The Oligarch Vanishes: Defensive Ownership, Property Rights, and Political Connections

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- Traditional understanding: state provides such protection as a public good (Bueno de Mesquita and Root, 2000; North, Wallis and Weingast, 2009)

- Lesson from postcommunist, other environments: firm owners can take private actions to protect property from competitors and state
 - Form alliances with politicians (Shleifer, 1997; Markus and Charnysh, 2017) and stakeholders (Markus, 2015)
 - Seek political office (Gehlbach, Sonin and Zhuravskaya, 2010;
 Szakonyi, 2018)
 - Build financial relationships with foreign firms (Betz and Pond, 2019)
 - Form links with other local firms (Johns and Wellhausen, 2016)
 - Accept protection of mob and other "violent entepreneurs" (Frye and Zhuravskaya, 2000; Volkov, 2002)
 - Reduce accounting transparency (Durnev and Guriev, 2011)
 - Perform "good works" to increase perceived legitimacy of property rights (Frye, 2006, 2017)

- ▶ Implicit assumption: property held transparently or directly
- ▶ But: frontmen and related individuals, shell companies, offshores ("defensive ownership")
 - Create obscure legal target
 - Transfer profits and liquid assets out of reach of state authorities / hostile raiders
 - Exploit protection of foreign jurisdictions
- ► Effective even if ultimate owner common knowledge, foreign investment "round trip"



Rinat Akhmetov (System Capital Management)

▶ Before 2004

- Relative transparency, short ownership chains ending in Akhmetov himself
- Quintessential "Blue" oligarch, chief sponsor of Viktor Yanukovych



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- Orange Revolution (2004)
 - Viktor #1: Yanukovych
 - Viktor #2: Yushchenko (ultimately, unexpectedly, the victor)
- ► After 2004
 - Criminal investigation, threats of "reprivatization"
 - SCM restructured to obscure ownership behind offshore firms, increase difficulty of seizing assets



Petro Poroshenko (UkrPromInvest)

- "Chocolate king" (later president) of Ukraine
- Complicated ownership chains, lots of offshores
- "Orange" oligarch: supported Viktor Yuschchenko during 2004 presidential campaign
- ► Little change in ownership structure after Orange Revolution (though Panama Papers...)

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 - Direct costs: lawyers, bankers, etc. (fees, rents)
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- Ex ante ambiguous relationship between defensive ownership and political connections: depends on substitutability, complementarity of defensive ownership and connections [formal argument]

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- Using data from investigative journalists and firm registries, we
 - identify and characterize ownership chains of > 300 key enterprises
 - compare ownership patterns of oligarchs more ("Blue") or less ("Orange") connected to incumbent regime in 2004
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 - identify and characterize ownership chains of > 300 key enterprises
 - compare ownership patterns of oligarchs more ("Blue") or less ("Orange") connected to incumbent regime in 2004
 - examine changes in ownership patterns after unexpected political turnover of Orange Revolution
- ▶ We find:
 - Orange oligarchs more likely to engage in defensive ownership before Orange Revolution
 - Blue oligarchs increase defensive ownership (esp. offshore entities) after Orange Revolution

Contributions

- ▶ Political connections (e.g., Fisman, 2001; Faccio, 2006)
 - Oligarchs in postcommunist countries (Earle and Gehlbach, 2015; Treisman, 2016; Lamberova and Sonin, 2018; Guriev and Rachinsky, 2005; Gorodnichenko and Grygorenko, 2008)
 - This paper: ownership chains before/after political shock, relationship between defensive ownership and connections

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Economics of property rights

- Incentives within firms (Coase, 1937; Williamson, 1985;
 Grossman and Hart, 1986; Hart and Moore, 1990), bargaining between firms and state (Shleifer and Vishny, 1994)
- Little work on how rights are held (pyramids: La Porta, Lopez-de Silanes and Shleifer, 1999)

Contributions

Political economy of FDI

- Foreign investment as protection for domestic firms (e.g., Chernykh, 2011): "backdoor lobbyists" (Markus, 2015), international investment agreements (Betz and Pond, 2019)
- Our setting: "foreign" owners may be shell companies controlled by domestic oligarch

► Hidden wealth

- Journalistic accounts (e.g., Obermayer and Obermaier, 2016)
- Academic work: anonymous shell companies (Findley, Nielson and Sharman, 2014), banks (Chernykh and Mityakov, 2017), petroleum rents and hidden wealth (Andersen et al., 2017), inequality (e.g., Zucman, 2015; Novokmet, Piketty and Zucman, 2018), foreign aid (Andersen, Johannesen, and Rijkers, 2020)
- Common story: tax evasion (e.g., Zucman, 2014)
- Our work: arbitrary taxation \implies role for political connections

Lists of oligarch-controlled firms circa 2004 (just prior to Orange Revolution)

▶ Delo (*InvestGazeta*): annual lists of oligarch holdings



- Ukraïns'ka Pravda: "Who Owns What in Ukraine"
- ► Together, 442 firms from 34 oligarch groups (376/29 with ownership data, 329(299)/26 with various covariates)

Data sources on firm ownership

- ► Joint Stock Company Registry (JSCReg)
 - Owners with > 10% stake
 - Individual owners not identified
 - Essentially voluntary reporting, so data missing for some JSCs
 - Restrict to owners as of April 2004 (November 2006)
- Single Registry (SReg)
 - Records of "all" ownership changes
 - Many obvious errors and omissions
 - Ownership structure difficult to infer
 - Restrict to owners from January 1999 through April 2004 (November 2006)

Basic algorithm: beginning with Delo/Ukraïns'ka Pravda firms, and then again for any subsequently identified Ukrainian corporate owners,

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1. Ukrainian firm?
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Yes Go to (2)

No Stop

2. Present in JSCReg?

Yes Extract corporate owners, go to (3)

No Extract corporate and individual owners from SReg, go to (4)

3. Individual owners in JSCReg?

Yes Extract individual owners from SReg, go to (4)

No Go to (4)

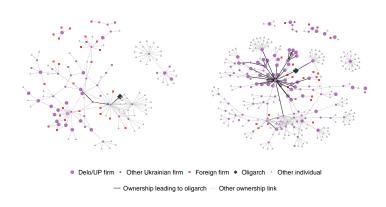
4. Owner identified in (2) or (3) state agency, charity, etc.?

Yes Remove owner

No Stop

Result of algorithm: ownership chains for 376 firms, comprising

- ▶ 937 Ukrainian firms (including "root" firms)
- ▶ 350 foreign firms
- ▶ 1107 Ukrainian individuals (including oligarchs, their relatives, and known associates)
- ▶ 20 foreign individuals



Ownership networks in 2004 for UkrPromInvest (Petro Poroshenko) and System Capital Management (Rinat Akhmetov), respectively.

Chacterizing ownership chains

	Share	Number
No oligarch in chain	0.708	233
Oligarch in chain	0.292	96
Oligarch in chain, 1 step	0.040	13
Oligarch in chain, \leq 2 steps	0.173	57
Oligarch in chain, \leq 3 steps	0.274	90
Oligarch in chain, \leq 4 steps	0.289	95
Foreign in chain	0.629	188
Offshore in chain	0.421	126

Notes: Shares based on regression sample of 329 and 299 firms, respectively. Distance to oligarch (1 - 1/steps): mean 0.855, standard deviation 0.254.

[Foreign/offshore by country] [Missing ownership data]

Political connections

- Orange (97 firms): Aval, Brinkford (David Zhvania), Finansy i Kredyt (Kostyantyn Zhevago), Orlan, Pryvat (Ihor Kolomoyskyy), Oleksandr Tretiakov, UkrPromInvest (Petro Poroshenko)
- ▶ Blue (165 firms): Andriy Derkach, Energo (Victor Nusenkis), Anatoliy and Igor Franchuk, Interpipe (Viktor Pinchuk), Vasyl Khmelnytskyi, Andriy and Serhiy Kliuev, Kyiv Seven, "Old Donetsk," Radon, System Capital Management (Rinat Akhmetov), Dmytro Tabachnyk, TAS (Serhiy Tihipko), Ukrinterproduct (Oleksandr Leshchinskyi)
- Gray (67 firms): Basis, Oleksandr Feldman, Intercontact, ISD (Serhiy Taruta), UkrSotsBank (Valeriy Khoroshkovskyi), UkrSybBank (Oleksandr Yaroslavsky)

Defensive ownership = f (Political connections)

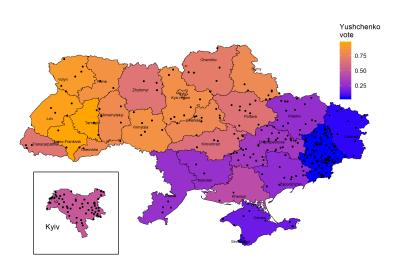
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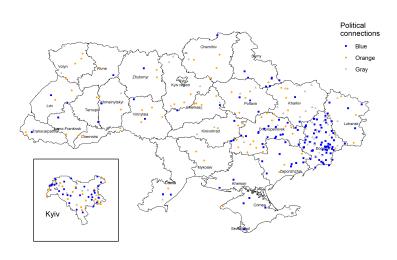
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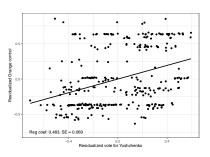
- 1. Sector fixed effects, controls for employment, TFP, privatized (Frye, 2006; Denisova et al., 2009; Frye, 2017)
- 2. Instrument political connections (**Orange** (not **Gray**), **Color** $\in \{0,1,2\}$) on oblast-level **vote for Yushchenko** in 2004 (regional concentration of oligarch groups and political parties; composition effects, selection of governors)

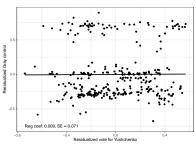
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- Compare change in defensive ownership among Blue and Orange firms after 2004 (unanticipated turnover, frictions in establishing and breaking connections; identifying ownership changes in SReg foreign/offshore only)









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[It is] difficult to move from one cart to another... Ukrainians are zero-sum players. They remember who helped you in the past.

On a two-period panel,

$$\begin{split} O_{it} = & \beta_1 ORANGE_i + \beta_{11} ORANGE_i \cdot t + \beta_2 GRAY_i + \beta_{21} GRAY_i \cdot t \\ & + \beta_3 SIZE_i + \beta_{31} SIZE_i \cdot t + \beta_4 TFP_i + \beta_{41} TFP_i \cdot t \\ & + \beta_5 PRIVATIZED_i + \beta_{51} PRIVATIZED_i \cdot t \\ & + SECTOR_i \gamma + SECTOR_i \gamma_1 \cdot t + \alpha_i + u_{it}, \end{split}$$

where i indexes firms; $t \in \{0,1\}$ indexes periods, with all variables measured at t=0; and O_{it} is a measure of defensive ownership. Differencing the equation for t=0 from that for t=1 gives

$$\Delta O_i = \beta_{11}ORANGE_i + \beta_{21}GRAY_i + \beta_{31}SIZE_i + \beta_{41}TFP_i + \beta_{51}PRIVATIZED_i + SECTOR_i\gamma_1 + \epsilon_i,$$

where ΔO_i is change in defensive ownership from t=0 to t=1 and $\epsilon_i \equiv u_{i1}-u_{i0}$.

Empirical strategy

Defensive ownership = f (Political connections)

Identification (measurement error [faulty recall, mixing], joint determination of defensive ownership and political connections)

- 1. Sector fixed effects, controls for employment, TFP, privatized
- 2. Instrument political connections (**Orange** (not **Gray**), **Color** $\in \{0,1,2\}$) on oblast-level vote for Yushchenko in 2004 (regional concentration of oligarch groups and political parties; composition effects, selection of governors)

	(1)	(2)	(3)	(4)
	No oligar	ch in chain	Distance	to oligarch
	OLS	IV	OLS	IV
Orange	0.290	0.534	0.134	0.202
	(0.095)	(0.247)	(0.054)	(0.116)
Gray	0.170	0.263	0.095	0.121
	(0.129)	(0.137)	(0.060)	(0.065)
Sector FEs	Yes	Yes	Yes	Yes
Observations	329	329	329	329
First-stage F-stat		10.09		10.09
Vote for Yushchenko		0.258		0.098
(reduced form)		(0.109)		(0.056)

Notes: Linear regressions. Controls: employment, TFP, privatized. In parentheses, heteroskedasticity-robust standard errors that correct for clustering at oligarch level. [first-stage results]

	(5)	(6)	(7)	(8)
	Foreign	in chain	Offshore in chain	
	OLS	IV	OLS	IV
Orange	0.130	0.519	0.168	0.319
	(0.137)	(0.315)	(0.125)	(0.310)
Gray	-0.191	-0.044	-0.243	-0.186
	(0.138)	(0.153)	(0.104)	(0.160)
Sector FEs	Yes	Yes	Yes	Yes
Observations	299	299	299	299
First-stage <i>F</i> -stat		9.11		9.11
Vote for Yushchenko		0.241		0.148
(reduced form)		(0.144)		(0.151)

Notes: Linear regressions. Controls: employment, TFP, privatized. In parentheses, heteroskedasticity-robust standard errors that correct for clustering at oligarch level. [first-stage results]

Foreign/offshore ownership by "color," 2004 and 2006

	Base	Baseline		g only
	2004	2006	2004	2006
Foreign	188	212	131	135
Blue	99	116	66	70
Orange	63	64	48	48
Gray	26	32	17	17
Offshore	126	172	76	102
Blue	65	95	35	55
Orange	50	49	36	35
Gray	11	28	5	12

Base	

	$DO\toFO$	$DO \to OFF$	$NOFF \to OFF$	$FO \to DO$
All	0.333	0.279	0.500	0.069
Blue	0.444	0.352	0.529	0.071
Orange	0.190	0.143	0.308	0.048
Gray	0.250	0.250	0.600	0.115

JSCReg only

	$DO \to FO$	$DO \to OFF$	$NOFF \to OFF$	$FO \to DO$
All	0.296	0.255	0.436	0.191
Blue	0.412	0.353	0.484	0.258
Orange	0.222	0.167	0.250	0.083
Gray	0.138	0.138	0.500	0.235

Notes: Proportion of firms transitioning to/from:

- Domestic ownership only (DO)
- Foreign ownership (FO)
- Foreign but only non-offshore ownership (NOFF)
- Foreign offshore ownership (OFF).

Change in foreign/offshore owners, 2004 to 2006

	(1)	(2)	(3)	(4)
	Chang	e in foreign	Change	in offshore
	Baseline	JSCReg only	Baseline	JSCReg only
Orange	-0.116	-0.050	-0.219	-0.198
	(0.089)	(0.123)	(0.062)	(0.080)
Gray	-0.023	-0.035	0.084	-0.026
	(0.098)	(0.129)	(0.085)	(0.098)
Employment	-0.005	-0.016	0.005	-0.008
	(0.010)	(0.011)	(0.017)	(0.019)
TFP	-0.007	-0.013	0.008	0.010
	(0.009)	(0.009)	(0.009)	(0.019)
Privatized	-0.020	-0.029	0.101	0.056
	(0.063)	(0.089)	(0.059)	(0.074)
Sector FEs	Yes	Yes	Yes	Yes
Observations	299	229	299	229

Notes: Linear regressions. In parentheses, heteroskedasticity-robust standard errors that correct for clustering at oligarch level.

Change in foreign/offshore owners, 2002 to 2004 (placebo)

(1)	(2)	(3)	(4)
Chang	e in foreign	Change	e in offshore
Baseline	JSCReg only	Baseline	JSCReg only
0.020	-0.042	0.136	0.025
(0.140)	(0.122)	(0.124)	(0.077)
0.042	0.003	0.032	-0.008
(0.146)	(0.117)	(0.137)	(0.062)
-0.017	0.003	-0.025	0.000
(0.026)	(0.024)	(0.025)	(0.028)
0.021	0.013	0.012	0.028
(0.016)	(0.030)	(0.017)	(0.034)
-0.209	-0.019	-0.247	-0.068
(0.116)	(0.083)	(0.130)	(0.097)
Yes	Yes	Yes	Yes
284	207	284	207
	Chang Baseline 0.020 (0.140) 0.042 (0.146) -0.017 (0.026) 0.021 (0.016) -0.209 (0.116) Yes	Change in foreign Baseline JSCReg only 0.020 -0.042 (0.140) (0.122) 0.042 0.003 (0.146) (0.117) -0.017 0.003 (0.026) (0.024) 0.021 0.013 (0.016) (0.030) -0.209 -0.019 (0.116) (0.083) Yes Yes	Change in foreign Change Baseline 0.020 -0.042 0.136 (0.140) (0.122) (0.124) 0.042 0.003 0.032 (0.146) (0.117) (0.137) -0.017 0.003 -0.025 (0.026) (0.024) (0.025) 0.021 0.013 0.012 (0.016) (0.030) (0.017) -0.209 -0.019 -0.247 (0.116) (0.083) (0.130) Yes Yes Yes

Notes: Linear regressions. Controls: employment, TFP, privatized. In parentheses, heteroskedasticity-robust standard errors that correct for clustering at oligarch level.

Summary

- ► Importance of defensive ownership as strategy to prevent predation in environment of poor protection of property rights
- Incentive to engage in defensive ownership depends on political connections of asset owners
 - Orange oligarchs more likely to engage in defensive ownership before Orange Revolution
 - Blue oligarchs increase defensive ownership (esp. offshore entities) after Orange Revolution
 - Similar patterns in much larger sample of JSCs
- Relationship to theoretical framework: political connections reduce threat of predation more than they reduce cost of defensive ownership

Discussion

- Different results in countries with stronger property rights and more regular political turnover (Koch brothers, Bezos, Bloomberg)?
- Why not collective action to improve property rights and save cost of defensive ownership (North and Weingast, 1989; North, 1990; Ansell and Samuels, 2014)? If anything, property rights less secure after Orange Revolution (Markus, 2016)
 - Difficult to influence design of institutions when regime change sudden (Albertus and Menaldo, 2018)
 - Benefits to rich of weak property rights (Sonin, 2003; Hoff and Stiglitz, 2004), with costs offset by strategies such as defensive ownership

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Theoretical framework

Relationship between political connections and defensive ownership?

- Probability of successful predation $P(\omega; \chi)$, cost of defensive ownership $C(\omega; \chi)$, where ω is level of defensive ownership and χ is strength of political connections
- ▶ Optimal ω equates marginal benefit and marginal cost of defensive ownership:

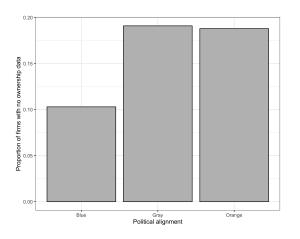
$$-P_{\omega}\left(\pi-C\right)=C_{\omega}\left(1-P\right),$$

where π is baseline value of firm

Ambiguous relationship between defensive ownership and political connections: depends on substitutability, complementarity of defensive ownership and connections

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Firms with missing ownership data



[Return to presentation] [Return to presentation 2]

Number of firms with owners in foreign locations

	Number of firms		Sh	are
	2004	2006	2004	2006
Offshore locations	126	172	0.421	0.575
Cyprus	72	107	0.241	0.358
British Virgin Islands	64	78	0.214	0.261
Panama	23	21	0.077	0.070
Isle of Man	17	17	0.057	0.057
Bahamas	15	14	0.050	0.047
Belize	14	26	0.047	0.087
Gibraltar	7	16	0.023	0.054
Other offshore	19	16	0.064	0.054
Non-offshore locations	140	132	0.468	0.441
United Kingdom	78	80	0.261	0.268
United States	66	56	0.221	0.187
Netherlands	23	36	0.077	0.120
Switzerland	17	11	0.057	0.037
Spain	13	6	0.043	0.020
Other non-offshore	50	41	0.167	0.137

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First-stage results

	(1)	(2)
Vote for Yushchenko	0.483	0.465
	(0.152)	(0.154)
Gray	-0.335	-0.320
	(0.134)	(0.132)
Employment	0.019	0.011
	(0.018)	(0.015)
TFP	-0.010	-0.006
	(0.015)	(0.014)
Privatized	0.032	0.053
	(0.077)	(0.080)
Sector FEs	Yes	Yes
Observations	329	299

Notes: In parentheses, heteroskedasticity-robust standard errors that correct for correlation of error terms at oligarch level. [Return to presentation]

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