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Ukrainian Activism for Transparency and Accountability: Two Steps Forward, One Step Back

By Olena Tregub



Vitaly Shabunin of the Anti-Corruption Action Center rallies protesters outside the Specialized Anti-Corruption Prosecutor's Office in Kyiv. (Photo by Viacheslav Ratynskiy/Reuters)

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Summary

- Despite an array of institutional innovations and reforms since the Euromaidan protest movement (or Revolution of Dignity) of 2013–14, corruption remains stubbornly persistent in Ukraine, with deleterious effects on the country's economy.
- Ordinary Ukrainians continue to support anti-corruption initiatives as a key national priority, but their support of anti-corruption reforms pales in comparison with their support for efforts to regain control of Ukraine's eastern regions from Russian forces.
- Shortfalls in accountable governance suggest that a reform strategy that has combined an emphasis on closing loopholes and curtailing opportunities for corruption with increasing the transparency of government processes and decision making is insufficient.
- Activists and civil society organizations have directly contributed to major anti-corruption reforms and programs, but their influence and leverage are limited. They are also increasingly targeted by campaigns of intimidation and violence.
- A divergence with respect to the pace and sequencing of change has emerged between local anti-corruption activists, on the one hand, and foreign donors and partners working in Ukraine, on the other, further complicating efforts to achieve accountability in governance.
- International donors and foreign governments should refrain from providing financial support for the government in areas where it fails to deliver on anti-corruption reforms and should more strenuously protect and support activists.

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**DEMOCRACY &
GOVERNANCE**

ABOUT THE REPORT

This report reviews the work of Ukrainian activists on advancing transparency and accountability reforms since the Euromaidan protests of 2013–14. Based on data collected from public sources and interviews conducted with activists and political observers in Ukraine in the summer and fall of 2018, the report was supported by the United States Institute of Peace, with assistance from USAID’s Democracy, Human Rights, and Governance office.

ABOUT THE AUTHOR

Olena Tregub is secretary-general of the Independent Defense Anti-Corruption Committee, which was established by Transparency International to combat corruption in Ukraine’s defense sector. From 2015 to 2017, she led the national authority for international development assistance coordination in Ukraine’s Ministry of Economic Development.

The views expressed in this report are those of the author alone. They do not necessarily reflect the views of the United States Institute of Peace. An online edition of this and related reports can be found on our website (www.usip.org), together with additional information on the subject.

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United States Institute of Peace

2301 Constitution Avenue, NW
Washington, DC 20037

Phone: 202.457.1700

Fax: 202.429.6063

E-mail: usip_requests@usip.org

Web: www.usip.org

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Head of Ukraine's tax and customs service Roman Nasirov lies inside the defendant's cage during a court hearing in Kyiv in March 2017, just days after he was arrested on embezzlement charges. (Photo by Valentyn Ogirenko/Reuters)

Introduction

Late on the night of March 2, 2017, Ukrainian TV channels broadcast the image of a burly man wrapped in a checkered wool blanket as he was carried on a stretcher to an official vehicle of the newly established National Anti-Corruption Bureau (NABU). Roman Nasirov, head of Ukraine's tax and customs agency, the State Fiscal Service, was to have been arrested by NABU on charges of embezzling almost \$80 million. Instead, the vehicle transported Nasirov—who was suffering from a suspiciously timed myocardial infarction—to the upscale Feofania state hospital.

Over the next several days, activists and even some reformist officials, including Acting Minister of Health Uliana Suprun, conducted nightlong vigils outside the court building to try to prevent the court from releasing Nasirov on bail. But after his wife posted a \$3.7 million bond, he was released. Nasirov is now enjoying the life of a rich socialite.¹ He has remained active in civic life as well. In July 2018, he announced his intention to run for president in Ukraine's March 2019 elections. Five months later, the Kyiv court reinstated Nasirov as head of the State Fiscal Service and, in January 2019, the Central Election Commission officially registered Nasirov as a presidential candidate. (He came in dead last in the first round of voting, on March 31, receiving just 2,579 votes. Television comic and political novice Volodymyr Zelensky, who campaigned on an anti-corruption platform, received the most votes and went on to defeat incumbent Petro Poroshenko in the second round of voting in April.) Despite seemingly airtight evidence against him, Nasirov has faced negligible official consequences or any genuine investigation of the allegations against him.



Euromaidan protesters demonstrate on Instiytutska Street in the government quarter of Kyiv in February 2014. (Photo by Vadven/iStock)

The Nasirov episode became a potent symbol for civic activists, illustrating both the gains and the disappointments of the Ukrainian people four years after the Euromaidan protests of 2013–14 (also known as the Revolution of Dignity) promised a new and more accountable Ukraine. Even though Ukrainians identify corruption and the war with Russia-backed separatists in the eastern Donbas re-

gion as the top-priority challenges facing the country, Ukraine’s progress toward establishing clean and accountable government cannot be described as a success.² In 2018, Ukraine ranked 120 out of 180 countries on Transparency International’s Corruption Perceptions Index, with a score of 32 out of a possible 100 points. This ranking places Ukraine in the company of Malawi, Mali, Gabon, and Kazakhstan and makes it the most corrupt country in Europe. A January 2018 poll found that more than 80 percent of respondents considered the fight against corruption in Ukraine a total failure or mostly unsuccessful.³

At the same time, Ukraine has achieved significant openness and transparency in its public sector. In 2017, Ukraine ranked 31 out of 94 countries on the Global Open Data Index, higher than European states such as Italy, Slovakia, Greece, Bulgaria, Portugal, and Croatia. Yet increased transparency and a corresponding reduction in the space for corruption have had little effect on Ukraine’s overall level of corruption.⁴

This report reviews the changes that have taken place in the anti-corruption movement since the Euromaidan, when the movement seized opportunities to influence the country’s policy agenda. Based on information available in public sources and on anonymous interviews with civil society activists and other relevant stakeholders, the report’s main focus is on civil society’s role in the anti-corruption reform movement rather than on government reformers and politicians. Since 2014, the window of opportunity has been quietly closing and the revolutionary momentum has slowed, which in turn has meant for international donors and civil society the loss of some of their leverage over the country’s political elites. Even under current political conditions, however, certain practical strategies of engagement are available to the international community to support reform efforts in Ukraine.

Background:

Post-Euromaidan Activism

In late 2013, thousands of citizens protested in the streets of Kyiv after Ukrainian President Viktor Yanukovich announced that the promised signing of a trade pact with the European Union would not take place and that, instead, an economic cooperation dialogue with Russia was being renewed. The protests grew in scope, eventually challenging the authority of Yanukovich and the country's relationship with neighboring Russia. The Yanukovich government was toppled in February 2014 following protracted street demonstrations, some of which were met with sniper fire and aggressive tactics by elements of the Ukrainian security forces.

Though the Euromaidan brought many citizens into the vanguard of Ukraine's political transformation and anti-corruption struggle, the activism had a recent precedent. A scant ten years earlier, after the 2004 presidential elections, a similar protest campaign successfully prevented then candidate Yanukovich from assuming the presidency following claims of widespread electoral fraud and manipulation. The Orange Revolution, as the protests became known, paved the way for Yanukovich's opponent, Viktor Yushchenko, to take office as president in early 2005 on a reform platform. A central Yushchenko promise was to put an end to the corrupt nature of Ukrainian politics, in which public offices were controlled by oligarchic clans whose primary objective was to maintain their revenue streams in a monopolized economy. Yushchenko's victory prompted activists to demobilize, as they relied on the new political establishment to deliver on its promises. But the Orange Revolution ended in disappointment for Ukraine's citizens and apathy as corruption persisted.

Civil society appears to have taken the lesson of the need for ongoing mobilization to heart, and has followed a different path in the wake of the Euromaidan. Instead of disengaging, civil society has remained vigilant and has sought to influence the reform process in important ways.⁵ For the first time in Ukraine's modern history, actors from civil society increasingly participate in the formulation and implementation of government policy, becoming co-creators of new rules and institutions. For example, Hanna Hopko, a civil society activist who played a prominent role in the Euromaidan, became a member of parliament and head of its Foreign Affairs Committee. Other factors external to Ukrainian citizens' efforts have reinforced this work, including a greater dependence of the Ukrainian government on financial support from international lenders and more pressure from European and American governments.

As a result of civil society's efforts, many opportunities for corruption have been shut down and regulatory loopholes closed, but efforts to prosecute and hold accountable corrupt officials and acts remain meager. This lacuna can be attributed to civil society's struggle to maintain reformist pressure even as oligarchs and their allies have regrouped to prevent, undermine, or reverse anti-corruption reforms. A more stable (if still tenuous) financial and economic environment has also moderated the impetus for reform. Nor have members of civil society been able to renew the same level of citizen-led, bottom-up power to advance a comprehensive package of transparency and accountability reforms. Instead, some activists have themselves entered politics as an established route to effect

change. Thus, differing from the 2005 cadre of activists, civil society leaders who were active during the Euromaidan of 2013–14 have been appointed to positions in the executive branch or won seats in the legislature. Though these leaders entered politics through various parties, they share a common pro-reform and pro-Western viewpoint.⁶

After the Euromaidan, the anti-corruption agenda became much more pronounced in public life, and the need to fight corruption entered the public conversation as the new national idea around which most Ukrainians found consensus.

Activists who remained in the ranks of civil society have also better organized to increase bottom-up pressure for reform through efforts such as the Reanimation Package of Reforms (RPR). RPR is an initiative that serves as a coordination center for eighty-two NGOs and twenty-two expert groups that develop, promote, and control implementation of the reforms. This coalition of NGOs has contributed to the adoption of more than one hundred new laws since the Euromaidan. Other civic groups have formed coalitions such as the Movement for Transparent Local Budgets, Civic Initiatives of Ukraine, and Nova Kraina (New Country).

THE PHENOMENON OF VOLUNTEERISM

Beyond the continued activism of professional civil society organizations, an even more unprecedented phenomenon has been the emergence of volunteer groups in response to Russia’s attacks on Crimea and the Donbas to support the country’s efforts to regain control over these areas. The groups were formed to support veterans, their families, and internally displaced persons, and to provide assistance to the front line. Examples of these groups are Crimea SOS, Vostok SOS, Army SOS, Krylia Feneksa, Povernys Zhyvym, Zahyst Patriotiv, Aerorozvidka, ASAP Rescue, and the Volunteer Medical Battalion and Legal Hundred. Notably, there was an increase in the number of groups supporting veterans returning from military operations in eastern Ukraine. The prevalence of these volunteer organizations can be explained by the state’s inefficiency: they were established to carry out functions of the government that the government itself could not adequately perform. They have enjoyed strong public recognition and support: a 2017 survey found that 53 percent of Ukrainians trusted volunteer groups while only 10 percent trusted the government.⁷

In 2015 and 2016, there were some instances of tension between the volunteer groups and the more professionally organized anti-corruption activists. A popular narrative emerged, partly fabricated by the government, according to which civil society was split into two groups—those who believed in victory, or *peremoga*, and those who believed in *zrada* (loss or betrayal). *Peremoga*-oriented people were considered patriots and included those who had fought in the war in the Donbas against the Russia-backed separatists, while *zrada*-oriented people (*zradofily*) were labeled enemies of the Ukrainian state and “Putin’s agents.” Army volunteers and reformers in the government belonged to the *peremoga* camp, whereas investigative journalists and anti-corruption activists were assigned to the *zrada* camp. However, as more and more investigations revealed high-level corruption in post-Euromaidan Ukraine, the “Putin’s agents” and *zradofily* labeling backfired. Notably, some of the volunteer groups themselves, such as Legal Hundred, Povernys Zhyvym, and Zahyst Patriotiv, have not shied away from taking up anti-corruption efforts, though their competencies in this area remain a work in progress.⁸



Anti-corruption activists hold signs during a rally in front of the parliament building in Kyiv in June 2018.
(Photo by Stepan Franko/EPA-EFE/Shutterstock)

After the Euromaidan, civil society switched from protest mode to cooperation-and-pressure mode, with the primary goal being to influence policies both as advocates and as designers and implementers. In the defense sector, they provided assistance in reforming logistics, medical care, housing policy, and food supply to the armed forces by drafting strategic documents and regulations. Additionally, an electronic procurement system, ProZorro, was developed by a group of activists who started a procurement reform project soon after the Euromaidan. ProZorro was later picked up by the Ukrainian chapter of Transparency International and adopted by the government. Similar advances happened with the e-health system and e-data portal for tracking public funds.

THE POST-EUROMAIDAN ENVIRONMENT

After the Euromaidan, the anti-corruption agenda became much more pronounced in public life. Terms such as “anti-corruption,” “anti-corruption reformer,” and “anti-corruption reformer” became widely used, and the need to fight corruption entered the public conversation as the new national idea around which most Ukrainians found consensus.⁹ As an example of this change in public thinking, a 2009 survey conducted by the Kyiv International Institute for Sociology found that 56 percent of Ukrainians did not report instances of corruption they had experienced because they thought

doing so “was in vain.” When the survey was repeated in 2015, only 34 percent shared this view. Perceptions of civil society’s role in combating corruption have also changed. In 2015, 28 percent of survey respondents agreed that civil society and NGOs were effective in tackling corruption, double the 14 percent who agreed in 2007. Among all institutions listed in the survey, civil society organizations registered the largest increase in perceived effectiveness in fighting corruption, whereas perceptions of the effectiveness of the presidency increased from just 8.1 percent to 10.7 percent, and those of the effectiveness of parliament fell from 11.3 percent to 7.7 percent.¹⁰

The post-Euromaidan environment has several advantages, then. Civil society enjoys increased levels of popular support for its anti-corruption efforts, second only to support for Ukraine’s efforts to regain control of territories in its occupied East. New civil society organizations and coalitions provide the expertise needed to innovate and implement new tools for enhancing transparency in government decision making. A substantial number of Ukrainian activists remain organized and mobilized to push for greater accountability and transparency in government. Nonetheless, Ukraine’s progress has mixed transparency successes with accountability shortcomings.

Gains and Setbacks

Almost every post-Euromaidan reform has been framed as an effort to tackle corruption. Liberalizing and deregulating the economy and increasing the transparency of public administration and public finance were all part of the anti-corruption drive. The decentralization reform was intended to reallocate public money to the local level, where the authorities are more accountable to communities, from the center, where it is easier to engage in high-level corruption. Police reform was launched in response to widespread dissatisfaction with police practices of extorting citizens. The introduction of the online procurement and procurement monitoring systems ProZorro and DoZorro was an answer to the massive graft that was occurring on state tenders. In June 2018, ProZorro reported that since August 1, 2016, it had saved Ukraine \$1.9 billion in budget funds.¹¹ Finally, reforms in the energy sector, which had been the largest source of corruption in the economy, significantly contributed to shrinking the space for corruption. Direct purchases from Russia were canceled, household and commercial tariffs for gas were equalized, and Naftogaz, the state-owned oil and natural gas company, went through a corporate governance reform. The main driver of this reform was the International Monetary Fund, with civil society playing a supporting role.

Other institutions beset by corruption have escaped attention. The tax and customs administrations and Ukraine’s 2,500 state-owned enterprises still lose billions annually to corruption, but little has been done to reform those sectors since the Euromaidan.¹² While observers explain that the lack of reform owes to an absence of political will among the incumbent elites, most civil society actors have focused on other issues. Even though international donors such as the IMF, the European Bank for Reconstruction and Development (EBRD), the European Union, and the United States provided some assistance to address these problems, domestic civil society groups did not detect the scale of corruption in those areas.

TABLE 1. SELECT TRANSPARENCY AND ACCOUNTABILITY REFORMS

Anti-Corruption Reform	Status	Reform Type	Civil Society Involvement	International Partner Involvement
National Agency for Prevention of Corruption (NAPC)	Established in 2015; ongoing delays in execution of mandate	Reduce opportunities for corruption	Serve on council to assess qualifications of candidates for leadership positions	Financially supported the creation of the e-declaration system, the main tool of the NAPC
National Anti-Corruption Bureau of Ukraine (NABU)	Established in 2015; actively conducting investigations.	Punish and deter corrupt acts	Serve on council to assess qualifications of candidates for leadership positions	Donor financial support provided contingent on establishment of NABU and SAPO
Specialized Anti-Corruption Prosecutor's Office (SAPO)	Established in 2015; ongoing delays in execution because of corruption allegations	Punish and deter corrupt acts	Serve on council to assess qualifications of candidates for leadership positions	Made financial support contingent on establishment of NABU and SAPO
High Anti-Corruption Court (HACC)	Established in 2018; operations expected to commence in the summer of 2019	Punish and deter corrupt acts	Strong advocacy and communication campaigns for establishment of the HACC	Financial and donor funding withheld to pressure government to advance establishment
ProZorro and DoZorro	Established in 2016; serve as transparent hubs for bidding and monitoring of public procurement	Reduce opportunities for corruption	Build and maintain online platforms	Funds provided for technical work to build these and other portals

There are two major prongs of the anti-corruption agenda. The first entails shrinking the space for corruption by eliminating loopholes for corruption through greater transparency and improved effectiveness of processes in public institutions. The second entails establishing a system of independent anti-corruption bodies to bring corrupt officials to justice. The former effort largely attempts to complicate future acts of corruption, while the anti-corruption bodies may take as their writ investigating and adjudicating present or past instances of malfeasance, graft, or other offenses. Post-Euromaidan Ukraine has achieved partial success in restricting the space for corruption by introducing more transparency into the public sector, but so far has failed in bringing corrupt officials to justice.

After Russia's annexation of Crimea and invasion of the Donbas, the Ukrainian government was left with an empty treasury and faced a high risk of sovereign default. These circumstances, combined with a more potent civil society, led to the adoption of measures intended to address high-level political corruption, such as the 2014 Law on Corruption Prevention that was developed in cooperation with an RPR expert group. The law codified a new system of independent

anti-corruption institutions, including the National Anti-Corruption Bureau of Ukraine, and specified offenses and penalties associated with corruption. However, the situation has stabilized since then, and the readiness of the political elites to support change has likewise diminished.

Though arrests and investigations of corruption have increased significantly since the Euromaidan, prosecution has been limited. Few if any politicians have been convicted.

This pattern of early achievement followed by obstruction and then rollback can be observed in the set of anti-corruption initiatives launched after the Euromaidan. This includes the NABU, the National Agency for Prevention of Corruption (NAPC), the Specialized Anti-Corruption Prosecutor's Office (SAPO), and the High Anti-Corruption Court (HACC).¹³ Civil society has been important in crafting these initiatives and endorsing their leaders, but implementation has been obstructed, with some key reforms delayed or appointees removed (see table 1).

ANTI-CORRUPTION AGENCIES

The establishment of NABU signaled the strongest anti-corruption reform effort. Since its creation in 2015, NABU has carried out several high-profile arrests in connection with embezzlement probes. Those arrested have included Ukraine's tax agency chief, Roman Nasirov, and Mykola Martynenko, a key ally of ex-prime minister Arseniy Yatsenyuk and sponsor of the People's Front party. Civil society organizations have helped bring credibility to the anti-corruption process. The members of the commission that appointed the head of NABU were representatives of civil society nominated by President Petro Poroshenko. As a result, the current head of NABU, Artem Sytnyk, has become a leading anti-corruption reformer in the country, and he enjoys the support of nongovernmental organizations and Ukraine's international partners alike. Yet political maneuvering has partially undermined the capabilities of NABU. Such attempts have included parliament debating a law that would simplify the appointment and removal of the head of NABU, undermining its autonomy and credibility.¹⁴ In late 2017, agents from the General Prosecutor's Office seized NABU files containing sensitive information, exposed NABU's undercover agents, and foiled NABU undercover operations.¹⁵ Separately, the president's office appointed an auditor to investigate Sytnyk.

The National Agency for Prevention of Corruption has similarly faced severe obstacles. In November 2017, Hanna Solomatina, a senior official at the NAPC, provided documents to Ukraine's prosecutor general demonstrating that officials from the presidency were undermining her autonomy and giving her direct instructions. She accused her agency of being manipulated by members of the Poroshenko administration and being involved in mass-scale corruption. As a result of this interference, according to Solomatina, only 193 e-declarations of assets by public officials had been reviewed out of over a million submitted.¹⁶ Review of such declarations is the primary mandate of the NAPC, so many original supporters of the agency feel that it has failed and should be completely rebooted.¹⁷

In other instances, civil activists have found themselves betrayed by those they helped select and the institutions they helped create. Nazar Kholodnytsky, the head of the Specialized Anti-Corruption Prosecution Office, was selected in late 2015 by a commission that included international partners and civic activists, notably Vitaly Shabunin, the head of the Anti-Corruption

Action Center. By July 2018, Kholodnytsky had been completely discredited, criticized for obstructing cases against high-level officials. He was even recorded in his office negotiating with SAPO defendants about how to defeat the cases against them. Shabunin and other activists took to the streets in protest and demanded his resignation. One protest led to violence when mobs known as *titushki* (provocateurs) assaulted Shabunin.¹⁸ Later that same day other *titushki* ransacked the offices of NABU while police reportedly looked on without interfering.

Though arrests and investigations of corruption have increased significantly since the Euro-maidan, prosecution has been limited. Few if any politicians have been convicted. In addition to Nasirov's case, Martynenko's case illustrates how the current prosecutorial and court system cannot deliver justice in cases that are easily blocked by senior officials. Martynenko was charged with embezzling \$17.5 million but was released on zero-dollar bail after twenty-one people, including ministers and lawmakers, offered to vouch for him. More generally, the prosecutorial and judicial process has proved conveniently sluggish. Hearings do not get underway for six months or more. According to NABU director Sytnyk, the tendency is to punish those who work on lower operational levels rather than the organizers of graft schemes.¹⁹ The effect of these accountability setbacks has been dispiriting, according to activists interviewed for this report. The Euromaidan encouraged Ukrainians to demand more from their government, whereas prior to the protest "people were afraid to speak publicly about [transparency and accountability]." Demands for reform are "on the wane now again because there were investigations and different materials [evidence] but in the end nobody was punished. . . . There is some despondency [now]."

The establishment of a specialized High Anti-Corruption Court, part of Ukraine's commitment to international partners such as the IMF, had been mooted time and again by Ukrainian politicians. While it was the responsibility of President Poroshenko to submit the draft law to parliament to create the court, he repeatedly postponed doing so. In 2017, the IMF deferred the scheduled release of a loan tranche of \$1.9 billion because of Ukraine's failure to make progress on anti-corruption reforms and other obligations. For similar reasons, the European Commission refused to deliver the final €600 million tranche of a macrofinancial assistance program in late 2017. This strict approach was well received in reformist circles and by Ukrainian civil society.

Eventually, in December 2017, the president submitted a draft law for the creation of the HACC. After revisions and several controversial amendments were later dropped, including a crucial change that was publicly denounced by the IMF, the law was adopted by parliament and signed by President Poroshenko in August 2018.²⁰ By December 2018, the IMF released \$1.4 billion to Ukraine and made available an additional \$2.5 billion as part of a newly agreed stand-by arrangement whose disbursement would be contingent on semi-annual reviews. In its statement, the IMF signified that "priorities include operationalizing the anti-corruption court."²¹ The month prior, the European Commission had released €500 million and agreed to a new multibillion euro financial assistance program. The process of appointing judges was completed in April 2019. The candidates were evaluated by the High Qualification Commission of Judges together with an international panel comprising six representatives selected from candidates suggested by five international partners: the Council of Europe, the EU, the European Anti-Fraud Office, the EBRD, and the OECD.²² The court is scheduled to hear the first of two hundred cases investigated by NABU in the summer of 2019.

Civil society activists believe that convincing the international donors to rally behind the idea of the HACC was a victory for their efforts. As one activist said, “Some wanted just to reform the PGO [prosecutor’s general office] and the court system, which was impossible in the short term. Others were promoting anti-corruption chambers inside unreformed courts. It was the unified voice of the Ukrainian civil society that did not allow any compromise on the HACC.” Activists had an immediate and strongly negative reaction after the president of the European Commission, Jean-Claude Juncker, said in July 2017 that he agreed “to create an anti-corruption chamber as a part of the Supreme Court.”²³

While the actual implementation of the HACC in the summer of 2019 remains to be seen, other courts have been stacked with judges of questionable character. In 2016, the Public Integrity Council (PIC) was formed from representatives of civil society and academia as an independent body to vet judges according to criteria of ethics and professional integrity. The PIC expressed concerns about eighty-eight judicial nominees, yet two-thirds of them were nevertheless approved for positions by the High Qualification Commission of Judges of Ukraine.

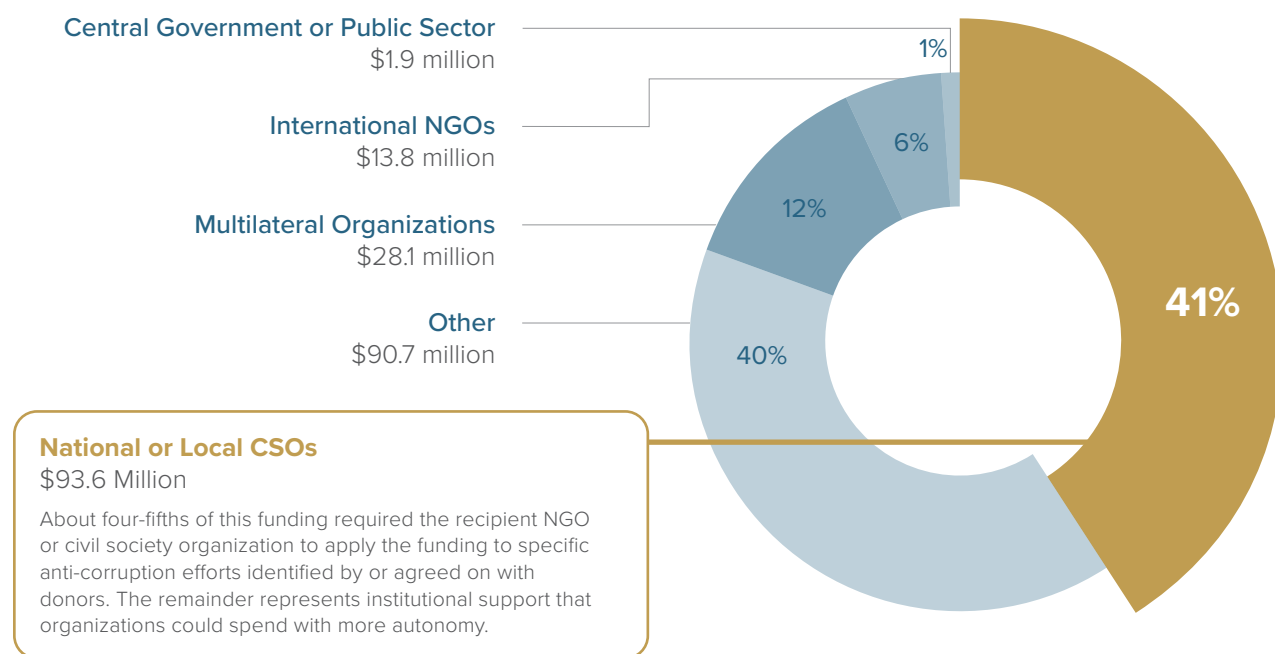
In 2014, as a result of the Euromaidan and Russian military aggression, the state system opened up to an influx of new people and new ideas as never before. The efforts of civil society did partly translate into concrete state actions and policies, particularly with initiatives such as ProZorro and various electronic procurement systems that complicate efforts to engage in graft. Most of the reforms happened either under pressure from external actors, especially the IMF, or under pressure from civil society. The fastest way to achieve results in reforms was to combine those two pressures.²⁴ Little in the way of greater transparency and accountability has come about through the government’s own initiative. The Ukrainian government responds positively when it is “squeezed inside a sandwich,” with civil society pressing up from the bottom and international donors pressing down from the top, according to a pro-Europe MP.

But these gains have not been enough, and the system of corruption has fought back. Even activists working at the municipal level in Ukraine have expressed frustration with the limited achievements in accountability:

E-declarations made everything more transparent too. But the problem is that transparency doesn’t result in any legal consequences when there are instances of corruption. . . . I think that our biggest fail[ure] is that we don’t know what to do with this transparency and accountability. . . . Because everything that Ukraine pre-planned to do in the sphere of transparency and accountability, like a law on access to public information, it all works well. . . . [But] the absence of punishment negates all achievements.

In 2017, the war between the “old Ukraine” and the “new Ukraine” entered a particularly strident phase, and reformers and activists found themselves under siege. Many were physically abused and prosecuted. Further, according to new rules instituted in April 2018, all anti-corruption NGOs must disclose details of their assets to the government.²⁵ Along with other measures, this suggests that entrenched political elites are tightening their control over the reform situation.

FIGURE 1. FOREIGN FUNDING FOR VARIOUS CIVIL SOCIETY AND ANTI-CORRUPTION INITIATIVES BY RECIPIENT TYPE (2007–16)



Note: Data is drawn from the OECD Development Assistance Committee. Figures were calculated by focusing on official development assistance (ODA) with purpose codes 15150, “Democratic Participation and Civil Society,” and 15113, “Anti-Corruption Organizations and Institutions,” and Channel Code 20000 (<http://stats.oecd.org/qwids>).

Source: OECD Development Assistance Committee, “Aid for Civil Society Organisations: Statistics Based on DAC Members’ Reporting to the Creditor Reporting System Database (CRS), 2015–2016,” accessed January 2018.

Role of External Funding and Support

International funding, especially from the West, has played a key role in Ukraine’s progress toward realizing transparency and accountability reforms. Since the Euromaidan, the annual amount of international assistance to Ukraine has more than doubled, according to data from the OECD. In 2013, Ukraine received up to \$750 million in grants. For the years 2014 to 2017, the aid surpassed \$1 billion annually.²⁶ Around 15 percent of that amount went through the NGO sector, and as of 2017 around 350 development assistance projects were being implemented. Unfortunately, how donor funds are used is itself not transparent. From 2015 to 2017, the Ministry of Economy took steps toward increasing transparency and accountability in the use of donor funds by creating an open database of all the programs and projects funded by official development assistance.²⁷ As of 2017, the total portfolio of those projects was worth \$12 billion. However, in 2017, the department responsible for developing and maintaining the online database was shut down. The database has not been updated since then and the website has often been inaccessible.²⁸

Most of the reform-oriented NGOs in Kyiv and elsewhere in Ukraine sustain themselves on foreign grants. So do many reform professionals working inside and alongside the government. It is difficult to obtain precise figures for the amount of international funding that is extended to civil society organizations, NGOs,

and activists in Ukraine, but figures from the OECD indicate that at least \$93.6 million in development assistance intended to strengthen civil society or improve anti-corruption initiatives from 2007 to 2016 went to Ukrainian civil society groups (see figure 1). This figure likely undercounts the true amount from foreign sources since it excludes donations from many private foundations and individuals and hard-to-track funds extended by donor governments to multilateral organizations or other recipients in Ukraine that were redirected to civil society. About four-fifths of the \$93.6 million provided for civil society and anti-corruption initiatives was earmarked for specific projects, which requires the recipient NGO or civil society organization to apply the funding to specific efforts identified by or agreed on with the donor. The remaining \$19.3 million represents “core” or institutional support, which civil society organizations can spend with more autonomy. In other words, only 20 percent of the funds provided to civil society organizations are fully flexible and can be programmed according to their priorities and the shifting dynamics in the country.

The volunteer organizations dealing with the conflict in the East and its consequences are practically the only independent organizations that collect donations from regular citizens and small and medium-sized enterprises. While this suggests that domestic financial mobilization is possible, policy-oriented activists are still almost exclusively funded from abroad.²⁹ The story of Avtomaidan, a grassroots organization created during the Euromaidan that later transformed into a watchdog for corrupt officials, shows that anti-corruption NGOs are unlikely to survive without international donor support. Avtomaidan, described as “one of the most visible organizations in the Euromaidan,” was successful in coordinating large caravans of vehicles and in managing the logistics of distributing supplies and medicine during the protest campaign.³⁰ Yet its massive membership and donations vanished in the post-Euromaidan era when it began focusing more on issues such as vetting officials in the judicial sector. On the other hand, the organization has begun receiving some project funding related to judicial reform from international donors.³¹

Ukraine lacks a long history as a democratic country, and most citizens do not yet fully understand why they should financially support nongovernmental and civil society organizations.

Lack of Grassroots Support

Unlike the war-related volunteer effort, the anti-corruption movement has struggled to develop a domestic resource base and unite Ukrainians at the grassroots level. Three reasons may account for this. First, the nature of transparency and accountability reforms requires more direct engagement with authorities, and the skills to handle such encounters may not be widely shared among the populace. In particular, participation in mass protests in support of reforms is unpopular. One trade union representative remarked that though NGOs are better at direct advocacy, they “try to organize street actions quite regularly . . . [but] they have a very low potential to mobilize people, so they organize

these events for themselves, for their colleagues, for each other. I mean, it is better to have these five activists in front of [parliament] than to have none. But this is not what they initially [intended when] planning grassroots protest actions.” A former government official agreed, noting that “most of the people who support them [anti-corruption civil society organizations] do not come to their actions, unfortunately. It will be this group of proactive people, regardless of which civil organization they belong to. It is always the same people, you can tell, always, regardless of the topic.”

Ukrainians tend to be interested in supporting anti-corruption activities only if a concrete issue directly affects them personally or their family.³² Many NGOs in Ukraine have minimal knowledge of how to engage common citizens in their causes and lack the capacity to penetrate all layers of society on a national level as the political parties do. Even though Ukrainian NGOs are supposed to be run by their conferences of members, the number of members in most NGOs is very low and membership plays a formal role only. NGOs are run by a management team or, often, rely on a single leader.

A second reason for the lack of domestic support for anti-corruption activism may be that civil society organizations perceive more potential impact through tapping into Western donors’ leverage over the government than through grassroots actions. As a Ukrainian academic said:

It was only because of the influence of international organizations that laws such as the law on access to public information and e-declarations were implemented. . . . Also open registries, ProZorro, DoZorro, etc. All the laws were implemented the same way: Civic organizations make recommendations and requests to the Ukrainian government. The government doesn’t listen to them. Then civic organizations [take their] requests to international actors. And then international actors and state and nongovernmental organizations put on the pressure . . . and the Ukrainian government implements these laws.

That dynamic notwithstanding, even civil society organizations most popular with donors, such as the RPR, have sought to connect with their counterparts and with activists at the grassroots level. Interviews conducted with activists operating in areas other than the metropolitan Kyiv region corroborated this outreach and effort by RPR. Ukraine lacks a long history as a democratic country, and most citizens do not yet fully understand why they should financially support nongovernmental and civil society organizations.

A third reason for the difficulty in mobilizing support from Ukrainians for transparency and accountability activism may be disillusionment with—and a widespread sense of inefficacy of—their efforts. Most Ukrainians are angry about high-level political corruption, yet more than 68 percent believe that bribery is an “integral part of the Ukrainian mentality.” In a 2016 survey, more than 50 percent of respondents admitted they might become involved in corrupt activity if they saw a benefit for themselves.³³ In interviews and focus groups, Ukrainians readily admit to seeking or offering bribes.³⁴ Mobilizing citizens with such views is inherently difficult; hence, activists become reliant on foreign support.

A COMMON NEED FOR BUDGETARY SUPPORT

Other complications related to donor funding for anti-corruption activism have emerged more recently. In 2017, efforts to discredit activist groups receiving international funding seemingly escalated. There have also been persistent attacks on civil society organizations by incumbent po-



Activists demand an investigation into alleged large-scale embezzlement of defense sector budget funds during a March 2019 rally near the presidential office in Kyiv. (Photo by Sergey Dolzhenko/EPA-EFE/Shutterstock)

litical elites.³⁵ In various print and social media and on talk shows and investigative programs, pundits frequently portray activists as “grant-eaters” and agents of foreign national interests. Though the question of why NGOs that write policies for the state are funded from abroad might sound like a legitimate source of indignation, the answer comes down to available budgetary support.

It is worth noting that the government and its reform offices are also sustained by foreign budgetary support programs and technical assistance programs, leaving them open to accusations that they are as dependent on foreign donors as any NGO. Moreover, professionalized civil society organizations that employ experts cannot afford to hire them for complex tasks, such as drafting bills, unless they pay market salaries. Another, more psychological reason for NGOs to accept foreign funding is that Ukrainians have generally positive attitudes toward the EU and the United States and accordingly feel less threatened by their support and involvement in Ukraine’s internal affairs.³⁶ Thus, aspersions of “foreign agent” status do not resonate with most of the Ukrainian populace, and so are not ginned up by the government.

DONORS’ VIEWS AND ACTIVISTS’ RESPONSES

International donors supporting anti-corruption efforts of activists and the government are primarily the IMF, the EU (including the EU Advisory Mission), the United States, the United Kingdom, the World Bank, the OECD, Denmark, and Sweden.³⁷ After the Euromaidan, the EU has been Ukraine’s biggest donor for anti-corruption initiatives.³⁸

Donors’ preferences have sometimes led civil society actors to modify their demands or tactics, with the former often preferring a longer view and a softer push. For example, in one episode, in May 2018, activists sought to introduce a paragraph by the reformist Member of Parliament Hanna Hopko into the draft Law on National Security that would remove the powers of the Security Service of Ukraine (SSU) to investigate economic crimes and corruption, powers that leaders of the SSU’s Directorate K may have used to accumulate significant wealth.³⁹ However, since Ukraine’s international partners adopted the position that the SSU should be reformed not in June 2018, when the Law on National Security was adopted, but within the following six months, civil society organizations softened their demands.⁴⁰

EVOLVING DYNAMICS BETWEEN DONORS AND ACTIVISTS

By the end of 2017, two main and diverging viewpoints had formed in the accountability and anti-corruption movement. For donors, stability in Ukraine has become increasingly more important than change, whereas for the most ardent part of civil society and opposition politicians change must come first. A protest in Kyiv that started on October 17, 2017, demanded the creation of the HACC, a switch from the single-member district electoral system to a proportional one, and the lifting of parliamentary immunity. These three demands were called “the grand political reform” and were aimed at creating a less corrupt and more accountable political class in Ukraine. Even though the broad spectrum of civil society organizations and activists supported the ideas behind the grand political reform, the protests became highly politicized, and most demands were not realized.⁴¹ (The establishment of the HACC the following summer, as noted earlier, owed more to IMF and EU pressure than to the protests.) Though broadly supportive of the need for significant change, Ukraine’s international partners did not support the protesters’ activities and demands, largely because they were deemed too radical in light of the street protests and some violent episodes.

This divergence between donors’ and activists’ approaches, between an emphasis on stability and a loud call for change, is evident in the language in which the counterparties couch the reform efforts. Institutional actors such as the EU use the language of diplomacy, praising the progress of the reforms and hailing even modest positive developments, whereas grassroots activists tend to highlight problems and speak more negatively about specific, concrete issues, at the same time referencing specific people. For example, an international partner might say, “Ukraine has reformed in areas such as energy” and “Ukraine should prioritize the fight against corruption and address the problems with oligarchic power.”⁴² Meanwhile, an activist would raise the issue of collusion between President Poroshenko and the oligarch Rinat Akhmetov to increase prices for coal under the “Rotterdam Plus” scheme and would launch a website tracking in real time how much money the Ukrainian people were losing as a result of the scheme.⁴³

The dynamic between donors and activists is in rapid flux, however. Though donor governments and organizations are not expected to speak the same language as local civil society activists, increasingly voices are heard among the international community warning of the dangers of the EU overlooking attempts to subvert reforms. Increasingly, some Ukrainians perceive sustained donor support for a government they view as corrupt as a form of “collusion.” Attacks on the anti-corruption movement, the independence of anti-corruption institutions, and individual activists, some of whom have been murdered, have begun to erase differences between the views of external actors and those of Ukrainian reform advocates.⁴⁴

One incident is a signal in this respect: on November 4, 2018, Kateryna Handziuk, an anti-corruption activist and adviser to the mayor of Kherson, died in the hospital following an acid attack three months earlier. The death of Handziuk prompted the mobilization of civil society, which gathered near the Ministry of Interior headquarters and formed a group to push for a fair and thorough investigation into the attack. Her murder also prompted international outrage: EU representatives began more openly to apply pressure and criticize the anti-reform incumbents. Still, differences remain as to the speed and scope of accountability reforms sought by international partners and by Ukrainian activists.

Recommendations

Many Ukrainians believe that the momentum for reforms has stalled and that the international community has lost some of its leverage to drive change. What effect the April 2019 election of Volodymyr Zelensky, who ran on a populist, anti-corruption platform, to be Ukraine's next president, will have remains to be seen. The situation is complicated as increased economic stability reduces the leverage of international financial institutions and because the Ukrainian populace is experiencing some disillusionment and reform fatigue. That said, international donors should not underestimate their political leverage and should not hesitate to use it.

WORKING WITH THE POLITICAL SYSTEM

It is important first that international donors take a strong stand against anti-reform actors and institutions, for cooperating with them only lends them legitimacy. Naming and shaming those who obstruct reforms will not turn the government against outspoken donors or cause the government to collapse. Many donors perceive that the government and political power in Ukraine is a monolithic system, but it is not. It is composed of individuals and groups (clans) who pursue different interests and are in competition with one another for access to power, resources, and wealth. Ukrainian politics has multiple centers of authority, and donors can make progress by playing off those interests against each other.

Transparency reforms have been relatively successful in Ukraine, largely thanks to the contributions of activists and professional civil society organizations, which have curtailed opportunities for corruption. But they have not been able to deliver on accountability. A greater focus on reforms that strengthen the investigation and punishment of corruption is necessary. For donors, this will be a more sensitive undertaking than funding open government initiatives. Civil society may be able to bring to bear its increasing technocratic and technological prowess on improving the management and processing of investigations and prosecutions, though this course may introduce new privacy and sensitivity concerns.

Donors should recognize reformers and support them in words and actions. The true reformers within the system might not be the ones at the top of the official hierarchy, such as ministers or prime ministers, but those at lower levels, such as deputy ministers, directors, or local governors. Many such individuals were involved in the Euromaidan and remain committed to reform and good governance. Donors should channel their support not toward those who hold the most power and the highest positions but toward those who are really fighting for change. Civil society can help donors distinguish between reform makers and reform fakers—those who simulate reform activities while actually supporting the status quo and benefiting from it.⁴⁵

WORKING WITH GRASSROOTS ACTIVISTS

International donors have a salient role to play helping domestic Ukrainian activists. In particular, donors should work to expand opportunities for grassroots groups to tap into funding support. Currently many activist groups are discouraged by the daunting competition with professional civil society organizations for grants, and this has contributed to some re-

sentiment toward the larger, more technocratic civil society organizations based in Kyiv. Any support should also seek to reinforce the strengths of grassroots actors—specifically, their connections to and legitimacy with ordinary Ukrainians—rather than attempt to transform these groups into professional organizations. Training sessions allow bridge building between professional and grassroots groups, with the focus on movement-building concepts for the former and some organizational management for the latter.

Donors should also work to prevent negative changes to the working arrangement for anti-corruption NGOs and activists. Legislation on e-declarations for anti-corruption activists should be identified and criticized. Representatives of donors should visit anti-corruption activists in their offices, and send observers to any court hearings, especially when the charges are politically motivated.

Activists in the regions are the most vulnerable group in the anti-corruption movement. They are in physical danger and work without any national visibility or serious international backing. Not just international partners but even their fellow countrymen may not know of them and their work until they are attacked or murdered. Donors should encourage national NGOs to work more in the regions and connect local anti-corruption groups to national and international networks. The goal should be to make the local activists more visible, more protected, better funded, and better educated.

WHEN TO WITHDRAW SUPPORT

Finally, donors should terminate projects and withdraw financial support if they determine that the government is reticent in enacting its reform pledges. Technical assistance programs could harm the development of Ukraine if progress toward reforms is replaced with activities and processes that bring no real results. When necessary, donors should be prepared to reduce their interaction with or support for government officials, agencies, or initiatives.

Notes

1. In another illustration of the negligible accountability that allegedly corrupt officials face, Nasirov's electronic monitoring ankle bracelet was removed.
2. Kyiv Institute of Sociology (KIS), *Corruption in Ukraine: Comparative Analysis of National Surveys: 2007, 2009, 2011, and 2015* (KIS, 2015), http://kiis.com.ua/materials/pr/20161602_corruption/Corruption%20in%20Ukraine%202015%20ENG.pdf; and International Republican Institute, "Public Opinion Survey of Residents of Ukraine, April 21–May 5, 2017," May 2017 www.iri.org/sites/default/files/2017-may-survey-of-residents-of-ukraine_en.pdf.
3. Ukrainian Independent Information Agency, "An Absolute Majority of Ukrainians Consider Fighting Corruption in the Country Unsuccessful" [in Ukrainian], January 11, 2018, www.unian.ua/politics/2340735-absolyutna-bilshist-ukrajintsiv-vvajae-borotbu-z-koruptsievu-u-krajini-neuspishnoyu.html.
4. Anders Åslund, "Ukraine Two Years after Euromaidan: What Has Been Accomplished?" *UkraineAlert*, (blog), Atlantic Council, November 30, 2015, www.atlanticcouncil.org/blogs/ukrainealert/ukraine-two-years-after-euromaidan-what-has-been-accomplished.
5. Ukraine's Euromaidan proved an inspiring movement for similar engagement of civil society with governments across the globe. As one activist noted, "I think that [the] first little initiatives on transparency and accountability started after the first revolution, the Orange Revolution, in 2004. . . . It worked in the sphere of elections, but . . . it became more widespread, global, after the second revolution [in 2014]."
6. Such "fresh blood" politicians and officials have created new groups, including the parliamentary group known as the Euro-optimists and the government group Reforms Should Be Real. Another group of Western-educated professionals has helped recruit foreign graduates for public office through the Professional Government Initiative.
7. KIS, "Trust in Social Institutions" [in Ukrainian], press release, February 1, 2017, www.kiis.com.ua/?lang=ukr&cat=reports&id=678&page=1.
8. Susann Worschech, "New Civic Activism in Ukraine: Building Society from Scratch?" *Kyiv-Mohyla Law and Politics Journal*, no. 3 (2017): 23–45, <https://doi.org/10.18523/kmlpj119984.2017-3.23-45>.
9. Kyiv-based anti-corruption NGOs, such as the Anti-Corruption Action Center and Transparency International, have received more support and more national visibility after the Euromaidan. Many national NGOs (including anti-corruption activists and investigative journalists), such as TOM 14, CentreUA, Regional Press Development Institute, DEJURE Foundation, Anti-Corruption Headquarters, Stop Corruption, and Nova Kraina, also work in the regions. Investigative journalism has also flourished. Teams from Bihus.Info, Nashi Groshi, Schemes, and Slindtvo.Info have produced high-quality media productions.
10. Timothy Ash et al., *The Struggle for Ukraine* (London: Chatham House, 2017), 60.
11. "ProZorro EProcurement System," Observatory of Public Sector Innovation, n.d., www.oecd-opsi.org/innovations/eprocurement-system-prozorro/.
12. "Süddeutsche Zeitung: Ukraine Loses \$4.8 Billion a Year due to Corruption at Customs," *Kyiv Post*, August 6, 2018, www.kyivpost.com/ukraine-politics/suddeutsche-zeitung-ukraine-loses-4-8-billion-a-year-due-to-corruption-at-customs.html.
13. Some independent institutions created after the Euromaidan, such as the Asset Recovery Agency (ARMA) and the State Bureau of Investigations (DBR), have as their mandate to investigate crimes committed by officials. It is too early to evaluate their role. While ARMA has not shown any serious results and is still a work in progress, the DBR has had a controversial beginning. Its leaders were selected by the government and parliament and there is concern that the DBR will be used to neutralize NABU. The DBR is supposed to take over investigative functions from the prosecutor general's office.
14. Christopher Miller, "Ukrainian Reform Activists Derail Effort to 'Destroy' Anticorruption Body," Radio Free Europe/Radio Liberty, December 7, 2017, www.rferl.org/a/ukraine-nabu-imf-world-bank-anti-corruption-efforts-thwarted/28902554.html.
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16. Olena Prokopenko, "Why Ukraine's Major Achievement in Government Transparency May Fail," *Ukraine Alert* (blog), Atlantic Council, April 2, 2018, www.atlanticcouncil.org/blogs/ukrainealert/why-ukraine-s-major-achievement-in-government-transparency-may-fail.
17. Oleg Sukhov, "New Evidence Implicates Anti-Graft Body in Corruption," *Kyiv Post*, December 1, 2017, www.kyivpost.com/ukraine-politics/new-evidence-implicates-anti-graft-body-corruption.html.
18. Josh Cohen, "Not a Good Day for Ukraine," *Ukraine Alert* (blog), Atlantic Council, July 18, 2018, www.atlanticcouncil.org/blogs/ukrainealert/not-a-good-day-for-ukraine.
19. "Ukraine's Reform Activists Are under Attack," *The Economist*, August 24, 2017.
20. International Monetary Fund, "Statement by the IMF Managing Director on Ukraine," June 19, 2018, www.imf.org/en/News/Articles

/2018/06/19/pr18244-statement-by-the-imf-managing-director-on-ukraine.

21. International Monetary Fund, “IMF Executive Board Approves 14-month US\$3.9 Billion Stand-By Arrangement for Ukraine, US\$1.4 Billion for Immediate Disbursement,” December 18, 2018, www.imf.org/en/News/Articles/2018/12/18/pr18483-ukraine-imf-executive-board-approves-14-month-stand-by-arrangement.
22. For more detail, see the High Commission’s website: <https://vkksu.gov.ua/ua/news/wkksu-uchwalila-sklad-gromadskoi-radi-miznarodnich-iekspierviv>.
23. Transparency International Ukraine, “TI Ukraine Opposes the Creation of Anti-Corruption Chambers in Lieu of the Independent Anti-Corruption Court,” May 16, 2017, <https://ti-ukraine.org/news/ti-ukraine-is-against-the-anti-corruption-chambers-which-have-to-replace-the-independent-anti-corruption-court>.
24. Olena Makarenko, “Civil Society Sees EU As a Safeguard for Creating Anti-Corruption Court in Ukraine,” Euromaidan Press, October 17, 2017, <http://euromaidanpress.com/2017/10/18/civil-society-sees-eu-as-a-safeguard-for-creating-anti-corruption-court-in-ukraine/>.
25. Roman Olearchyk, “Ukraine Amends Disclosure Law to Include NGOs,” *Financial Times*, March 28, 2017, www.ft.com/content/a4144300-13c1-11e7-80f4-13e067d5072c.
26. These figures are available on the World Bank website at <https://data.worldbank.org/indicator/DT.ODA.ALLD.CD?locations=UA>.
27. Information from www.openaid.gov.ua.
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29. Ash et al., *The Struggle for Ukraine*, 68.
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36. Government of Canada and Center for Insights in Survey Research, “Public Opinion Survey of Residents of Ukraine, April 21–May 5, 2017,” May 2017, www.iri.org/sites/default/files/2017-may-survey-of-residents-of-ukraine_en.pdf.
37. Among smaller donors, Slovak Republic, Czech Republic, Finland, and Slovenia reported providing official development assistance grants in 2016 for the sector of Anti-Corruption Institutions and Organizations in Ukraine to the OECD Development Assistance Committee.
38. The common view of Ukrainian civil society has been that EU officials do not want to push too hard for change in Ukraine because they are afraid of undermining the legitimacy of the incumbent president and the government. The position of the EU is that since Ukraine has not been promised membership, the EU should treat it as a “third country” and should not dictate demands regarding reform and the fight against corruption.
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40. Christina Zelenyuk, “NATO Summit Ready: Council Adopts National Security Law, but SBU Issues Remain” [in Ukrainian], June 22, 2018, <https://ukr.segodayna.ua/ukraine/k-sammitu-nato-gotovy-rada-prinyala-zakon-o-nacbezopasnosti-no-voprosy-po-sbu-ostalis-1148819.html>. The international partners in this case included the EU delegation, the NATO delegation, the US embassy, and the EU Advisory Mission.
41. One indication of the politicization of the protest movement was an expectation on the part of many that former Georgian president and head of the Movement of New Forces Mikhail Saakashvili would be the sole leader of the campaign. The lengthy protests resulted in the emergence of a tent city adjacent to the parliament that stayed in place until the end of the year. Subsequent rallies sought provisions for impeaching President Poroshenko, even after Saakashvili was deported from Ukraine in February 2018.

42. European Parliament, “MEPs Commend Ukraine’s Reform Efforts and Denounce Russian Aggression,” press release, Brussels, December 12, 2018, www.europarl.europa.eu/news/en/press-room/20181205IPR20940/meps-commend-ukraine-s-reform-efforts-and-denounce-russian-aggression.
43. This site, created by Andriy Gerus, leader of the Association for Energy Consumers, estimates the losses to Ukrainian consumers owing to questionable Ukrainian pricing arrangements for coal: <https://rotterdam.com.ua/>.
44. According to the Helsinki Human Rights Information Center, “Since the beginning of the year, more than 50 attacks on civil society activists have been reported” (Ukrainian Helsinki Human Rights Union, May 10, 2018, <https://helsinki.org.ua/en/articles/since-the-beginning-of-the-year-more-than-50-attacks-on-civil-society-activists-have-been-reported/>). In addition, dozens of journalists from every region of the country have been subjected to systematic armed assault.
45. Maria Popova, “How Can the EU Help Ukraine Build the Rule of Law and Fight Corruption? Romania and Bulgaria As Guideposts,” PONARS, *Eurasia Policy Memo*, April 2017, www.ponarseurasia.org/sites/default/files/policy-memos-pdf/Pepr469_Popova_April2017.pdf.

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