

Theoretical Principles and Practical Guidelines on the Interaction of International and Public Institutions with the Fight Against Corruption

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ABSTRACT

Nowadays corruption is one of the most dangerous problems at different levels beginning from the international scope, passing through the national dimension and ending with the human factor. We can hear about this problem from different official and unofficial sources not only in our country, but also across the entire world. Why it is so urgent? And what does it mean for different levels of economical, political and social life? The problem of corruption has become the important subject of scientific researches in different spheres. Representatives of state power are deeply concentrated on the solutions of corruption problems inside of their country. Private sector, as well as civil society is very disturbed about the high level of corruption in the country. In the terms of dynamic spreading of globalization and integration processes across the whole world the problem of corruption can't be left without attention of the most powerful international organizations.

KEYWORDS

Corruption; Fight; Economics; Ukraine; National and international organizations.

1. Introduction

"In too many countries, people are deprived of their most basic needs and go to bed hungry every night because of corruption, while the powerful and corrupt enjoy lavish lifestyles with impunity." (Ugaz 2017) Ever since antiquity, corruption has been one of the most widespread and insidious of social evils. Corruption continues to be a big challenge for Europe - a phenomenon that costs the EU economy around 120 billion euros per year. Europeans are deeply worried about corruption – 76% of them believe that corruption is widespread according to a recent Eurobarometer survey (European Commission 2014).

According to the results of specific researches we can affirm that today such phenomenon as corruption exists in all countries across the whole world. But why in one part of states it is at the low level and other countries can't overcome and reduce the high level of corruption? What must the state do to destroy this phenomenon?

And where can it find help in the fight against corruption? Answers to these and other questions we try to find in our research.

2. Methods

The methodological basis of the research is a complex of general scientific and specific research methods. In particular, during the research we have used methods of theoretical generalization and systematization for formation of theoretical principles regarding the essence, typology and effects of corruption, as well as the method of statistical analysis for identification and investigation of the state and the features of corruption activities in Ukraine. The methods of synthesis, structural and logical analysis were used for development of the joint mechanism of interaction between Ukraine and international organizations in order to prevent the corruption.

3. Corruption – Theoretical View: Essence, Typology and Effects

For the first, let's try to understand what corruption means in general? Today there is a plenty of different definitions developed by lawmakers, representatives of scientific communities, professional expert organizations, international institutions and others. We tried to concentrate on corruption interpretations that are unified for the entire world.

So, according to the Criminal Law Convention on Corruption (Council of Europe 1999), corruption threatens the rule of law, democracy and human rights, undermines good governance, fairness and social justice, distorts competition, hinders economic development and endangers the stability of democratic institutions and the moral foundations of society.

As it is emphasized in United Nations Convention against Corruption (United Nations 2004), corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish.

The mechanism of interaction between international and national institutions...

The global coalition against corruption Transparency International gives us the general interpretation of this term as the abuse of entrusted power for private gain. Corruption impacts societies in a multitude of ways. In the worst cases, it costs lives. Short of this, it costs people their freedom, health or money. We can also add that these costs could be directed at saving people lives, medical development, environmental protection, etc.

According to the definition of the World Bank Group (1997) the corruption is the abuse of public office for private gain. And the corrupt practice is the offering, giving, receiving or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party. This definition is both simple and sufficiently broad to cover most of the corruption that the Bank encounters, and it is widely used in the literature.

So, we can see that all of above mentioned definitions are very similar and tell us that corruption is characterized by:

- high level of danger;
- widespread in different spheres of life (politics, economics, government and private sectors, society and others) across the whole world;
- extensive and harmful impact on different spheres of life – from international scope through national dimension to human factor;
- multi-scale effects – from material to moral values;

- urgent necessity to be reduced and overcome.

We also tried to show and summarize corruption effects at different levels:

- at mega (international) level – it can threaten the world political, economic and social welfare because of crime raise, poor democracy, economic decline and decrease of social culture within separate states;
- at macro (national) level – it can cause such important negative effects as democracy and independency decrease, violation of law rule and human rights, destruction of authority and power of state bodies, total economic regress, decline of development of social spheres, and others;
- at micro (business) level – it can cause destruction of market competition rules, absence of justice and transparency in doing business, oligarchy prevalence, decline of fair business and others;
- at individual (personal) level – it can cause depreciation of moral values in society, despondency and despair of society, crime raise among citizens and others.

From all above listed effects caused by corruption we can conclude that all levels are deeply interrelated and effects at one level lead to effects at another level. It allows to make a conclusion that fight against corruption must be joint including representatives of all levels. Only joint efforts can give effective results in the struggle against corruption.

For the second, let's try to understand what types of corruption are prevalent across the world?

Corruption takes many forms. It can be active or passive taking into consideration who is the person that has the power of decision making or to whom is requested. Corruption also can be private among particular individuals and public corruption that takes place in the public sphere of politics and government administration (Vargas-Hernández 2009).

A basic categorization considers the sphere of its spread and distinguishes political corruption, economic corruption and public administration corruption. Political corruption results in gaining political power (Vargas-Hernández 2009).

There is political corruption when the behaviors deviate from the principles that guide politics and policies, adapting decisions with abuse of power, which means that the private interests displace the public and common interests. Power is used to service the private interest (Vargas-Hernández 2009).

Economic corruption can be defined as the sacrifice of the principal's interest for the agent's interest. Economic corruption results in making profits. Economic corruption has implications of determining the loss of income, how and how much for the principal, the agent, the state, the consumer, the economy, etc. (Vargas-Hernández 2009).

In the administrative corruption the behaviors of public agents neglect the principles of efficiency, truthfulness and rightfulness. Public administration corruption results in transfer of public benefits to private benefits taking advantage of the entrusted power (Vargas-Hernández 2009).

According to Anti-corruption Glossary of Transparency International corruption can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs. Grand corruption consists of acts committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good.

Petty corruption refers to everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies.

Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth.

According to the depth, corruption can be individual and systemic. Other typology of corruption also considers commercial scale illegal logging, and legal logging but contributions paid to gain access to concessions of resources (Vargas-Hernández 2009).

Some examples of forms of corruption are bribery, collusion, embezzlement of public funds and theft, fraud, extortion, abuse of discretion, favoritism, clientelism, nepotism, the sale of government property by public officials, patronage, etc. (Vargas-Hernández 2009).

So, we can see that there are many classifications of corruption which are characterized by different signs or have a similar essence and in some cases are repeated. Nevertheless, these classifications help to understand various features of such phenomenon as corruption. But we think that the most important signs of corruption differentiation are the subjects of corruption, as well as the sphere of its appearance and impact. So, according to the subjects of corruption we can distinguish corruption at the level of state and regional power bodies, political subjects, state and private organizations, simple citizens. By the sphere of corruption appearance and impact we suggest to differentiate public administration, political and legal, economic and business, social and cultural, environmental corruption.

The next question is – what effects can corruption bring in different spheres of society? Transparency International divides the cost of corruption into four main categories: political, economic, social and environmental.

On the political front, corruption is a major obstacle to democracy and the rule of law. In a democratic system, offices and institutions lose their legitimacy when they're misused for private advantage. This is harmful in established democracies, but even more so in newly emerging ones.

Economically, corruption depletes national wealth. Corrupt politicians invest scarce public resources in projects that will line their pockets rather than benefit communities, and prioritize high-profile projects such as dams, power plants, pipelines and refineries over less spectacular but more urgent infrastructure projects such as schools, hospitals and roads. Corruption also hinders the development of fair market structures and distorts competition, which in turn deters investment.

Corruption corrodes the social fabric of society. It undermines people's trust in the political system, in its institutions and its leadership. A distrustful or apathetic public can then become yet another hurdle to challenging corruption.

Environmental degradation is another consequence of corrupt systems. The lack of, or nonenforcement of, environmental regulations and legislation means that precious natural resources are carelessly exploited, and entire ecological systems are ravaged. From mining, to logging, to carbon offsets, companies across the globe continue to pay bribes in return for unrestricted destruction.

Although some researchers note about the positive impact of corruption, that gives more freedom to business and less bureaucracy to economy, we can say that it brings only temporary effects in high-developed countries. Some writings of this group argue that corruption can be efficiency enhancing. First, corruption may not distort the short-run efficiency of an economy if it merely entails a transfer of economic rents from a private party to a government official. Second, bribes can theoretically increase economic efficiency if they allow firms

to avoid overly restrictive regulations or confiscatory tax rates. To summarize, models purporting to show that corruption can have positive economic effects are usually looking only at static effects in the short run. In the long run, opportunities for bribery are likely to lead public officials to change the underlying rules of the game or their own behavior in the absence of bribes, and the results are likely to be costly in terms of economic efficiency, political legitimacy, and basic fairness (World Bank Group 1997).

Summarized all of above mentioned we can say that corruption is a widespread phenomenon that heavily threatens different spheres of society at national and international levels. It is one of the most urgent problems especially in high-corrupted countries that must be solved by representatives of all levels in society. Otherwise it threatens the stable existence and development of state and reduces the world welfare.

4. Why Ukraine? Real and Empirical Evidence

“Corruption is public enemy number one in developing countries.” (Yong 2013). To understand the state and the level of corruption in Ukraine it is necessary to measure corruption that is notoriously difficult. We can’t rely only on the internal domestic assessments, because they may be subjective to a certain extent. We suppose that it is more rightly to apply the external international ratings that are recognized across the whole world. Nowadays there are some well-known international corruption indexes that measure the corruption level in the world, regional and country dimensions. To determine and evaluate the corruption level in Ukraine we investigated not only its own level but also in comparison with other countries. In this context we use the comparison methodology of the IMF (2017). According to this methodology the IMF was comparing Ukraine with the average corruption levels in “lower and middle income” countries, in “Central, Eastern and Southeastern Europe” (CESEE), and in the European Union.

The first index is Corruption Index from the International Country Risk Guide (ICRG). This index varies between 1 and 6 (with lower values indicating higher corruption) and captures the extent of corruption within the political system, in particular in reference to “excessive patronage, nepotism, job reservations, ‘favor-for-favors’, secret party funding, and suspiciously close ties between politics and business”. Figure 1 shows Ukraine’s ICRG in comparison with other groups of countries as of June 2016.

The next index is Corruption Perceptions Index from Transparency International. This index varies from 0 to 100 (with lower values indicating higher corruption). It is constructed by averaging 12 different data sources that capture the perceptions of business people and country experts about the level of corruption in the public sector. In Figure 2 we showed 2016 Corruption Perception Index for Ukraine and other investigated groups of countries. Figure 3 demonstrates the dynamics of Ukraine’s Corruption Perceptions Index during 2012-2016.

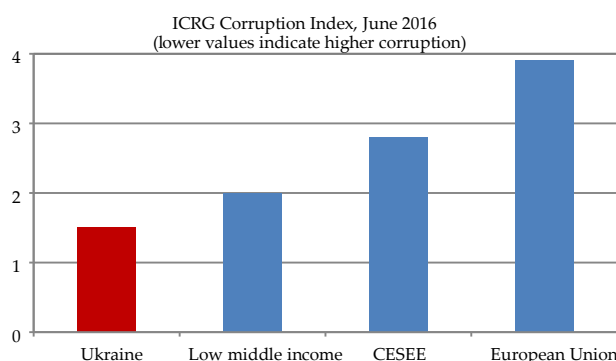


Figure 1. ICRG Corruption Index, June 2019

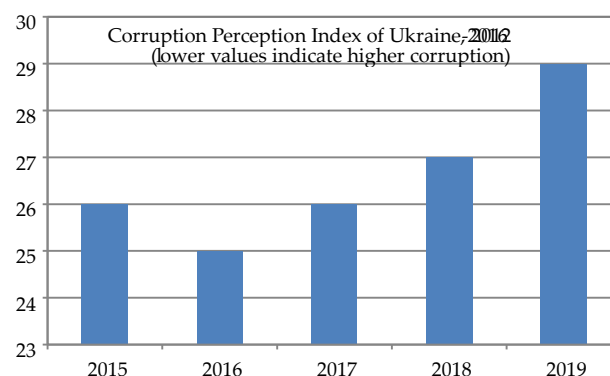
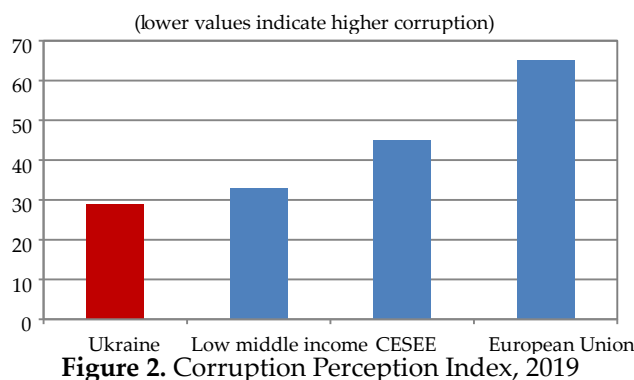


Figure 3. Dynamics of Ukraine's Corruption Perceptions Index during 2015-2019

The next index is Control of Corruption Indicator from the World Bank Governance Indicators. This index varies from -2.5 to +2.5 (with lower values denoting higher corruption) and is constructed by aggregating multiple underlying data sources. It captures "perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as capture of the state by elites and private interests."

All of investigated indexes (the ICRG Corruption Index, the Corruption Perception Index, the Corruption indicator from the World Bank Governance, and the Enterprise Survey data on Bribery incidence) indicate that corruption is much more prevalent in Ukraine than in other lower and middle income countries. The gap is starker when Ukraine is compared with CESEE countries and in particular with EU countries. All data sources provide a remarkably consistent picture about the severity of the corruption problem in Ukraine (IMF 2017). For addition, as we can see from the dynamics of Ukraine's Corruption Perception Index in Figure 3, over the last five years there has been no improvement in Ukraine, only the deterioration of corruption situation. It shows the lowest index value in 2013 and the highest in 2016 that indicates the serious aggravation of the problem.

5. International Dimension of Ukraine's Fight Against Corruption

Except internal efforts in the fight against corruption at the national level Ukrainian authorities are trying to cooperate with international organizations in this context. So, Ukraine ratified United Nations Convention against Corruption (UNCAC) in 2009, and joined a number of international anti-corruption initiatives: OECD Anti-Corruption Network for Eastern Europe and Central Asia in 1998, GRECO in 2006, Open Government Partnership in 2011, etc. Moreover, the anti-corruption reform has been high on the agenda of the EUUkraine relations, being discussed in the first Partnership and Cooperation Agreement (1994), Eastern Partnership (2009), Visa Liberalization Action Plan (2010) and, finally, in the EUUkraine Association Agreement ratified by the Ukrainian parliament in September 2014 (Marusov 2016).

Let's take a more thorough look at Ukraine's interaction with key international organizations in the context of its fight against corruption.

Ukraine became GRECO member on January 1, 2006. Since that time Ukraine has passed through three evaluations that were held on specific Evaluations Rounds. By the received evaluation results it was determined that Ukraine had demonstrated some successful attempts in the implementation of GRECO recommendations, but not completely.

In particular, according to the Third Evaluation Round (2015) that was held on April, 11-15, 2011, GRECO welcomed the fact that Ukraine had carried out extensive reforms of its criminal legislation in respect of corruption offences (missing components of bribery offences and trading in influence had been included; sanctions had been strengthened; provisions on the special defense of effective regret had been adequately revised). As regards the transparency of funding, GRECO found that Ukraine had established a new legislative framework which, to a large extent, improved the legal system in this respect (harmonization and improvement of the legislation on transparency of regular party funding with the rules on election campaign financing; better definition of various sources of contributions and income, including donations, in order to prevent circumvention of transparency rules on donations; and introduction of mandatory auditing of party accounts by certified auditors).

According to the results of the Third Evaluation Round (2017) that was held on December, 12-16, 2016 it was determined that Ukraine has implemented satisfactorily or dealt with in a satisfactory manner eleven of the sixteen recommendations contained in the Third Round Evaluation Report. Moreover, the five remaining recommendations have been partly implemented.

Concerning incriminations, Ukraine has carried out rather extensive reforms of the criminal legislation in respect of corruption offences. In particular, various components missing in bribery offences, as well as in respect of trading in influence, have now been included in the amended legislation regarding the details requested in the Evaluation Report. Moreover, the sanctions available for these offences have been strengthened to a large extent and are now in compliance with the requirements of the Criminal Law Convention on Corruption.

As to transparency of political funding, Ukraine has established a new legislative framework which, to a large extent, improves the legal system in this respect. This is particularly true of the new monitoring body, the NAPC, which has started operating in 2016, in respect of party funding. GRECO calls on the authorities to keep under review that, in practice, the independence of the NAPC is guaranteed and that adequate financial and human resources are allocated to it. GRECO also considers it important to provide for a coordination framework between the NAPC and the Central Election Commission (CEC), also competent for election campaign financing, to ensure the efficiency of their monitoring. Whilst welcoming the many positive developments, GRECO considers that the authorities should take all necessary measures to ensure the efficiency of the monitoring of election campaign financing.

So, it should be noted that a comparison of the results of Ukraine's evaluation with the results of other GRECO member states in the Third Round approves that Ukraine does not belong to such states with unfulfilled recommendations.

Ukraine co-operation with the OECD started after the country's independence in 1991, and has been strengthening since, reaching a new level with the OECD's Council's decision of 12 March 2014, in which OECD member countries decided to respond positively to Ukraine's request to deepen existing cooperation.

In particular, Ukraine has been a member of the Anti-Corruption Network for Eastern Europe and Central Asia since its establishment in 1998. The Anti-Corruption Network (ACN) is a regional outreach programme of the OECD Working Group on Bribery. It provides a regional forum for the promotion of anti-corruption activities, exchange of information, elaboration of best practices and donor coordination.

The Istanbul Anti-corruption Action Plan is a sub-regional peer review programme launched in 2003 in the framework of the ACN. It supports anti-corruption reforms through country reviews and continuous monitoring of implementation of recommendations, which promote the international standards and best practice. Since 2004 Ukraine had passed through four Rounds of Monitoring of the Istanbul Anti-Corruption Action Plan for Ukraine. During these Rounds the implementation of recommendations from the previous round is assessed and its progress is updated.

The last Fourth round of monitoring was launched in 2016. According to the First OECD Report of Fourth round of monitoring that assesses the progress of 2016 year in comparison to 2015 year Ukraine has made considerable progress in the area of anti-corruption reform but faces significant challenges to implement some important tools for combating corruption, according to a recent OECD report.

The OECD Progress Update on Ukraine highlights encouraging steps made by Ukraine to implement essential anti-corruption reforms. These include important institutional improvements to the National Anti-Corruption Bureau and the Specialized Anti-Corruption

Prosecutor's Office; the successful launch of the new online public procurement system, ProZorro; the disclosure of information about beneficial owners of publicly registered companies; the adoption of the Law on the National Agency for detection, investigation and management of assets derived from corruption and other crimes; and on-going civil service reform along with the launch of judiciary reform.

Looking ahead, the OECD Progress Update recommends that Ukraine strengthen enforcement of corporate liability legislation and adopt the Law on Administrative Procedure without further delay.

Participants attending a plenary meeting where the report was discussed also raised other areas of concern, including the launch of the new electronic asset declarations system that monitors the incomes and assets of government officials and could be a potential powerful tool to prevent corruption. Further concerns were raised about plans to introduce a so-called one time or "zero" assets declaration that would enable Ukrainian officials to avoid criminal liability for illicit enrichment. But at the same time, participants also highlighted the good work of the Business Ombudsman Office of Ukraine and the key role played by civil society in pushing Ukraine's anti-corruption reforms. The OECD strongly recommends that Ukraine eliminate any obstacles preventing the effective implementation of the electronic assets declarations system, and ensure that it is in line with international standards and in compliance with OECD recommendations.

We should note that in November 2014 in line with the Memorandum of Understanding (MOU) between the OECD and Ukraine, the OECD launched a country-specific project to support Ukraine in its anti-corruption agenda. The project aims to strengthen legal and institutional capacity to effectively detect, investigate and prosecute high-profile and complex corruption in Ukraine. Specifically:

- to provide tailor-made assistance to the Ukrainian authorities for the establishing of the National Anti-Corruption Bureau;
- to provide capacity building assistance to the specialized unit within the General Prosecutor's Office that will work with the National Anti-Corruption Bureau to ensure effective detection and investigation of corruption cases;

- to develop a joint training programme on selected aspects of detection, investigation, prosecution and adjudication of complex corruption cases, including financial investigations, for law enforcement and judicial bodies;
- to help guide Ukraine towards a closer compliance with OECD standards on foreign bribery with the focus on liability of legal persons for corruption offences, confiscation, international cooperation and asset recovery.

The European Commission also cooperates with Ukraine in order to help in its fight against corruption on the basis of specific recommendations and monitoring of their implementation. The main aspect relates to the EU-Ukraine association agreement. This was signed in March 2014 and establishes a political and economic association, including a free trade zone and visa liberalization. The agreement commits Ukraine to a number of reforms before it comes into force, including several anticorruption reforms, such as implementation of the anticorruption package and adhering to the recommendations of the Council of

Europe's Group of States against Corruption. This topic was launched within the Action Plan on Visa Liberalization in Ukraine in 2008. Since that time six progress reports by the results of Commission Ukraine's monitoring had been published. The final Sixth Progress Report on Ukraine was issued on December 2015. It was noted that the progress mentioned in the fifth report (May 2015) on anticorruption policies, particularly the legislative and institutional progress, has continued.

While the reforms were passed and the EU has noted in its progress reports that its anticorruption benchmarks have been achieved, questions have been raised over the commitment of Ukrainian politicians and institutions to these reforms. In particular and despite the package, a number of key persons implicated in former corruption cases remain in their positions, prosecutions for corruption have been low and, in some instances, the initial proposals by Ukrainian lawmakers for reform were weak and only improved under international pressure.

A partial explanation for the challenges in the reform process may be due to the lack of engagement of citizens in the process. The degree to which citizen support was maintained through the process has been questioned, with indications that anticorruption reforms in Ukraine since the revolution have been poorly communicated, creating unrealistic expectations on the part of the public.

In 2011 Ukraine joined to the Open Government Partnership (OGP). The OGP was launched to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens. Development of elements of the OGP in Ukraine is one of the ways to strengthen democracy and promote civil society development. A draft National Action Plan had been discussed in the regions of Ukraine. It was finalized by the working group with the participation of representatives of leading civic organizations. By the results of the National Roundtable with the participation of the Prime Minister of Ukraine, the Government approved the National Action Plan on April, 2012. And the detailed Action Plan was approved on July, 2012.

One of the main Ukraine's liabilities is preventing and combating corruption. So as today five laws on preventing and combating corruption were passed, as well as a public discussion of implementation of the National Program for Preventing and Combating Corruption was held and its provisions are to be improved by the results of it.

Both the IMF and the World Bank also deeply cooperates with Ukraine in its struggle against corruption. The main goal of their interaction is to support necessary financial help with confidence of its effective use by Ukraine's state power bodies. That's why both of these institutions have developed a complex of specific tools

and recommendations for Ukraine to prevent and combat corruption. The representatives and experts of these organizations systematically conduct monitoring and assessment of Ukraine's compliance with such standards and norms.

So, to summarize all above mentioned we should say that nowadays support of international organizations to all countries of the world, including Ukraine, is very thoroughly, goal-oriented and concrete taking in consideration the actual existing state's problems, weaknesses and threats in its struggle against corruption. In response to this support Ukraine is obligated to form a transparency and effective system of the fight against corruption in interaction of all levels of society with taking into account international standards and norms.

6. Results: A Complex Joint Mechanism of Ukraine's Fight Against Corruption in Cooperation with International Organizations

Based on the results of conducted investigation we summarize all our opinions, conclusions and recommendations in one complex mechanism of Ukraine's fight against corruption in interaction with international organizations. It is clear that autonomously Ukraine can't solve this serious problem that may strengthen the existing negative phenomena and cause irreparable consequences in different spheres of society. Today Ukraine has a huge support from the most powerful international organizations in the form not only of paper recommendations, but also practical instruments and real financial aid. In the response to such support the entire Ukrainian society is obligated to take initiative and active part in the struggle against corruption under the cover of international organizations.

We suppose that in such mechanism must be included not only the representatives of Ukraine's power bodies, but also subjects at different levels such as business representatives of different economical spheres, professional experts, whistleblowers, journalists, simple citizens, etc. Such cooperation is an example of best foreign practices in the fight against corruption (like Poland, Latvia and Romania). It can help to rethink and realize the participation of everyone at different levels of political, economic and social spheres in making corruption, as well as the own responsibility for negative effects of corruption on the country's future, its own future, and the future of your family. Such integrated cooperation can also enhance the results of fight in terms of synergy effect where the group interaction strongly prevails under the each individual activity.

7. Conclusions

Summarized all above said we want to emphasize that:

- 1) anticorruption reform in Ukraine, as in other countries, is not a short term process;
- 2) recently adopted anticorruption package of laws and adoption of new laws is also a good practice, but unfortunately in Ukraine they haven't necessary force and in some cases they were adopted with consideration of public officials' and oligarchs' benefits;
- 3) in Ukraine there is no effective mechanism of responsibility for corruption actions at all levels, especially for public officials;
- 4) in Ukraine there is a high-developed oligarchy that concentrate public power among small groups of people who implement corruption schemes through unknown companies registered in offshore zones;
- 5) today in Ukraine corruption exists at all levels. It is very difficult to ruin it because corruption is laid on a subconscious level of each citizen from childhood.

That's why to solve corruption problem in Ukraine by only legal reform isn't possible. It is necessary to change society's thinking on the basis of education of a conscious society and popularization of moral values at schools, universities, works, and families or by personal example.

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