



U.S.-UKRAINE POLICY DIALOGUE

A Discourse Among Partners
September 2006 | Washington, DC



Ukrainian Centre for
Economic & Political Studies named after
Oleksandr Razumkov



The Elliott School of International Affairs,
George Washington University

Task Force Members

Co-Chair: Vyacheslav Koval, Deputy of the Verkhovna Rada of Ukraine, Our Ukraine
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Co-Chair: Ambassador William Green Miller, former U.S. Ambassador to Ukraine (1993-1998)
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Bob McEwen, Senior Advisor, Greenebaum, Doll & McDonald, and former Congressman from Ohio
George Nesterzuk, Former Assistant Director, U.S. Office of Personnel Management, and Former Staff Director for Civil Service Government Reform Committee

Politics & Governance Task Force: ACTION PLAN

The participants of Policy Dialogue consider that the Declaration (Universal) of National Unity, signed by the President of Ukraine, the Head of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, and the leaders of the four parliamentary factions on August 3, 2006, is a document that fully defines Ukraine's present basic priorities of development and places this responsibility on the state bodies of power and the major political forces.

The participants of the Dialogue call on the bodies of state power and all political forces of Ukraine to adhere, in all of their activities, to the Constitution of Ukraine and to the Declaration (Universal) of National Unity, which is based on principles of the Constitution.

The participants believe that since the Declaration (Universal) of National Unity reflects broadly held majority values it must become a long-term document and must not be seen as only a tactical step associated with coalition formation in the Verkhovna Rada of Ukraine in 2006.

The participants of the Dialogue, in particular, underscore the following articles of the Universal:

- The creation of the political and legal conditions for the unimpeded activity of the opposition in the elected bodies of power at all levels. The prohibition of corruption in politics.
- The reformation of structures of the executive power and rendering impossible of the politicization of state service through the immediate ratification of the Laws of Ukraine "On the Cabinet of Ministers of Ukraine" and "On State Service" (new edition) prepared for submission to the Verkhovna Rada of Ukraine by the President of Ukraine.
- The continuation of judicial reform according to the approved Concept of the perfection of the judgeship for the strengthening of a fair court system in Ukraine.
- The realization of anti-corruption policy at all the levels of the government through, specifically, supporting the legislative initiatives of the President of Ukraine in this sphere.
- The formulation of effective mechanisms of public control over the actions of the government. The guarantee of transparency and accountability of state governmental bodies and local administrative bodies.

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On the basis of these articles of the Declaration (Universal) of National Unity, the participants of Policy Dialogue recommend:

To the Government of Ukraine:

- To accelerate the ratification by the Verkhovna Rada the Laws of Ukraine “On the Cabinet of Ministers of Ukraine,” “On Civil Service,” and “On Parliamentary Opposition Forces,” and the Code of Ethical Conduct for Civil Servants.
- To implement, by the Cabinet of Ministers of Ukraine, the concept to combat corruption “On the Path to Honesty.”
- To make it legislatively mandatory for high-level public and civil servants and members of the Cabinet of Ministers to declare their income and property information, and to make this information verifiable by special governmental bodies. To make mandatory the verification of information that is provided by candidates who are nominated for government positions by the Cabinet of Ministers of Ukraine and the President of Ukraine.
- To post, on respective official government websites, the annual property and income declarations of public and civil servants, and to make them available upon requests that are made by the mass media and the general public.
- To continue the creation of a special governmental body to combat corruption at the highest level of power and in the governmental administration. To create conditions that will ensure the independence of this body from interference of other governmental bodies, its political neutrality, the personal safety of its employees and their family members, a proper salary level, and legal and social guarantees.
- To develop a system that monitors, for 5 years, the income and spending by higher level public and civil servants after their completion of government service.
- To develop and implement a new property and income declaration form, which would estimate the real property and financial state of higher level public and civil servants.
- To continue developing a system of quality control over bodies of executive power according to international standards.
- To not decrease the financial and material benefits in the State budget 2007 that are provided to civil servants, as this will cause the growth of corruption and outflow of skilled civil servants.
- To define legislatively a comprehensive list of reasons according to which normative and legislative acts of higher state institutions can not be accessed by the public.
- To make transparent the appointment of the higher corps of civil servants, and to make their professional skills and qualities public information.

On increasing the level of responsibility of the Deputies of Ukraine, and preventing political corruption

- To implement a punitive measure for Deputies who violate the article of the Constitution of Ukraine that deals with the individual voting of a Deputy. To provide technical conditions that would eliminate the possibility of voting for other Deputies.
- To incorporate changes and additions to the Law of Ukraine “On the Status of the Deputy of Ukraine” that would make annual income and property declaration by the deputies mandatory. The declarations should be made accessible to the general public on the Verkhovna Rada official website and in the newspaper „Holos Ukrainy” (“Voice of Ukraine.”)
- To provide in the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine” and in the Regulation of the Verkhovna Rada of Ukraine that the Committee On the Issues of Regulation and Deputy Ethics must be equally comprised of representatives of the majority and minority (opposition).
- To develop and ratify as law the Code of Deputy Ethics for the Deputies of Ukraine, which provides norms on avoiding conflicts of interest, etc.



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- To make changes in the Law of Ukraine “On the Elections of Deputies of Ukraine” that would strengthen the control mechanisms over creating electoral funds (declaration of all contributions that exceed a certain amount, sources and dates of payments) and their usage (making all payments directly through a bank); monitoring of real spending of electoral funds; making information public on the Central Election Commission website about electoral funds and their sources.
- To streamline the process of income and property declaration by individuals who are candidates for Deputies of Ukraine (to develop and implement new forms of declarations), and to verify this information.

Development of democracy, consolidation of civil society

To the President of Ukraine, the Cabinet of Ministers of Ukraine, and central and local bodies of power:

- To develop measures aimed at consolidating society, unifying the nation, and overcoming interregional disputes. These measures should be developed jointly with the general public, non-governmental organizations and think-tanks.
- To increase public participation in the formation and implementation of public policy by conducting Presidential hearings, public hearings and discussions; and to include the participation of non-governmental organizations and think-tanks in the creation of bills, acts of the President of Ukraine and the Government, and laws of central and local bodies of power; and to create an effective mechanism of public control over the actions of the government.
- To accelerate the ratification and realization of the Concept of State and Civil Society Cooperation.

To the United States Government:

- To continue providing technical assistance to Ukraine to combat corruption on the basis of priorities that are outlined by the government of Ukraine.
- To support the increase of professionalism among civil servants in Ukraine, especially the higher corps of civil servants, by providing internships and developing a training system.
- To support reform of the National Academy of Public Administration under the President of Ukraine.
- To provide methodical and other assistance in the creation of a special governmental body to combat corruption.
- To strengthen support for institutes of civil society, and non-governmental analytical centers that work to provide openness and transparency of government, combat corruption, and provide consultation to various governmental bodies.
- To increase cooperation between the Verkhovna Rada and the U.S. Congress based upon the Agreement of Cooperation between the Verkhovna Rada of Ukraine and the U.S. Congress.

The U.S. members of the Politics and Governance Task Force fully endorse these recommendations. The Task Force as a whole had considerable discussion concerning the substantive relationship between the “Universal” and the pledges made on the Maidan during the Orange Revolution of 2004. The “Universal” reflects the goals sought by the Ukrainian people on the Maidan in 2004, and which were affirmed by most Ukrainian national political leaders and by nations and political leaders throughout the world. As such, we regard the terms of the “Universal” specifically referred to in the Task Force recommendations as a significant fundamental policy document that should be used as a guide for governmental policy and as a measurement of governmental performance in carrying out these solemn policy promises and objectives made on the Maidan in 2004 and reaffirmed in the “Universal.”