



## **A Forum on Eliminating Corruption and Promoting Economic Development in Ukraine**

Justice Sector Training, Research and Coordination (JusTRAC) Symposium  
The Rule of Law Collaborative at the University of South Carolina  
In coordination with the CEELI (Central and Eastern European Law Initiative)  
Institute  
Prague, Czech Republic

Monday, July 20 and Tuesday, July 21, 2015

### **Location**

CEELI Institute  
Vila Grébovka  
Havlíčkovy Sady 58  
120 00 Prague  
Czech Republic

### **Contact Information**

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## Summary

This JusTRAC Symposium is focused on Ukraine and brings together policymakers, business leaders, and academics to discuss the challenges of corruption and economic development, as well as opportunities for greater coordination and collaboration. The symposium will be held in a roundtable format, facilitating open discussion and exchange among expert panelists. Panelists will be drawn from the Ukrainian business community, stakeholders in civil society, and representatives from anti-corruption institutions, as well as Ukrainian policymakers chosen for their particular acumen in areas of commerce and economic prosperity. The symposium will culminate in a final report that summarizes the key points that emerge during these high-level discussions, as well as areas for further discussion.

## Program

### **Day 1: Monday, July 20, 2015**

Note: **Symposium Facilitator**

*Nataliia Akhtyrska, Associate Professor, Law Department, Taras Shevchenko National University of Kyiv*

Dr. Akhtyrska will serve as Symposium Facilitator for the full program.

8:30 AM **Registration**

8:45 AM **Welcoming Remarks**

*Joel Samuels, Director, Rule of Law Collaborative, University of South Carolina*

*Stephen Kashkett, Deputy Chief of Mission, Embassy of the United States in Prague, Czech Republic*

*Assistant Secretary William R. Brownfield, U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs*

9:00 AM **Plenary Address: Ukraine and the Challenges of Combatting Corruption**

*Oleh Rybachuk, Former Vice Premier for European Integration of Ukraine, Chairman of the Supervisory Board of the Foundation "Community" & founder and head of "Centre UA"*

*Sergii Leshchenko, Member of Parliament and Journalist*

Corruption is pervasive and commerce is perilous in Ukraine. The 2014 World Justice Project's *Rule of Law Index* ranks Ukraine 94<sup>th</sup> among 99 nations, (21<sup>st</sup> among 24 lower middle income countries, and 12<sup>th</sup> among 13 countries in the East European and Central Asian region). Corruption is a serious problem in every branch of government, and the commercial sector is plagued by inefficiency and numerous obstacles to investment. The plenary session will therefore provide participants with a comprehensive overview of corruption in Ukraine.

10:30 AM **Panel I: Examining Effective Preventive Strategies for Limiting and Countering Corruption**

*Ruslan Riaboshapka, Former Deputy Minister of Justice of Ukraine*

*Natalia Stupnytska, National Project Manager at OSCE and Project Coordinator in Ukraine*

*Lise Stensrud, Policy Director on Anticorruption, Norwegian Agency for Development Cooperation*

Drawing upon the experience of regional countries in transition, this panel will discuss a range of strategies for limiting and countering corruption in Ukraine. Georgia, Estonia and Poland, in particular, have achieved success in greatly reducing bribery and extortion in the areas of traffic fines, business licensing, and inspections. Additional areas where legislation is still needed, e.g., whistle-blower laws, income reporting for public officials, anti-nepotism laws, and restrictions on elected officials using their offices to influence judicial, administrative, or regulatory decisions, will be highlighted.

12:00 PM **Lunch**

1:00 PM **Panel II: Testing the Vigor and Enhancing the Enforcement of Anti-Corruption Institutions**

*Zdenek Kühn, Judge, Supreme Administrative Court of the Czech Republic, and Associate Professor of Law, Charles University*

*Richard D. Bennett, Judge, U.S. District Court for the District of Maryland*

*Bohdan Vitvitsky, Candidate for the Ukrainian Anti-Corruption Bureau and Former Assistant U.S. Attorney*

*Natalija Stamenkovic, former Senior Rule of Law Advisor to the Europe and Eurasia Bureau, U.S. Agency for International Development*

In the past year the Ukrainian government has passed legislation creating new institutions for combating corruption. This panel will discuss the impact of these institutions and what additional measures are needed to enhance their impact. Attention will be paid to improving the performance and professionalization of Ukrainian government officials. Specific topics include enforcing conflict-of-interest policies for public officials and establishing civil service and professional codes of conduct.

2:30 PM **Panel III: New Lines of Sight: Evaluating the Means and the Mechanisms for Greater Civil Society and Media Involvement in the Corruption Discourse**

*Isabelle Tschan, United Nations Development Program*

*Svitlana Samoilenko, Executive Editor, Espresso TV*

*Andrea Chalupa, Ukrainian activist, Journalist #DigitalMaidan*

Corruption will never be totally eradicated, but opening governance to citizen and media exposure can go a long way towards curtailing pervasive corruption. This panel will discuss the many mechanisms for expanding transparency and citizen engagement in governing processes with an eye toward their impact on preventing corruption. Specific topics to be addressed include e-governance, including electronic posting of RFPs for all government-funded procurement and construction, open meeting laws, and promotion of professional associations, e.g., bar associations, medical associations, and business associations, with power to censure, fine, or take other punitive actions against members for engaging in corrupt practices.

4:00 PM **Open Discussion**

How can Ukrainian and international governmental and non-governmental actors work together to address corruption in Ukraine?

5:00 PM **Closing Remarks and Adjourn**

## Day 2: Tuesday, July 21, 2015

### 9:00 AM **Plenary Session: Doing Business in Ukraine: Surveying the Landscape**

*Tetiana Korotka, Deputy Business Ombudsman, Ukraine*

*Myron Rabij, Partner, Dentons, Kyiv*

*Valentyna Danishevskya, Director for Commercial Law Center*

Ukraine faces a number of challenges in opening up its commercial sector to investment (including foreign investment), entrepreneurial activity, and economic development. This plenary will provide an overview of the commercial landscape in Ukraine today, identifying the most important issues that need to be addressed. Specific topics to be addressed include enforcement of court rulings, arbitral awards, and other forms of commercial dispute resolution and case studies to illustrate both successful and unsuccessful investment and business development strategies.

### 10:30 AM **Panel I: Marketplace Perspective: Preserving and Enhancing Commercial Investment in Ukraine**

*Andy Hunder, President American Chamber of Commerce in Ukraine*

*Ilia Kenigshtein, Managing Partner, Hybrid Capital*

With a new pro-market, Western-looking government in Ukraine, progress can be made in implementing recently passed legislation in a number of areas, but understanding the commercial terrain is perhaps best examined from the perspective of Ukrainian market actors. This panel therefore will offer insights from those who have worked within the Ukrainian business environment and will address the role of domestic and foreign business actors in driving needed reforms in the Ukrainian business environment. Panelists' recommendations may include reference to the experience of other transitional states in the region, including case studies of how commercial disputes were or might be resolved.

### 12:00 PM **Lunch**

- 1:00 PM **Panel II: The Role of Civil Society, the Media, Professional Associations and Other Actors**  
*David Vaughn, USAID FAIR Justice Project*  
*Zdenek Kühn, Judge, Supreme Administrative Court of the Czech Republic, and Associate Professor of Law, Charles University*  
*Sergii Ivanov, Pravda*
- Effective legal reform efforts cannot be successful without broader support from society. This panel will discuss ideas for reaching out to civil society groups, professional associations, marketplace actors, business groups, and the media (including social media), vulnerable populations (including women and various ethnicities, such as Russian-speaking people) to garner support for reforms in the commercial sector. The panel may also raise issues such as sunshine laws, open meetings of shareholders, and greater transparency in the commercial sector and in judicial and regulatory proceedings arising from the commercial sector.
- 2:30 PM **Panel III: The International Regulatory Regime and the Ukrainian Commercial Sector Reform**  
*Mato Meyer, Programme Officer, Economic Co-Operation and Governance, OSCE*  
*Peter Teluk, Managing Partner, Squire Patton Boggs, Kyiv*
- This panel will explore the difficult position Ukraine finds itself in, attracted to Europe and the EU for political and economic reasons, but still having to confront the realities of its interdependencies with other nations. The move to further integrate into the EU and the global market is a strong motivator for progressive change in Ukraine. Specific topics addressed by the panel will include the EU Deep and Comprehensive Free Trade Agreement and recommendations of the US-Ukraine Business Council of September 2014.
- 4:00 PM **Open Discussion & Agenda Setting**
- How can Ukrainian and international governmental and non-governmental actors work together to address areas of concern in the commercial law sector?
- 5:00 PM **Closing Remarks and Adjourn**