corruption. According to Wasil Schauseil¹³⁵, the media has three main functions: being a watchdog against corruption, promoting integrity, and engaging citizens in civil society. He argues, that despite the absence of precise studies, media tends to influence public opinion more than it is given credit for.

In the case of the digitalization of news, which makes them available almost instantly to the public, the impact has been so far both positive and negative¹³⁶. On the positive side, instantly posted news keeps the public well-informed in difficult times, as television or newspapers may not be always available. On the negative side, the absence of clearly stated laws and regulations on internet-based media has brought the problem of anonymously posted news which consequently resulted in such problems as the war transferring to the informational field, too, with whole informational campaigns, often spanning far beyond the borders of the war¹³⁷.

The exact mechanism of how spreading the word has made it harder for the cases to be dropped is largely still unknown. There are several reasons why such a mechanism could exist during the war in Ukraine. The first of such reasons is fear of people: responsiveness of the government to

131 Mstyslav Banik (2023) *Mstyslav Banik: How Did Ukrainians Change Their Attitudes Toward Diia During a Full-Scale War?* (Diia.gov.ua). Available at: <https://diia.gov.ua/news/mstislav-banik-yak-zminilosya-stavlennya-ukrayinciv-do-diyi-pid-chas-povnomasshtabnoyi-vijni>

132 Olha Zaporizhska (2023) “*Money for drones, not for pavements*”: Dnipro citizens once again went to a protest (d1.ua). Available at: <https://d1.ua/groshi-na-drony-a-ne-na-brukivku-dniprozhan-znov-vyjshly-na-aktsiyu-protestu>

133 Yana Matviichuk (2023) *In Kyiv paving stones are laid, whilst the soldiers put their lives [on the line]* (Ukrainska Pravda). Available at: <https://blogs.pravda.com.ua/authors/matvijchuk/650c1db0cd8dc/>

134 Eliska Drapalova, Alina Mungiu-Pippidi, Bonnie Jo Palifka and Jon Vrushki (2019) *Corruption and the crisis of democracy: The link between corruption and the weakening of democratic institutions* (Transparency International) pp. 9-10

135 Wasil Schauseil (2019) *Media and anti-corruption* (Transparency International) pp. 2-4

136 Tadej Praprotnik (2016) *Digitalization and New Media Landscape* (Innovative Issues and Approaches in Social Sciences, 9(2): 85-99) pp. 86-87, 89-90

137 Digital Forensic Research Lab (2024) *Undermining Ukraine: How Russia widened its global information war in 2023* (Atlantic Council) Available at: <https://www.atlanticcouncil.org/in-depth-research-reports/report/undermining-ukraine-how-russia-widened-its-global-information-war-in-2023/>

determined actions of citizens is dictated by the fragile position in the given circumstances. The fear of people could also be linked to the Revolution of Dignity, which is a clear statement in Ukrainian history of the citizens' ability to control and influence their country. Another reason is the dependency of Ukraine on foreign help and this help is directly linked to the state of the democracy in the country and the state of anti-corruption efforts, including reforms and changes in the law. When despite all the efforts corruption still persists, especially within the structures of the Ministry of Defence, the reputation of the country suffers, and it could potentially even hinder the next help received¹³⁸.

It is likely, that the aforementioned mechanism is in fact linked to the characteristics of democracy. Democracy is usually associated with two out of three fundamentals, the two being equality and freedom, yet the third function, control, is often neglected¹³⁹. It is important for a good democracy that not only the state exercises its means of control, but also the citizens control the government. It is clear, that the state exercises its control through laws, yet the means for public control are neither precisely defined nor is there an institution dedicated to monitoring the government. The society itself is not defined as clearly as the organisational structure of a state, because as soon as the society is defined, the freedom of the citizens in a democracy is undermined. This may actually bring us to a theory, that if society changes and develops, these very means of control can also morph into something less identifiable, such as likes and shares in social networks, which are the tools to affect the public as well as personal opinion – or just make it seem like a situation of kind¹⁴⁰.

Implications and expectations

The theory of corruption provides a great understanding of the roots of this problem. However, the theory alone is not able to create a solution that would fit the Ukrainian case. Given that corruption is a social issue, it is bound to the development and problems of a society. It is impossible to solve social problems without understanding the problems and background that outline the life of the society: when the social context changes, so do the problems and their nature.

Ukraine will likely continue developing social stigmatization of corruption at least during the war. The new challenges the war has brought have initially united Ukrainians with the goal of ending the war as soon as possible. Because so much depends on the Armed Forces, the military procurements became ultimately as important as the Armed Forces, meaning the public tolerance toward corruption related to them is perhaps as low as it gets in the country with historically quite high acceptability of all kinds of corruption. The consequences of confirmed corruption in the Ministry of Defence have led to public volatility and demoralization, both amongst the civilians and the soldiers.

One significant moment for the Ukrainian government to acknowledge the war has its influence on the anti-corruption strategy. First of all, it brings forward the moral aspect of corruption, which

138 Note: whether the corruption in the Ukrainian Ministry of Defence was or was not directly linked to the problems with the aid provided by the USA, it has become a manipulative figure in some of the speeches [DH (2023) *Explained | What's at stake in the US Congress' debate over Ukraine aid?* (deccanherald.com) <https://www.deccanherald.com/world/explained-whats-at-stake-in-the-us-congress-debate-over-ukraine-aid-2711253>]

139 Marc Buehlmann, Wolfgang Merkel, and Bernhard Wessels (2008) *The Quality of Democracy: Democracy Barometer for Established Democracies* (Hertie School of Governance – working papers, 22) pp. 7-13

140 Pablo Porten-Cheé and Christiane Eilders (2020) *The effects of likes on public opinion perception and personal opinion* (Communications, vol. 45, no. 2), pp. 223-239.

normally is supported by the correlating policies and efforts: there is no need to state the importance of anti-corruption, there is a necessity to act and punish corruption. The civil society is agitated as well as the citizens, everyone wants to win the war, whereas corruption hinders the efforts and prolongs the suffocation of ongoing war. Even though the case of corruption in the Ukrainian Defence Ministry was uncovered rather timely, the investigations still did not provide the names “from the other side” of the case. Who was responsible for the settlement of the direct contract? Changing the minister was like changing the shell while leaving all the cogs in the same place.

Currently, in order for social stigmatization to continue spreading to all areas of life, the government must act according to the public justification of the case. All responsible criminals should be brought to trial, and an appropriate level of transparency should be introduced anew to the military-related procurements. Otherwise, the citizens will continue losing trust in the government.

It is also quite likely that the end of the war could mean for Ukraine a “step back” in terms of social stigmatization of corruption, as it is expected that the refugees will be returning from abroad, and life overall will return to normal. The latter also means the existential threat question is gone, and it is time to concentrate on rebuilding personal well-being rather than still focusing on society.

The shift in the value system of Ukrainians should provide sufficient attention to the problems of the state. The continuous research in this direction should be taken into account when writing anti-corruption advice.

Conclusion

The past decade has played a significant role in the Ukrainian perception of corruption. With the Revolution of Dignity removing Ukraine from Russian control, the system of values began to change. In 2022, with the start of the war, the social acceptance of corruption began to change, too: starting with the defence sector and the Armed Forces.

The case of corruption in the Defence Ministry highlights the importance of transparency and fair competition in the solution of the corruption problems in the long run and showcases the importance of investigative journalism as a vital part of the control of public spending. Although a largely naturally occurring process, anti-corruption comprises different factors, including digitalization of the state services and elimination of the human factor in the sectors with particularly high corruption risk, cooperation between the state and the agents of the civil society, and investigative efforts of the journalist community. The war plays an important role in the Ukrainian advancement in the digitalization of state services: because of the threat to the archives, the country needs the advancement in the field of digital services.

Even though corruption is a regular occurrence in a democracy, the best anti-corruption strategies are embodied in the democracy itself. The power that citizens of a country delegate to the state representatives is not absolute. Therefore, it is in the hands of the citizens to make their opinion count in their own country, even during hard times, such as, in the case of Ukraine, the war. From the state's perspective, it is very important to balance sensitive information and corruption risks. Trying to hide too much opens corruption opportunities in spheres where corruption is both immoral and dangerous to national security, especially during the war. The case of corruption in the Defence Ministry of Ukraine highlights one such vulnerability of the state. One small step back in terms of transparency led Ukraine to problems threatening not only the trustworthiness of the current government but also the supply for the frontline.

Of particular interest in Ukraine is the fact that corruption is particularly responsive to “singling out”, which is part of the reason why highlighting the problem of the vital in the wartime Ministry of Defence was so loud and has led to such lengths as the resignation of the Defence Minister during the war. It is also one of the reasons why there were attacks on the journalists who were involved in the investigation of the problem. Given the historically normalized corruption in Ukraine, it is noteworthy that the war has influenced the perception of corruption in the defence sector, and it is also important to mention the absence of the history of actual investigations (besides the journalistic efforts) from the state in response to such claims. It is very important that not only there are claims of the journalists, but they also influence the state directly, leading to the actions and investigations of the involved agents, which is something new to the Ukrainian political scene. In particular, the public attention to corruption in the country, change in the value system and the perception of corruption is the result of the war. The changes are necessary because the resolution of the war depends on such changes. Thus, it became immoral to rob the army that defends the country. It is likely that in the following years, the trust in the Armed Forces of Ukraine will only grow among citizens, and such a situation could be favourable for the Ukrainian fight against corruption.

In the long run, the Ukrainian anti-corruption strategy should include interaction with the journalists, improvement of transparency, and analysis of the investigations in order to provide

timely and appropriate reactions to problems both already existing and possible because of the flaws in the system. The anti-corruption strategy should timely reflect changing social context and be centred on the Ukrainian value system in order to not only be generally guiding but also remain accurate in terms of morality, playing into the strengths of the current situation.

Prospects for further research include mechanisms of interactions between journalists and state officials, ensuring safety for the journalists, and effective and timely punishment for the crimes, as well as the general direction of providing transparency during limiting conditions of military nature, which impact the scope of the publicly available potentially sensitive data.

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