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G7 Research Group  
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presents the

## **2016 Ise-Shima G7 Interim Compliance Report**

29 May 2016 to 19 February 2017

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*“We have meanwhile set up a process and there are also independent institutions monitoring which objectives of our G7 meetings we actually achieve. When it comes to these goals we have a compliance rate of about 80%, according to the University of Toronto. Germany, with its 87%, comes off pretty well. That means that next year too, under the Japanese G7 presidency, we are going to check where we stand in comparison to what we have discussed with each other now. So a lot of what we have resolved to do here together is something that we are going to have to work very hard at over the next few months. But I think that it has become apparent that we, as the G7, want to assume responsibility far beyond the prosperity in our own countries. That’s why today’s outreach meetings, that is the meetings with our guests, were also of great importance.”*

Chancellor Angela Merkel, Schloss Elmau, 8 June 2015

## Contents

Preface.....	3
Research Team.....	4
Lead Analysts .....	4
Compliance Analysts.....	4
Executive Summary.....	6
The Interim Compliance Score .....	6
Compliance by Member.....	6
Compliance by Commitment.....	6
The Compliance Gap Between Members .....	6
Future Research and Reports.....	6
Table A: 2016 Priority Commitments Selected for Assessment* .....	7
Table B: 2016 G7 Ise-Shima Interim Compliance Scores .....	9
Table C: 2016 G7 Ise-Shima Interim Compliance Scores by Country .....	10
Table D: 2016 G7 Ise-Shima Interim Compliance Scores by Commitment .....	10
1. Trade: Transatlantic Trade and Investment Partnership .....	11
2. Development: Addis Tax Initiative .....	24
3. Food and Agriculture: G7 Vision for Action on Food Security and Nutrition .....	35
4. Crime and Corruption: International Cooperation on Anti-corruption Initiatives.....	52
5. Terrorism: Combatting Terrorist Financing .....	72
6. Syria: Refugees .....	89
7. Non-proliferation: Weapons of Mass Destruction .....	114
8. International Cyber Stability .....	133
9. Climate Change: Paris Agreement .....	147
10. Health: Global Health Security Agenda.....	161
11. Ukraine: Corruption and Judicial Reform .....	174

## 11. Ukraine: Corruption and Judicial Reform

“[We urge Ukraine to maintain and enhance the momentum in its fight against corruption and its judicial reform, including the Prosecutor General’s office.] We are fully committed to providing long-term support to this end.”

*G7 Ise-Shima Leaders’ Declaration*

Note: This commitment has not been reviewed by stakeholders.

### Assessment

	Lack of Compliance	Work in Progress	Full Compliance
Canada			+1
France	-1		
Germany		0	
Italy	-1		
Japan		0	
United Kingdom			+1
United States			+1
European Union			+1
Average		+0.25	

### Background

On 2 March 2014, in reaction to Russian interference in Crimea, the G7 issued a statement condemning, “the Russian Federation’s clear violation of the sovereignty and territorial integrity of Ukraine, in contravention of Russia’s obligations under the UN Charter and its 1997 basing agreement with Ukraine.”<sup>1144</sup> Further, the joint statement issued on 2 March noted that, “Russia’s actions in Ukraine also contravene the principles and values on which the G7 and the G8 operate,”<sup>1145</sup> and as such, the G7 chose to, “suspend our participation in activities associated with the preparation of the scheduled G8 Summit in Sochi in June, until the environment comes back where the G8 is able to have meaningful discussion.”<sup>1146</sup> The statement concluded with the assertion that the remaining G7 members would, “support Ukraine in its efforts to restore unity, stability and political and economic health to the country. To that end, we will support Ukraine’s work with the International Monetary Fund to negotiate a new program and to implement needed reforms.”<sup>1147</sup>

In reaction to the escalating tensions in Crimea, the Hague Declaration was issued on March 24, 2014 condemning, “the illegal referendum held in Crimea in violation of Ukraine’s constitution” and “Russia’s illegal attempt to annex Crimea in contravention of international law and specific international obligations.”<sup>1148</sup> The Hague Declaration also declared the G7 members’ intention to impose collective sanctions against Russia and their decision to suspend Russia from future G7

<sup>1144</sup> Statement by G7 Nations, G7 Information Centre (Toronto) 2 March 2014. Date of Access: 22 January 2017. [http://www.g8.utoronto.ca/summit/2014sochi/ukraine\\_140302.html](http://www.g8.utoronto.ca/summit/2014sochi/ukraine_140302.html).

<sup>1145</sup> Statement by G7 Nations, G7 Information Centre (Toronto) 2 March 2014. Date of Access: 22 January 2017. [http://www.g8.utoronto.ca/summit/2014sochi/ukraine\\_140302.html](http://www.g8.utoronto.ca/summit/2014sochi/ukraine_140302.html).

<sup>1146</sup> Statement by G7 Nations, G7 Information Centre (Toronto) 2 March 2014. Date of Access: 22 January 2017. [http://www.g8.utoronto.ca/summit/2014sochi/ukraine\\_140302.html](http://www.g8.utoronto.ca/summit/2014sochi/ukraine_140302.html).

<sup>1147</sup> Statement by G7 Nations, G7 Information Centre (Toronto) 2 March 2014. Date of Access: 22 January 2017. [http://www.g8.utoronto.ca/summit/2014sochi/ukraine\\_140302.html](http://www.g8.utoronto.ca/summit/2014sochi/ukraine_140302.html).

<sup>1148</sup> G7: The Hague Declaration, G7 Information Centre (Toronto) 24 March 2014. Date of Access: 22 January 2017. [http://www.g8.utoronto.ca/summit/2014brussels/hague\\_140324.html](http://www.g8.utoronto.ca/summit/2014brussels/hague_140324.html)[http://www.g8.utoronto.ca/summit/2014brussels/hague\\_140324.html](http://www.g8.utoronto.ca/summit/2014brussels/hague_140324.html).

meetings.<sup>1149</sup> The declaration of March 24, once more confirmed the G7 members' commitment to supporting, "the Ukrainian government's ambitious reform agenda" in order to create a society, "grounded on a broad-based constitutional reform, free and fair presidential elections in May, promotion of human rights and respect of national minorities."<sup>1150</sup>

At the close of the June 2014 Brussels Summit, a joint statement by G7 leaders commended the Ukrainian election, which had occurred a month previous, and once again encouraged "the fulfilment of Ukraine's commitment to pursue the difficult reforms that will be crucial to support economic stability and unlock private sector-led growth."<sup>1151</sup>

On July 30, 2014, G7 members issued a joint statement in reaction to the downing of Malaysia Airlines Flight 17 over eastern Ukraine which caused the deaths of 298 people.<sup>1152</sup> The G7 called for Russia "to suspend its support for illegal armed groups in Ukraine, secure its border with Ukraine, and stop the increasing flow of weapons, equipment and militants across the border in order to achieve rapid and tangible results in de-escalation."<sup>1153</sup>

Due to these mounting tensions in Crimea, the Minsk II Agreements were negotiated in February 2015 with the aim of reducing violence between Ukrainian forces and pro-Russian rebels.<sup>1154</sup> The Normandy Contact Group, comprising the leaders of Germany, France, Ukraine, and Russia, agreed upon a "Package of Measures for the Implementation of the Minsk Agreements."<sup>1155</sup> Minsk II called for a ceasefire, the removal of heavy weapons, exchange of prisoners, withdrawal of foreign forces, constitutional reform by the Ukrainian government, and free elections in Donetsk and Lugansk.<sup>1156</sup> However, while there have been no large-scale military operations since Minsk II, elections have failed to materialize and ceasefire violations have continued, with the OHCHR reporting that the highest levels of civilian casualties since August 2015, occurred in June and July 2016.<sup>1157</sup>

At the Schloss Elmau Summit in June 2015, the G7 leaders called "on all sides to fully implement the Minsk agreements including the Package of Measures for their implementation signed on 12 February 2015 in Minsk, through the established Trilateral Contact Group and the four working groups."<sup>1158</sup> In conjunction with this attempt to resolve military tensions, G7 members once again

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<sup>1149</sup> G7: The Hague Declaration, G7 Information Centre (Toronto) 24 March 2014. Date of Access: 22 January 2017. [http://www.g8.utoronto.ca/summit/2014brussels/hague\\_140324.html](http://www.g8.utoronto.ca/summit/2014brussels/hague_140324.html)[http://www.g8.utoronto.ca/summit/2014brussels/hague\\_140324.html](http://www.g8.utoronto.ca/summit/2014brussels/hague_140324.html)

<sup>1150</sup> G7: The Hague Declaration, G7 Information Centre (Toronto) 24 March 2014. Date of Access: 22 January 2017. [http://www.g8.utoronto.ca/summit/2014brussels/hague\\_140324.html](http://www.g8.utoronto.ca/summit/2014brussels/hague_140324.html)[http://www.g8.utoronto.ca/summit/2014brussels/hague\\_140324.html](http://www.g8.utoronto.ca/summit/2014brussels/hague_140324.html)

<sup>1151</sup> G7 Brussels Summit Declaration, G7 Information Centre (Toronto) 5 June 2014. Date of Access: 22 January 2017. <http://www.g8.utoronto.ca/summit/2014brussels/declaration.html>

<sup>1152</sup> G7 Leaders Statement on Ukraine, G7 Information Centre (Toronto) 30 July 2014. Date of Access: 22 January 2017. [http://www.g8.utoronto.ca/summit/2014brussels/ukraine\\_140730.html](http://www.g8.utoronto.ca/summit/2014brussels/ukraine_140730.html)

<sup>1153</sup> G7 Leaders Statement on Ukraine, G7 Information Centre (Toronto) 30 July 2014. Date of Access: 22 January 2017. [http://www.g8.utoronto.ca/summit/2014brussels/ukraine\\_140730.html](http://www.g8.utoronto.ca/summit/2014brussels/ukraine_140730.html)

<sup>1154</sup> What Are The Minsk Agreements?, The Economist (London) 13 September 2016. Date of Access: 1 October 2016. <http://www.economist.com/blogs/economist-explains/2016/09/economist-explains-7>

<sup>1155</sup> What Are The Minsk Agreements?, The Economist (London) 13 September 2016. Date of Access: 1 October 2016. <http://www.economist.com/blogs/economist-explains/2016/09/economist-explains-7>

<sup>1156</sup> What Are The Minsk Agreements?, The Economist (London) 13 September 2016. Date of Access: 1 October 2016. <http://www.economist.com/blogs/economist-explains/2016/09/economist-explains-7>

<sup>1157</sup> UN warns of escalating tension in eastern Ukraine as casualties hit highest since last August, UN News Centre, 3 August 2015. Date of Access: 1 October 2016.

[http://www.un.org/apps/news/story.asp?NewsID=54615#.Wia\\_KYWcHIW](http://www.un.org/apps/news/story.asp?NewsID=54615#.Wia_KYWcHIW)

<sup>1158</sup> Leaders' Declaration: G7 Summit, G7 Information Centre (Toronto) 8 June 2015. Date of Access: 23 January 2017. <http://www.g8.utoronto.ca/summit/2015elmau/2015-G7-declaration-en.html>

emphasized the importance of and affirmed their continued commitment to “comprehensive structural reforms” on the part of the Ukrainian government.<sup>1159</sup>

As such, over the past four years, the G7 has been preoccupied by two distinct, yet mutually harmful, issues: the Russian annexation of Crimea, which perpetuated the ongoing military conflict in eastern Ukraine; and deep-rooted corruption within the Ukrainian system. Defined as the “abuse by leading officials of their public positions for personal enrichment,”<sup>1160</sup> structural corruption remains a key barrier to restoring Ukrainian sovereignty, given honest infrastructure’s centrality to a well-functioning liberal democratic nation-state. While Ukraine has made progress in the areas of public access to information and governmental transparency, institutional corruption persists and little progress has been made in regards to judicial reform.<sup>1161 1162</sup> According to Reuters, “bribery in the court system is seen as a major obstacle to Ukraine’s broader reform effort under a \$17.5 billion International Monetary Fund bailout program that political infighting has threatened to derail.”<sup>1163</sup> In June 2016, the Ukrainian parliament adopted a bill aimed at reducing political influence in the judicial system. Specifically, the bill aimed to restrict the political appointment of judges and to hold judges accountable in the case of malpractice.<sup>1164</sup>

Looking to bolster the above-mentioned judicial reforms, at the 2016 Ise-Shima Summit, the G7 leaders reaffirmed their long-held commitment to supporting Ukraine’s reform efforts. G7 members specifically called on Ukraine to “continue and accelerate” economic and governmental reforms.<sup>1165</sup>

### **Commitment Features**

At the 2016 Ise-Shima Summit, the G7 leaders commended ongoing reforms in Ukraine and reasserted their full support of further “comprehensive structural, governance and economic reforms.”<sup>1166</sup> The G7 specifically stressed the importance of combatting corruption and enacting judicial reform, including within the Prosecutor General’s office. G7 members asserted that they were “fully committed to providing long-term support to this end.”<sup>1167</sup>

As such, to achieve full compliance with this commitment, G7 members would need to take substantive actions to aid in Ukraine’s structural reforms. Given the ambiguous wording of the

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<sup>1159</sup> Leaders' Declaration: G7 Summit, G7 Information Centre (Toronto) 8 June 2015. Date of Access: 23 January 2017. <http://www.g8.utoronto.ca/summit/2015elmau/2015-G7-declaration-en.html>.

<sup>1160</sup> Thomas De Waal, Fighting a Culture of Corruption in Ukraine, Carnegie Europe (Brussels) 18 April 2016. Date of Access: 1 October 2016. <http://carnegieeurope.eu/publications/?fa=63364>.

<sup>1161</sup> Between Victory and Betrayal: How to Move Ukraine’s Anticorruption Reforms Forward, Carnegie Endowment for International Peace (Washington, D.C.) 26 July 2016. Date of Access: 23 January 2017. <http://carnegieendowment.org/2016/07/26/between-victory-and-betrayal-how-to-move-ukraine-s-anticorruption-reforms-forward-pub-64180>.

<sup>1162</sup> Between Victory and Betrayal: How to Move Ukraine’s Anticorruption Reforms Forward, Carnegie Endowment for International Peace (Washington, D.C.) 26 July 2016. Date of Access: 23 January 2017. <http://carnegieendowment.org/2016/07/26/between-victory-and-betrayal-how-to-move-ukraine-s-anticorruption-reforms-forward-pub-64180>.

<sup>1163</sup> Alexei Kalmykov and Alessandra Prentice, Ukraine's corrupt judges targeted in constitutional reforms, Reuters, 2 June 2016. Date of Access: 23 January 2017. <http://www.reuters.com/article/us-ukraine-crisis-parliament-reform-idUSKCN0YO1NY>.

<sup>1164</sup> Alexei Kalmykov and Alessandra Prentice, Ukraine's corrupt judges targeted in constitutional reforms, Reuters, 2 June 2016. Date of Access: 23 January 2017. <http://www.reuters.com/article/us-ukraine-crisis-parliament-reform-idUSKCN0YO1NY>.

<sup>1165</sup> G7 Ise-Shima Leaders' Declaration, G7 Information Centre (Toronto) 27 May 2016. Date of Access: 22 January 2017. <http://www.g8.utoronto.ca/summit/2016shima/ise-shima-declaration-en.html#ukraine>.

<sup>1166</sup> G7 Ise-Shima Leaders' Declaration, G7 Information Centre (Toronto) 27 May 2016. Date of Access: 22 January 2017. <http://www.g8.utoronto.ca/summit/2016shima/ise-shima-declaration-en.html#ukraine>.

<sup>1167</sup> G7 Ise-Shima Leaders' Declaration, G7 Information Centre (Toronto) 27 May 2016. Date of Access: 22 January 2017. <http://www.g8.utoronto.ca/summit/2016shima/ise-shima-declaration-en.html#ukraine>.

commitment, this aid could take many forms. Monetary aid is one possible avenue. In reference to the G7 Action to Fight Corruption, published at Ise-Shima on May 27, 2016, there are many ways in which G7 members can help to combat corruption globally.<sup>1168</sup> The G7 Action to Fight Corruption asserts that, “effective law enforcement cooperation requires solid technical capacities worldwide and that building the capacity of countries that are vulnerable to corruption is essential in curbing corruption worldwide, both on the preventive and curative side, we endeavor to support capacity building.”<sup>1169</sup> More specifically, the document suggests the importance of strengthening “auditing and accounting processes, civil service integrity reform, anti-money laundering” as well as the importance of transparency.<sup>1170</sup> In addition, the G7 Action to Fight Corruption emphasizes the importance of a strong civil society and community of journalists to “expose corruption and bribery.”<sup>1171</sup>

While there are a multitude of potential forms of action, the goal, as outlined in the Ise-Shima leaders’ declaration, is to facilitate structural reform in Ukraine in order to combat corruption. As stated at Ise-Shima, the primary targets for this specific anti-corruption commitment are the judicial system and the Prosecutor General’s office.<sup>1172</sup>

### Scoring Guidelines

-1	Member fails to take substantive actions towards combatting corruption in Ukraine AND fails to help facilitate judicial reform, particularly in the Prosecutor General’s office.
0	Member takes substantive action towards combatting corruption in Ukraine OR helps to facilitate judicial reform, particularly in the Prosecutor General’s office.
+1	Member takes substantive action towards combatting corruption in Ukraine AND helps to facilitate judicial reform, particularly in the Prosecutor General’s office.

*Lead Analyst: Sanjana Shah*

### Canada: +1

Canada has fully complied with its commitment to uphold regional security in Ukraine by combatting corruption and facilitating judicial reform.

On 11 July 2016, Prime Minister Trudeau signed the Canada-Ukraine Free Trade Agreement (CUFTA).<sup>1173</sup> The CUFTA’s anti-corruption measures obligate both Ukraine and Canada to sanction any form of “undue advantage” given to a public official. Such measures include monetary sanctions that must be appropriate to the gravity of the offence committed.<sup>1174</sup> Canada’s Minister of

<sup>1168</sup> G7 Action to Fight Corruption, G7 Information Centre (Toronto) 27 May 2016. Date of Access: 23 January 2017. <http://www.g8.utoronto.ca/summit/2016shima/action-plan-corruption.html>.

<sup>1169</sup> G7 Action to Fight Corruption, G7 Information Centre (Toronto) 27 May 2016. Date of Access: 23 January 2017. <http://www.g8.utoronto.ca/summit/2016shima/action-plan-corruption.html>.

<sup>1170</sup> G7 Action to Fight Corruption, G7 Information Centre (Toronto) 27 May 2016. Date of Access: 23 January 2017. <http://www.g8.utoronto.ca/summit/2016shima/action-plan-corruption.html>.

<sup>1171</sup> G7 Action to Fight Corruption, G7 Information Centre (Toronto) 27 May 2016. Date of Access: 23 January 2017. <http://www.g8.utoronto.ca/summit/2016shima/action-plan-corruption.html>.

<sup>1172</sup> G7 Ise-Shima Leaders' Declaration, G7 Information Centre (Toronto) 27 May 2016. Date of Access: 22 January 2017. <http://www.g8.utoronto.ca/summit/2016shima/ise-shima-declaration-en.html#ukraine>.

<sup>1173</sup> Canada signs Landmark Free Trade Agreement with Ukraine, Prime Minister’s Office (Ottawa) 11 July 2016. Date of Access: 4 February 2017. <http://pm.gc.ca/eng/news/2016/07/11/canada-signs-landmark-free-trade-agreement-ukraine>.

<sup>1174</sup> Text of the Canada-Ukraine Free trade agreement – Chapter 14: Transparency, Government of Canada (Ottawa) 11 July 2016. Date of Access: 4 February 2017. <http://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ukraine/text-texte/14.aspx?lang=eng>.

International Trade François-Philippe Champagne noted that “This agreement ... includes comprehensive provision in the areas of labour, environment, transparency, and anti-corruption.”<sup>1175</sup>

In July 2016, Canadian Prime Minister Justin Trudeau intentionally visited the staff of the Anti-Corruption Action Centre during his first official visit to Kyiv.<sup>1176</sup>

On 12 July 2016, Prime Minister Trudeau visited a military base near Lviv to witness the progress of 200 Canadian soldiers who have been training the Ukrainian army<sup>1177</sup> as a part of Operation UNIFIER. Since January 2015, when Canada joined the Joint Commission, Canadian troops have worked in conjunction with troops from the United States and the United Kingdom to provide training for Ukrainian soldiers, including weapons training, tactical movement, communication, and ethics training. As of February 2017, the joint operation trained over 3100 Ukrainian soldiers.<sup>1178</sup>

In October 2016, Minister Stéphane Dion announced that Canada would be donating CAD8.1 million to support the National Police of Ukraine. Up to CAD6.6 million will be distributed over three years in the form of police training assistance, and up to CAD1.5 million will be used to improve Ukraine police equipment “to make Ukraine’s national police service more effective.”<sup>1179</sup>

On 28 November 2016, Canada amended the Special Economic Measures (Ukraine) Regulations to add 15 Crimean officials to the sanctions list. These sanctions were imposed in order to exert pressure on Russia to comply with its international obligations to respect Ukraine’s sovereignty.<sup>1180</sup>

On 9 December 2016, the Embassy of Canada, in conjunction with the Embassy of the United States and the EU Delegation to Ukraine, produced a joint statement encouraging Ukraine’s anti-corruption reforms. The statement applauded the creation of the High Anti-corruption Court, new financial police, and “the independent and credible verification of submitted e-declarations.”<sup>1181</sup>

On 31 January 2017, Jill Sinclair, Executive Director, Directorate of Strategic Concepts, Leadership and Engagement at the Canadian Defence Academy, was appointed as Canada’s representative on the Ukrainian Defence Reform Advisory Board (DRAB). The Ukrainian DRAB was established to provide expertise and recommendations to the Reform Committee as well as to the senior Ukrainian

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<sup>1175</sup> Minister of International Trade François-Philippe Champagne Speaking on the Canada-Ukraine Free Trade Agreement Implementation Act, Debates of Feb. 10, 2017, openparliament.ca. 10 February 2017. Date of Access: 13 April 2017. <https://openparliament.ca/debates/2017/2/10/procedural-1/>.

<sup>1176</sup> Ukraine’s corruption continues to cost the country dearly, CBC News (Toronto) 23 July 2016. Date of Access: 4 February 2017. <http://www.cbc.ca/news/politics/ukraine-costly-corruption-russia-war-1.3683974>.

<sup>1177</sup> Prime Minister Justin Trudeau visits Canadian troops in Ukraine, The Globe and Mail (Toronto) 12 July 2016. Date of Access: 7 February 2017. <http://www.theglobeandmail.com/news/politics/prime-minister-justin-trudeau-visits-canadian-troops-in-ukraine/article30880865/>.

<sup>1178</sup> Operation UNIFIER, National Defence and the Canadian Armed Forces (Ottawa) Last modified 7 February 2017. Date of Access: 7 February 2017. <http://www.forces.gc.ca/en/operations-abroad/op-unifier.page>.

<sup>1179</sup> Address by Minister Dion to the XXV Triennial Congress of Ukrainian Canadians: Canada and Ukraine: Shoulder to shoulder, Government of Canada News (Ottawa) 1 October 2016. Date of Access: 06 February 2017. <http://news.gc.ca/web/article-en.do?nid=1133249>.

<sup>1180</sup> Canada adds Crimean officials to sanctions list, Government of Canada News (Ottawa) 28 November 2016. Date of Access: 6 February 2017. <http://news.gc.ca/web/article-en.do?mthd=advSrch&crtr.mnthndVI=&crtr.mnthStrtVI=&crtr.page=1&nid=1161379&crtr.yrndVI=&crtr.kw=ukraine&crtr.yrStrtVI=&crtr.dyStrtVI=&crtr.dyndVI=>

<sup>1181</sup> U.S., EU, Canada encourage Ukraine to continue anti-corruption reforms, Interfax-Ukraine (Kiev) 9 December 2016. Date of Access: 4 February 2017. <http://en.interfax.com.ua/news/general/389709.html>.

political leadership, including the President of Ukraine, the Minister of Defence of Ukraine, and the Chief of Staff — Commander-in-Chief of the Armed Forces of Ukraine.<sup>1182</sup>

In October 2016, representatives of the Canadian judicial authorities met with members of the High Qualification Commission of Judges of Ukraine for seven days. The meetings were “organized in the framework of the Ukrainian-Canadian Support to Judicial Reform Project” and were meant to provide a forum for discussing Ukraine’s judicial reform.<sup>1183</sup> During these meetings, members of the Canadian delegation discussed several particularities of the Canadian judiciary: on 3 October Senior Legal Counsel of the Office for the Commissioner for Federal Judicial Affairs Canada Ms. Veronique Joly described the process of judge selection and appointment in Canada<sup>1184</sup>; and on 5 October the Hon. Paul Crampton, Chief Justice of the Federal Court of Canada, discussed the communication of the judges of Canada, including communication to the public regarding particular events.<sup>1185</sup>

Canada has actively pursued regional security in Ukraine by taking substantive action toward limiting corruption and facilitating judicial reform. Measures taken to combat corruption in Ukraine include the Canada-Ukraine Free Trade Agreement and Canada’s continued commitment to increasing the capacity of Ukrainian troops and law enforcement. To facilitate judicial reform, Canada continues to participate in a knowledge exchange program between Canadian judicial authorities and the High Qualification Commission of Judges of Ukraine. Therefore, Canada has earned a score of +1.

*Analyst: Rebekah Hwang*

#### **France: -1**

France has not complied with its commitment to take substantive actions in the areas of combating corruption in Ukraine and facilitating judicial reform, particularly in the Prosecutor General’s office.

There is little evidence that France has taken independent actions since the 27 May 2016 Ise-Shima Summit to fulfill the calls of the G7 Action to Fight Corruption.<sup>1186</sup> The issue of assisting Ukraine with reforms necessary to counteract corruption has only been addressed in meetings and sub-groups at the European Union. Bilateral relations between France and Ukraine have instead remained focused on the issue of resolving Russian aggression in the Donbas through the Normandy

<sup>1182</sup> Canadian appointed to serve on Ukrainian Defence Reform Advisory Board, Government of Canada News (Ottawa) 31 January 2017. Date of Access: 6 February 2017. <http://news.gc.ca/web/article-en.do?mthd=advSrch&crtr.mnthndVI=&crtr.mnthStrtVI=&crtr.page=1&nid=1184479&crtr.yrndVI=&crtr.kw=ukraine&crtr.yrStrtVI=&crtr.dyStrtVI=&crtr.dyndVI=>

<sup>1183</sup> Working meeting of the Commission with representatives of the Canadian judiciary, 3 October, 2016, High Qualification Commission of Judges of Ukraine (Kyiv) 3 October 2016. Date of Access: 4 February 2017. <http://vkksu.gov.ua/en/international-cooperation/canadian-ukrainian-project-support-to-judicial-reform-sjrp/working-meeting-of-the-commission-with-representatives-of-the-canadian-judiciary-3-october-2016/>.

<sup>1184</sup> Working meeting of the Commission with representatives of the Canadian judiciary, 3 October, 2016, High Qualification Commission of Judges of Ukraine (Kyiv) 3 October 2016. Date of Access: 4 February 2017. <http://vkksu.gov.ua/en/international-cooperation/canadian-ukrainian-project-support-to-judicial-reform-sjrp/working-meeting-of-the-commission-with-representatives-of-the-canadian-judiciary-3-october-2016/>.

<sup>1185</sup> Representatives of the Commission and delegation of Ukrainian-Canadian Support to Judicial Reform Project discussed the communication system of the Commission, 5 October, 2016, High Qualification Commission of Judges of Ukraine (Kyiv) 5 October 2016. Date of Access: 4 February 2017. <http://vkksu.gov.ua/en/international-cooperation/canadian-ukrainian-project-support-to-judicial-reform-sjrp/representatives-of-the-commission-and-delegation-of-ukrainian-canadian-support-to-judicial-reform-project-discussed-the-communication-system-of-the-commission-5-october-2016/>.

<sup>1186</sup> G7 Action to Fight Corruption, G7 Information Centre (Toronto) 27 May 2016. Date of Access: 23 January 2017. <http://www.g8.utoronto.ca/summit/2016shima/action-plan-corruption.html>.



format.<sup>1187</sup> France has made no public statement since the Ise-Shima Summit that it has committed resources to combating corruption in Ukraine.

On 6 February 2017, the French Minister of Foreign Affairs Jean-Marc Ayrault, took part in the European Union's Foreign Affairs Council. It was reported in a press release prior to the meeting that one of the topics in discussion would be the positive reforms initiated by the Ukrainian government with respect to corruption.<sup>1188</sup>

On 28 October 2016, the European Commission, of which France is a member, published a fact sheet stating that the Support Group for Ukraine, established in 2014, has supported reform by providing hands-on advice, expertise and financial support.<sup>1189</sup> These efforts are a result of the Support Group's establishment rather than the Ise-Shima Leaders' Declaration as they began in 2014.

On 27 October 2016, during a meeting between the Ukrainian Prime Minister Volodymyr Groysman and French Minister of Foreign Affairs Jean-Marc Ayrault, Minister Ayrault was briefed on the Ukrainian Government's reforms and informed that Ukraine had fulfilled the requirements set by the EU for visa liberalization. France did not offer direct support to combat corruption during the meeting.<sup>1190</sup>

On 14 September 2016, French Minister of Foreign Affairs Jean-Marc Ayrault visited Kiev with his German counterpart. Meetings conducted during this visit focused on the peace process in Donbas, with only brief mention of France's "determination to support the necessary changes in the country."<sup>1191</sup> No direct support to combat corruption was offered during this visit.<sup>1192</sup>

France has also not independently acted since the 27 May 2016 Ise-Shima Summit to facilitate judicial reform in Ukraine. Efforts to facilitate judicial reform as of late have taken place through the European Council and the Support Group for Ukraine, rather than through the direct actions of France.<sup>1193</sup>

On 20 June 2016, French Minister of Foreign Affairs Jean-Marc Ayrault attended the EU's Foreign Affairs Council in Luxembourg. One of the issues discussed was visa liberalization in the wake of

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<sup>1187</sup> Four-way talks move ahead on Ukraine, scant progress on Syria, Reuters (London) 19 October 2016. Date of Access: 7 February 2017. <http://www.reuters.com/article/us-ukraine-crisis-germany-poroshenko-idUSKCN12J2R7?il=0>.

<sup>1188</sup> Mr Ayrault's participation in the Foreign Affairs Council, France Diplomatie (Paris) 6 February 2017. Date of Access: 7 February 2017. <http://www.diplomatie.gouv.fr/en/french-foreign-policy/european-union/events/article/european-union-mr-ayrault-s-participation-in-the-foreign-affairs-council-06-02>.

<sup>1189</sup> Activity Report – The first 18 months, Support Group for Ukraine (Brussels) October 2016. Date of Access: 7 February 2017. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/neighbourhood/pdf/key-documents/ukraine/20161028-report-sgua.pdf>.

<sup>1190</sup> Prime Minister Volodymyr Groysman met with Minister of Foreign Affairs and International Development of France Jean-Marc Ayrault, Information and Communication Department of the Secretariat of the CMO (Kiev) 27 October 2016. Date of Access: 7 February 2017. [http://www.kmu.gov.ua/control/publish/article?art\\_id=249437633](http://www.kmu.gov.ua/control/publish/article?art_id=249437633).

<sup>1191</sup> Visit by Jean-Marc Ayrault and his German counterpart, France Diplomatie (Paris) 12 September 2016. Date of Access: 7 February 2017. <http://www.diplomatie.gouv.fr/en/country-files/ukraine/events/article/ukraine-visit-by-jean-marc-ayrault-and-his-german-counterpart-14-15-09-16>.

<sup>1192</sup> Visit by Jean-Marc Ayrault and his German counterpart, France Diplomatie (Paris) 12 September 2016. Date of Access: 7 February 2017. <http://www.diplomatie.gouv.fr/en/country-files/ukraine/events/article/ukraine-visit-by-jean-marc-ayrault-and-his-german-counterpart-14-15-09-16>.

<sup>1193</sup> Activity Report – The first 18 months, Support Group for Ukraine (Brussels) October 2016. Date of Access: 7 February 2017. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/neighbourhood/pdf/key-documents/ukraine/20161028-report-sgua.pdf>.

efforts by Ukraine to reform its justice system. France did not offer direct support to reform Ukraine's justice system.<sup>1194</sup>

France has failed to take substantive action towards both combating corruption and facilitating judicial reform in Ukraine. Therefore, France has been awarded the score of -1.

*Analyst: Ivan Hsieh*

### **Germany: 0**

Germany has partially complied with its commitment to combat corruption and to facilitate judicial reform in Ukraine. Germany complied with its commitment to combat corruption, but did not comply with its commitment to facilitate judicial reform. It has created incentives to help decentralize the energy sector to combat endemic corruption within Ukrainian institutions. In addition to this, it provided consulting services to the Ukrainian government to help address deep-rooted corruption issues and design capacity building systems. However, Germany did not make any substantive action towards facilitating judicial reform or improving the autonomy of the Prosecutor General's office.

On 27 June 2016, Chancellor Angela Merkel and Ukrainian Prime Minister Volodymyr Groysman held a joint press conference in Berlin to announce a new strategic partnership to reinforce Ukrainian capabilities in resisting and combatting corruption. Decentralization played a crucial role in the fight against corruption. Chancellor Angela Merkel announced "unlimited financial credit" for Ukraine's energy sector to facilitate decentralization.<sup>1195</sup> This is intended to improve the autonomy of the energy sector and improve its resiliency against energy price shocks. This will provide the necessary stability and capacity to decentralize the energy sector.

Further, on 30 January 2017, Chancellor Angela Merkel assisted Ukrainian President Petro Poroshenko in achieving required IMF reforms; these reforms are conditional on significant corruption reduction.<sup>1196</sup> Germany provided expert "consultation" which allowed Ukraine to undertake significant economic reforms to secure funding from its IMF bailout package.<sup>1197</sup> Domestic reforms targeting corruption, therefore, have received substantive support from expertise and knowledge provided by the German government.

Chancellor Angela Merkel reinforced the centrality of corruption in Germany's bilateral affairs with Ukraine. She reiterated that "the first priority of our agenda is the fight against corruption."<sup>1198</sup> In

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<sup>1194</sup> Jean-Marc Ayrault at the Foreign Affairs Council, France Diplomatie (Paris) 20 June 2017. Date of Access: 7 February 2017. <http://www.diplomatie.gouv.fr/en/french-foreign-policy/european-union/events/article/european-union-mr-ayrault-s-participation-in-the-foreign-affairs-council-06-02>.

<sup>1195</sup> Pressekonferenz von Bundeskanzlerin Merkel und dem ukrainischen Ministerpräsident Hrojsman, Die Bundesregierung (Berlin) 27 June 2016. Date of Access: 4 February 2017. <https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2016/06/2016-06-27-pk-bkin-mp-ukraine.html>.

<sup>1196</sup> Pressestatements von Bundeskanzlerin Merkel und dem ukrainischen Präsidenten Petro Poroshenko, Die Bundeskanzlerin (Berlin) 30 January 2017. Date of Access: 4 February 2017. <https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2017/01/2017-01-30-statement-merkel-poroschenko.html>.

<sup>1197</sup> Pressestatements von Bundeskanzlerin Merkel und dem ukrainischen Präsidenten Petro Poroshenko, Die Bundeskanzlerin (Berlin) 30 January 2017. Date of Access: 4 February 2017. <https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2017/01/2017-01-30-statement-merkel-poroschenko.html>.

<sup>1198</sup> Pressekonferenz von Bundeskanzlerin Merkel und dem ukrainischen Ministerpräsident Hrojsman, Die Bundesregierung (Berlin) 27 June 2016. Date of Access: 4 February 2017. <https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2016/06/2016-06-27-pk-bkin-mp-ukraine.html>.

addition to this, she committed Germany to “concrete cooperation” with Ukraine in this regards.<sup>1199</sup> These efforts are in harmony with its commitment to address and weaken Ukrainian corruption. However, there are few details with regards to what exactly comprises this bilateral cooperation.

On 3 June 2016, Press Secretary Steffen Seibert, on behalf of the German government and Chancellor Angela Merkel, congratulated the Ukrainian government on recent judicial reforms. He applauded the “amendments to the Constitution in the area of justice” that reinforced “the independence [and] the transparency of the judiciary in Ukraine.”<sup>1200</sup> He concluded by offering German support to Ukraine once again, but failed to mention any specifics.<sup>1201</sup> Most mentions of justice reform in Germany appeared to have been made in passing with little mention of policy details or specifics.

State Secretary Stephan Steinlein and eight other colleagues from the Ministry of Foreign Affairs visited Kiev on 9 and 10 June 2016 to strengthen diplomatic ties with Ukraine and examine reform progress in Kiev. They sought to obtain a “clear picture” of Ukrainian reforms and promised to support them “actively and resolutely” in their efforts.<sup>1202</sup> However, once again, they failed to mention any specifics regarding the support that would be available to Ukraine. No reports or announcements were made public following State Secretary Steinlein’s trip to Kiev.

Therefore, Germany receives a score of 0 for its compliance with regards to corruption and justice reform in Ukraine. It succeeded in providing substantive support and action in combating corruption through decentralization and monetary support to build Ukrainian capacity. However, no substantive action was taken to facilitate judicial reform or to improve the independence of the Prosecutor General’s office.

*Analyst: Ryan Melnik*

### **Italy: -1**

Italy has not complied with its commitment to combat corruption and to facilitate judicial reform in Ukraine.

At a national level, Italy has done little to support Ukraine’s fight against corruption and to facilitate judicial reform. The only substantive, publicized action that Italy has taken in relation to Ukraine since the May 2016 Ise-Shima Summit, is the 20 December 2016 announcement of a EUR1 million donation to support humanitarian aid in eastern Ukraine.<sup>1203</sup> Specifically, Italy has donated EUR700,000 to the World Food Programme (WFP) in order to “distribute food rations and cash aid to the most vulnerable civilian population” and EUR300,000 to UNICEF to fund “a humanitarian landmine clearance project.”<sup>1204</sup> Davide La Cecilia, the Italian Ambassador to Ukraine, asserted that,

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<sup>1199</sup> Pressekonferenz von Bundeskanzlerin Merkel und dem ukrainischen Ministerpräsident Hrojsman, Die Bundesregierung (Berlin) 27 June 2016. Date of Access: 4 February 2017.

<https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2016/06/2016-06-27-pk-bkin-mp-ukraine.html>.

<sup>1200</sup> Regierungspressekonferenz vom 3. Juni, Die Bundesregierung (Berlin) 3 June 2016. Date of Access: 4 February, 2017. <https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2016/06/2016-06-03-regpk.html>.

<sup>1201</sup> Regierungspressekonferenz vom 3. Juni, Die Bundesregierung (Berlin) 3 June 2016. Date of Access: 4 February, 2017. <https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2016/06/2016-06-03-regpk.html>.

<sup>1202</sup> Regierungspressekonferenz vom 3. Juni, Die Bundesregierung (Berlin) 3 June 2016. Date of Access: 4 February, 2017. <https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2016/06/2016-06-03-regpk.html>.

<sup>1203</sup> Minister Alfano: "To Ukraine, from Italy, 1 million euros in humanitarian aid", Farnesina, Ministero degli Affari Esteri e della Cooperazione Internazionale, 20 December 2016. Date of Access: 19 March 2017.

[http://www.esteri.it/mae/en/sala\\_stampa/archivionotizie/comunicati/2016/12/ministro-alfano-a-ucraina-dall.html](http://www.esteri.it/mae/en/sala_stampa/archivionotizie/comunicati/2016/12/ministro-alfano-a-ucraina-dall.html).

<sup>1204</sup> Minister Alfano: "To Ukraine, from Italy, 1 million euros in humanitarian aid", Farnesina, Ministero degli Affari Esteri e della Cooperazione Internazionale, 20 December 2016. Date of Access: 19 March 2017.

[http://www.esteri.it/mae/en/sala\\_stampa/archivionotizie/comunicati/2016/12/ministro-alfano-a-ucraina-dall.html](http://www.esteri.it/mae/en/sala_stampa/archivionotizie/comunicati/2016/12/ministro-alfano-a-ucraina-dall.html).

“Our contribution to WFP and UNICEF operations will help ease people’s suffering, in particular for the most vulnerable, providing food assistance, increasing knowledge and building safe behaviour practices to deal with the risks of mines.”<sup>1205</sup> While this donation is commendable, it does not contribute to anti-corruption or judicial reform efforts in Ukraine.

As such, Italy has been awarded a score of -1 for its lack of support for judicial reform and anti-corruption initiatives in Ukraine.

*Analyst: Renze Wang*

### **Japan: 0**

Japan has partially complied with its commitments in regards to Ukraine, specifically in relation to combatting corruption and facilitating judicial reform.

In January 2017, the Ukrainian President Petor Poroshenko acknowledged Japan’s USD1.8 billion contribution from 2014 to 2016 for structural reforms in law-enforcement agencies, the local police force, and the judicial system.<sup>1206</sup> As mentioned, this aid program has been in place since 2014; the only new publicized commitment related to this grant money since the Ise-Shima Summit was announced in September 2016 when Japanese Prime Minister Abe, pledged to provide “approximately 9,000 sets of cold weather jackets and trousers for police officers, and will dispatch a survey mission on logistics and the transport system, which is scheduled for November.”<sup>1207</sup> While this may tangentially be connected to police reform, it does not specifically contribute anti-corruption initiatives.

Moreover, in October 2016, the Japanese Ambassador to Ukraine, Shigeki Sumi, as part of the G7 Ambassadors, sent a letter to President Poroshenko highlighting the threats to an anti-corruption system and stressed that “full independence from political interference and undisputed competence of these specialized institutions is paramount for the effective fight against corruption.”<sup>1208</sup> In the wake of this letter, Ambassador Sumi, in his video address on behalf of the G7 Ambassadors, called for a continuation in Ukraine’s efforts to fight corruption.<sup>1209</sup>

While Japan has continued to vocally support anti-corruption initiatives and judicial reform in Ukraine, no new substantive steps have been taken since the Ise-Shima Summit. That being said, Japan’s long-term financial commitment to structural reforms in law-enforcement agencies, the police force, and the judicial system were ongoing until the end of 2016. As such, Japan is awarded a score of 0.

*Analyst: Umaima Ghori*

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<sup>1205</sup> Italy donates EUR 1 million to WFP and UNICEF for people affected by conflict in Eastern Ukraine, Ambasciata d'Italia Kiev, Farnesina, Ministero degli Affari Esteri e della Cooperazione Internazionale (Kiev) 23 February 2017. Date of Access: 19 March 2017.

[http://www.ambkiev.esteri.it/ambasciata\\_kiev/it/ambasciata/news/dall\\_ambasciata/2017/02/italy-donates-eur-1-million-to.html](http://www.ambkiev.esteri.it/ambasciata_kiev/it/ambasciata/news/dall_ambasciata/2017/02/italy-donates-eur-1-million-to.html).

<sup>1206</sup> Poroshenko gives start to Year of Japan in Ukraine, Interfax-Ukraine 11 January 2017. Date of Access: 11 February 2017. <http://en.interfax.com.ua/news/general/395883.html>.

<sup>1207</sup> Japan-Ukraine Summit Meeting, Ministry of Foreign Affairs Japan (Tokyo) 20 September 2016. Date of Access: 20 March 2017. [http://www.mofa.go.jp/erp/c\\_see/ua/page1e\\_000107.html](http://www.mofa.go.jp/erp/c_see/ua/page1e_000107.html).

<sup>1208</sup> Ukrinform: G7 ambassadors in Ukraine, head of EU delegation send letter to Poroshenko, KyivPost, 26 October 2016. Date of Access: 11 February 2017. <https://www.kyivpost.com/ukraine-politics/ukrinform-g7-ambassadors-ukraine-head-eu-delegation-send-letter-poroshenko.html>.

<sup>1209</sup> EU, G7 Ambassadors in Ukraine call for continuation of reforms in Ukraine, Radio Ukraine International, 17 November, 2016. Date of Access: 11 February, 2017. <http://www.nrcu.gov.ua/en/news.html?newsID=38639>.

### **United Kingdom: +1**

The United Kingdom has fully complied with its commitment to take substantive action towards combatting corruption in Ukraine, as well as its commitment to help to facilitate judicial reform, particularly in the Prosecutor General's office.

As one of the top three issues on the British Foreign Secretary's list of priorities, Ukraine continues to receive attention from the UK Government.<sup>1210</sup> One such area of support is anti-corruption efforts.

On 24 November 2016, representatives from the UK met with the Prosecutor General Yuri Lutsenko for "the exchange of experience in investigating serious financial, economic, and corruption crimes, [and a] discussion of the prospects of establishing joint investigative teams on most actual criminal proceedings."<sup>1211</sup> The UK stated that it was prepared to help the Prosecutor General's Office with its reforms, and "in prosecution of the former officials in particular."<sup>1212</sup>

In July 2016, the United Kingdom commenced a commitment of funding (GBP564,000) to the National Anti-Corruption Bureau of Ukraine (NABU), to provide a digital forensic laboratory and specialized analytical system.<sup>1213</sup> The new digital forensic laboratory will allow Ukrainian detectives to conduct "full evidential analysis of digital devices and media which will further improve evidence gathering and carrying out complex investigations."<sup>1214</sup> The overarching purpose of the project is to, "help increase NABU's analytical and investigative capacity to fight high-level corruption and bribery in the country."<sup>1215</sup>

Additionally, from April 2016 to March 2017, UK law enforcement agencies and specialist training services helped to train their Ukrainian counterparts to combat corruption. The British government donated GBP260,000 to the project with the specific purpose of supporting, "anti-corruption efforts of Ukraine's law-enforcement agencies by strengthening their investigative and prosecutorial capacity to enable them to fight serious economic and corruption-related crimes more effectively."<sup>1216</sup> The project is "expected to contribute to corruption reduction, higher public trust and, in a long-term perspective, will have a positive impact on Ukraine's socio-economic situation."<sup>1217</sup>

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<sup>1210</sup> Gustav Gressel, Keeping up appearances: How Europe is supporting Ukraine's transformation, European Council on Foreign Relations, 5 October 2016. Date of Access: 25 January 2017.

[http://www.ecfr.eu/publications/summary/keeping\\_up\\_appearances\\_how\\_europe\\_is\\_supporting\\_ukraines\\_transformation](http://www.ecfr.eu/publications/summary/keeping_up_appearances_how_europe_is_supporting_ukraines_transformation).

<sup>1211</sup> Prosecutor General Gains Britain's Police Support on Former Officials' Prosecution, 112 UA, 25 November 2016. Date of Access: 13 April 2017. <http://112.international/ukraine-top-news/prosecutor-general-gains-britains-police-support-on-former-officials-prosecution-11405.html>.

<sup>1212</sup> Prosecutor General Gains Britain's Police Support on Former Officials' Prosecution, 112 UA, 25 November 2016. Date of Access: 13 April 2017. <http://112.international/ukraine-top-news/prosecutor-general-gains-britains-police-support-on-former-officials-prosecution-11405.html>.

<sup>1213</sup> UK programme assistance to Ukraine 2016-2017, British Embassy Kyiv, The Government of the United Kingdom (London) 26 January 2017. Date of Access: 27 January 2017. <https://www.gov.uk/government/world-location-news/uk-programme-assistance-to-ukraine-2016-2017>.

<sup>1214</sup> UK programme assistance to Ukraine 2016-2017, British Embassy Kyiv, The Government of the United Kingdom (London) 26 January 2017. Date of Access: 27 January 2017. <https://www.gov.uk/government/world-location-news/uk-programme-assistance-to-ukraine-2016-2017>.

<sup>1215</sup> UK programme assistance to Ukraine 2016-2017, British Embassy Kyiv, The Government of the United Kingdom (London) 26 January 2017. Date of Access: 27 January 2017. <https://www.gov.uk/government/world-location-news/uk-programme-assistance-to-ukraine-2016-2017>.

<sup>1216</sup> UK programme assistance to Ukraine 2016-2017, British Embassy Kyiv, The Government of the United Kingdom (London) 26 January 2017. Date of Access: 27 January 2017. <https://www.gov.uk/government/world-location-news/uk-programme-assistance-to-ukraine-2016-2017>.

<sup>1217</sup> UK programme assistance to Ukraine 2016-2017, British Embassy Kyiv, The Government of the United Kingdom (London) 26 January 2017. Date of Access: 27 January 2017. <https://www.gov.uk/government/world-location-news/uk-programme-assistance-to-ukraine-2016-2017>.

Between May 2016 and March 2017, the United Kingdom contributed GBP500,000 to the UK-World Bank “Governance Reform Trust Fund” in order to “provide expert analysis and follow-up assistance to promote reforms, including to Ukraine’s National Agency for Preventing Corruption (support to e-declaration system), public expenditure and service delivery assessments in health and social policy, as well as support to the World Bank’s Public Expenditure and Financial Accountability (PEFA) report.”<sup>1218</sup>

Also between May 2016 and March 2017, the United Kingdom, in partnership with Germany, supported the “Public Finance Management Reform Programme.” The UK donated GBP1,500,000 with the purpose of supporting “the Ukrainian Ministry of Finance’s public financial management reform action plan, developing the capability of the Parliament of Ukraine and other relevant offices to collate, publicise and scrutinise public spending information, to support improved public procurement practices, thus contributing to reduced opportunities for corruption.”<sup>1219</sup>

The UK has also taken steps to facilitate judicial reform in Ukraine.

On 23 January 2017, a project funded in part by the UK hosted an expert discussion that covered “issues of functioning of arbitration institutions in Europe and in Ukraine, an interaction between arbitration institutions and the judiciary, as well as approaches towards the reform of arbitration institutions in Ukraine.”<sup>1220</sup>

On 23 September 2016, a project funded in part by the UK hosted a joint conference for Ukrainian judges in order to help them understand new judicial reforms that had been recently adopted.<sup>1221</sup> This workshop was one of the products of a project entitled “Support to the implementation of the judicial reform in Ukraine” was created in early 2016.<sup>1222</sup> The purpose of the project is “the implementation of the reform of its [Ukraine’s] judicial system in accordance with the Council of

<sup>1218</sup> UK programme assistance to Ukraine 2016-2017, British Embassy Kyiv, The Government of the United Kingdom (London) 26 January 2017. Date of Access: 17 March 2017. <https://www.gov.uk/government/world-location-news/uk-programme-assistance-to-ukraine-2016-2017>.

<sup>1219</sup> UK programme assistance to Ukraine 2016-2017, British Embassy Kyiv, The Government of the United Kingdom (London) 26 January 2017. Date of Access: 17 March 2017. <https://www.gov.uk/government/world-location-news/uk-programme-assistance-to-ukraine-2016-2017>.

<sup>1220</sup> Judges, Academicians, Arbitrators of Internal and External Arbitration Institutions Discussed the Reform of Arbitration on Ukraine on 23 January 2017 in Kyiv, Council of Europe Office in Ukraine (Kyiv) 30 January 2017. Date of Access: 13 April 2017. [https://www.coe.int/en/web/kyiv/news-event/news/-/asset\\_publisher/9W803G4ii38m/content/judges-academicians-arbitrators-of-internal-and-external-arbitration-institutions-discussed-the-reform-of-arbitration-in-ukraine-on-23-january-2017-in?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fkyiv%2Fnews-event%2Fnews%3Fp\\_p\\_id%3D101\\_INSTANCE\\_9W803G4ii38m%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dnormal%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-4%26p\\_p\\_col\\_count%3D1%26\\_101\\_INSTANCE\\_9W803G4ii38m\\_advancedSearch%3Dfalse%26\\_101\\_INSTANCE\\_9W803G4ii38m\\_keywords%3D%26\\_101\\_INSTANCE\\_9W803G4ii38m\\_delta%3D10%26p\\_r\\_p\\_564233524\\_resetCur%3Dfalse%26\\_101\\_INSTANCE\\_9W803G4ii38m\\_cur%3D6%26\\_101\\_INSTANCE\\_9W803G4ii38m\\_andOperator%3Dtrue](https://www.coe.int/en/web/kyiv/news-event/news/-/asset_publisher/9W803G4ii38m/content/judges-academicians-arbitrators-of-internal-and-external-arbitration-institutions-discussed-the-reform-of-arbitration-in-ukraine-on-23-january-2017-in?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fkyiv%2Fnews-event%2Fnews%3Fp_p_id%3D101_INSTANCE_9W803G4ii38m%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1%26_101_INSTANCE_9W803G4ii38m_advancedSearch%3Dfalse%26_101_INSTANCE_9W803G4ii38m_keywords%3D%26_101_INSTANCE_9W803G4ii38m_delta%3D10%26p_r_p_564233524_resetCur%3Dfalse%26_101_INSTANCE_9W803G4ii38m_cur%3D6%26_101_INSTANCE_9W803G4ii38m_andOperator%3Dtrue).

<sup>1221</sup> On 16 September, the Council of Europe Project “Support to the Implementation of the Judicial Reform in Ukraine” Jointly with the High Specialised Court of Ukraine for Civil and Criminal Cases Organized the Conference “Liability of Judges in Light of the New Legislation in Ukraine,” Council of Europe Office in Ukraine (Kyiv) 23 September 2016. Date of Access: 13 April 2017. [https://www.coe.int/en/web/kyiv/news-event/news/-/asset\\_publisher/9W803G4ii38m/content/on-16-september-the-council-of-europe-project-support-to-the-implementation-of-the-judicial-reform-in-ukraine-jointly-with-the-high-specialised-court-?\\_101\\_INSTANCE\\_9W803G4ii38m\\_viewMode=view/](https://www.coe.int/en/web/kyiv/news-event/news/-/asset_publisher/9W803G4ii38m/content/on-16-september-the-council-of-europe-project-support-to-the-implementation-of-the-judicial-reform-in-ukraine-jointly-with-the-high-specialised-court-?_101_INSTANCE_9W803G4ii38m_viewMode=view/).

<sup>1222</sup> Judicial Reform (Ukraine), European Committee on Legal Co-operation (CDCJ), Council of Europe. Date of Access: 2 February 2017. [http://www.coe.int/t/dghl/standardsetting/cdcj/co-operation\\_projects/Judicial\\_accountability\\_ukraine/judicial\\_reform\\_ukraine.asp](http://www.coe.int/t/dghl/standardsetting/cdcj/co-operation_projects/Judicial_accountability_ukraine/judicial_reform_ukraine.asp).

Europe standards and recommendations.”<sup>1223</sup> As such, the conference provided Ukrainian judges with information on “the criminal liability of judges for the delivery of knowingly arbitrary decisions, and the disciplinary liability of judges for human rights violations found by the European Court of Human Rights.”<sup>1224</sup>

The United Kingdom has actively committed to the aims of the G7 in Ukraine by taking substantive action towards combatting corruption in Ukraine and has committed to helping to facilitate judicial reform, particularly in the Prosecutor General’s office. Thus, the United Kingdom earns a score of +1.

*Analyst: Geneva Calder*

### **United States: +1**

The United States has fully complied with its commitment to support judicial and anti-corruption reform in Ukraine.

In the FY2017 budget request, the US Administration allocated USD192.4 million of Economic Support Funds for Ukraine. These funds are intended to support the Ukrainian government in continuing to address corruption and government reform, among other initiatives. This is in addition to USD15 million in International Narcotics Control and Law Enforcement funds to support reform initiatives in justice and law enforcement.<sup>1225</sup>

The US is also contributing to the USD6 million of support funds provided by the first Global Anti-Corruption Consortium. This initiative, spearheaded by the Organized Crime and Corruption Reporting Project and Transparency International, will connect investigative reporters to facilitate information-sharing as well as provide funding and mentoring for local investigative centers, creating a strong community of journalists who can more effectively detect corruption.<sup>1226</sup>

The USAID Fair Justice Project helped to organize an international conference entitled “Constitutional Reform: Promoting an Independent, Accountable, Transparent, and Efficient Judiciary in Ukraine,” which was held on 18 February 2016.<sup>1227</sup> The American Ambassador of the United States in Ukraine Geoffrey Pyatt spoke at the event.<sup>1228</sup>

On 30 June 2016, the US Federal Bureau of Investigation (FBI) signed a Memorandum of Understanding with the National Anti-Corruption Bureau of Ukraine (NABU). Through this

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<sup>1223</sup> Judicial Reform (Ukraine), European Committee on Legal Co-operation (CDCJ), Council of Europe. Date of Access: 2 February 2017. [http://www.coe.int/t/dghl/standardsetting/cdcj/co-operation\\_projects/Judicial\\_accountability\\_ukraine/judicial\\_reform\\_ukraine.asp](http://www.coe.int/t/dghl/standardsetting/cdcj/co-operation_projects/Judicial_accountability_ukraine/judicial_reform_ukraine.asp)

<sup>1224</sup> On 16 September, the Council of Europe Project “Support to the Implementation of the Judicial Reform in Ukraine” Jointly with the High Specialised Court of Ukraine for Civil and Criminal Cases Organized the Conference “Liability of Judges in Light of the New Legislation in Ukraine,” Council of Europe Office in Ukraine (Kyiv) 23 September 2016. Date of Access: 13 April 2017. [https://www.coe.int/en/web/kyiv/news-event/news-/asset\\_publisher/9W803G4ii38m/content/on-16-september-the-council-of-europe-project-support-to-the-implementation-of-the-judicial-reform-in-ukraine-jointly-with-the-high-specialised-court-?\\_101\\_INSTANCE\\_9W803G4ii38m\\_viewMode=view/](https://www.coe.int/en/web/kyiv/news-event/news-/asset_publisher/9W803G4ii38m/content/on-16-september-the-council-of-europe-project-support-to-the-implementation-of-the-judicial-reform-in-ukraine-jointly-with-the-high-specialised-court-?_101_INSTANCE_9W803G4ii38m_viewMode=view/).

<sup>1225</sup> Ukraine: Current Issues and US Policy, Congressional Research Service 3 January 3, 2017. Date of Access: 4 February 2016. <https://fas.org/sgp/crs/row/RL33460.pdf>.

<sup>1226</sup> Global Partnership to Open New Fronts in Fight Against Corruption, Organized Crime and Corruption Reporting Project, and Transparency International 7 December 2016. Date of Access: 4 February 2016. [https://www.occrp.org/images/GACC\\_PR.pdf](https://www.occrp.org/images/GACC_PR.pdf).

<sup>1227</sup> New Council of Europe Project Supporting the Implementation of Judicial Reform in Ukraine, Council of Europe Portal (Strasbourg) 29 February 2016. Date of Access: 13 April 2017. <https://www.coe.int/en/web/human-rights-rule-of-law/-/new-council-of-europe-project-to-support-the-implementation-of-the-judicial-reform-in-ukraine>.

<sup>1228</sup> New Council of Europe Project Supporting the Implementation of Judicial Reform in Ukraine, Council of Europe Portal (Strasbourg) 29 February 2016. Date of Access: 13 April 2017. <https://www.coe.int/en/web/human-rights-rule-of-law/-/new-council-of-europe-project-to-support-the-implementation-of-the-judicial-reform-in-ukraine>.

document, both groups agreed to exchange information and cooperate to increase the efficacy of work on international money laundering, international asset recovery, and bribery and corruption carried out by high-level Ukrainian officials.<sup>1229</sup>

On 2 August 2016, US Special Weapons and Tactics (SWAT) officers conducted training for NABU and National Police Officers. This training encompassed weapons training, execution of high-risk warrants and other law enforcement operations, and decision making.<sup>1230</sup>

The US has contributed substantially in monetary aid to support structural reform and has strengthened the capacity of reporters and NABU to oppose corruption. Thus, the US has been awarded a score of +1.

*Analyst: Jeffrey Li*

### **European Union: +1**

The European Union has complied with its commitment to supporting judicial and anti-corruption reform in Ukraine.

In October 2016, the EU reiterated its commitment to “Ukraine’s sovereignty, territorial integrity and independence, and in its undertaking of the necessary political and economic reforms to consolidate a stable, democratic, united and prosperous country.”<sup>1231</sup> The Support Group for Ukraine was launched by the European Commission in 2014 in order to provide “hands-on advice, expertise and financial support, and bringing about tangible, positive results for the Ukrainian people.”<sup>1232</sup> In 2015/2016 the major focus of the EU’s financial support for this initiative was decentralization, economic development, public administration reform, rule of law, and anti-corruption. To this end, in 2015/2016, the EU contributed EUR15 million to support anticorruption, EUR104 million to support public administration reform, and EUR52.5 million to support the rule of law. All of these contributions were made with the overarching purpose of increasing transparency.<sup>1233</sup>

The European Union’s Anti-Corruption Initiative in Ukraine was officially launched on 1 February 2017. Denmark, specifically the Danish Ministry of Foreign Affairs or Danida, is serving as the implementing partner of the program.<sup>1234</sup> The European Commission has allotted EUR15 million, and the Danish Ministry of Foreign Affairs has allotted a further EUR1.34 million, over a three-year period to support the program. According to the European Commission, the initiative “constitutes the most comprehensive and robust international support effort in the fight against corruption in

<sup>1229</sup> NABU has signed Memorandum of Understanding with the FBI, National Anti-Corruption Bureau of Ukraine (Kyiv) 30 June 2016. Date of Access: 4 February 2016. <https://nabu.gov.ua/en/novyny/nabu-has-signed-memorandum-understanding-fbi>.

<sup>1230</sup> FBI conducted a training for the NABU special forces, National Anti-Corruption Bureau of Ukraine (Kyiv) 02 August 2016. Date of Access: 4 February 2016. <https://nabu.gov.ua/en/novyny/fbi-conducted-training-nabu-special-forces>.

<sup>1231</sup> European Commission- Fact Sheet: Ukraine’s reform achievements and the EU’s support, European Commission (Brussels) 28 October 2016. Date of Access: 18 March, 2017. [file:///C:/Users/Owner/AppData/Local/Microsoft/Windows/INetCache/IE/5TMJBZJW/MEMO-16-3573\\_EN.pdf](file:///C:/Users/Owner/AppData/Local/Microsoft/Windows/INetCache/IE/5TMJBZJW/MEMO-16-3573_EN.pdf).

<sup>1232</sup> European Commission- Fact Sheet: Ukraine’s reform achievements and the EU’s support, European Commission (Brussels) 28 October 2016. Date of Access: 18 March, 2017. [file:///C:/Users/Owner/AppData/Local/Microsoft/Windows/INetCache/IE/5TMJBZJW/MEMO-16-3573\\_EN.pdf](file:///C:/Users/Owner/AppData/Local/Microsoft/Windows/INetCache/IE/5TMJBZJW/MEMO-16-3573_EN.pdf).

<sup>1233</sup> European Commission- Fact Sheet: Ukraine’s reform achievements and the EU’s support, European Commission (Brussels) 28 October 2016. Date of Access: 18 March, 2017. [file:///C:/Users/Owner/AppData/Local/Microsoft/Windows/INetCache/IE/5TMJBZJW/MEMO-16-3573\\_EN.pdf](file:///C:/Users/Owner/AppData/Local/Microsoft/Windows/INetCache/IE/5TMJBZJW/MEMO-16-3573_EN.pdf)

<sup>1234</sup> EU and Denmark launch Euro 16 million EU Anti-Corruption Initiative in Ukraine, European Commission, 6 December 2016. Date of Access: 18 March 2017. [https://ec.europa.eu/neighbourhood-enlargement/news\\_corner/news/eu-and-denmark-launch-euro-16-million-eu-anti-corruption-initiative-ukraine\\_en](https://ec.europa.eu/neighbourhood-enlargement/news_corner/news/eu-and-denmark-launch-euro-16-million-eu-anti-corruption-initiative-ukraine_en).



Ukraine.”<sup>1235</sup> More specifically, it targets four ways to achieve the goal of eliminating corruption: “building and developing institutions to fight corruption; strengthening parliamentary oversight; working with local governments; and supporting civil society organisations and investigative journalists.”<sup>1236</sup> In terms of capacity-boosting, the EU Anti-corruption initiative will strengthen the abilities of newly created Ukrainian anti-corruption institutions (such as, the National Anti-Corruption Bureau, the Specialised Anti-Corruption Prosecution Office, the National Agency for the Prevention of Corruption, and the Asset Recovery and Management Agency) to “investigate, prosecute and sanction corruption.”<sup>1237</sup> The initiative will also bolster the existing Verkhovna Rada’s Anti-corruption committee’s ability to “scrutinise corruption-related legislation and to monitor reform implementation.”<sup>1238</sup> In order to facilitate this last commitment, an Advisory Board of international experts will serve as an oversight committee to monitor the Rada’s progress. Finally, civil society and media will be encouraged to participate in anti-corruption initiatives through a series of grants.

Established on February 1, 2016, the Council of Europe project “Support to the Implementation of the Judicial Reform in Ukraine,” was created with the purpose of facilitating judicial reform “in accordance with the Council of Europe standards and recommendations.”<sup>1239</sup> In conjunction with the program’s continuing efforts in Ukraine, the initiative organized “an expert discussion on the newly adopted law ‘On the High Council of Justice’ and of the Rules of Procedure of the High Council of Justice, and on their compliance with the Council of Europe standards and recommendations” on 24 February 2017.<sup>1240</sup> The discussion included members of the High Council of Justice, Supreme Court of Ukraine judges, the High Council of Justice, and members of high specialized courts and appeal courts.<sup>1241</sup>

As such, the European Union has fulfilled its commitment to supporting judicial and anti-corruption reform in Ukraine; it is therefore awarded a score of +1.

*Analyst: Renze Wang*

<sup>1235</sup> EU and Denmark launch Euro 16 million EU Anti-Corruption Initiative in Ukraine, European Commission, 6 December 2016. Date of Access: 18 March 2017. [https://ec.europa.eu/neighbourhood-enlargement/news\\_corner/news/eu-and-denmark-launch-euro-16-million-eu-anti-corruption-initiative-ukraine\\_en](https://ec.europa.eu/neighbourhood-enlargement/news_corner/news/eu-and-denmark-launch-euro-16-million-eu-anti-corruption-initiative-ukraine_en).

<sup>1236</sup> Aleksandra Eriksson, EU to launch Ukraine anti-corruption scheme, EU Observer (Brussels) 13 September 2016. Date of Access: 5 February 2017. <https://euobserver.com/enlargement/135045>.

<sup>1237</sup> EU and Denmark launch Euro 16 million EU Anti-Corruption Initiative in Ukraine, European Commission, 6 December 2016. Date of Access: 18 March 2017. [https://ec.europa.eu/neighbourhood-enlargement/news\\_corner/news/eu-and-denmark-launch-euro-16-million-eu-anti-corruption-initiative-ukraine\\_en](https://ec.europa.eu/neighbourhood-enlargement/news_corner/news/eu-and-denmark-launch-euro-16-million-eu-anti-corruption-initiative-ukraine_en).

<sup>1238</sup> EU and Denmark launch Euro 16 million EU Anti-Corruption Initiative in Ukraine, European Commission, 6 December 2016. Date of Access: 18 March 2017. [https://ec.europa.eu/neighbourhood-enlargement/news\\_corner/news/eu-and-denmark-launch-euro-16-million-eu-anti-corruption-initiative-ukraine\\_en](https://ec.europa.eu/neighbourhood-enlargement/news_corner/news/eu-and-denmark-launch-euro-16-million-eu-anti-corruption-initiative-ukraine_en).

<sup>1239</sup> Judicial Reform (Ukraine), European Committee on Legal Co-operation (CDCJ), Council of Europe. Date of Access: 18 March 2017. [http://www.coe.int/t/dghl/standardsetting/cdcj/co-operation\\_projects/Judicial\\_accountability\\_ukraine/judicial\\_reform\\_ukraine.asp](http://www.coe.int/t/dghl/standardsetting/cdcj/co-operation_projects/Judicial_accountability_ukraine/judicial_reform_ukraine.asp).

<sup>1240</sup> Support to the implementation of the judicial reform in Ukraine, Council of Europe (Kyiv) 24 February 2017. Date of Access 18 March 2017. <https://www.coe.int/en/web/human-rights-rule-of-law/-/support-to-the-implementation-of-the-judicial-reform-in-ukraine>.

<sup>1241</sup> Support to the implementation of the judicial reform in Ukraine, Council of Europe (Kyiv) 24 February 2017. Date of Access 18 March 2017. <https://www.coe.int/en/web/human-rights-rule-of-law/-/support-to-the-implementation-of-the-judicial-reform-in-ukraine>.