

Executive Summary

The first quarter of 2020 brought about a “perfect storm”, with changes in higher echelons of government, a global pandemic, domestic wildfires near the Chornobyl Nuclear Power Plant, stringent domestic quarantine measures, and strengthened undemocratic trends¹ against the backdrop of a looming financial crisis and uncertain International Monetary Fund (IMF) cooperation. Earlier forecasts on the stability of anti-corruption (AC) institutions and the overall trend for demonstrating justice through court cases against Poroshenko-era elites have so far been put on hold. Instead, attention is currently focused on whether the new Prosecutor General will succumb to pressure and start delivering politically-motivated cases, and whether Ukraine can retain its democratic controls with a population that, predictably, desires a “strong hand” at times of severe crisis. Anti-corruption CSOs have generally re-adapted to the new environment and started delivering COVID-related activities. Yet, there is still no revival of the coalition spirit felt throughout the 2019 elections (as with the election-related “Anti-Corruption Agenda”) amongst CSOs that work on the narrower AC institutional agenda.

The justice reform coalition seems to perform much better. A new impetus for uniting efforts, though, may come as the pendulum continues swinging towards more “screw-tightening” on behalf of the authorities. Citizen voices have not demonstrated any major surprising trends throughout January 2020. Nevertheless, comparison of the next Civic Engagement Poll dataset with the winter 2020 one is likely to show stark differences, as society weathers the current turbulence and tilts towards more paternalism, seeking state protection from storms that rage. The AC institutional architecture will likely be allowed to function as long as it targets the mid-size fish. Policies and institutions are in place; policies need to be applied universally while institutions should be safeguarded from the influence of particular interests.

Background

At the end of December 2019, USAID/ENGAGE and USAID Support to Anti-Corruption Champion Institutions Program (SACCI) joined efforts to craft a wide-angle assessment of Ukraine’s progress in anti-corruption reform to date and prospects for 2020. Back then, Ukrainians’ demonstrated significant enthusiasm regarding the new president and his consolidated power-vertical to decisively advance reforms.

As the year was nearing its end, negotiations with the IMF continued, reform of the Prosecutor General’s Office was in full swing, and the Anti-Corruption Court was picking up speed with cases getting adjudicated. Analysts of both programs noted that the bulk of legislation necessary for the effective operation of dedicated anti-corruption institutions was in place and that more emphasis would need to be made throughout 2020 to guard the turf of the newly-established or relaunched institutions, rather than concentrating on additional regulations.

One of the forecasts then was that the anti-corruption architecture would be allowed (and even encouraged) to operate effectively to start delivering on the electoral promise of making “spring incarcerations”, as long as the suspects represented the pre-Zelenskyy elites. Both program teams agreed that if the trends visible in December were to stay stable, the fall of 2020 could see the first pushbacks against the anti-corruption reform gains, as the AC infrastructure could, by then, start targeting Zelenskyy team members. Assessment of sociological data in December also showed no surprises: citizens continued to crave peace in the Donbas and tangible signs of anti-corruption work, and sought economic stability, better healthcare, and general well-being.

¹ Please see the most recent journalist investigation on the growing influence of the Ministry of Internal Affairs and its long-standing leader, Arsen Avakov: <https://www.youtube.com/watch?v=TgwBXdBUEB0>

As these forecasts and analysis went on air, though, the domino effect that would unravel itself in the months to come. It is now in a different reality that this memo attempts to analyze the situation and to gauge trends that can change Ukraine's governance fundamentally.

This analytical report briefly outlines the Government-wide changes that were made public in mid-February 2020 and that have unraveled against the backdrop of a deteriorating situation with the global spread of COVID-19. In its second section, the report looks at the latest Civic Engagement Poll data conducted by Pact in January 2020. ENGAGE is reviewing existing data and comparing that to other sociological sources to assess how citizen priorities in areas of transparency and integrity are likely to change in the given context. Finally (speculative at this point as it may be) several avenues are outlined that could unfold in the anti-corruption sphere, as well as implications for USAID anti-corruption programming and beyond.

AC Architecture: Changing Horses In The Middle Of The Stream

Abrupt developments

On February 10, news outlets around the country blasted out with reports that Andriy Bohdan, formerly President Zelenskyy's right hand and Head of the Office of the President (OPU) would be resigning. Analysts offered different explanations and suggested varying paths that the country's governance at the highest levels could take from then onwards. Yet, one idea in common for all pundits was that the step-down of Bohdan and appointment of his rival, Andriy Yermak, would usher in a *new era* under Zelenskyy's leadership.

Changes came shortly thereafter. On March 3, Prime Minister Oleksiy Honcharuk submitted his resignation letter, thus automatically sending the whole Cabinet into resignation, and on March 4, Denys Shmyhal was ushered in as the next Cabinet chief. Just two days later, on March 6, Prosecutor General Rouslan Ryaboshapka, previously known for his extensive anti-corruption background, was also handed a vote of non-confidence by the Parliament.

As such, the President completed a relaunch of his team (Head of the OPU, Prosecutor General, Prime Minister) with only the head of the Parliament remaining in place, as well as the party leadership for Sluha Narodu. Significant changes were called to channel away at least some of the mounting social frustration.² With these transformations, the President also sent a clear message: he was done with his "first stage" of leadership. The era of those who brought him victory in the first place throughout the elections of 2019 was over.

The appointment of Andriy Yermak and subsequent developments with the so-called Consultative Council for the Trilateral Contact Group in Minsk were also heavily linked with the desire to demonstrate progress to the Ukrainian public that still seems to practice "magical thinking" regarding finding a solution to the war in the east.³ In response to these developments around the Minsk accords and negotiations process, multiple CSOs and volunteer groups voiced concern and warned the Zelenskyy leadership team that public reactions should be expected. At the same time, the approaching COVID-19 wave brought in quarantine measures that have effectively hobbled any public protest outdoors. A significant group of Sluha Narodu Members of Parliament (MPs) have also

² For comparison: at its peak, 79 percent of respondents trusted President Zelenskyy in September 2019, while only 13.5 percent did not trust him. In February 2020, only 51.5 percent of citizens trusted the president, while 41 percent did not. <http://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-gromadianamy-diialnosti-vlady-riven-doviry-do-sotsialnykh-institutiv-ta-politykiv-elektoralni-orientatsii-gromadian-liutyi-2020r>.

³ The most recent Razumkov Center data that measures Ukrainians' attitudes to different ways the temporarily-occupied Donetsk and Luhansk territories can return to Ukraine suggests that citizens would like a) to avoid a military reconquest, b) would like the returned areas to have no change in status as compared to 2014 (rollback to things as they were), and c) are against compromises in re-integrating the occupied territories. Almost equal segments of the population support (41%) and oppose (40%) the idea of direct negotiations with the pseudo-republics. <http://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/gromadska-dumka-pro-sytuatsiiu-na-donbasi-ta-shlia-khy-vidnovlennia-suverenitetu-ukrainy-nad-okupovanyimi-terytoriyami-liutyi-2020r>

voiced their concerns over proposed new formats for Minsk-related talks and have publicly stated their dissent with the position of the new Head of the OPU.

Anti-Corruption Institutional Machinery

Meanwhile, in the landslide governance changes that came in late February-early March 2020, the anti-corruption architecture (National Anti-Corruption Bureau / NABU, Higher Anti-Corruption Court / HACC, Specialized Anti-Corruption Prosecutor's Office / SAPO, and the newly relaunched National Agency for Prevention of Corruption / NAPC)⁴ continued operations without much change. At the end of February, the situation surrounding NABU and its leader, Artem Sytnyk, was the worst; there were high chances that he would be deposed from his position alongside Rouslan Ryaboshapka but, at the last moment, this issue was soft-pedalled. One possible explanation is that it would be much harder to remove the NABU Director due to a very elaborate and narrowly-prescribed procedure in the law. The other – a much more banal one – was that there was not enough time to complete this move, and with deposition of the Prosecutor General, worries of an independent NABU Director were mostly quelled. In response to these moves, Ukraine's anti-corruption CSOs have stood by NABU leadership, have spoken up against Sytnyk's deposition, and have voiced praise for the short but eventful term of Rouslan Ryaboshapka as Prosecutor General.

The overall rhetoric surrounding the work of specialized AC institutions is well-depicted in the national media. Articles, video-reports, and dedicated blogs are also a good predictor of the overall narrative that is being promoted to the Ukrainian public and, as research suggests, then correlates with the level of support for the AC reform.⁵ Analysis of the media-landscape, which immediately precedes the quarantine measures, indicates which events gained prominence and how the agencies were positioned for the wider public. Here and onwards, the media landscape that captures references to AC institutions is based on the analysis carried out by USAID/SACCI from February 17 to March 29, 2020. The media sample includes 60 outlets (print, online, and television) with the largest audiences.

NABU was, quite predictably, the most quoted AC institution throughout the period analyzed and, unfortunately, this limelight was mostly a negative one. For the most part, Ukrainians could consume stories that forecasted a quick removal of Artem Sytnyk from his position due to criminal case that found him guilty of a corruption-related crime. The media narrative was further strengthened by reports from a Verkhovna Rada committee and the protest-driven self-incineration of a person who accused NABU of not reacting to his information about corruption crimes. The President himself and media figures who represent his team were speaking in unison about the ineffectiveness of the current NABU leadership and suggested that the NABU Director could be removed soon. At the same time, an interesting (and probably unsurprising) finding is that the media outlets that savored the possible removal of Artem Sytnyk from office were classified as pro-Russian media by the media monitoring system. One of the strongest amplifiers for this idea was the "Vesti" newspaper associated with Viktor Medvedchuk. This squarely fits within the by now obvious trend within the Russian-oriented media of portraying Ukraine as a *hopelessly corrupt country without any progress in governance*. Also, unsurprisingly, Artem Sytnyk was, in many of those materials, linked to the so-called "children of Soros" (sorosyata), a pejorative term for usually young and Western-educated Ukrainian reformers. Collateral damage was done to all other AC institutions, as they were listed as NABU sister-agencies in most of the publications.

⁴ A wider classification also usually includes the Asset Recovery and Management Agency (ARMA), Security Service of Ukraine (SSU), and the State Bureau of Investigations (SBI). At the same time, a narrower approach is taken here, with focus exclusively on the dedicated AC bodies.

⁵ "Blind Zones of Corruption" 2018 media analysis, USAID/SACCI. <http://longread.uacrisis.org/blindzone>.

HACC became the second most-quoted AC institution in the media during the monitoring period. The court was mostly represented in the press by pieces reporting on current cases under adjudication; the most cited were the investigation of possible corrupt activities by the new customs leadership, Maksym Nefyodov, and cases that involved former President Petro Poroshenko. Overall, the media tonality regarding the HACC started changing in comparison with previous monitoring periods. Starting from September 2019, the HACC launch and operations were mostly quoted as the latest AC achievements. The institution was mostly described as “showing hope” and as one that has to be given some time to show results. In contrast, February and March 2020 started registering critical remarks, most importantly and alarmingly from the topmost speaker of the country. The President’s rhetoric started showing notes of impatience, as he would reiterate that the electoral promises were made for *quick investigations and incarcerations* and the AC infrastructure should deliver soonest.

SAPO and NAPC have, as before, kept a rather low profile in reports by Ukrainian media. One of the most popular materials regarding SAPO in the reporting period contained an interview with Nazar Kholodnitsky, who noted that he had no intent to hold onto his position after his current term in office expired. SAPO-related speakers also commented on the Ukroboronprom-related investigations.

Media messages that included NAPC were mostly neutral and described the Agency’s *internal transformations*. The most significant outlier in this regard is the message that the new Head of the OPU, Andriy Yermak, published his eDeclaration through the official NAPC portal, including a recently-bought luxury automobile. Negative messages for NAPC were mostly linked to the fact that the Kyiv District Administrative Court opened a case in which independent MP Anton Polyakov demanded that NAPC investigate why Andriy Yermak had not published his declaration on time.

Throughout the first two weeks of the COVID-19 quarantine in Ukraine, media witnessed almost immediate relative silence with regards to NABU, HACC, and NAPC. SAPO was featured widely March 15-30, mainly due to the launch of a criminal case against Oleksiy Honcharuk and his Cabinet for, allegedly, failing to ban the export of protective masks from Ukraine in anticipation of a domestic COVID-19 epidemic. The “storm” surrounding the possible demise of Artem Sytnyk subsided (at least as visible to the public eye).

To sum up, the AC infrastructure entered a turbulent time pre-COVID measures, mostly due to a large-scale governance purge initiated by the President. While all four key agencies have remained in place (their top leadership included), the following months – especially with the gradual relaxation of the quarantine measures

AC Architecture: USAID/SACCI expert take*

While it is problematic to make any forecasts regarding sustainability and proper operations of the AC architecture over the next three months, as the epidemic – hopefully – subsides enough for citizens to start returning to the priorities of the pre-quarantine era, expert interpretations of the AC architecture have mostly coincided. While the four AC institutional pillars have been designed with maximum independence in mind, the investigatory arm (SAPO and NABU) heavily depend on who the Prosecutor General is. Expert voices were unanimous: with removal of Rouslan Ryaboshapka as Prosecutor General, a significant roll-back is in place (some noted that “we are back in 2017”). While NABU leadership may try to demonstrate independence and play their own game, the agency is no longer a big threat to the political elite, as it was in the Ryaboshapka–Sytnyk tandem. The forecast is that over the next three months, NABU and SAPO will be allowed to investigate mid-level corruption (heads of district state administrations or mayors of smaller cities) but not the truly large-scale crimes. Should the public “awaken” from the quarantine priorities and query about top-level incarcerations and verdicts, the current NABU Director would be easy prey for firing. Experts were also of an opinion that the President would not stimulate politically-motivated cases yet; instead, he would use these prudently as a bargaining tool in his Parliamentary faction, which is showing significant internal discord and “disobedience” to have necessary votes.

**This brief analysis is based on USAID/SACCI expert consultations in early April 2020.*

– will demonstrate whether the President is willing to “chop more heads” to demonstrate to his voters: “ineffective” leaders of AC agencies (i.e., those who bring about no high-level cases) will be mercilessly removed. Yet another essential consideration, including in light of previously -adopted legislative changes on MP immunity, is the figure of the current Prosecutor General, Iryna Venediktova, who has a mixed reputation, in part due to allegations of readiness to pursue politically-motivated cases if instructed to do so.

CSOs Shift Gears. Priorities Re-Visited.

In response to abrupt changes in the governance sphere and a novel working environment presented by the coronavirus epidemic, AC CSOs at the national level began re-mobilizing again, arguably for the first time since the 2019 Parliamentary elections. Overall, the national-level stage for AC CSOs from August 2019 until February 2020 was marked with a relative respite. By August 2019, united efforts of “The Anti-Corruption Agenda”⁶ – a coalition of 23+ CSOs and movements that sought pledges of Presidential candidates and, later on, political party commitments to anti-corruption throughout two election campaigns – seem to have brought the desired results. A promising young Cabinet was in place (with many individuals themselves from the CSO sector), and a well-trusted anti-corruption professional was appointed to head the Office of the Prosecutor General and was given wide-ranging powers to cleanse the institution. The Verkhovna Rada Anti-Corruption Committee was led by well-known and liked AC activists from NGO Anti-Corruption Action Center (AntAC), NGO Transparency International Ukraine (TIU), and Anti-Corruption Headquarters. Finally, the NAPC, one of the most criticized agencies in the AC architecture, was successfully relaunched in December 2019-January 2020 with CSO experts participating on the selection panel for the new Head. The stage seemed well-set for progress and positive cooperation. Yet, the break was a short one.

The national-level CSOs working on the AC institutions more narrowly entered the initial turbulence in February without a formal coalition or a unified set of demands / cooperation streams with the government. The previous 2019 transformation agenda, while still requiring action by Ukrainian authorities, was sizzling on the backburner as each of the major AC CSO players went on with their own priorities. Re-launch of the Cabinet, dismissal of Rouslan Ryaboshapka as Prosecutor General, a new wave to undermine and overthrow Artem Sytnyk, coupled by stringent quarantine measures (i.e., amongst other things, prohibition on public rallies and protest performances), a new prosecutor with a worrisome agenda, and the growing influence of the Government’s law enforcement block led by Arsen Avakov were a powerful bell tower toll, not a gentle wake-up call.

Before the multiple crises unfolded, AC CSOs tried to unite under the auspices of designing a new National Anti-Corruption Strategy, but that did not bring a higher degree of teamwork. Faced with a whole range of superimposed challenges (government re-shuffles, attempts to dismantle AC institutions, precarious economic conditions, possibly unwelcome developments with regards to the Minsk process, growing autocratic law enforcement trends, and coronavirus restrictions, to name a few), the AC CSO community chose to respond *individually*. The types of activities that the core AC CSO actors currently engage in are: monitoring of state procurements (especially with an eye towards medical bids)⁷, analysis of proposed legislation to spot corruption risks⁸, lifestyle- and declaration-monitoring of officials⁹, online visualization and open data-based instruments.¹⁰ It is expected that as politically-motivated cases appear on the Prosecutor General’s agenda, civil society will react in synchrony, mobilizing efforts through electronic instruments.

⁶ For more details on the pledges sought and coalition members: <http://anticoragenda2019.org.ua/en>.

⁷ Typical example: <https://www.facebook.com/shtab.net/posts/1294797977378455>

⁸ Typical example: <https://antac.org.ua/news/aktyvistam-ta-narodnym-deputatam-v-dalosa-zbyty-neobgruntovani-novovvedennia-v-antikoronavirusnomu-zakonoproiekti-analiz-tekstu/> and <https://www.facebook.com/TransparencyInternationalUkraine/posts/3150748904946125>

⁹ Example: <https://www.facebook.com/corruption.schemes/posts/3146321462068281>

¹⁰ Example: <https://www.facebook.com/bihus.info/posts/2961989697187047>

In contrast, the informal Judicial Reform Coalition, advocating for the Agenda for Justice before the Presidential elections, continued working after Zelenskyy's inauguration and the end of the Parliamentary race. The main points, established early on in the design of a shared CSO vision, included the relaunch of the High Qualification Commission of Judges of Ukraine (HQCJ), the introduction of High Council of Justice (HCJ) checks and balances, and development of an unbiased system of judges' selection for the Constitutional Court of Ukraine. Throughout the summer and fall of 2019, coalition members were engaged in direct parliamentary advocacy of the Agenda for Justice provisions pertaining to judicial reform. Closer to winter 2010, coalition member-CSOs focused on the process of expert delegation for selection of HQCJ members and controversies surrounding the HCJ Ethics Commission. The most recent joint press conference of coalition members happened at the end of February and was dedicated to unblocking the decisions needed to continue judicial reform (ensuring open and transparent competition to the HQCJ, unblocking the nomination of HCJ Ethics Commission, and due consideration of the Venice Commission recommendations on preserving the existing number of Supreme Court judges). In light of the COVID epidemic, the Coalition intends to continue monitoring and advocacy efforts in telework mode and is tracing reform developments.

In The Eye Of The Beholder. What Do Ukrainians Think Of It?

This section looks at the ways Ukrainian citizens interpret corruption and anti-corruption through the prism of their experience, how they assess the success of AC activities so far, and which overall societal mood currently prevails.

Mistrust Of Government Agencies. Perceived Lower Effectiveness Of AC Fight

Ukrainians distrust the new AC agencies and institutions, as they do the overall system of government bodies and civil servants. Below is the overall balance of trust to social institutions as was measured by a Razumkov Center poll in February 2020,¹¹ which indicates that Ukrainians are distrustful of state agencies and civil servants in general, and they hold this opinion firmly (overall balance of trust is 61.1 percent, and 6.5 percent were unsure of their answer). The negative attitudes towards AC institutions are comparable. At the same time, the share of respondents who found it hard to voice a definitive answer ("undecided") is significant. If these are citizens who indeed do not know much about the anti-corruption institutions, this could denote a need for more awareness-raising and confidence-building vis-à-vis the AC institutions.

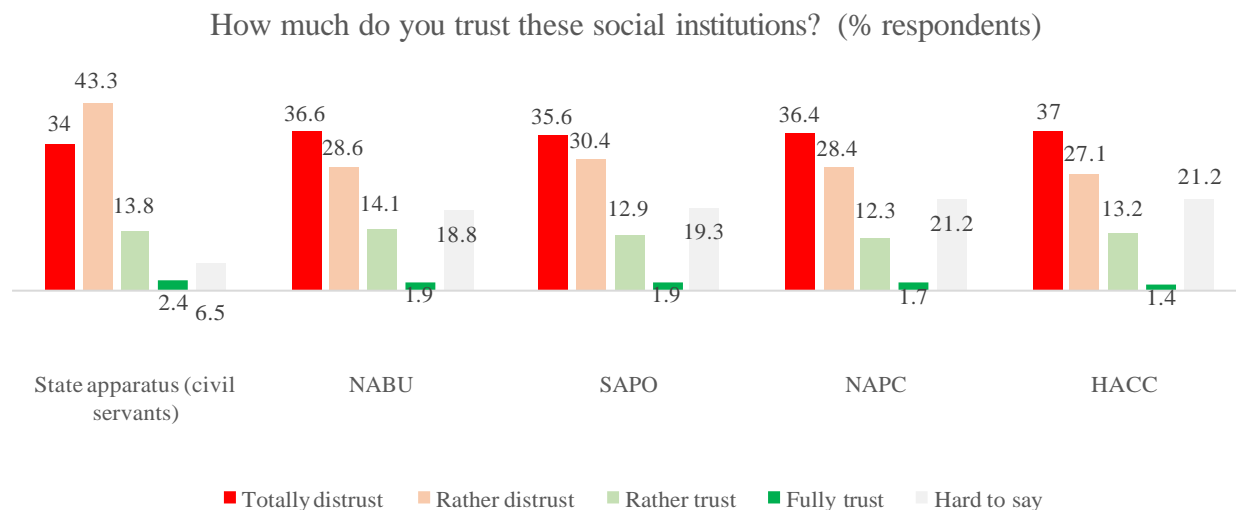


Figure 1: Razumkov Center poll, February 2020

¹¹ "Citizens' assessment of government activity, level of trust in social institutions and politicians, electoral orientation of citizens (February 2020)", Razumkov Center, February 24, 2020. N=2018, all population of Ukraine without occupied territories and older than 18. Sample design corresponds to the distribution of adult population of Ukraine by age, sex, oblast, and settlement type. Margin of sample error (not including design effect) does not exceed 2.3 percent for the national sample. <http://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-gromadianamy-diia-lnosti-vlady-riven-doviry-do-sotsialnykh-institutiv-ta-politykiv-elektoralni-orientatsii-gromadian-liutyi-2020r>

Another recent poll¹² by the Kyiv International Institute of Sociology (KIIS) measured the perceived success of the new elite in tackling high-level corruption, as the most desired sign of irreversibility of reforms in the country. Comparison to data gathered throughout November and December 2019 registers *the population's growing pessimism* for successes in bringing top-level corruption under control.

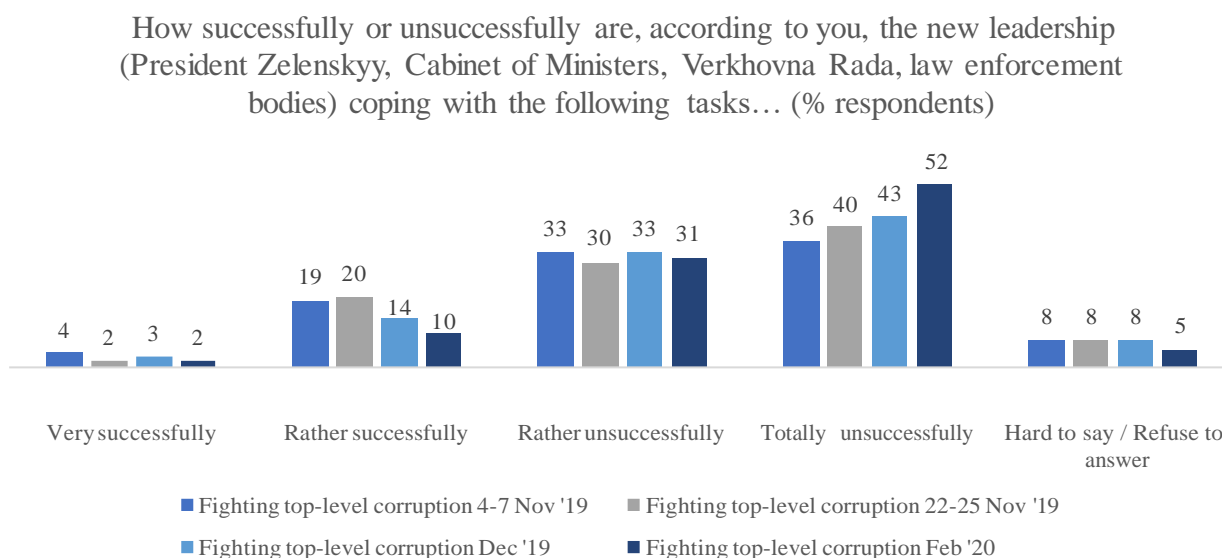


Figure 2: Kyiv International Institute of Sociology poll, February 2020

Pact's regular flagship Civic Engagement Poll (CEP)¹³ spotted similar trends when Ukrainians were asked about their perceived effectiveness of Ukraine's authorities in fighting corruption (a drop from 11 percent of positive impressions of reform efficacy to 6 percent). It also registered a growing number of respondents who found it difficult to answer the question or simply refused to provide their opinion.

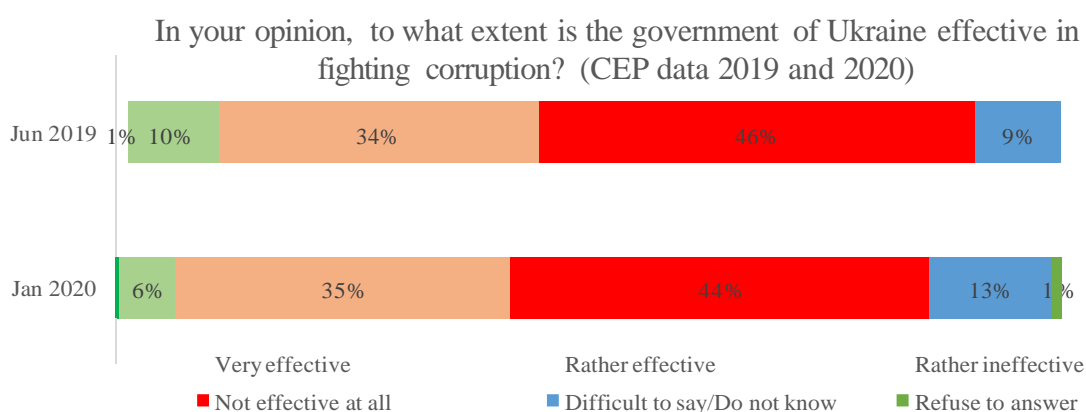


Figure 3: USAID/ENGAGE Civic Engagement Poll 2019-2020

¹² KIIS poll, February 27, 2020. N=1500, all population of Ukraine without occupied territories and older than 18. Sample design corresponds to the distribution of adult population of Ukraine. Method: Computer-Assisted Telephone Interviews (CATI). Margin of sample error (not including design effect) does not exceed 3 percent. <https://kiis.com.ua/?lang=ukr&cat=reports&id=920&page=1>

¹³ Here and onwards references made to CEP mean the latest update of the regular poll that was issued in early 2020. Summary presentation: <https://engage.org.ua/ukrainians-are-aware-of-civic-activities-but-unwilling-to-take-action/>. N=2,011, all population of Ukraine without occupied territories and older than 18. Sample design corresponds to the distribution of adult population of Ukraine by age, sex, oblast, and settlement type. Margin of sample error (not including design effect) does not exceed 2.2 percent for the national sample.

While two questions on success of the reform are framed differently, one directly referring to top-level corruption and the other not, previous in-depth data queries have shown that by “corruption” Ukrainians mean “state capture” or “high-level political corruption.”¹⁴ Effective or not, according to the winter 2020 CEP, Ukrainians see *minimal progress* in AC reform (71 percent see almost no change or no progress at all). One of the possible explanations is that citizens are used to equating effectiveness (and irreversibility of reform) with higher-level criminal cases that should result in incarcerations. Worrisome as it may be, the first long and detailed interview of the new Prosecutor General reiterates this promise to the public.¹⁵

In your opinion, what is the progress of anti-corruption reforms? (CEP data 2020)

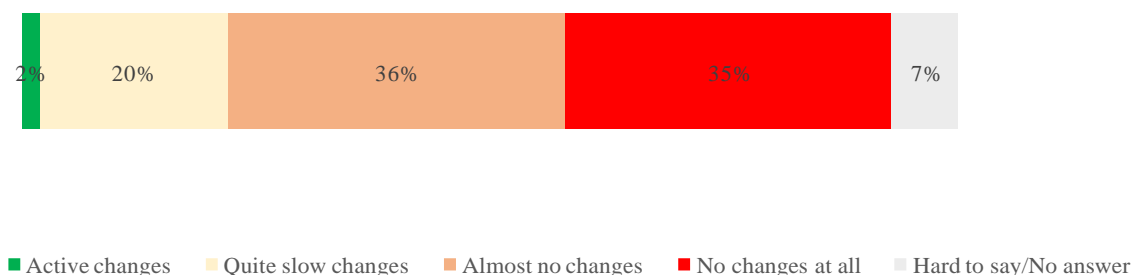


Figure 5: USAID/ENGAGE Civic Engagement Poll 2020

Yet, when faced with a question of whether corruption is becoming worse and more entrenched, 67 percent noted that corruption levels have stayed stable over the last 12 months. Only 16 percent of respondents pointed out that things got worse, disagreeing with 7 percent of the optimists who noted that the corruption swamp had been drained at least a bit.

In your opinion, the corruption rate increased, decreased or stays the same during the last 12 months? (CEP data 2020)

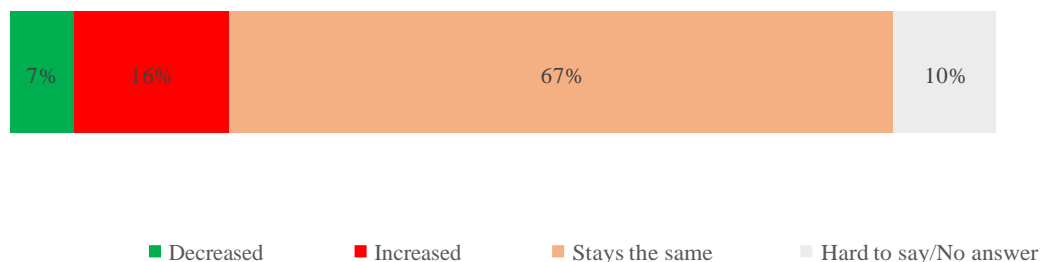


Figure 4: USAID/ENGAGE Civic Engagement Poll 2020

Stable Share Of Those Who Indeed Faced Corruption

Most importantly, when asked whether they or their close ones encountered corrupt activities directly throughout the last year, a cumulative 40 percent share of respondents confirmed such situations taking place. Time-series analysis of CEP data shows that since 2017, the share of those facing corruption directly or reporting it through accounts of relatives has stayed stable: close to the

¹⁴ “Corruption in Ukraine: Perception, Experience, Attitude”, 2018, commissioned by Pact. N=10,000 <https://dif.org.ua/uploads/pdf/6343688805c078ceeea4aa6.97852084.pdf>

¹⁵ Ukrainska Pravda interview of Prosecutor General Iryna Venediktova, published on April 7, 2020, in which she makes direct reference to the Zelenskyy team’s election promises vis-à-vis incarcerations. Ukrainian only: <https://www.pravda.com.ua/articles/2020/04/7/7246769/>

40 percent share mark. Interestingly, the share of respondents who either found it difficult to make up their mind or refused to answer this question was the highest this time since the beginning of the longitudinal study.

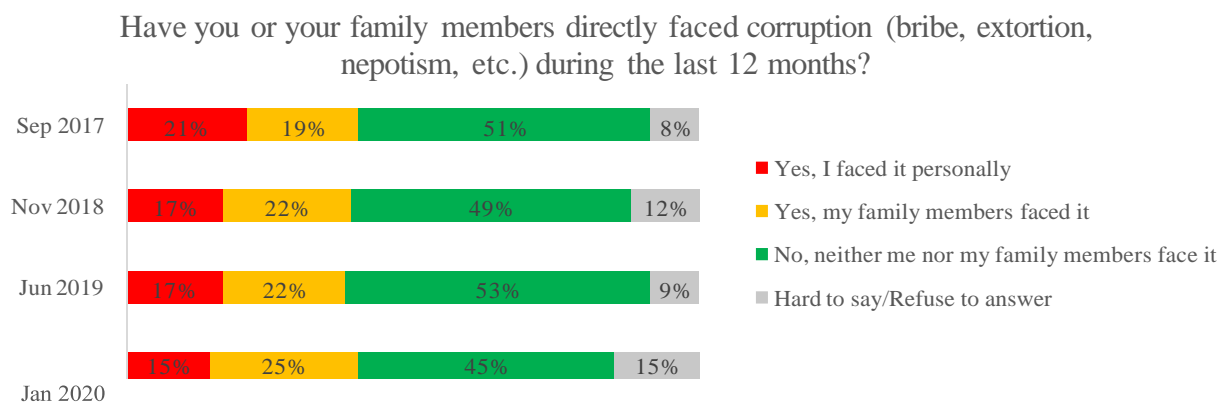


Figure 6: USAID/ENGAGE Civic Engagement Poll 2020

Anti-Corruption Still At The Top Of The Chart. Will It Be There For Long?

While the CEP poll results were ready before a full-blown epidemic touching the lives of all Ukrainians, they are a good benchmark for data that will be gathered throughout the next quarter to register the *shifted citizen priorities*.

At the beginning of 2020, Ukrainians continued to note that the top-5 issues they think are important for the country were: the war in the east of the country, corruption (i.e. top-level political corruption), poverty, unemployment, and pensions. As far as respondents themselves were concerned, poverty, healthcare, the war in the east, corruption, and unemployment were vital concerns. Both of the priority lists have stayed relatively stable over time, but there is a lot to suggest that the priorities registered next time will revolve much more around healthcare, the overall economic situation, the standard of living, and (potentially) personal security, alongside other fundamental necessities, as the country goes through the epidemic.

Top priorities for Ukrainians - 2020

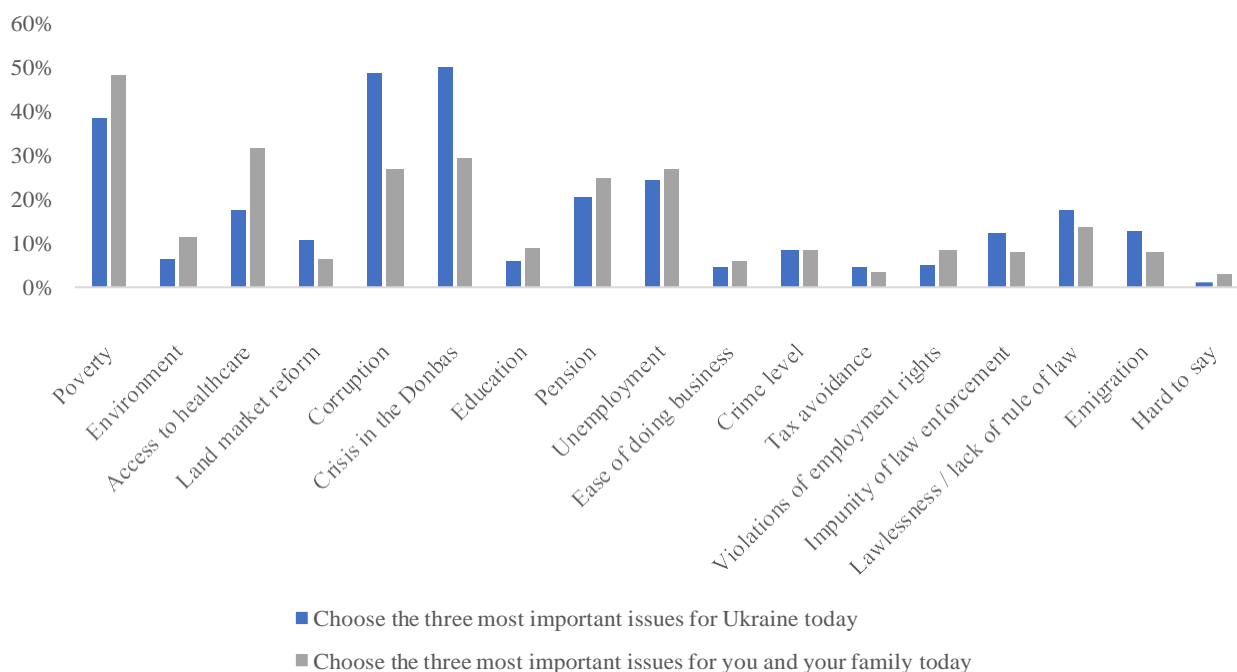
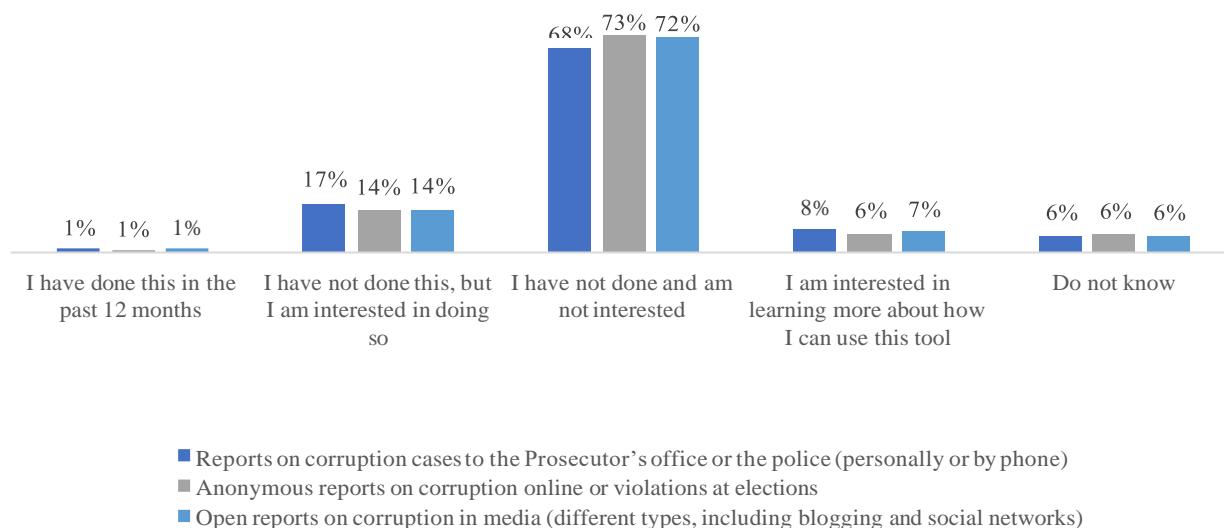


Figure 7: USAID/ENGAGE Civic Engagement Poll 2020

The Nucleus Of Those Who Report Corruption Is Small. AC Action Close To One's Home. Protest Potential Is Counter-Balanced By Inert Citizens.

It comes as no surprise, keeping in mind the data analyzed in previous CEP iterations, that few citizens have reported corruption cases to authorities (1.5 percent), anonymously (0.6 percent) or in the media (1.1 percent).

Have you ever been involved in...



In most cases, respondents noted that AC-related activities that were open to common citizens included activities such as curbing corruption in their condominiums or housing and utility service companies (6.9 percent), at local schools (6.4 percent) or community medical clinics (7.6 percent).

Figure 8: USAID/ENGAGE Civic Engagement Poll 2020

In your opinion, which activities could citizens implement by uniting their efforts with others without relying on (local) government?

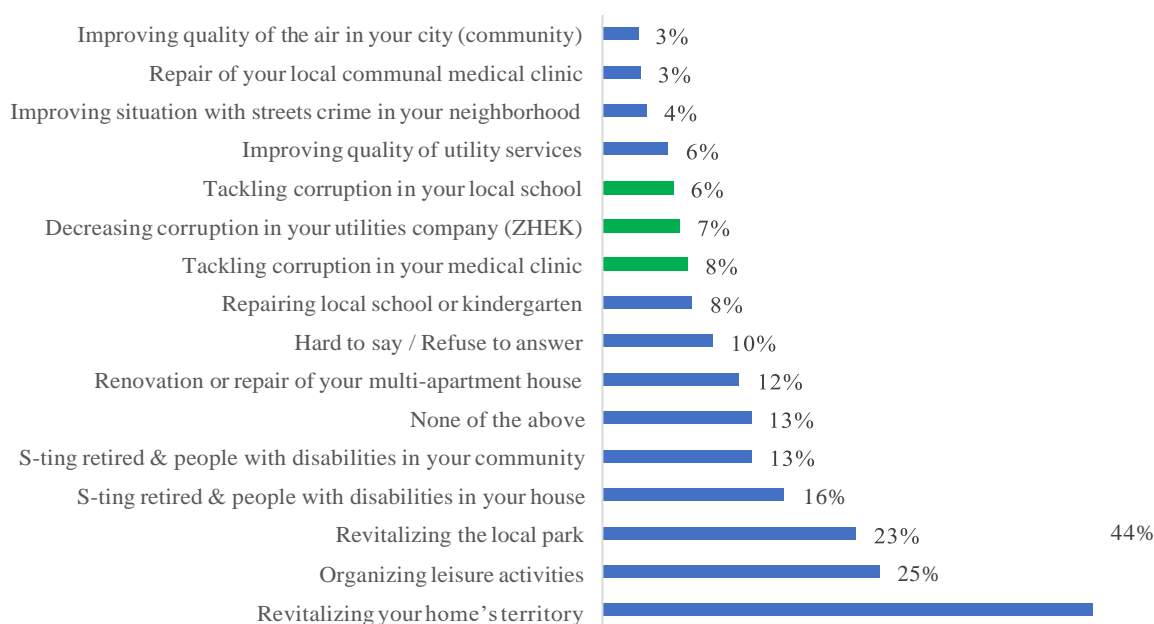


Figure 9: USAID/ENGAGE Civic Engagement Poll 2020

The citizen *protest potential* (if counted only by those who *fully agreed* that they would be ready to join in collective protests against national- or local-level corrupt officials) is identical vis-à-vis national- and local-level officials and hovers below 10 percent, being offset by the passive majority.

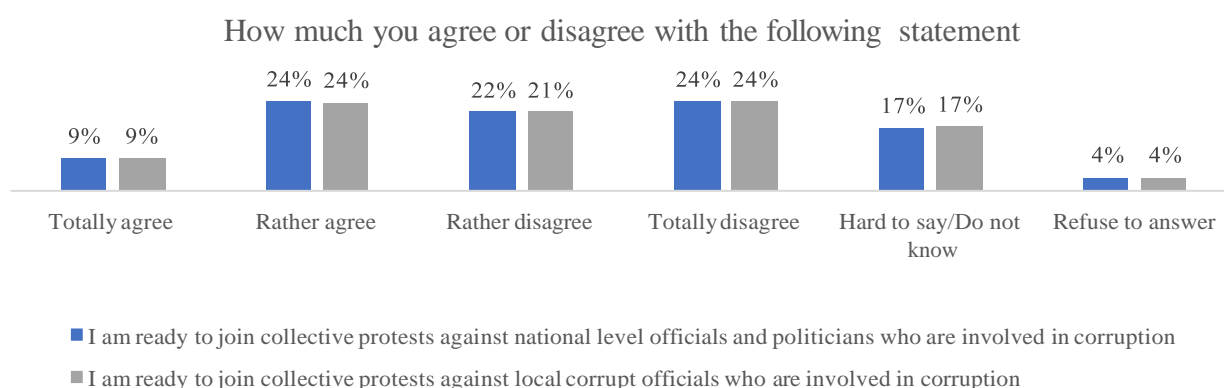


Figure 10: USAID/ENGAGE Civic Engagement Poll 2020

Materialism And Love Of Freedom: Ukrainian Values At The Onset Of The Pandemic Outbreak

The USAID/ENGAGE Civic Engagement Poll findings demonstrate that Ukrainians face moral dilemmas in their daily life choices. As a result of heightened public health security, like elsewhere around the world, Ukrainian citizens might be facing the challenge of democratic backsliding.¹⁶ As coronavirus cases mushroom, the state focuses more on disaster prevention and human rights and the rule of law might left more and more unprotected, putting Ukrainians'

¹⁶ 2020 World Press Freedom Index: "Entering a decisive decade for journalism, exacerbated by coronavirus" Reporters Without Borders (RSF). Retrieved from: <https://rsf.org/en/2020-world-press-freedom-index-entering-decisive-decade-journalism-exacerbated-coronavirus> and

citizenship skills to test. Citizens' values can help understand the fundamental beliefs that together constitute the departure point to democratic and economic progress.

Values can project what citizens would expect of the state, how they interpret justice and effective governance. They shed light on citizens' mindset about collectivism, self-reliance, freedoms, power and authority. To assess the society's backbone of warding off potential threats to Ukraine's further democratization, we zoom in on Ukrainians value system at the onset of the COVID-19 pandemic. Based on USAID/ENGAGE's winter 2020 Civic Engagement Poll,¹⁷ after looking at Ukrainians democratic participation, we present their beliefs about power, the role of the state, convictions how the rule of law plays out in every-day practice, and their creed about freedoms and citizenship.

When taking part in public life, Ukrainians are more confident in achieving results, when doing something with their own hands. Actions they are to be engaged in are those on the grassroots, often the ones they can perform on their own, such as revitalizing their home territory (44%) or the local park (23%). During the COVID crisis people might be more likely to get involved into delivering goods to the needy or donate to hospitals for purchasing protective gear, thereby increasing public health risks. Ukrainians are much less interested in commenting on draft laws or participating in online public consultations, when online participation in all walks of life is today's most accepted and possible behavior as a result of the pandemic.

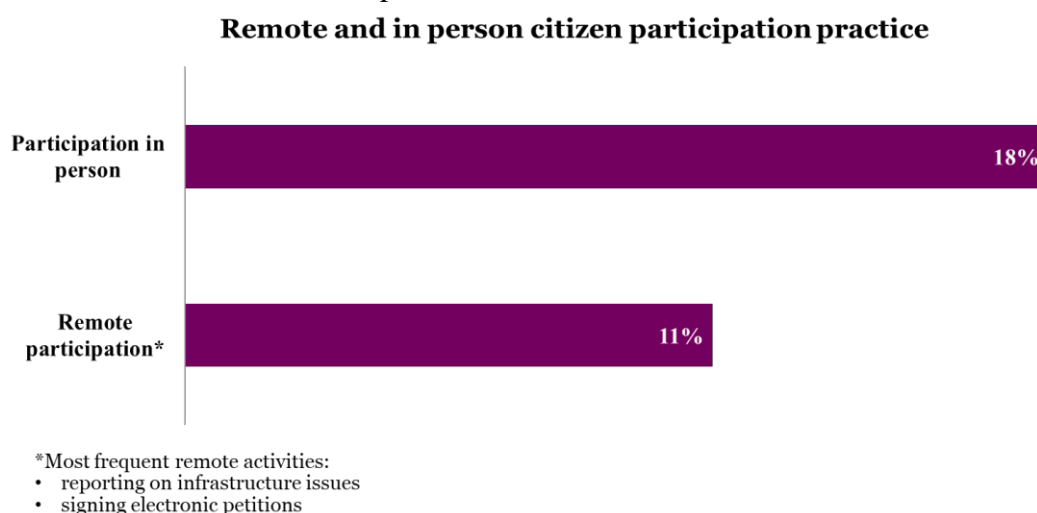


Figure 111: USAID/ENGAGE Civic Engagement Poll 2020

Trust of Ukrainian citizens is hard to gain. The high hopes the new Ukrainian leadership enjoyed at the inception of its tenure in 2019, by winter 2020 significantly faded away, leaving widespread frustration in its place. Disillusionment runs through the history of modern Ukraine, but in the post-EuroMaidan era between November 2015 through January 2020, Ukrainians began feeling more empowered and less prone to think that the authorities use power for personal gain.

¹⁷ USAID/ENGAGE Civic Engagement Poll, winter 2020

Q: To what extent do you agree with the following statements

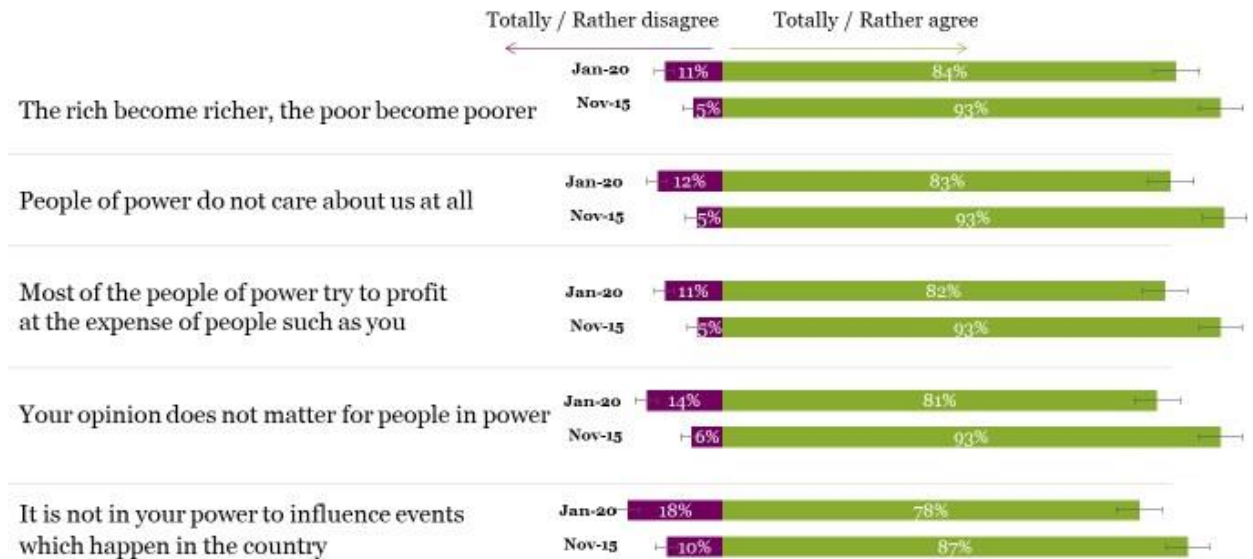


Figure 122: USAID/ENGAGE Civic Engagement Poll 2015-2020

By the time the global pandemic hit the country, those previous years gains appear dissipated.

Unlike those active citizens who self-organize in times of crises, Ukrainians writ large look at the state more than at each other for finding solutions. Paternalism has historically been strong in Ukrainian society and in COVID-crisis the majority of Ukrainians are going to rely on the government to solve their problems. On average, 48% of Ukrainians believe that their well-being is the responsibility of the state. However, almost every sixth senior citizens (57%), a main COVID at-risk group and otherwise most active citizens, expect the state to provide for their livelihoods.

Q: The state should be responsible for everyone's well-being?

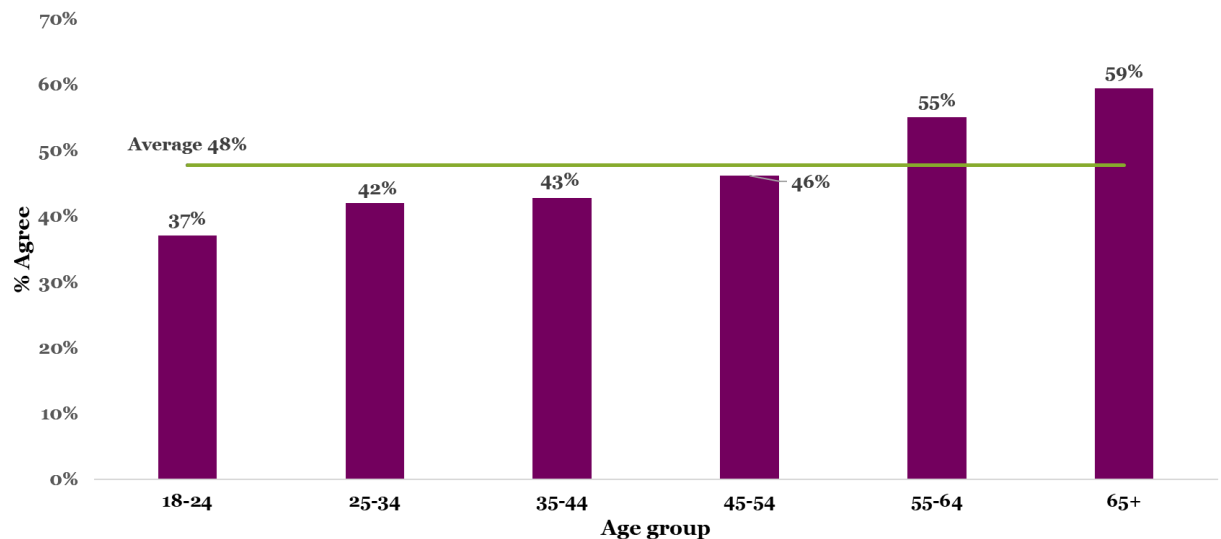


Figure 133: USAID/ENGAGE Civic Engagement Poll 2020

A vast majority of Ukrainians expect their existential matters turn for the better thanks to a single heavy-handed person: 72% on average are ready to give power to a strong leader so that s/he brings “order to the country”.

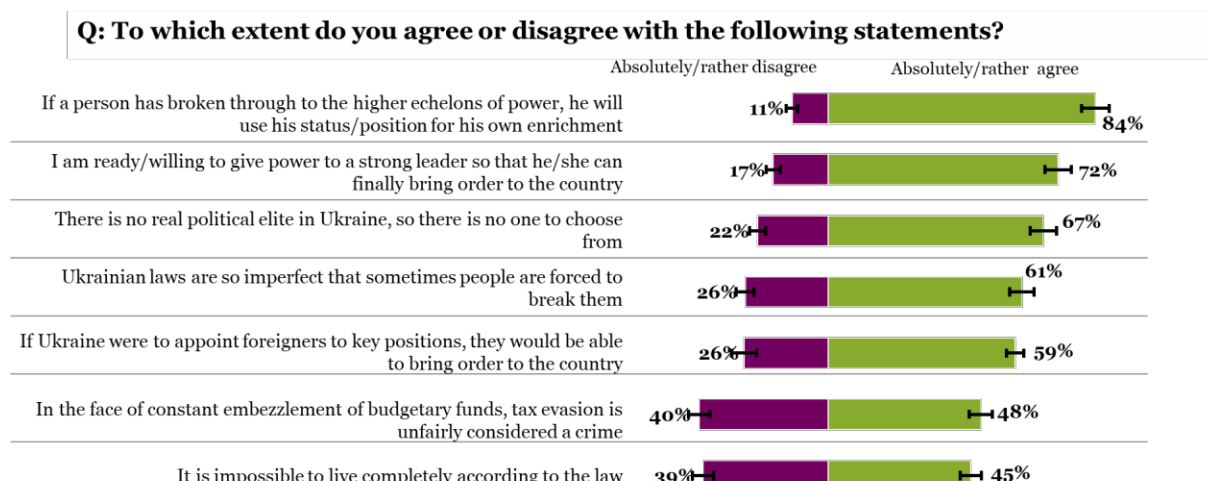


Figure 144: USAID/ENGAGE Civic Engagement Poll 2020

What might balance out inclination to favor one-man-rule, support to draconian measures and strengthen social cohesion is Ukrainians love of freedom and democratic social and political values. In the eve of COVID, a similarly large share of the public (74%) said that freedom cannot be sacrificed.

Q: With which of the statements do you agree the most?

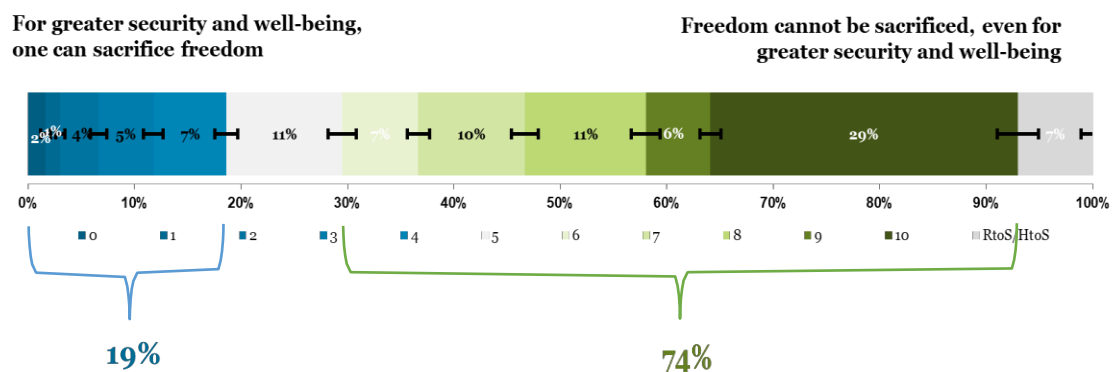


Figure 155: USAID/ENGAGE Civic Engagement Poll 2020

Also, slightly more (38%) Ukrainians share socially responsible values than exhibit signs of blatant individualism (35%).

Q: With which of the statements do you agree the most?

These days one should take care of his/her own interests, without paying attention to others

Everyone should take care of mutual interests these days

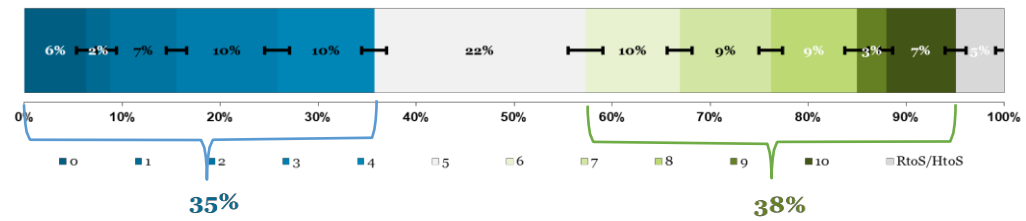


Figure 166: USAID/ENGAGE Civic Engagement Poll 2020

Citizens predominantly share liberal democratic values and behaviors. Nine out of ten citizens believe that one should be aware and defend their constitutional rights and a similar percentage praise law-abiding citizenship. Three quarters of citizens believe that political awareness is indispensable to be a good citizen. Another three quarters of Ukrainians opine that to be a good citizen, one has to support those who are in need.

Q: Who can be called a good citizen?



Figure 177: USAID/ENGAGE Civic Engagement Poll 2020

In sum, Ukrainians' values and convictions give reason for concern but the society exhibits firm ground for continued social responsibility and ability to withhold contemporary threats to the country's democratic gains. Ukrainian society, on the whole, provide further hope that citizens would work together to combat challenges resulting from the current crisis and advance the country's democratic consolidation.

Moral Stances Stand Strong. Will They Hold The Epidemic Test?

Ukrainians take a moral high-ground when assessing whether bribery is justified or whether you can still violate the rules since no one is abiding by them anyway. Four in ten respondents stated that bribery is, in their eyes, never justified, even if it serves as a facilitation payment for a service important for the individual. Similarly, every third Ukrainian is totally against the idea that if officials break the law, then it is acceptable for common people to do it as well. When speaking of

values of liberty, three in four Ukrainians state that freedom as a value cannot be sacrificed, even for greater security.

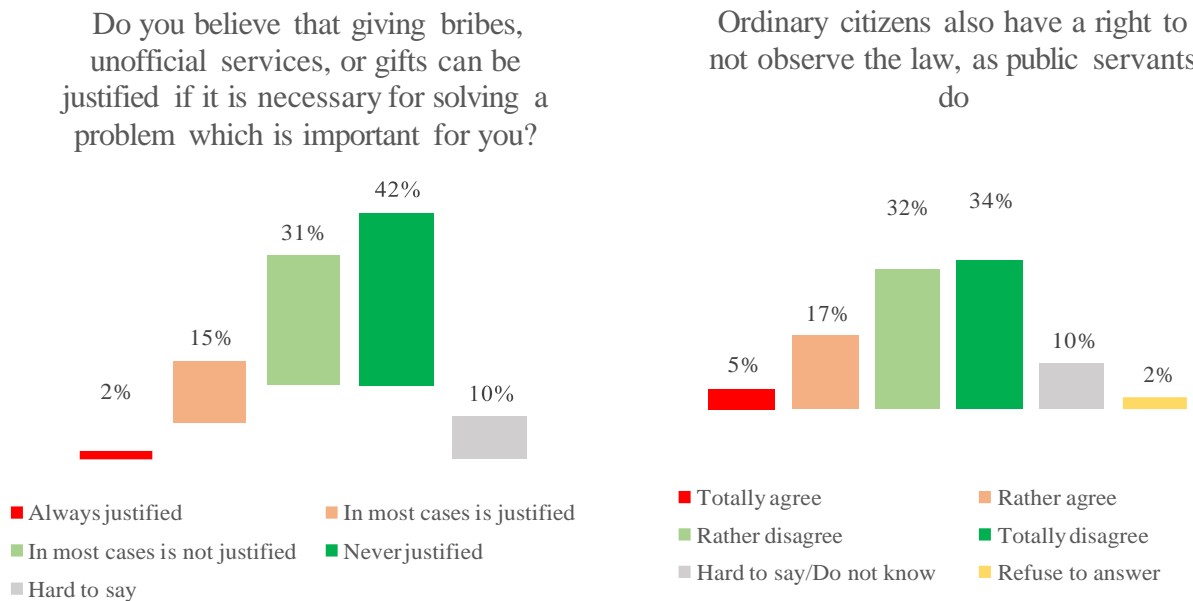


Figure 18: USAID/ENGAGE Civic Engagement Poll 2020

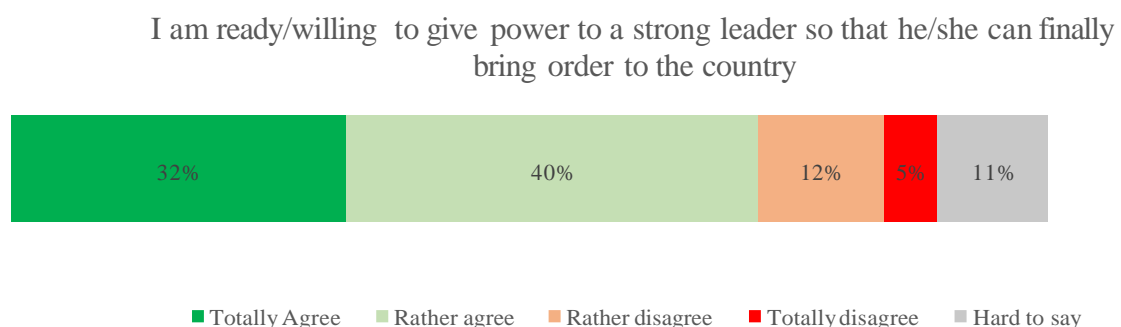


Figure 19: USAID/ENGAGE Civic Engagement Poll 2020

Conclusion

Ukraine has found itself amid a perfect storm. With a formidable pandemic at its door, a new Cabinet, new Prosecutor General, a thin promise of IMF assistance, continued war in the east, and agile Russian action to remove aggression-related sanctions, and against the backdrop of a looming world financial crisis, the country is in a tough position. As noted above, it is no surprise in this situation that Ukrainians lean towards desiring a “stronger hand” that would be able to set things in order amongst chaos.

Trends towards mission creep of law enforcement agencies in Ukraine have been evident for a long time, and the current situation with a “naturally-emerging disaster” that calls for extraordinary measures brings two categories to the fore as saviors and as those who may be excused from usual scrutiny in these times of trouble as long as they save lives: healthcare personnel and law enforcement. Throughout these trying times, Ukrainians would like to be more protected from the invisible virus threat (doctors), and are afraid of social order collapsing with increased crime rates and looting as the quarantine-undermined standard of living begins to deteriorate (police and national guard). This, natural, desire for something to lean on and to bring law and order in a crisis situation is likely, nonetheless, to be used by political leaders to increasingly impose citizen-control measures that have little to do with protection from the biological threat of a pandemic.

Another, and a very much cognate, consideration is that in times of a massive crisis with a shift in priorities and values, Ukrainians will start drifting towards excusing the “necessary”

corruption more and more. This narrative reminds one of the defenses in the case of Oleg Gladkovskyy and the corruption cases of Ukroboronprom. Those willing to excuse the activities of his son and his accomplices noted that during an import ban from Russia, it was acceptable to smuggle spare parts for Ukrainian battle tanks and other military equipment for the higher purpose of saving soldiers' lives. By analogy, in the situation of a severe epidemic, the population will be much less scrupulous about increased prices for medical equipment, illegal surcharges, or corruption that thrives with medical procurement, as long as lives are saved and the disease is tackled more effectively.

Times of crises always give ample opportunities for the growth of corruption risks and re-emergence of bad governance practices that could be dormant before. The global COVID-19 epidemic, and its progress in Ukraine, offers fertile ground for manipulations, siphoning of state- and donor / IFI funds, promotion of self-interest and other unethical or illegal practices.

AC CSOs in Ukraine, especially at the national level, have shifted gears from their usual operating modes and priorities (including AC regulations, institution-building and reform, broad / political investigative journalism). Instead, as open sources note recently¹⁸, the CSOs have started acting on what may be achieved in the quarantine settings (i.e. without the necessity for physical contact) – procurement monitoring. Despite the relaxation of the procurement regulations specifically for the COVID epidemic purposes (see Decree #248 as of 29 March 2020¹⁹), the results of such procurements, even if post-factum, are depicted in the ProZorro system – thus enabling analysis and drawing attention to the cases where faults could have taken place.

The very focus of AC CSO monitoring is understandable – as procurements on medical supply are easier to spot, the domain is well-defined and rules are set. Also, keeping in mind the considerable experience that Ukrainian CSOs have in this area (recalling Nashi Hroshi and the DoZorro community), there are already trained experts who can easily re-focus their attention from other thematic domains to healthcare. At the same time, the narrow focus on procurement of a list of COVID-related medical supplies and – on a bigger scale – focus on potential procurement malpractices only may be questioned.

Below are recommendations and considerations that could be taken into account when delivering programming support to CSOs in the anti-corruption area working with COVID-19 response:

- The very fact that civic monitoring is present and active in procurement is a positive trait. At the same time, it would be beneficial, to have a better effect, to look carefully in each case to establish facts (to the degree possible) and to provide professional commentary from health experts who have relevant specialization. Thus, one of the counter-arguments that is used in the case of protective suit procurement by the CPA and MOH is that the product to be purchased under the intended CPA bid (lower price) was not meeting quality standards. A simple announcement of “lower price is better” without presentation of all facts – or at least disproving the counter-arguments – should not be taking place.
- Announcement of procurement practices as “rigged” or “fraudulent” should probably not take place until there is contact with the procurement-initiating entity to determine that it was not a mistake. Despite a widely-shared perception, especially at the regional levels, there are not too many extra-quality specialists on procurement. Personnel may make mistakes and classify procurements mistakenly, not maliciously. Procurement monitoring needs to bear in mind the ultimate goal – prevent fraud from happening, not publish statements on alleged cases. This

¹⁸ Please see, for instance, the TI Ukraine column on organizational response on medical procurement <https://nv.ua/ukr/biz/experts/zakupivli-masok-testiv-shvl-shcho-kupuye-derzhava-v-prozorro-novini-ukrajini-50083806.html> or AntAC column on the situation with alleged improper procurement of protective anti-viral costumes by MOH instead of the Central Procurement Agency (CPA) <https://www.pravda.com.ua/columns/2020/04/23/7249053/> and a series of Nashi Hroshi publications on medical procurement nationally and in the regions.

¹⁹ <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-kabinetu-ministriv-ukrayini-vid-20-bereznia-2020-r-225-248290320>

approach would help minimize accusations of manipulation or political killership (especially in the light of possible local elections).

- Standardization and ability to claim a common measurement practice would be beneficial. What could be considered is a common standard for civic monitoring of COVID-related procurement practices to make sure that as many organizations as possible are behind the methodology. If the methodology was applied consistently and universally, it could attest certain findings. This, in turn, brings into light the issue of AC CSO coalition-work and common approaches to tackling problems – rather than individualist work that gained more traction after September 2019.
- Attention to the regional dimensions of procurement (see earlier argument about capacity of procurement specialists at the grassroots) are necessary – possibly from the regional CSOs that are already dealing with other aspects of minimizing the COVID-epidemic.
- Corruption in the COVID-19 setting is much wider than procurements. With public competitions for civil service positions and National Agency for Civil Service in limbo, malpractices with appointments may take place. Manipulations with medications falsely claiming to be anti-COVID²⁰ have already hit Ukrainian markets and pockets of patients. In the current uncertain environment and with proven drugs for COVID absent, pharmaceutical lobbying for recommending their particular medication as the standard of choice is quite possible (if not already happening). After all, international experience with off-label use of medication is currently widespread for COVID in all countries to help find the cure. In essence, a wider glance is possible and could be recommended as CSO response in the given situation.