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RECOVERY

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TRANSFORMATION THROUGH TRANSPARENCY: ANTI-CORRUPTION REFORMS AS THE KEY PRINCIPLE IN UKRAINE'S RECONSTRUCTION

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This study examines the indispensable role of anti-corruption reforms in Ukraine's post-war reconstruction, and its moves towards a resilient and prosperous future within Europe. Through a comparative analysis of post-war reconstruction cases, it elucidates that Ukraine's distinct situation, marked by relative stability and a unified society, yet a critical demographic situation, calls for an unparalleled enactment of profound anti-corruption measures. Furthermore, the study underscores the importance of such reforms to accelerate Ukraine's European Union integration process, and of anti-corruption reforms to be, in turn, accelerated by this integration process.

Introduction

Whilst Ukraine is successfully resisting the full-scale Russian invasion, some reconstruction processes have commenced. On the other hand, significant attention is being paid in academic and policy circles for the time to what happens after the fighting ends and large-scale reconstruction will be in the pipeline. Not only the question of how much money is needed to reconstruct the country and where this money should be coming from, but also the issue of core principles is being discussed in that context. In 2022, Ukraine's main partners proposed seven principles that present the overarching

guidelines for the reconstruction process.¹ Among them were to be found reform focus recovery and transparency, accountability, and the rule of law.

The presence of rule of law as a primary reconstruction principle is nothing new. It was, for instance, argued in the Iraqi Principles for a Future Government that "the rule of law must be paramount".² Similarly, the Council of Europe stressed in the context of Kosovo that the "Stability Pact for south-eastern Europe is an initiative of paramount importance. Its success will hinge not least on its 'human dimension', that is, the building of the rule of law".³ However, evaluating the

1 Ukraine Recovery Conference, Outcome Document of the Ukraine Recovery Conference 'Lugano Declaration'. Lugano, July 4-5, 2022, https://cor.europa.eu/en/engage/Documents/urc2022_lugano-declaration.pdf

2 Open Society Institute and the United Nations Foundation, *Reconstructing Iraq: A Guide to the Issues*. 2003.

3 Council of Europe, *Economic reconstruction and renewal in south-eastern Europe following the Kosovo conflict*. Committee on Economic Affairs and Development. Doc. 8503, 1999 <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8734&lang=EN>

outcomes of decades-long reconstruction processes, it becomes visible that these principles have largely remained exclusively on paper.



fighting corruption comes along with a further destabilisation of the institutional equilibrium in the short term and its benefits, such as a fairer and more equitable society, only materialise in the long term

As will be shown in the next chapter, it is corruption that usually undermines deep institutional changes, and therefore leads to poor post-war reconstruction outcomes. However, it is important to note that Ukraine differs from 'traditional' cases in which corruption is perceived as a necessary evil, as the country is characterised by relative stability and internal unity. This makes it ever more vital that Western actors, the likely providers of initial reconstruction aid, realise the urgency to push for large-scale anti-corruption reforms. All this is necessary to build Ukraine back better and to utilise the country's economic and demographic potential that will pave the way for a self-sustained and integrated state in the heart of Europe. Due to this, fighting corruption should be the leading principle of post-war reconstruction in Ukraine, as it is closely linked to the rule of law, and a good proxy measure for the overall institutional development of a country.

Why Corruption is Used as a Short-Term Fix in Post-War Countries

A post-war context usually represents a fragile institutional setting. Through it, changes in a country are dynamic and can take multiple trajectories.⁴ Whilst fragility usually has a negative connotation, it is in this context ambiguous. This is because it can also entail the weakness of previous institutional settings that were characterised by such features as nepotism, large-scale corruption, and other negative phenomena. It is therefore paradoxical that due to war, democracy *can* in the long-term even be strengthened. It is even argued by some authors that "democratisation tends to follow war".⁵ Examples are rare, but the literature has presented Western Europe after WWII as such a case.⁶

Despite that, institutional trajectories usually take the opposite direction in post-war periods. This is because corruption is normally a key feature of how political economy systems function, particularly in those countries that are fragile and prone to intrastate war.⁷ In countries where such conflicts come to an end, corruption is often seen as a necessary evil to 'buy off peace'.⁸ This is because fighting corruption comes along with a further destabilisation of the institutional equilibrium in the short term and its benefits, such as a fairer and more equitable society, only materialise in the long term. Elites, often conflicted with each other in fragile societies, will likely resist such changes that threaten their advantageous

4 Rose-Ackerman, S., Corruption and post-conflict peace-building. *Ohio NUL Rev*, 34, 405, 2008

5 Mitchell, S. M., Gates, S., & Hegre, H., Evolution in democracy-war dynamics. *Journal of Conflict Resolution*, 43(6), 1999, 771-792.

6 Merkel, W. & Gerschewski, J., Democratic Transformation after the Second World War. In: W. Merkel, R. Kollmorgen & H.J. Wagener (Eds.) *The handbook of political, social, and economic transformation*. Oxford, UK: Oxford University Press, 2019, pp. 280-292.

7 Neudorfer, N. S., & Theuerkauf, U. G., 2 Buying war not peace: The influence of corruption on the risk of ethnic war. *Comparative Political Studies*, 47(13), 2014, 1856-1886.


8 Le Billon, P., Buying peace or fuelling war: the role of corruption in armed conflicts. *Journal of International Development: The Journal of the Development Studies Association*, 15(4), 2003, 413-426.

position. This resistance might threaten a fragile peace and lead to infighting among previous adversaries that might seek to keep their share of an even smaller pool of self-enrichment.

Hence, in the reconstruction period, for the sake of short-term institutional stability in a country, corruption is usually tolerated by donors, or even outrightly incentivised and actively participated in. For instance, in the case of Iraq, the current levels of corruption and fragility “can be traced back to occupation-era reconstruction policies and to Baathist-era patronage”.⁹ However, visibly, this is not just the result of misconceived oversight and/or policy prescriptions imposed by Western actors. On the contrary, Western governments have not uncommonly turned a blind eye or unequivocally supported their national companies, to benefit from weak transparency and governance in the post-war reconstruction period.¹⁰ In other words, in the reconstruction period, corruption can not only be seen as a mechanism to ‘buy off peace’ between former adversaries in a country by external parties, but also to ensure good business opportunities for those countries involved in the process of rebuilding another country.

Through this, rule of law and corruption have often become rather buzzwords than serious policy prescriptions, and countries have often become increasingly fragile, due to the long-term effects of corruption. This has led to the fragmentation of states and/or their entire collapse, the former visible in Iraq and the latter in Afghanistan. The

‘buy-off peace’ argument of corruption is therefore only a short-term fix that can lead to a long-term collapse. For instance, in Afghanistan, it has been revealed that “security and political goals consistently trumped strong anticorruption actions” (but in the end) “corruption undermined the U.S. mission”.¹¹ It is brought about therefore not so much through the lack of knowledge about the existence of corruption or its negative long-term effects, but because of the lack of will of key parties to take effective actions against it. This includes both domestic elites in a post-war country and external actors.

 **One key difference, however, between Ukraine and the other cases is its degree of relative stability and the consolidation of its society. In contrast to the outcomes of a civil war, the unprovoked invasion of Russia has actually increased rather than undermined national unity**

As the SIGAR report on Afghanistan notes, “where the United States sought to combat corruption, its efforts saw only limited success in the absence of sustained Afghan and U.S. political commitment”.¹² This lack of commitment to combat corruption effectively led to the failure of the entire mission. The exact same can be said about almost all post-war reconstruction cases, in which corruption is tolerated or accepted in the short-term, only to lead to long-term pain.

9 Dhingra, R. and Alshamary, M., Corruption is the forgotten legacy of the Iraq invasion. *Brookings Institute*, 3.04.2003, <https://www.brookings.edu/articles/corruption-is-the-forgotten-legacy-of-the-iraq-invasion/>

10 Karnitschnig, M., How the US broke Kosovo and what that means for Ukraine. *Politico*, 15.02.2024, <https://www.politico.eu/article/how-the-us-broke-kosovo-and-what-that-means-for-ukraine/>

11 Sopko, J. F., Corruption in Conflict: Lessons from the US Experience in Afghanistan. *Special Inspector General for Afghanistan Reconstruction*, 2016

12 Sopko, J. F., Corruption in Conflict: Lessons from the US Experience in Afghanistan. *Special Inspector General for Afghanistan Reconstruction*, 2016

Whilst Ukraine differs from other war-torn countries in contemporary times, as it is the victim of an unprovoked, external aggression, it shares some features with these countries. This is in particular the strong influence of corruption and nepotism in its institutions for the entirety of its post-Soviet development trajectory.¹³ And, despite there being strong Western support for anti-corruption reforms, not least after the 2014 Revolution of Dignity, its outcomes were mixed. They can be best characterised by selective intervention, whereby Western actors decided to prescribe anti-corruption policies and frameworks and sometimes intervene in cases of attempts to undermine them, whereas abstaining in other cases from doing so.¹⁴ As it turned out, Western companies were also involved in various schemes, in which they profited from the existence of poor oversight and transparency.¹⁵

How Ukraine Can Be Built Back Better

One key difference, however, between Ukraine and the other cases is its degree of relative stability and the consolidation of its society. In contrast to the outcomes of a civil war, the unprovoked invasion of Russia has actually increased rather than undermined national unity. This positions Ukraine in a particularly strong perspective for a *potential* institutional overhaul, and a massive decrease in corruption. The fight against corruption should not just be the leading principle of the post-war

reconstruction context, but is also a central feature in times of war. Multiple corruption scandals in the army have elevated the urgency of this problem and showcased its dramatic consequences — the provision of wrong or too little equipment as a result of corruption can make the difference between life and death on the battlefield and, correspondingly, the difference between victory and a forced settlement. Additionally, it also makes the difference between just building back a country or building it back better.

To understand the exact mechanisms of anti-corruption reforms on the reconstruction outcome, it is important to acknowledge the huge negative effect that corruption has on social capital and societal trust in general. This has been well established in the literature, as well as the corresponding linkage to poor economic outcomes that are characterised by weak economic and political institutions.¹⁶ Already in the pre-war era, analysis clearly showed that by simply decreasing levels of corruption, there would be significant spillover effects on economic growth in Ukraine. A study by the World Bank in 2017, for instance, revealed that lowering corruption levels in Ukraine to the average EU level would increase the country's relative per capita GDP vis-à-vis the EU average from below 30% in the reference year to over 50% in 2040.¹⁷ As a result, Ukraine would under this scenario not just be growing, but growing quicker relative to the rest of Europe, and therefore catching up with it.

13 Hale, H. E., *Patronal politics: Eurasian regime dynamics in comparative perspective*. Cambridge University Press, 2014

14 Richter, M. M., Victim of Its Own Success (?)—The European Union's Anti-corruption Policy Advice in Ukraine Between Grand Visions and (Geo) political Realities. *JCMS: Journal of Common Market Studies*, 2023

15 Richter, M. M., 'Call the Bluff' or 'Build Back Better'—Anti-corruption reforms in post-war Ukraine. *Global Policy*, 14(4), 2023, 611-622.


16 Serritzlew, S., Sønderkov, K. M., & Svendsen, G. T., Do corruption and social trust affect economic growth? A review. *Journal of Comparative Policy Analysis: Research and Practice*, 16(2), 2014, 121-139.

17 IMF, *Country Report No 17/84 on Ukraine*, 2017

Whilst impressive, this study of the pre-war period shows the general problem inherent in fighting corruption — its benefits are dispersed over the entire society and graspable over the long-term. In contrast, the main benefits of corruption are usually concentrated among a few systemic insiders, with access to administrative resources, and is graspable in the short-term. However, the drawback of corruption becomes particularly imminent when considering the post-war context, which would differ from the 2020 scenario that the World Bank elaborated. This is particularly the case with respect to the availability of local and external investments, as well as the demographic resources necessary to rebuild and run a country.

These are arguably the two key challenges that Ukraine faces in terms of reconstruction, from a political economy perspective: economic and demographic recovery. With respect to the former, the eradication of large-scale corruption needs to be the centrepiece to kick-start processes that will eventually lead to deep economic change. For one, entrepreneurial trust into the system should be built that has a direct and positive effect on private entrepreneurship and corresponding investment levels. It is without doubt that the reconstruction of Ukraine requires a significant infusion of large-scale private investments. However, the question of how this capital is to be attracted on a sufficiently large scale and for sufficiently long is not being addressed to the necessary extent. A condition for this to happen is the creation of a beneficial

investment climate for all entities that begins with levelling up the playing field, which means eradicating the preferential access that some actors enjoy within this system. In other words, this entails a serious reduction in corruption, and the eradication of corruption as the *modus operandi* of the system.



the two key challenges that Ukraine faces in terms of reconstruction, from a political economy perspective: economic and demographic recovery

Various studies on entrepreneurship show that corruption has a strongly negative effect on aggregate investment levels,¹⁸ and the overall creation of new firms.¹⁹ In corruption-heavy economies, asset-stripping²⁰, capital flight,²¹ and a corresponding lack of reinvestment²² are commonplace, and a direct result of the insecure investment climate. The general conditionality of institutional quality on investment levels in post-war societies, and therefore its impact on post-war growth, has been established in large-scale empirical studies.²³ As such, even if Ukraine receives large-scale funds from abroad for reconstruction and, heavy transparency provisions are in place for the use of these funds specifically, companies will be unlikely to reinvest their proceedings in Ukraine, and instead will park this money in safe havens,

18 McMillan, J., & Woodruff, C., The central role of entrepreneurs in transition economies. *Journal of Economic Perspectives*, 16(3), 2003, 153-170.

19 Dutta, N., & Sobel, R., Does corruption ever help entrepreneurship?. *Small Business Economics*, 47, 2016, 179-199.

20 Karklins, R., Typology of post-communist corruption. *Problems of post-communism*, 49 (4), 2002, 22-32.

21 Le, Q. V., & Rishi, M., Corruption and capital flight: An empirical assessment. *International Economic Journal*, 20(4), 2006, 523-540.


22 Johnson, S., McMillan, J., & Woodruff, C., Property rights and finance. *American Economic Review*, 92(5), 2002, 1335-1356.

23 O'Reilly, C., Investment and institutions in post-civil war recovery. *Comparative Economic Studies*, 56, 2014, 1-24.

in case the overall institutional framework is not sufficiently healthy. Hence, the huge potential for a reinforcing cycle of initial investments will go missing. For the sake of building back better and for long-term, the provision of systemic anti-corruption reforms in Ukraine, and not just oversight and transparency measures for distribution of the direct Western aid provided is paramount.

Correspondingly, a well-functioning and sustainable investment environment would also create the necessary precondition for the long-term trust of Western audiences in Ukraine. Today, when many Western government budgets are strained due to multiple crises and long-term challenges, the conviction that the money being sent to Ukraine is not only not being stolen but also a good investment, is of huge importance. Most of the new EU member states are a telling example of such a story: by coping with the EU funds provided to institutional benchmarks that overhauled their investment environments, these countries have grown into major markets, offering business opportunities for companies from those countries that have helped fund this transformation. As such, this has led to mutually beneficial outcomes for recipients as well as givers of transformation funds. It is worth noting that this mechanism was seen as the dominant one through which longstanding EU member states decided to proceed with several enlargement rounds from 2004 onwards.²⁴ However, only by establishing a beneficial business climate through conducting far-reaching anti-

corruption reforms can at least the *potential* for this mechanism be brought about. In any case, lack of investment and capital flight will only lead to a stagnating and dependent Ukraine, whose speedier accession will be seen as a drag on European budgets.



The emigration situation puts the question of the sustainability of any reconstruction process into question. Not only are workers required to build up infrastructure in the beginning, but also a high enough population later on to make use of them

Last of all, the final, major transmission mechanism provided by a low level of corruption to a successful reconstruction outcome concerns the challenge of demography. Already, before the war, due to the significant economic gap between Ukraine and EU countries, Ukrainians were emigrating in large numbers to the West. Corruption, unsurprisingly, is established as a major factor in causing an increase in emigration rates, particularly among well-educated people, hence the people necessary for economic catch-up processes.²⁵ This trend has significantly increased due to the war and, as of 15 February, 2024, there are around 6 million refugees from Ukraine in Europe.²⁶ The average age of this group is 29.4 years, which is well below the average age of the entire Ukrainian population.²⁷

24 Moravcsik, A., & Vachudova, M. A., National interests, state power, and EU enlargement. *East European Politics and Societies*, 17(1), 2003, 42-57.

25 Cooray, A., & Schneider, F., Does corruption promote emigration? An empirical examination. *Journal of Population Economics*, 29, 2016, 293-310.

26 Centre for Research & Analysis of Migration (no date). Current migration flows from Ukraine. <https://cream-migration.org/ukraine-detail.htm?article=3573>

27 Emerson, M., Ukraine's Alarming Demographics. *SCEEUS Report Series on Ukrainian Domestic Affairs*, No. 7. 2.05.2023, <https://sceeus.se/publikationer/ukraines-alarming-demographics/>

As a result, it is said that “around 30 to 40% of children and of prime age women (have) left (Ukraine)”.²⁸ Without these people, Ukraine has a population which is one of the oldest on earth, with a very poor outlook for improving the situation organically, as fertility rates have further dropped.²⁹ Considering the simultaneous rise of some Central European countries, such as Poland, to being seen as prime nearshoring locations, and with a widening gap in income levels between these countries and Ukraine, which is a major driver of migration,³⁰ the question of how Kyiv can create pull factors for their people to return becomes a centrepiece of future strategy.

The emigration situation puts the question of the sustainability of any reconstruction process into question. Not only are workers required to build up infrastructure in the beginning, but also a high enough population later on to make use of them. Otherwise, reconstruction aid becomes a drag on Western budgets without generating returns. In this context, again, the question of corruption takes a prominent, if not the central role. First, by seriously combatting corruption, a credible commitment to a more economically prosperous future is made, or at least its precondition is met, as outlined above. Knowing of its effects, corruption is usually declared by Ukrainians as one of their major problems. As such, a credible fight against it can reestablish trust in the state and in its future for Ukrainians at home and abroad. Through this, it can act as a self-fulfilling prophecy — by being confident in the future of the state, entrepreneurs

start investing, and then find the necessary labour force in returning Ukrainians that share the same optimism about the future, generating the organic economic growth necessary for long-term economic recovery and expansion, as showcased below.

Lastly, interconnected with both aspects is the prospect of joining the EU. It is the undisputed direction that the Ukrainian people want their country to take. It comes along with an overhaul of the entire political economy system, in which anti-corruption reform is central. Indeed, the success of these reforms is a precondition for the EU integration process itself. Ideally, it is also a proxy for the approximation process, if Brussels and the EU member states offer a credible accession perspective that is entirely based on the reform progress in Ukraine, and not on geopolitical considerations. In such a case, Kyiv would have not just an incentive to conduct the reforms, but also the factual necessity of doing so, based on the population’s mandate and the impracticality of being able to blame a lack of progress in EU integration on Brussels. Such coping with a credible EU perspective alongside the centrality of anti-corruption reforms in the post-war reconstruction process would therefore generate the necessary incentives for the overhaul of the system that would further solidify the processes elaborated above: by seeing that their country is factually going in a European, largely corruption-free direction and towards such a future, the positive ramifications of reconstruction in Ukraine are further increased and mutually reinforced.

28 *ibid*

29 Coles, I. and Sivorka, I., Russia’s Invasion Triggers Baby Bust in Ukraine. *Wall Street Journal*, 25.09.2023, <https://www.wsj.com/world/russias-invasion-triggers-baby-bust-in-ukraine-6a448a53>

30 Engler, P., MacDonald, M., Piazza, R., Galen, S., Migration to Advanced Economies Can Raise Growth. *IMF Blog*, 19.06.2020, <https://www.imf.org/en/Blogs/Articles/2020/06/19/blog-weo-chapter4-migration-to-advanced-economies-can-raise-growth>

Conclusion

Ukraine is in a unique situation as far as its conditions for post-war reconstruction are concerned. It is characterised by relative internal unity and stability, which contrasts with many other reconstruction cases. However, it shares the issue of large-scale corruption with all these others, which is something that has also all too often been tolerated in the case of Ukraine case. What makes this case equally unique is the demographic situation of Ukraine: whilst countries like Afghanistan, Iraq, or even Kosovo were characterised by having young populations, hence huge demographic reserves, Ukraine, in contrast, now has one of the oldest. This makes the margin for error in the reconstruction process even slimmer, as its failure will translate into an ever worse economic and demographic outlook, with both factors mutually reinforcing each other.

Corruption, as one of the key issues that inhibits economic development, and therefore also the prospects of demographic recovery, must therefore enjoy all-encompassing attention in the reconstruction process. The factors that led to serious anti-corruption reforms being merely paid lip service to in other post-war reconstruction cases, are not really present in Ukraine. It is therefore a question of the political will of Western actors as to whether

they are willing to push for it. As the SIGAR report also notes “solutions to endemic corruption are fundamentally political. Therefore, the United States should bring to bear high-level, consistent political will when pressing the host government for reforms”. Having the leverage for incentivising the host government to conduct reforms, that is to say significant reconstruction aid, then anti-corruption reforms and a credible EU perspective must be the all-encompassing themes around which this reconstruction design is centred, in order to reform Ukraine and save its economic and demographic future.

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