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When civil engagement is part of the problem: Flawed anti-corruptionism in Russia and Ukraine

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ABSTRACT

In developing countries, the fight against corruption entails purges of political and business elites and the restructuring of electoral, financial, and social provision systems, all of which are costly for the incumbents and, therefore, unlikely without sustained pressure from civil society. In the absence of empirical analyses, scholars and practitioners have, therefore, assumed that civil society plays an unequivocally positive role in anti-corruptionism. In this article, we challenge this dominant assumption. Instead, we show that, under certain conditions, an engaged non-governmental community may, in fact, undermine the fight against corruption. Using the data from forty interviews with anti-corruption practitioners in Ukraine and Russia, as well as primary documentary sources, we present two models of anti-corruptionism whereby active civil engagement produces suboptimal outcomes. One is faux collaboration, defined as a façade of cooperation between the state and civil society, which hides the reality of one-sided reforms. The other model is that of non-collaborative co-presence, whereby the governance role is shared by the government and non-governmental activists without compromise-based solutions. In both cases, civil engagement helps perpetuate abuses of power and subvert such long-term goals of anti-corruption reforms as democratization and effective governance.

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In recent decades, the international community has mobilized against a common enemy – corruption (Sampson, 2010; Cole, 2015). Based on abundant research that links corruption to poor economic performance and weak democratic governance (Lambsdorff, 2007 for an overview), the World Bank has declared corruption “the single greatest obstacle to economic and social development” (Andersson and Heywood, 2012, p. 34). Pressured and incentivized by intergovernmental organizations and domestic constituents, many developing states have vigorously taken up “anti-corruptionism” or systematic reforms to curb the abuses of power.

The success of national anti-corruption reforms, however, has varied greatly. The former Soviet bloc has seen instances of decreased corruption following state-orchestrated reforms, for example, in Georgia (Kupatadze, 2012), as well as instances of selective achievements, like in the Ukrainian criminal justice system (Friesendorf, 2017), and even more numerous cases where purported efforts by national government have not yielded tangible results—in, for instance, Moldova (Transparency

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International, 2017) and Kyrgyzstan (Ramani, 2015). Scholars attribute these uneven outcomes to cross-national differences in material resources, level of intervention, and variance in political will for earnest reform (Persson et al., 2013; Khan, 2006).

In this article, we focus on one specific characteristic of anti-corruption programs that is widely considered fundamental for their success – the engagement of civil society. Using in-depth interviews with anti-corruption practitioners from Russia and Ukraine, we argue that civil society's participation in anti-corruption reforms does not always increase their effectiveness. Rather, our case studies suggest that a dysfunctional relationship between governmental and non-governmental actors may impede, rather than promote, efforts to eradicate corruption.

In the following two sections, we lay out theoretical arguments for the importance of civil society in promoting genuine anti-corruption reforms and highlight the likely challenges to an effective civil action in this domain. After discussing methodology and justifying our case selection, we describe the two models whereby active engagement of civil society undermines anti-corruption reforms in Russia and Ukraine. First, we focus on the Russian case, where the government subverts the anti-corruptionism by creating a façade of collaboration with civil society and neutralizing the reforms that could challenge the entrenched political corruption. We then turn to Ukraine, where aggressive action by the non-governmental community undermines anti-corruptionism by weakening popular trust in formal institutions, provoking strong opposition from the government, and lowering the legitimacy of ensuing reforms. In conclusion, we discuss the implications of our findings for the dominant consensus that civil society is an unequivocally positive force in the fight against corruption, and raise several questions for further empirical analyses and theorizing.

1. Civil society as a solution to the “orthodox paradox”

For any country, anti-corruption reforms present a paradox. While only national governments hold requisite power and resources to implement large-scale changes in the electoral/campaign financing systems, reorganize social provision, and prosecute those implicated in corruption (Stapenhurst and Langseth, 1997; Ionescu, 2014), anti-corruption initiatives necessarily go against the self-interest of incumbent political elites. For state actors, effective anti-corruption reforms undermine the sources of extra-legal income and carry risks of defamation and prosecution (Abdulai, 2009). It is this internal contradiction embedded in the government-driven anti-corruptionism that Fritzen (2005) calls the “orthodox paradox”.¹

The conditions under which states exhibit genuine political will for reforms have, therefore, become an important focus of policy and academic work on anti-corruptionism. Empirical studies, for instance, suggest that pressure from the international community may help resolve the orthodox paradox (Heineman and Heineman, 2004). Through incentives ranging from recognition to loans, and by threat of economic and diplomatic sanctions, inter-governmental organizations like the International Monetary Fund and the European Union urge developing states to adopt anti-corruption laws and establish independent oversight and criminal justice institutions (Ristei, 2010; Sampson, 2010).

The most widely-recognized solution for the “orthodox paradox”, however, is the involvement of active and well-resourced non-governmental groups who are not explicitly engaged in political competition with the incumbents (Kaufmann, 1998; Fritzen, 2005). Domestic and international non-governmental organizations (INGOs) may introduce policy ideas, pressure local governments to turn them into legislation, raise support for their implementation, and monitor the methods used to generate compliance (Mingiu-Pippidi, 2010).

Civil society groups have on multiple occasions helped overcome governmental resistance to genuine anti-corruptionism. For instance, in 1999, the World Bank effectively negotiated the inclusion of civil society in the anti-corruption reforms in Paraguay, which proved to be central to their success (Asis, 2000). Similarly, the anti-corruption surge in post-Suharto Indonesia resulted from consolidated pressure from the civil society (Azra, 2007). By contrast, the reforms carried out by the government of Bolivia without active involvement of non-governmental groups had disappointing results (Asis, 2000). There is also statistical evidence that size and strength of civil society are negatively related to corruption. For instance, Mingiu-Pippidi's (2010, p. 11) analysis of the Corruption Perception and Civil Society Indices shows that “civil society by itself explains 70% of the variation in corruption” in East and Central Europe.

In light of this evidence, it is hardly surprising that “good governance” initiatives of intergovernmental organizations usually support the engagement of civil society in the anti-corruption process. For instance, the United States Agency for International Development (USAID) spends large sums of money on improving the “organizational capacity of [local] Civil Society Organizations to become stronger citizen advocates and government watchdogs”, while the European Union made “civil society strengthening” a core of its Neighborhood Anti-Corruption Policy (Martini, 2012).

2. Why doubt the impact of civil engagement?

While it is not surprising that scholars and practitioners put much faith in civil society, we argue that, in the context of anti-corruptionism, the complicated relationship between governmental and non-governmental (NG) actors may undermine the positive impact of civil engagement. For one, when it comes to anti-corruptionism, civil society and the government have

¹ While this framing assumes that all the elites share a common level of political will, in our other work, we argue that oftentimes some elites see ways to benefit from the reforms while others do not. Similarly, we argue that civil society actors exhibit different motivations behind, and different degrees of commitment to, anti-corruptionism (Zaloznaya et al., unpublished).

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