

# **Civil Society Anti-Corruption Efforts: The Case of the Millennium Challenge Corporation's Engagement in Ukraine**

JUHANI GROSSMANN\*

*The recently established new role of civil society in development assistance issued through the United States Millennium Challenge Corporation (MCC) can be seen in the MCC approach to development aid, especially its indicator-driven innovations in the general context of development assistance. Three types of civil society organization engagements are reviewed: indicator creation, in-country project design and implementation, and board membership and ongoing consultation. Finally, a conclusion about the degree of interaction and its effectiveness to date is made.*

## **Introduction and Background**

“[G]overnance refers to the development of governing styles in which boundaries between and within public and private sectors have become blurred” (Stoker 1998: 17). Traditionally, these governing styles have been a virtual monopoly of the state, but an increasing share of steering one’s society has been implemented by non-state actors. On the domestic government scene, this is an extremely common process. Even in the traditionally conservative field of international development assistance, this theme has taken foot. As Ann Florini (1999: 28) points out, “states increasingly have to share authority in the international arena with a range of different non-state actors.”

The Millennium Challenge Corporation (MCC), an independent U.S. foreign aid agency created in 2004, actively utilizes new forms of governance. Its aim is to reduce poverty in low and middle income countries, in line with the Millennium Development Goals (MDGs). It does so through an approach that is radically different from other development agencies: countries that show promise and perform well from a governance reform perspective receive substantial financial support to boost their initial successes. This sum is usually up to half a billion US dollars for the larger countries. The idea is that those countries who go through the necessary governance reforms will utilize funds more effectively. If funding is conditional upon performance, the obvious question becomes how objectively “performance” is defined.

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\*Deputy Chief of Party, International Foundation For Electoral Systems in the Philippines.

This time, the definition is not chosen by the government itself, but by a group of research institutions and nongovernment organizations (NGOs). The indicators published annually have to reach a certain level for countries to become eligible recipients of MCC assistance. Furthermore, NGOs are often engaged to measure the effectiveness of the aid, especially in so-called “threshold” programs. This paper surveys the novelty of the approach, compares it with similar previous efforts, and discusses the feedback from the first four years of MCC operation.<sup>1</sup>

### **The MCC – Systems and Approaches**

Traditionally, development assistance is given based on political importance attached to a certain country. This criterion has led to much cynicism about the U.S. financing dictators around the world with tremendous cash inflows, while struggling countries that are seriously trying to reform themselves receive insufficient support.

While U.S. government departments and agencies that conduct development work, such as the United States Agency for International Development (USAID), have long been operating with performance indicators, a large portion of development work is notoriously difficult to quantify. Funding decisions were often unclear to the principals and difficult to justify to the American public, which as a result “appear[s] to have an innate antipathy to transferring resources to foreigners” (Bacchus 2004: 57).

The effectiveness of foreign aid is often criticized: “Fifty years of failure have demonstrated that foreign assistance more often harms than helps.” (Bandow 1999) Development assistance has, as a result, been subject to much pressure to increase its effectiveness. Two opposing trends have been prominent in this process: closer ties to supporting political aims on the one hand, and greater independence of development professionals on what the priorities should be to ensure sustainable growth on the other. The MCC represents an interesting middle ground between these two concepts: at a time when development assistance was streamlined to be in line with political priorities (the so-called “F process”<sup>2</sup>) as reflected in its general structure, the individual assistance disbursements are explicitly separated from political decision-making and can thus only indirectly assist political goals. Only the deep involvement of independent judges, civil society organizations (CSOs), makes this possible. In some ways, civil society here charts a parallel course to the processes noted by Salamon, Anheier, and associates (1999: 5): “. . . civil society organizations have surfaced as strategically important participants in this search for a ‘middle way’ between sole reliance on the market and sole reliance on the state that now seems to be increasingly underway.”

Understanding that “foreign aid can’t buy reform” (Bandow 1999), the U.S. government in 2004 decided to try and find ways to encourage the reform process. The result is a progressive formula: a combination of nascent reforms and a sufficiently-sized “carrot” with clear and transparent conditionality. The MCC was created to implement this vision. It is this formula that causes the Brookings Institution (Rieffel and Fox 2008: 1) to call the MCC an “outstanding innovation of the eight-year presidency of George W. Bush.”

The MCC is based in Washington and led by a CEO (currently John Danilovich, a former shipping industry executive) and overseen by a Board of Directors consisting of principals of the U.S. government that deal with foreign policy—State, Treasury, USAID, and Trade representatives and four NGO members. The Board makes the funding decisions (MCC 2009a: 20).

The MCC is currently in partnership with 39 countries at various stages of implementation, with financial outpourings of US\$ 6.7 billion (MCC 2009a) having passed through the MCC system. These funds are allocated according to two major forms of cooperation. The so-called “Compacts” are the primary *modus operandi* of the MCC. Countries become compact eligible if they meet certain indicators, which are provided by outside sources (*see next section*). However, there are a number of countries that are seen as reformers, but do not meet the indicators. If they meet a minimal level, they are eligible for smaller-level assistance: the so-called “Threshold” programs. These programs “provide financial assistance to improve a low score” (MCC 2009b), and are typically administered by USAID. Tables 1 and 2 give an overview of the Compact and Threshold programs.

**Table 1. Compact Program Overview, 2008**

<b>Compacts</b>	
<i>Cumulative</i>	
Total number of compacts approved through fiscal year 2008 .....	18
Total approximate value of compacts approved through fiscal year 2008 .....	\$6.32 billion
<i>FY 2008</i>	
Total number of compacts approved during fiscal year 2008 .....	18
Total approximate value of compacts approved during fiscal year 2008 .....	\$1.77 billion

Source: MCC 2009a: 12.

**Table 2. Threshold Program Overview, 2008**

<b>Threshold Programs (including Stage II)</b>	
<i>Cumulative</i>	
Total number of threshold programs (including Stage II) approved through fiscal year 2008 .....	19
Total approximate value of threshold programs approved through fiscal year 2008 .....	\$440 million
<i>FY 2008</i>	
Total number of threshold programs (including Stage II) approved during fiscal year 2008 .....	6
Total approximate value of threshold programs approved during fiscal year 2008 .....	\$124 million

Source: MCC 2009a: 17.

MCC retains a staff of 300 that is small in comparison to its budget. Its presence in partner countries is also kept to a minimum (usually one or two persons). The MCC maintains a very active public outreach policy, with a highly interactive website, numerous public events, and quick response mechanisms. These efforts have come into existence after a period of unfortunate relations with other players, notably Congress, during start-up. George Guess (1987: 1) notes: "That foreign aid lacks autonomy among American public policies is harmful . . ." It is this challenge the MCC is apparently trying to tackle through its aggressive public relations policy. While certain concerns continue to exist and some voices suggest the dismantling of the MCC and integrating it into either USAID or a new all-encompassing developing agency, it was able to gain a mention during Barack Obama's presidential campaign (Obama 2008) and during Secretary of State Hillary Clinton's confirmation hearing (2009): "President-Elect Obama supports the MCC, and the principle of greater accountability in our foreign assistance programs. It represents a worthy new approach to poverty reduction and combating corruption . . ."

### **CSO Role #1: Indicators**

The inherent belief in the quantifiability of development work is noteworthy. This belief is especially noticeable in the Threshold programs, where funded reform programs are aimed at increasing specific indicators. The MCC utilizes a system of 17 indicators that establish a country's

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eligibility (See Table 3). They break down into three categories: “Ruling Justly” (supplied by Freedom House [FH] and World Bank Institute [WBI]), “Investing in People” (World Health Organization, United Nations Educational, Scientific and Cultural Organization [UNESCO], and Yale University), and “Economic Freedom” (International Finance Corporation, International Monetary Fund, Heritage Foundation, and WBI). Four of the indicators are provided by CSOs and 13 by international organizations of which the U.S. is a member (the U.S. rejoined UNESCO in 2003 after having withdrawn in 1984). Of note, WBI indicators are so-called “composite indicators” that utilize data from various sources, including those of universities and CSOs. (See Table 3)

Countries receive publicly available scorecards on an annual basis (See a sample score card for Ukraine 2009 in Annex 1). Countries need to “perform above the median in at least half of the indicators in each of the three policy categories” (MCC 2009c: 2). If a country fulfills these criteria, it can prepare an official Compact request that the MCC board will review and approve if satisfactory.

As Schuppert (2006: 213) notes: “specialist knowledge often allows NGOs to play the role of experts in the political process.” MCC utilizes the expertise of NGOs to produce some of its indicators. In addition to the three direct CSO-provided indicators and the composite indicators that include CSO data, the MCC Board also uses Transparency International’s Corruption Perceptions and Global Integrity Indices as supplemental information.

Adopting these indicators brought about a number of advantages:

- *Legitimacy*: As Stoker (1998: 21) points out, “the issue to consider is whether or how governance can obtain legitimacy.” The MCC gained legitimacy by adopting standards that were generally accepted as truthful and impartial due to the expertise of their authors. Additional legitimacy was gained by making the selection process completely transparent;
- *Less criticism of subjectivity*: Since the decisions are taken on the basis of outside indicators, the MCC can shield itself largely from attacks of subjectivity and political preference in decision-making;
- *Ability to quantify development goals*: Partner countries are subject to the changing indicators that are not under the MCC’s control. As such, they are much harder to influence to suit political preferences. The MCC legislation prescribes performance indicators that allow to quantify development goals, a major challenge in previous work;

**Table 3. CSO Roles and Indicators**

<i>Category</i>	<i>Indicator</i>	<i>Source</i>
Ruling Justly	Civil Liberties	Freedom House
	Political Rights	Freedom House
	Voice and Accountability	World Bank Institute
	Government Effectiveness	World Bank Institute
	Rule of Law	World Bank Institute
	Control of Corruption	World Bank Institute
Investing in People	Immunization Rates	World Health Organization
	Public Expenditure on Health	World Health Organization
	Girls' Primary Education Completion Rate	United Nations Educational, Scientific and Cultural Organization
	Public Expenditure on Primary Education	United Nations Educational, Scientific and Cultural Organization; national sources
	Natural Resource Management	Columbia University; Yale University
Economic Freedom	Business Start Up	International Finance Corporation
	Inflation	International Monetary Fund World Economic Outlook (IMF WEO)
	Trade Policy	Heritage Foundation
	Regulatory Quality	World Bank Institute
	Fiscal Policy	National sources, cross-checked with IMF WEO
	Land Rights and Access	International Fund for Agricultural Development; International Finance Corporation

Source: MCC 2009b.

- *Support from the NGO community:* The involvement of the NGO community gave the MCC several critical allies, despite their overwhelming criticism of other Bush policies;
- *Clearly understandable benchmarks:* The MCC has set the stage for a discussion among the expert community about its implementation, which takes place in earnest. While discussion focuses on improving efficiency (through better indicators, for example), the general framework has become widely accepted.

The Control of Corruption indicator warrants separate attention. “The only indicator that countries *must* pass in order to qualify for MCA eligibility is Control of Corruption . . .” (Herrling and Rose 2007: 1). The MCC points out that “corruption increases poverty” and “corruption slows growth” (MCC 2008), thus seeing it as an efficiency-hampering concern, rather than an ethical or governance issue, in line with the overall trend of the organization. Of note, this requirement is not stipulated by law, but due to the tremendous damage corruption has on development assistance efficiency, this “soft law” has all but become the norm and it would not be surprising to see it transit into “hard law” under the new administration.

The importance of the control of corruption indicator causes many threshold programs to specifically focus on improving the anti-corruption indicator. Of the current Threshold Programs, 52.2 percent are focused on improving this indicator (MCC 2009a: 17).

The utilization of NGO indicators has also affected these organizations. FH provides the Civil Liberties and Political Freedoms indicators through its annual publication “Freedom in the World,” and contributes to the various composite indicators. While FH’s indicators have long been the standard in global comparative freedom and democracy studies, they had been working under the hope that, as Heritier (2001: 188) calls it, “a reputation mechanism (naming and shaming) may induce a behavioral change accommodating a desired policy goal.” Their inclusion into the selection indicators of MCC funding, however, has unleashed market forces and thus contributed to a tremendous growth in international reputation of the ratings. FH finds itself the subject of increased attention from senior foreign government delegations who seek meetings with this NGO to better understand ratings and how to improve them (and argue for an “upgrade”). Furthermore, these ratings and their methodology, while based on generally accepted documents (The Universal Declaration of Human Rights), have long been the subject of controversy and accusations of bias and subjectivity, especially from the countries that receive “bad” ratings. With their codification by the MCC, however, they have been elevated to a new level of importance to the countries seeking funding: it matters little whether they agree or not—they need to understand the ratings and improve their score if they seek access to

MCC funds. While many (including the author) would argue in favor of the ratings, it is noteworthy that this cooperation between a new government institution and an old NGO has elevated a freedom ranking system from a more or less obscure academic and civil society tool to a policy and finance tool of tremendous proportions (US\$6.7 billion has been issued so far using these indicators), both in the sense of tax expenses and impact on the recipient countries.

### **CSO role #2: Program Implementation and Progress Measurement**

Both Compacts and Threshold programs have clearly-established programs that are developed by the applicant countries. They outline priorities and measures to be implemented. In the case of Threshold programs, they include extremely detailed performance indicators on the basis of which the success of the program is to be judged. This situation has caused the MCC to be substantially more willing to suspend some countries from financing (for example, Yemen and Mauritania) than other donor agencies (Herrling and Rose 2007).

In Ukraine, the indicators are to be reached over a two-year period and include, among others:

- (1) 10 percent of the population is to be aware of anti-corruption research;
- (2) 10 percent decrease in corruption perception;
- (3) 20 percent decrease in corruption experience; and
- (4) 30 percent of NGO advocacy campaigns resulting in government reform. (Government of Ukraine 2006)

The MCC Threshold program in Ukraine is focused on assisting the government in decreasing corruption in education, regulatory policy, the court system, and civil service. There was involvement of civil society in the drafting of the plan, largely through individual and town hall meetings. It clearly played a secondary role to the relationship between the recipient and donor countries. Nonetheless, it resulted in the inclusion of a robust role in the Threshold Country Plan, the guiding document for the program. Of the total US\$45 million allocated to the program, US\$10 million was assigned to channel civil society anti-corruption efforts.<sup>3</sup> It should be noted that such a degree of CSO involvement is clearly larger than average threshold program. However, it is a growing trend and other MCC programs are considering the incorporation of similar approaches.

Zuercher (2006: 13) notes of developing countries that “a rational behavior for states would be to try enjoying the full sovereignty rent without paying the price for good governance.” NGOs provide a valuable service in assessing whether (and if so, to what degree) the state is succumbing to this



temptation. Zuercher (2006: 21), however, seems to overestimate the mastermind of developing countries in purposefully creating “cunning states” that are weak by design to “prey on international support.” While preying does unfortunately take place, it is usually the result of a group of individuals in government. Chaos and lack of ability is a far more defining reason for weak statehood.

Civil society efforts in Ukraine under the threshold plan are broken down into the following efforts: “(1) support for civil society anti-corruption efforts; (2) support for investigative journalism and other media anti-corruption efforts; and (3) monitoring of corruption trends and the results of government- and civil society-sponsored anti-corruption initiatives” (Management Systems International [MSI] 2007).

In addition, the four consultative components of the Threshold program also relate to NGOs, engaging them in public outreach efforts and utilizing their expertise.

The author’s project has supported over 120 Ukrainian CSOs in their anti-corruption efforts through funding, training, and networking. These NGOs were able to achieve over 50 anti-corruption reforms at the local level. While they do not overhaul the entire state system, they nonetheless represent concrete important steps toward decreasing corruption (such as simplifying licensing procedures, introducing anti-corruption education in public schools, and introducing greater inclusion of citizen concerns in construction projects).

Arguably, the largest impact from civil society efforts has been caused by the reports and surveys conducted to evaluate the progress of the Ukrainian government toward the results pledged in the Threshold program. The ongoing polling showed that after the first year of program implementation, results that would have allowed Ukraine to apply for a Compact program were not forthcoming and unlikely to be met unless substantial changes were implemented (MSI 2008). This evaluation made it impossible for Ukraine to get into the Compact program on the basis of political need. Among other reasons, these surveys led the Ukrainian government to request a second threshold program to continue assisting its reforms, rather than try for a substantially more sizeable Compact.

A substantial challenge lies in the capacity and motive of the CSOs. In Ukraine, it was a tremendous challenge to find absorption capacity among NGOs to utilize the substantial funds issued by the MCC. This is a common mistake: policy-makers and program designers often see civil society as a panacea that can kick in when government reforms have stalled. While there is much truth to such potential, the limitations of CSOs need to be carefully assessed and kept in mind. When this is not done, much money needs to be

moved fast to satisfy the financial and programmatic requirement. As a result, financing becomes akin to “venture capitalism,” with each grant being a rather high-risk investment. About a dozen contracts had to be terminated in Ukraine due to the NGO’s non-fulfillment of their obligations.

The capacity problems are exacerbated by the fact that civil society is not immune from all-permeating corruption in Ukraine. The overall corrupt functioning of the economy influences civil society as well. This is apparent in a complete absence of the concept of conflict of interest (resulting in a very common hiring of relatives), disregard for financial accuracy, and negligence on performance. This, in turn, drives up management and performance evaluation efforts and costs that are required from those managing the project, resulting in too much red tape, which the MCC ironically is supposed to have less of. It also leads to less money available to those NGOs who are honest and trying to do good work.

Political danger also exists: the NGOs that are corrupt themselves can undermine the efforts of others, especially in high-profile projects that are under tremendous scrutiny from the media, which the MCC programs invariably are. For a young organization, such as the MCC, the capacity to absorb such scandals is rather low.

Future MCC-funded civil society efforts should make sure to account for efforts to increase limited CSO capacity, which will typically result in longer implementation frameworks. Furthermore, the MCC has to understand and explain to its stakeholders that intense projects with tremendous funding require some flexibility on absorbing the political fallout from the inevitable “rotten apples.” Threshold plans are inevitably a higher-risk investment as evidenced by the fact that they are not able to satisfy the Compact-level indicators. An open and transparent approach to this might, in fact, further enhance the MCC’s credibility.

Notwithstanding these challenges, at a time when the political environment in Ukraine is characterized by a tremendous infighting that has paralyzed most government reform efforts (*EUBusiness* 2009), the modest progress by NGOs on the anti-corruption reform front stands out positively.

### **CSO Role #3: Board Membership and Ongoing Dialogue**

As mentioned above, four members of MCC’s board are representatives of the “public.” While it is arguable whether they all represent civil society, some certainly do: Lorne Craner (International Republican Institute), Ken Hackett (Catholic Relief Services), Alan Patricof (Greycroft investment company), and Bill Frist (former Senate Majority Leader). Adding them to the decision-making body on Compacts and Threshold fund allocation further

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underlines the importance paid to the civil society vision on programs. The appointment mechanism (members are suggested by the Senate and appointed by the President) is likely to encourage the selection of representatives of “political” NGOs, rather than those who are development-focused. Nonetheless, there is evidence that the nongovernment members of the Board yield considerable influence and their likely votes are being discussed in detail and anxiously anticipated ahead of Board meetings.

The influence, however, seems to function both ways. The “public” members of the Board were actively utilized in the campaign to raise the importance of the MCC’s status ahead of the Obama administration coming into office. They stated in an open letter to the *New York Times* (Craner, Frist, Hackett, and Patricof 2008): “As he [President Obama] seeks to adapt American foreign assistance to a transformed world, one decisive step he can take is to signal his strong support of the corporation’s approach to global development.”

There are also other direct and indirect ways in which the MCC is different from other government agencies in its openness to civil society. As discussed earlier, its transparent functioning invites scrutiny, which is readily provided. For example, the Center for Global Development runs a blog that discusses minute details of MCC operations and sometimes receives active feedback.

MCC CEOs continuously invite CSOs to provide their feedback and to “. . . continue educating officials in the US administration on development issues” (Applegarth 2005). At least some of the feedback seems to be welcome and incorporated into future work. At the beginning of its functioning, the MCC was “holding monthly meetings with US-based NGO working groups . . . the NGOs have shared expertise in monitoring and evaluation and have offered suggestions that contributed to the modification of 1 of MCC’s 16 quantitative indicators” (Gootnick and Franzel 2005: 26).

### Conclusions

The MCC is run with significantly less bureaucratic luggage that other development agencies carry with them. As a new organization, it benefits from the ability to introduce new rules and to choose a combination of rules and processes for funding eligibility selection that are generally viewed as successful. This characteristic includes the incorporation of authoritative independent indicators into its decision-making process. Nonetheless, there are numerous organizational and political challenges to this emergent Corporation. First is insufficient speed, which is a key determinant to make conditionality effective (Dugger 2007). Internal U.S. government evaluations for fiscal year 2007 conclude that “to a large extent, the performance of MCC

compares favorably to other programs with similar purposes and goals,” while noting its performance as only “adequate” (U.S. Office of Management and Budget 2008). Rieffel and Fox (2008: 1) note that “no other aid agency—foreign or domestic—can match its [MCC’s] purposeful mandate, its operational flexibility and its potential muscle.”

The MCC engages with civil society at various levels. Several of its funding indicators are provided by NGOs, which significantly improved their status. This process provided legitimacy of the MCC and increased power of the NGOs. This cooperation has been most fruitful to date.

At the design stage, civil society input is often limited. During in-country implementation, however, the CSO role is seen as significant, most prominently as advocates of anti-corruption reforms and independent in-country evaluators of the effectiveness of national reform programs. However, capacity and integrity limitations of civil society in developing countries need to be taken into account during project design and implementation.

Finally, the inclusion of nongovernment members in the MCC Board has, despite the political nature of some members, provided an additional effective tool to increase the efficiency of funding decisions.

### Endnotes

<sup>1</sup> The author is the director of an MCC-funded NGO monitoring project in Ukraine, so practical experience and feedback are used in the discussion.

<sup>2</sup> For more information on the F process, see <http://www.allbusiness.com/government/government-bodies-offices-us-federal-government/11735250-1.html>.

<sup>3</sup> The author is the director of this project.

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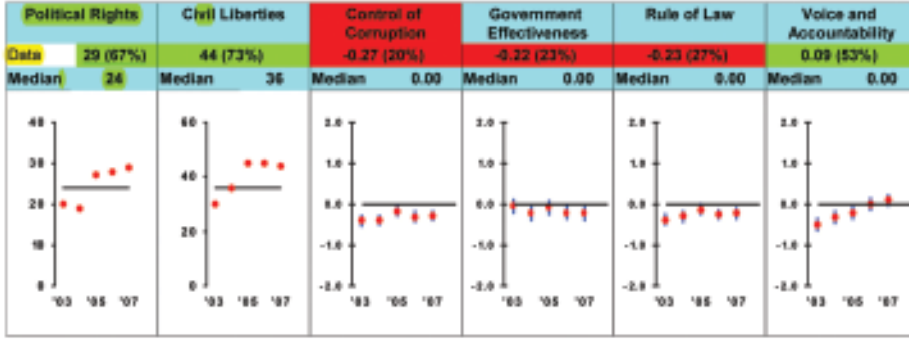
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Annex 1. Ukraine's Indicator Score Card, 2009

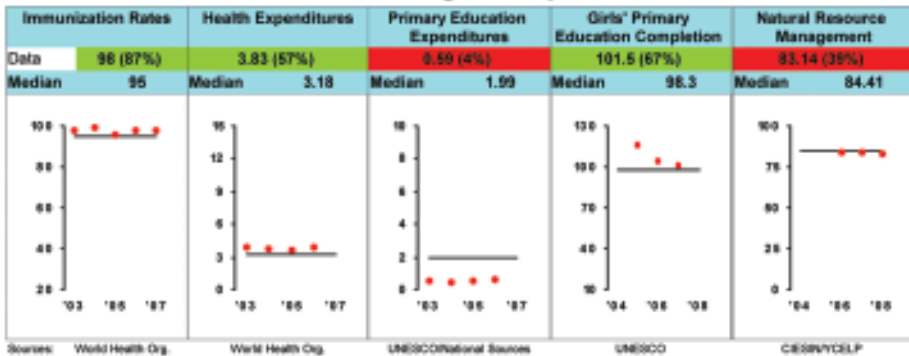
Ukraine FY09

Population 46,787,750  
GNI/Cap: \$2,550 LMIC

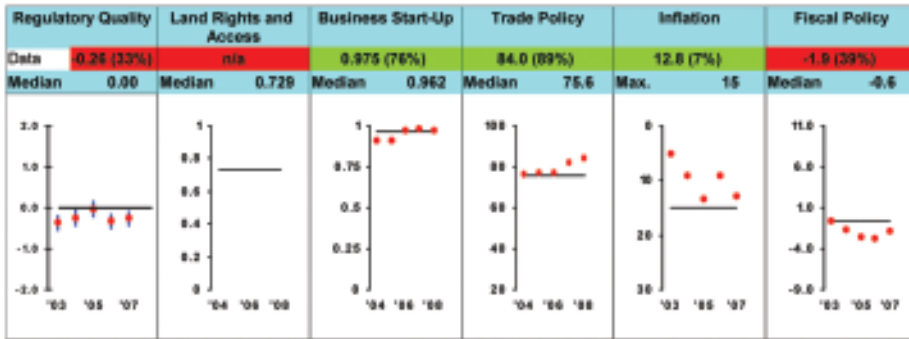
Ruling Justly



Investing In People



Economic Freedom



How to Read this Scorecard: Each MCC Candidate Country receives an annual scorecard assessing its performance in 3 policy categories: Ruling Justly, Investing in People, and Economic Freedom. Under the name of each indicator is the country's score and percentile ranking in its income peer group (0% is worst, 100% is best). Under each country's percentile ranking is the peer group median. Country performance is evaluated relative to the peer group median, represented with green, meet the performance standard. Scores at or below the median, represented with red, do not meet the performance standard. The black line that runs along the horizontal axis represents the peer group median. Each World Bank Institute indicator is accompanied by a margin of error, which is represented by the vertical blue bar.

For more information regarding the Millennium Challenge Account Selection Process and these indicators, please consult MCC's website: [www.mcc.gov](http://www.mcc.gov)