



CONSTITUTIONAL REFORM: THE VIEW OF THE CIVIL SOCIETY

February 16 – 18, Odessa, Ukraine

ADDRESS OF THE PUBLIC FORUM PARTICIPANTS

To the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, Political Parties and Non-Governmental Organisations

Amendment of the Ukrainian Constitution and the conduct of the parliamentary elections in accordance with the proportional representation system have created the necessary preconditions for the strengthening of the role of the Parliament, the parliamentary political forces, and the Government in the public and political life of Ukraine.

The new version of the Constitution also preserved powerful levers for the head of state in terms of influence of the operation of both the legislature and the Cabinet of Ministers formed by the parliamentary political forces, thereby inducing the President, the Verkhovna Rada, and the Cabinet of Ministers to look for compromises and to make balanced political decisions to satisfy the interests of all political players and the public in particular.

However, the key political players are willing not so much to make mutual concessions and achieve compromises, but rather to keep or acquire the power resource monopoly. More and more often, the fight for power produces radical slogans – from appeals to the total revision of the Constitution and the approval of its new variant at a referendum, liquidation of the post of the head of state functioning in all democratic countries of the world to the dissolution of the parliament and organisation of new elections.

The politicians are busy with the fight for powers, while the problems that need to be solved in the first place and which worry every Ukrainian citizen have remained unresolved over sixteen years of Ukrainian independence. Such problems include the necessity to ensure high level of life, the fight against unemployment, corruption, and bureaucratic wilfulness, the necessity to ensure fair justice, respect of human rights, creation of beneficial climate for business initiatives and investments, and countless other problems.

It is these issues, and not the fight for power accompanied by active appeals to the Ukrainian people that shall become the building block of the Ukrainian politics and unite the leading political forces in the country.

We, participants of the Public Forum “Constitutional Reform: the View of the Civil Society”, representatives of NGOs and political parties, public authorities and local self-governance from the majority of the Ukrainian regions, call on the President, the Verkhovna Rada, the Cabinet of Ministers, and the leaders of the political forces to look for a compromise and get united around the solution of one of the main problems, in particular reform of the public authorities system and its reorientation towards ensuring and protecting human and civil rights.

We call upon:

1. Rejecting the practice of inter-authority competition, obscure political decision-making without their reconciliation with all interested parties. There is a need to improve the transparency of policy-making, to disseminate the practice of discussion of drafts of key decisions both at the nationwide, and local levels, as well as to involve as many as possible stakeholders into the process of policy-making.
2. Rejecting the idea of drastic revision of the Basic Law the potential of which still remains unused, and amending only those constitutional provisions which need to be objectively improved, in particular as concerns cooperation between the President, the Verkhovna Rada, and the Cabinet of Ministers, the system of administrative division and local self-governance. The Constitution should be amended in a systemic manner and on the basis of a previously developed concept which would take into account the interests of not only the parliamentary political forces, but also the President, territorial communities, and proposals of researchers and representatives of think tanks.
3. Ensuring real implementation of the Ukrainian Constitution, including through adoption of laws which will bring the public authorities system, its functions and powers closer to the democratic standards, implement the principle of the rule of law. In this sense, the priorities of the legislative activity should include adaptation of the Law on the Cabinet of Ministers to the constitutional requirements and modern governance standards, legislative definition of the status of ministries and other central executive authorities, reform of the public service, adoption of the Code of Administrative procedures, reform of law-enforcement bodies, and fight against corruption.
4. Promoting further strengthening of the parliamentary oversight powers, in particular through enactment of the Law on Temporary Investigation and Temporary Ad Hoc Parliamentary Commissions, ensuring objectivity of the Ombudsman in the achievement of the Ombudsman’s objectives, and adoption of a new version on the Accounting Chamber.
5. Implementing the administrative reform which would envisage not only the strengthened role of the ministries in the process of policy-making and separation of administrative and political offices in the government and ministries, but would also promote reform of other areas of administration, in particular public expenditures management, internal financial audit performed by the Control and Audit Service, and external audit performed by the Accounting Chamber, as well as the public procurement system.
6. Developing the concept for the reform of the administrative and territorial system and local self-governance to put it into the basis of the constitutional amendments related to the reform of the administrative and territorial system and local self-governance. It should be taken into account that the local self-governance reform should foresee not only adaptation of the current system of local authorities to the standards set by the European Charter of Local Self-Governance, but also improvement of the local election system in order to strengthen the relations between the elected members of local councils and their voters, as well as representation of common community interests in rayon and oblast councils, strengthened financial basis of local self-governance, and to decentralised public finance and powers.
7. Implementing reform of law-enforcement bodies to bring the public prosecution functions closer to democratic standards, to reform the Ministry of Interior and the Security Service. Completing the judiciary reform to strengthen the independence of the judicial branch of power and respect of human rights in the judicial process.