



# Ukraine Reform Monitor No. 5

October 27, 2023 **Ilan I. Berman, Matthew Cesare**

**Related Categories:** Arms Control and Proliferation; Democracy and Governance; Europe Military; Human Rights and Humanitarian Issues; Public Diplomacy and Information Operations; Warfare; NATO; Corruption; Border Security; Europe; Russia; Ukraine; United States

### HOW AMERICA IS THINKING ABOUT UKRAINIAN CORRUPTION

A confidential State Department document leaked in early October and obtained by *Politico* lays out growing worries among Biden Administration officials about the threat of Ukraine corruption. The document outlines several areas where the U.S. intends to push Ukraine to make further reforms – changes upon which additional economic aid may be contingent. Among them is getting Kyiv to bring the country's military standards in line with those of NATO in terms of officer training and terminology. The U.S. also wants to see Ukraine become more capable of producing military equipment domestically and developing economic conditions welcoming to defense technology start-ups – which could include less state involvement in banking and businesses having easier access to lending sources.

On top of that, the U.S. would like to see Ukraine strive for a "deoligarchization" of its economy, especially in the energy and mining sectors. The U.S. also intends to help Ukraine in sectors such as health care and cyber defense in order to curb monopolies and increase tax revenue for the state. A particular point of emphasis in the report is the need for a more robust English language learning program in Ukraine as a way for the country to develop closer ties to the West and further distance itself from Russia.

The White House, however, is taking pains to air these concerns and desires privately, as part of quiet discussions with their Ukrainian counterparts. The State Department document suggests that the Administration is being more critical of Ukraine's ongoing problems with graft behind the scenes than it is willing to admit publicly, for fear that it might provide support to Ukraine-skeptical Republicans who are in favor of reducing aid or cutting it off completely. (*Politico*, October 2, 2023)

### SEEKING EUROPE'S APPROVAL

Amid Russia's ongoing full-scale invasion, the Ukrainian government has made accession to the European Union a major priority – and is massively overhauling its functioning in order to make that goal more achievable. In an interview with *Politico*, Ukraine's chief prosecutor, Andrii Kostyn, expressed confidence that the changes being sought to the country's judicial branch as a condition of EU membership will be carried out in the very near term. "I am fully sure that all the elements of the anti-corruption and law enforcement reforms [required by the EU] will be completed in coming months," he noted. Officials in Brussels have outlined seven areas in need of reform – tackling corruption key among them.

It's a priority that Kostyn is actively addressing. "We recognize the need to step up the fight against corruption at all levels — confronting not only high-level corruption but also the so-called petty corruption," he outlined in his interview. "We are also cleaning the prosecution system of corruption: Last month, two prosecutors were exposed for taking bribes." (*Politico*, October 20, 2023)

### DESPERATELY SEEKING NEW JUDGES

Ukraine is embarking on a major effort to beef up its national roster of judges. The country currently has a chronic shortfall, with more than 2,000 vacancies in total, which has severely strained its judicial system and overworked its current cohort of legal officials. The need to expand the national roster of judges had been a priority of President Volodymyr Zelenskyy even before the February 2022 invasion by Russia. Since then, however, the matter has become more urgent still, with judicial reforms becoming a bone of contention among European states considering Ukraine's accession to the EU.

The judicial shortfall, meanwhile, has exacerbated the country's domestic problems, chief among them trust in a judiciary long beset by irregularities and corruption. An October survey by the Razumkov Centre, a policy think tank, found that only 18% of respondents expressed confidence in the functioning of Ukraine's judicial branch. (Reuters, October 19, 2023)