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Advancing corruption prevention in Ukraine: a constructive approach

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Ukraine's anti-corruption agenda continues to proceed at an impressive pace even in the context of war. Even so, this paper argues that a focus on institutions and enforcement needs to be balanced with a focus on addressing some of the underlying constraints on anti-corruption. Introducing the concept of constructive prevention, which is about developing strategies to incentivise anti-corruption, the paper provides recommendations to boost some of the social foundations for anti-corruption.

Main points

- Anti-corruption in Ukraine is often thought of as having three main policy agendas that should work in synergy: legalistic, enforcement (punitive) and preventive.
- Prevention is an important concept, though it is never clearly defined in anti-corruption. In fact, there are two types of prevention in anti-corruption: deterrent prevention and constructive prevention. Deterrent prevention seeks to disincentivise corrupt behaviour, whereas constructive prevention seeks to incentivise anti-corruption.
- Constructive prevention aims to incentivise anti-corruption by strengthening the social foundations of anti-corruption in a way that deterrent prevention cannot do. It does so by addressing systemic constraints on the willingness of individuals, communities, businesses, public actors, and organisations to actively contribute to an anti-corruption agenda.
- Constructive prevention has been mostly secondary in Ukraine. However, it can help

anti-corruption become more sustainable. In particular, analysts have already pointed out that there is a risk that EU accession approaches that emphasise legal compliance and institutional development could result in only partially implemented reforms that do not change the underlying drivers of social and political behaviour.

- We recommend actions that the Government of Ukraine, the international community, the National Agency on Corruption Prevention, local governments, civil society and business can take to improve constructive prevention.

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Ukraine's anti-corruption reforms will have to undergo further evolution and expansion, challenged as they are by the ongoing war with Russia, peoples' demand for a just society, and expectations of major governance shifts due to the start of the accession process to the EU. While the achievements of the past decade in building new anti-corruption institutions and practices are commendable, they require reinforcement. But what might this evolution look like?

Winning the war, while protecting as much as possible the lives of soldiers and civilians, is central to public discourse in Ukraine. Many citizens connect these goals to effective use of internal financial resources and the sustained support of the international community; credible anti-corruption is an important aspect of both. Intolerance of corruption has recently increased, with most Ukrainians considering corruption to be the second-most important problem facing Ukraine (after the war).¹ Yet, there is also still some way to go: recent surveys suggest citizens do not fully trust anti-corruption efforts in Ukraine.²

We argue that one important path to sustainable anti-corruption efforts is to pursue an agenda of *constructive* prevention: a strategy to build incentives for anti-corruption. Constructive prevention is a new concept, introduced here to offer clarity on the different kinds of prevention that can be employed in anti-corruption. In the first section, we contrast constructive with deterrent prevention. In the second section, we explain why constructive prevention has been mostly secondary in Ukraine but can be an essential element of the country's transition to better governance. Finally, we provide some recommendations for ways in which anti-corruption actors could contribute more to a constructive prevention agenda.

1. TI Ukraine 2023.

2. TI Ukraine 2023.

Two types of prevention

Anti-corruption is not the opposite of corruption. It describes a continuous process by which different actors work through various means to minimise the impact of corruption in society, politics, and the economy. While there are several typologies that break down the facets of this broad agenda, in the wider reform discourse anti-corruption efforts are often organised around three pillars of reforms:

1. Legalistic approaches that aim to establish legal liability and definitions of corruption through specialised regulations, normative frameworks, and general planning frameworks within national-level strategies, often aligned with international norms.
2. Enforcement approaches that seek the investigation and punishment of corruption through punitive and detection mechanisms, such as specialised anti-corruption institutions and audits, as well as social accountability and broader openness and transparency.
3. Preventive approaches that, in general, are about minimising the burden of corruption for legalistic and enforcement approaches; in other words, activities and interventions that can help reduce the occurrence of corruption.

The lines between legalistic, enforcement, and preventive approaches are often blurred in practice; each of these agendas rely on one another. Anti-corruption laws articulate and designate the essential parts of enforcement and preventive measures. Yet, laws also need to align to behavioural norms, which themselves only emerge from a background of credible enforcement.

At the same time, the concept of *prevention* in the anti-corruption discourse is rarely defined. The United Nations Convention on Anti-Corruption (UNCAC), for example, dedicates a whole chapter to prevention without really defining the parameters of the concept. The ambiguity in meaning is often unacknowledged but can lead to muddled thinking and policy gaps. Given the lack of conceptual clarity, we introduce a novel distinction between two types: *deterrent* and *constructive* prevention. Clarifying these types can help us analyse better where policy gaps may be.

Both deterrent and constructive prevention seek to minimise the overall burden of corruption for policy and enforcement, but they do so in different ways. Deterrent prevention is reducing incentives to act corruptly; in other words, to boost the *think twice* effect among prospective corrupt actors. This approach assumes that behaviour changes through individuals responding to incentives contained in rules and processes – and the likelihood of enforcement.

The policy question in this type of prevention can be framed as: how do we create more institutional disincentives to boost the *think twice* effect? Deterrent prevention agendas relate more to the traditional realm of anti-corruption and are pursued through the following policy paths:

- Targeted forms of transparency, that is, making available specific forms of information that would otherwise not be. This is operationalised through tools such as asset disclosure, vetting, open data in procurement, integrity checks, and conflict of interest regulations.
- Scrutiny of legal and institutional weak points through analytical processes such as audits, legal proofing, and corruption risk management.
- Learning feedback loops that enhance the effectiveness of institutions and anti-corruption practice.

The unique contribution of deterrent prevention is that it ensures the adaptivity and resilience of legal and enforcement approaches.

Yet, from the perspective of achieving sustainable transitions to a point where corruption is only marginal in society, deterrent prevention may only be partially preventive. There are two reasons for this. First, social scientists have established that behaviour is not just determined by incentives laid out in laws, organisations, and processes, as deterrent prevention assumes, but also often through a consideration of how others in society are likely to act (ie an assessment of what is considered to be common behaviour or perceptions of what may be acceptable behaviour).³ In contexts where corruption is considered a relatively widespread practice – and where corruption is *functional* – anti-corruption is disincentivised.⁴ Hence, institutional deterrents may only advance anti-corruption so far. Active policies to strengthen the social foundations of anti-corruption are also needed.⁵

Second, deterrent prevention assumes that anti-corruption is the reverse of corruption; in other words, that when is not being corrupt, one is actively pursuing anti-corruption.⁶ But there is a lot of grey space between the black-and-white concepts of corruption and anti-corruption, where people may act with some ambivalence or only minimal adherence to concepts of the public interest. The point is that more transformative anti-corruption needs to be actively *incentivised* and deterrent prevention mostly does not do this.

3. Olson 2003; Bicchieri 2006, 2016.

4. Mungiu-Pippidi 2006; Marquette and Peiffer 2015; Rothstein 2005; Persson, Rothstein, and Teorell 2013.

5. Johnston 1998.

6. Heywood et al. 2017.

Constructive prevention aims to incentivise anti-corruption by strengthening the social foundations of anti-corruption (an aspect that deterrent prevention does not address). It does so by addressing systemic constraints on the willingness of individuals, communities, businesses, public actors, and organisations to actively contribute to an anti-corruption agenda. Active contribution could mean being part of collective action or participatory initiatives, supporting cleaner politicians and demanding further reforms, or making more pro-integrity choices. The aim is to create a virtuous circle: heightened expectations around all actors working in the public interest mean public officials and elites shift their behaviour in response and are more willing to provide the public good of anti-corruption. Economists describe this as a shift in equilibrium: corrupt behaviour pays off much less; anti-corruption is incentivised across the board.⁷

The policy question for constructive prevention is: what measures are needed to incentivise anti-corruption so that contributing to and demanding anti-corruption as a public good are strong behavioural principles in society and politics? Constructive prevention has three main policy paths:

- Actions to instill norms of ethical behaviour and considerations of the public interest in public servants, citizens, and business and political leadership so that there is a clear benefit to following them. Tools could be administrative rewards,⁸ ethical commissions⁹ and mandatory training, and strategies around social norm development.¹⁰
- Actions to empower collective action so that various groups are able to articulate and organise demands for quick and decisive action against corruption, as well as collectively organise to mutually enforce norms of public integrity.¹¹
- Actions in sectors to create viable options for adherence to rule-based and public-oriented behaviour by addressing the functionality of corruption so that public officials, citizens, and businesspeople have more freedom to reject ‘functional’ corruption as a solution.¹² This is often done through indirect methods that don’t take corruption head-on but seek to end dysfunction and inefficiencies in state–society interaction. This can be done through the digitalisation of service provision, meritocratic standards, revising formal rules to match informal practices, and by reviewing red tape and overhauling inefficient state bodies.¹³

7. Fisman and Golden 2017.

8. [Jenkins](#) 2022.

9. [Nicaise](#) 2022.

10. [Jackson and Köbis](#) 2018.

11. This has been described as the horizontal enforcement of anti-corruption ([Khan, Andreoni, and Roy](#) 2019).

12. [Marquette and Peiffer](#) 2021.

13. Few anti-corruption approaches actively attempt to consider how tackling broader sectoral dysfunction can support anti-corruption agendas, perhaps because this feels like too much of an indirect approach.

Deterrent and constructive forms of prevention often overlap in practice and can intertwine in the same programme. Consider participatory budgeting, in which a community may decide how to spend a portion of a public budget. This contains elements of deterrent prevention (making budget processes transparent, seeking institutional improvements) as well as constructive prevention (collective action, discussions around appropriate behaviour and norms, addressing dysfunction).

Constructive prevention has common ground with existing concepts. For example, constructive prevention could draw on tools set out in public-integrity or ethical management approaches.¹⁴ But in general many of these approaches have been developed within and for societies where broadly speaking there exists a functioning, impartial administration. The constructive prevention complements these by setting out how to develop anti-corruption as a norm where there may systemic constraints on implementation, such as inherited norms around corruption and a less than impartial administration. It adds value by recognising the existence of these limitations and actively seeking to address these. Constructive prevention also coincides somewhat with the notion of stimulating ‘the demand side of anti-corruption’ but goes beyond this by thinking through how all actors, public and private, can be oriented to better governance. Moreover, the demand-side concept has been often about creating ‘voice’ to pressure decision makers, whereas constructive prevention is much more about enabling more systemic change.

14. See for example, OECD 2020.

Table 1: Deterrent and constructive prevention compared

Form of prevention	Aim	Policy paths	Examples of tools
Deterrent prevention	Reduce incentives for corruption	Targeted transparency	<ul style="list-style-type: none"> • Managing conflict of interest • Asset declarations • Whistleblowing • Red-flags in procurement • Integrity checks • Vetting of public officials
		Scrutiny of legal and institutional weak points	<ul style="list-style-type: none"> • Audits • Legislative proofing • Corruption risk analysis and management • Social accountability
		Learning feedback loops that enhance practice	<ul style="list-style-type: none"> • Data-driven policy • Information sharing • Coordination
Constructive prevention	Increase incentives for anti-corruption	Instilling public interest norms	<ul style="list-style-type: none"> • Administrative rewards • Mandatory training • Ethical commissions and working groups • Social norm strategies
		Empowering collective action on integrity	<ul style="list-style-type: none"> • Support to peer networks • Coalitions • Education and information campaigns
		Creating viable options for integrity	<ul style="list-style-type: none"> • Improving administrative processes • Digitilisation of service provision • Meritocracies • Reviewing red tape and other regulations

The need for more constructive prevention in Ukraine

It would be wrong to think of constructive prevention as ‘soft measures’ that may be nice to have but somewhat secondary to the core foundation of laws, enforcement, and even deterrent prevention. However, there is clear evidence that constructive prevention can underpin resilient and even transformative anti-corruption. Studies from several countries have showed that anti-corruption efforts have been sustained when collectively held expectations shifted, ethical norms became stronger, and structural constraints on anti-corruption were tackled – not just through the logic of legal reform, enhancing enforcement capacity, or indeed stronger deterrence.¹⁵

This section builds on this general argument to show how constructive prevention can help advance anti-corruption in Ukraine.

Ukraine’s anti-corruption regime since 2014: A focus on laws and enforcement with some prevention

Between 2014 and 2020, anti-corruption in Ukraine mainly focused on a particular issue: the need to end the impunity of political elites. Broadly speaking, therefore, the post-Maidan anti-corruption reforms have focused on creating an institutional system to detect, investigate, and punish corruption autonomously from politics. The strategy has been heavily reliant on legalistic and enforcement approaches. The Reanimation Package of Reforms (RPR) – an umbrella organisation that coordinates the reform demands of over one hundred leading NGOs in Ukraine – has similarly prioritised these pillars of anti-corruption in its [strategic documents](#).¹⁶ The legal and institutional focus resulted in a holistic and effective system for the punishment of corrupt offences through the work of the National Anti-Corruption Bureau of Ukraine (NABU), the Special Anti-Corruption Prosecutor’s Office (SAPO), and High Anti-Corruption Court (HACC). Legal mechanisms for corrupt-asset confiscation and management have also been created (HACC and the Asset Recovery and Management Agency, ARMA), abetted by various policy frameworks. The current anti-corruption implementation plan, the State Anti-Corruption Program for

15. Jackson 2020; Johnston 2014; Mungiu-Pippidi 2015; Mungiu-Pippidi and Johnston 2017; Rothstein 2021.

16. 2015, 2016–17, 2019–23.

2023–2025, provides 1,187 measures across 15 policy areas to reduce the level of corruption and ensure integrity, among other things.

The ongoing agenda of deterrent prevention

The third pillar of anti-corruption, prevention, has also been pursued, with efforts often led by Ukraine's own prevention agency, the National Agency for Corruption Prevention (NACP). A review of prevention activities in Ukraine reveals that most could be described as deterrent prevention – measures that disincentivise corruption.

Establishing transparency has been an important part of anti-corruption in Ukraine. For instance, the government and especially the NACP has spent a lot of energy on developing state of the art system to manage conflicts of interest (CoI). There are numerous courses and trainings to raise awareness about CoI, and the NACP and anti-corruption organisations have developed technologies and tools to monitor potential cases. Ukrainian NGOs further support deterrent prevention through the monitoring of candidates applying for positions in the main anti-corruption institutions through, for example, the Public Integrity Council supporting the High Qualification Commission of Judges in vetting candidates. In addition, institutional and technological information disclosure systems have been developed – for instance, around public asset declarations, political party finance, and beneficial ownership registries – that are mainly operated by the NACP.

Scrutiny of legal and institutional weak points through analytical processes such as audits, legal proofing and corruption risk management has also been an important part of deterrent prevention. The NACP conducts regular strategic risk management analyses in sectors and provides advanced methodological guidance to ensure that all public bodies contribute to internal corruption prevention and manage corruption risks, by conducting corruption risk assessments (CRAs) and developing evidence-based anti-corruption programmes. There are now more than 10,000 anti-corruption officers (ACOs) in public entities who are commissioned to coordinate CRAs and anti-corruption programmes and manage internal CoI and whistleblowing policy implementation. 'Corruption proofing' of legislation is common practice in Ukraine, with the NACP and NGOs like the Institute of Legislative Studies engaged in this kind of preventive analysis.

Learning feedback loops have also enhanced the effectiveness of institutions and anti-corruption practice. Consider, for example, the work of the Business Ombudsman Council in Ukraine, which analyses its own case files so that when patterns emerge in complaints, they are able to develop proposals for systemic

changes and advocate those to authorities.¹⁷ The NACP also monitors the implementation of anti-corruption commitments.

While deterrent prevention has been impressively pursued, the constructive prevention agenda has been less in focus.

While deterrent prevention has been impressively pursued, the constructive prevention agenda has been less in focus. Nevertheless, some activities have been undertaken in line with constructive prevention. The NACP Integrity Office, as well as NGOs and academia, have developed educational programmes for schools and universities. The private sector engages increasingly in collective action initiatives, such as the Ukrainian Network of Integrity and Compliance¹⁸ or Global Compact Network Ukraine.¹⁹ Effective codes of professional conduct and ethics have also been developed and enforced as a collective action, for example the [Slavutych code of ethics](#).

While there are many ideas, projects, and activities to build on, the kind of constructive prevention agenda outlined above has been secondary. To illustrate, codes of conduct lack enforcement mechanisms for violations. Moreover, the National Anti-Corruption Strategy 2021–2025 calls for activities that will foster a culture of integrity, but the resources dedicated to these activities are minimal. Meanwhile, the latest RPR roadmap (2019–23) mentioned tackling the drivers of corruption as one of the five goals of anti-corruption reform but did not spell out the explicit steps to achieve it.

There are three basic reasons for why constructive prevention has remained mostly secondary in the Ukrainian context. First, the political incentives have been geared towards punitive measures. Since the Revolution of Dignity, public demands have centred on visible manifestations of anti-corruption: arrests and criminal prosecution. This demand only grew because of the war: in a 2023 survey, almost half of respondents (48%) believed confiscation of assets to be the most effective anti-corruption measure, followed by court rulings against high-ranking officials and dismissals of corruption suspects. But as few as half considered educational measures, such as integrity education for citizens (24%) or structural reforms, such as public electronic procurement systems (22%), to be very helpful.²⁰

17. Business Ombudsman Council, n.d.

18. <https://unic.org.ua/en>

19. <https://globalcompact.org.ua/en>.

20. Factum Group 2023.

Second, and perhaps due to the emphasis on criminal prosecution, the notion of prevention in anti-corruption has also been rooted in traditional criminological theory. This means that corruption prevention activities have been conceptualised in similar ways to crime prevention: they are about ensuring a credible threat of enforcement. This initial conceptualisation thus led to a focus on prevention via detection and punishment through, for example, transparency in asset declarations, beneficial ownership registries, and the development of specialised anti-corruption institutions.²¹

Third, international actors continue to prioritise institutional reform. Key policy documents from the International Monetary Fund (IMF), the EU's Ukraine Facility, the US government, and the G7 encourage a far-reaching set of reforms, the achievement of which are essential steps in Ukraine's Euro-Atlantic integration. However, very few of these documents specify the policy pathways towards changing societal expectations and incentives, which is needed for constructive prevention.

Constructive prevention can boost anti-corruption in Ukraine

A focus on constructive prevention could be highly appropriate given the current security crisis due to the ongoing war for four reasons. First and foremost, a constructive prevention agenda in Ukraine can help re-balance from a potentially excessive focus on legal compliance and institutional development that may not always address some of the underlying drivers of corruption. Some reviews of Ukraine's anti-corruption efforts have noted a 'disproportionate' focus on specialised institutions and how a focus on arrests and punishments may be only 'superficially attractive' because it fails to deal with systemic issues around the normalisation of corruption.²² Other analysts have already pointed out that EU-accession approaches that emphasise technical improvements could result in only partially implemented reforms because they do not take account of ongoing practices and norms.²³ Indeed, research before the full-scale Russian invasion showed the relevance of long-standing informal norms in Ukraine in constraining the implementation of anti-corruption efforts. Králiková, for example, has studied reforms to the asset disclosure system for public officials to show how its effectiveness has been limited by the prevalence of 'local normative' orders and ingrained practices.²⁴ In response to this trend, analysts have called for more socialisation strategies targeting negative

21. We thank Andrii Biletskyi from the Anti-Corruption Research and Education Centre for this point.

22. Lough and Dubrovskiy 2018.

23. Mungiu-Pippidi 2020.

24. Králiková 2022.

social norms and informal ways of doing things.²⁵ This latter recommendation is in line with a constructive prevention agenda: efforts to strengthen the social ecology of anti-corruption to help animate the broader set of reforms.

A focus on constructive prevention could be highly appropriate given the current security crisis.

Second, constructive prevention helps articulate positive change. Anti-corruption can polarise and divide a society at war, and can be instrumentalised by Russian disinformation campaigns. An increasing societal intolerance to corruption needs to be channelled constructively. Constructive prevention can help shift the focus towards positive trends and alternative metrics, by shifting the language and concepts of anti-corruption to notions of integrity, public interest, and democratic improvements. This can help bring the broader public more in line with an anti-corruption agenda. Some recent studies have showed that despite public dissatisfaction with the prevalence corruption, in general citizens prefer not to be directly involved in the anti-corruption agenda, with most restricting themselves to refusing to give a bribe rather than taking any more proactive steps.²⁶

Third, constructive prevention can help strengthen democratic resilience. The martial law, under which Ukrainian society currently operates, significantly limits societal accountability because its central mechanisms, such as elections or the right to protest, are proscribed. In addition, open data and access to public information were suspended at the beginning of the Russian full-scale invasion. Although selected data sets are now being opened (eg public asset declarations and public procurement data), significant limitations remain. This constrains civil society organisations in their capacities to monitor and detect corruption. A renewed focus on creating the infrastructure of anti-corruption through promoting individual ethics, supporting collective action and creating viable options for integrity in contexts of institutional dysfunction can support democratic resilience.

Fourth, in the context of constrained enforcement capacity, constructive prevention provides reassurance to the supporters of Ukraine, especially the private sector and international partners, that the country has a serious long-term focus on developing public integrity in a way that aligns with international expectations. Collective action and problem-solving offer tools to help build trust between the state and non-state actors that can have a practical effect and be more efficient tools than compliance regulations. Indeed, much of the corruption that Ukraine may face during

25. Králiková 2022.

26. TI Ukraine 2018.

reconstruction could be largely based on subtle manipulations that are difficult to address with hard punitive tools but can be constrained by heightened expectations around integrity.²⁷

27. Jackson and Lough 2022

How to build up constructive prevention in Ukraine

Improving the drivers of anti-corruption through constructive prevention is a gradual, long-term, and uneven process. We offer recommendations here that are starting points for efforts in Ukraine around constructive prevention. This is complementary to efforts to support a strengthened political ecology of reforms through more checks and balances on elites power.

Improving the drivers of anti-corruption through constructive prevention is a gradual, long-term, and uneven process. We offer recommendations here that are starting points for efforts in Ukraine around constructive prevention.

Government of Ukraine

- Consider how constructive prevention can play into key strategic documents. This can include considering integrity at each stage of reform design and policymaking, and including integrity indicators in routine policy assessments. More importantly, the government of Ukraine should consistently and publicly communicate and demonstrate how corruption prevention considerations are accounted for in structural and sectoral reforms.
- Review how corruption acts as an informal governance mechanism in key areas, such as access to services and procurement, and revise the procedures accordingly. Consider the case of medical procurement in Ukraine, where informality was replaced by transparent rule-based processes enabling pro-integrity actors to be part of the solution. Between 2010 and 2014, informal networks (such as favoured distributors) dominated Health Ministry procurement, resulting in a 40% mark-up on centrally purchased medicines. With the consolidated efforts of patient organisations and reform-minded post-Maidan officials in healthcare since 2015, a centralised “Medical procurement” state enterprise was established, after a transition period of procurement by international organisations. It is noteworthy that this medical system also cooperates with the Prozorro procurement platform, allowing public entities to procure vetted medication from approved suppliers at market prices; by 2021 annual savings were estimated to be around US\$12 million.²⁸
- Develop human resource strategies that allow for more meritocratic recruitment

and that can help build cultures of integrity that run from the top to the bottom of the administrative apparatus. This approach is not without dilemmas. While a straightforward solution would be to reintroduce competition for public office based on the meritocratic ideal, the practical implementation is challenging. On the one hand, there is a general shortage of human resource due to war-related forced migration and mobilisation. On the other hand, public offices compete for skilled personnel with private sector and international technical cooperation projects in terms of salary levels and work conditions. When weighted against prospects in alternative sectors, public office risks becoming an unattractive career choice for people with integrity and skill: most central public bodies have reduced their salaries (especially critical for specialist-level officials); controversial anti-corruption investigations are instituted against top public officials who are perceived as reform-minded; and they must work under the perceived burden of corruption control regulations, such as requirements for asset declarations and the status of ‘politically exposed person’ (for top officials) which also affects their families.²⁹

- Develop whistleblowing legislation so that there are more incentives to report and shine lights on corruption. Currently, whistleblower protection is significantly affected by ambiguity in the local and national legislation and the lack of consistent case law on whistleblower protection. For example, if a person reports enablers of corruption (eg surveillance camera ‘blind spots’ in customs), this person may not be protected as a whistleblower. Similarly, the new central whistleblowing system contains technical and institutional risks for exposing whistleblowers within their organisations, which deters reporting.³⁰
- Mainstream ethical conduct into public administration by developing codes and procedures for solving ethical dilemmas. The Agency for Restoration and Infrastructure Development provides a good example. It worked with 22 regional offices to develop their own codes of ethical conduct to which all employees must adhere.³¹ This goes beyond the Law on Prevention of Corruption, which specifies codes only for those in leadership positions.

National Agency for Corruption Prevention (NACP)

- NACP should receive additional resources for educational and outreach

28. Hrystenko 2021.

29. For example, the corruption investigation against Andriy Kobolev, the former head of Naftogaz, who won an arbitration case against Gazprom; or the case of against director of the Boryspil Airport state enterprise. <https://ti-ukraine.org/en/news/hacc-verdict-5-years-of-imprisonment-for-ex-director-of-boryspil-airport/>

30. ACREC 2024.

31. Gregirchak and Schütte 2024.

programmes. NACP's Integrity Office should continue developing educational programmes for schools and universities, while testing the effects of messages for unintended impacts.³² Mainstream the topic of integrity into other subjects (eg by working with the Corruption Perceptions Index in mathematics class, or discussing the integrity aspect in literature class) and create a community of practice of 380 schools. See Munro and Kirya³³ for more practical guidance.

- Develop the overall prevention concept to include more aspects of constructive corruption prevention. This includes emphasising cooperation and co-creation with stakeholders over an organisation's anti-corruption agenda. The NACP's pilot intervention for local self-government – 'Territory of Integrity' – makes positive moves in this direction, and it should be studied, documented, and its learnings upscaled.³⁴ Further adjustments could be made to the official NACP methodology for CRA. Although it mentions consulting with stakeholders, it generally focuses on enforcement and control approaches. More preventive ideas from the constructive agenda could be incorporated, for example, from OECD guidance and the public integrity toolkit.³⁵ An example of such an approach is the NACP corruption risk assessment in education, which defines principles to propose measures beyond legal norms and control.³⁶
- In light of the increasing focus on anti-corruption at the local level and the enhanced role of municipalities in the recovery process, NACP should consider establishing regional offices or liaison officers for a better understanding of local contexts. Considering resource constraints, the NACP could collaborate with international partners to use their offices and physical spaces for their own liaison officers. Examples could include the regional offices of the EU's U-LEAD with Europe or UNDP's Regional Recovery and Development Offices.

International partners

- Develop novel indicators to track progress. Rather than focusing solely on growing the numbers of prosecutions and convictions for corruption as indicators of the success of anti-corruption efforts, assessment methodologies in anti-corruption support could be revised to incorporate social measures, for example measures aimed at building trust in institutions, intolerance of corruption, and citizen participation. Place conditionality on improvements in these areas.

32. Peiffer and Cheeseman 2023.

33. 2020.

34. «Територія доброчесності» ('Territory of Integrity'). <https://www.youtube.com/watch?v=tLs1HRylrPI>.

35. OECD n.d.

36. Hrotovytska et al. 2022.

- Support imaginative approaches to encourage collective action. Interventions should be aimed at understanding and overcoming constraints to collective action in areas where there is the most potential to achieve tangible results. This can also include fostering communities of practice against corruption, such as the civic monitoring community,³⁷ NACP's pilot schools for integrity education, or supporting a community of practice for ACOs in their professional education; these measures and more should become increasingly widespread. Also, collective action initiatives, such as the Ukrainian Network of Integrity and Compliance (UNIC) or Global Compact Network Ukraine, bring together different stakeholders for the same purpose. The impact of these practices on integrity must be evaluated.
- Support integration into peer-to-peer networks focused on ethical behaviour. Mutual training and exchange programmes can be helpful to foster this coordination in lower and middle levels of management. This kind of exchange should be facilitated with international partners to support EU and OECD integration. Participation in networks such as the EU Network Against Corruption³⁸ can support the integration through practice.
- Work with the government of Ukraine to support ACOs to contribute to constructive prevention. On the local or organizational level, ACOs are well placed to facilitate small multi-stakeholder initiatives around integrity issues. There are over 10,000 anti-corruption officers in public entities but there is an urgent need to develop capacities of these people to perform their job efficiently. A recent UNDP report also found that the position of anti-corruption officer is often combined with additional positions, which further restricts the capacity of these officers.³⁹

Civil society

- Actively consider how to continue to contribute to constructive participation. Citizens' participation is critical to define terms such as integrity, as this remains a generic term not captured in the legislation. A recent wave of 'third places' (also, called 'hubs' or 'co-creation centres'), established in cooperation with local self-government, is another such mechanism for constructive citizen participation (eg the co-creation centres initiated by CEDOS in 10 municipalities).⁴⁰
- Continue to invest in skills and resources among communities of practice – not

37. DoZorro.

38. https://home-affairs.ec.europa.eu/networks/eu-network-against-corruption_en.

39. UNDP 2024.

40. Cedoss 2023.

only of civil society actors (eg DoZorro community), but also of public actors (eg ‘Virtuous communities’ for local self-government, which is facilitated by the NGO Cegrin.⁴¹

Business community

- Businesses are well placed to develop collective action initiatives as they consider extensive control as a burden.⁴² Several effective collective action initiatives are emerging in Ukraine.⁴³ These cases provide the foundation for the systemic work on integrity within the private sector.

Local Self-Government

Local self-governments are well-placed to generate social innovations: direct citizen engagement and the natural interactions of different stakeholders to solve policy problems under the competencies of local self-governments already shaped local anti-corruption policies in Ukrainian municipalities.⁴⁴ Further actions can include:

- Institutionalising communication and cooperation with active residents and other local stakeholders on solving concrete local issues, from sectoral to cross-cutting, such as on reconstruction. The agencies for municipal development and the actors coordinating local restoration initiatives are well-placed coordinators of collective action.
- Foster internal interdepartmental cooperation and co-creation with active residents to make anti-corruption more targeted and efficient where possible, notwithstanding the war-related human resource constraints. For example, while working on corruption prevention in schools, an ACO could benefit from cooperating with the education department in two ways: building internal buy-in; and capitalising on the links to civil society from the education sector to help define the actual problems, perceptions, possible anti-corruption measures, and even their civic monitoring.

41. Ukraine Media Center 2022.

42. UNDP 2023.

43. Collective Action 2023.

44. Keudel et al. 2023.

References

- ACREC. 2024. 'Whistleblowing in Ukraine'. Anti-Corruption Research and Education Centre.
- Bicchieri, C. 2006. The Grammar of Society: The Nature and Dynamics of Social Norms. Cambridge University Press.
- Bicchieri, C. 2016. Norms in the Wild: How to Diagnose, Measure, and Change Social Norms. Oxford University Press.
- Business Ombudsman Council. n.d. Systemic recommendations.
- Cedos. 2023. **10 громад отримають фінансування на розвиток центрів спільнототворення** ('10 hromadas will receive funding for the development of community building centers'). Cedos.
- Collective Action. n.d. Initiatives. Basel Institute of Governance.
- Factum Group. (2023). *YOUkraine Special issue: Corruption. Survey 29 March–11 April 2023*. https://youkraina.com.ua/files/Factum_Group_YOU%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D0%B0_Special%20issue_Corruption.pdf
- Fisman, Raymond, and Miriam A. Golden. 2017. *Corruption: What Everyone Needs to Know*. What Everyone Needs to Know. Oxford New York: Oxford University Press.
- Gregirchak, I. and Schütte, S. 2024. Evolving anti-corruption practice in rebuilding Ukraine: The Agency for Restoration and Infrastructure Development. U4 Brief 2024:1. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute.
- Heywood, P., Marquette, H., Peiffer, C., and Zuniga, N. 2017. Integrity and Integrity Management in Public Life. ANTICORRP. University of Birmingham.
- Hrotovytska, U., Prepodobnyi, A., Chumak, K., Keudel, O., Murabova, V., and Romaniuk, A. 2022. Strategic corruption risk assessment in general secondary and pre-school education – Executive summary. U-LEAD With Europe and the National Agency on Corruption Prevention.
- Hrystenko, Y. 2021. Fight for life: how Ukraine is fixing medical procurement and serving patients better. Open Contracting Partnership.
- Jackson, D. and Köbis, N. 2018. Anti-corruption through a social norms lens. U4 Issue 2018:7. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute.
- Jackson, David. 2020. 'How Anti-Corruption Change Happens'. U4 Anticorruption Resource Centre. <https://www.u4.no/publications/how-anti-corruption-change-happens.pdf>.
- Jackson, David, and John Lough. 2022. 'Accountability in Reconstruction'. U4/Chatham House. <https://www.u4.no/publications/accountability-in-reconstruction.pdf>.
- Jenkins, M. 2022. The effectiveness of integrity led anti-corruption interventions. U4 Helpdesk Answer 2022:13. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute.

- Johnston, Michael. 1998. 'Fighting Systemic Corruption: Social Foundations for Institutional Reform'. *The European Journal of Development Research* 10 (1): 85–104. <https://doi.org/10.1080/09578819808426703>.
- Králiková, Marta. 2022. 'Importing EU Norms: The Case of Anti-Corruption Reform in Ukraine'. *Journal of European Integration* 44 (2): 245–60. <https://doi.org/10.1080/07036337.2021.1872559>.
- Keudel, O., Grimes, M., and Huss, O. [The Necessity of Talking the Talk: The Functions of Communication for Anti-Corruption Political Will and Policy Development in Ukrainian Local Government](#). Policy Brief no.29. Swedish International Centre for Local Democracy.
- Khan, M., Andreoni, A., and Roy, P. 2019. [Anti-Corruption in Adverse Contexts: Strategies for Improving Implementation](#). ACE (Anti-Corruption Evidence)/SOAS Consortium Working Paper 013.
- Khan, M., and Roy, P. 2022. Making Anti-Corruption Real: Using a "Power Capabilities and Interest Approach" to Stop Wasting Money and Start Making Progress'. ACE (Anti-Corruption Evidence)/SOAS Consortium Synthesis Report 001.
- Lough, J. and Dubrovskiy, V. 2018. [Are Ukraine's Anti-corruption Reforms Working?](#) Chatham House Research Paper.
- Marquette, H. and Peiffer, C. 2021. [Corruption functionality framework](#). ACE (Anti-Corruption Evidence) Global Integrity.
- Marquette, H. and C. Peiffer. 2015. [Corruption and Collective Action](#). U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute.
- Mungiu-Pippidi, A. 2006. [Corruption: Diagnosis and Treatment](#). *Journal of Democracy* 17(3): 86–99
- Mungiu-Pippidi, A. 2015. *The Quest for Good Governance*. Cambridge: Cambridge University Press. <http://www.worldcat.org/oclc/923468910>.
- Mungiu-Pippidi, A. 2020. *Europe's Burden: Promoting Good Governance across Borders*. Cambridge New York Port Melbourne New Delhi Singapore: Cambridge University Press.
- Mungiu-Pippidi, A, and Johnston, M eds. 2017. *Transitions to Good Governance: Creating Virtuous Circles of Anti-Corruption*. Cheltenham, UK: Edward Elgar Publishing.
- Munro, C. and Kirya, M. 2020. [Values education for public integrity](#). U4 Issue 2020:8. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute.
- Nicaise, G. 2022. [Strengthening the ethics framework within aid organisations](#). U4 Issue 2022:8. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute.
- OECD. n.d. [Public Integrity Toolkit](#).
- OECD. 2020. [OECD Public Integrity Handbook](#).
- Olson, M. 2003. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Harvard Economic Studies 124. Cambridge, Mass.: Harvard Univ. Press.
- Persson, A., Rothstein, B., and Teorell, J. 2013. [Why Anticorruption Reforms Fail—Systemic Corruption as a Collective Action Problem](#). *Governance* 26(3): 449–71.
- Rothstein, B. 2005. [Social Traps and the Problem of Trust](#). Cambridge University Press.

Rothstein, Bo. 2021. *Controlling Corruption: The Social Contract Approach*. New York: Oxford University Press.

TI Ukraine. 2018. 'Fight against Corruption in Ukraine: Public Opinion - Transparency International Ukraine'. <https://ti-ukraine.org/en/news/fight-against-corruption-in-ukraine-public-opinion/>.

— — —. 2023. 'Concerns Ukrainians Have at the End of 2023: Results of the Sociological Survey'. <https://ti-ukraine.org/en/research/concerns-ukrainians-have-at-the-end-of-2023-results-of-the-sociological-survey/>.

UNDP. 2024. **‘ЯК ОРГАНІЗУВАТИ РОБОТУ З ПИТАНЬ ЗАПОБІГАННЯ КОРУПЦІЇ В ГРОМАДАХ’**.

Ukraine Media Center. 2022. **Понад 10 територіальних громад почали звітувати про використання гуманітарної допомоги** ('Over 10 municipalities started reporting on the use of humanitarian aid').

UNDP. 2023. Ukrainian entrepreneurs face business inspection challenges. United Nations Development Programme.

YOUkraina. 2023. Corruption – Public perception: relevance of the problem, understanding of the reasons for its spread, knowledge of measures to combat corruption and evaluation of their effectiveness.

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