

Key legislation that Ukraine expects from the new Rada

New parliament's slow start renews skepticism

By Anastasia Forina
forina@kyivpost.com

A slow start to the new parliament has made industry experts skeptical that laws on judicial reform, energy independence and decentralization will be enacted quickly.

Despite a clear pro-Western constitutional majority in the Verkhovna Rada, parliament seemed more concerned about the seats on the specialist committees when it met after the Oct. 26 elections.

Markijan Zelak, manager of the Polish-Ukrainian working group on self-government reform in Ukraine, says that a key bill on local government co-authored by Anatoliy Tkachuk, a former adviser to the vice prime minister of Ukraine, needs to be addressed. It would give more responsibilities to local government, and allow for a referendum in which individual communities can express no confidence in a mayor or city council.

"In Poland the local community is a legal body served by the council and mayor," Zelak said about similar legislation which works successfully in his country.

But for the bill to work in Ukraine, the country's constitution must be amended, Zelak said. "Local governments take on more responsibilities if the responsibilities of central authorities are cut."

Perhaps more problematically, comprehensive changes to decentralize the budget and tax codes are required.


If the parliament proceeds with those, local governments might get an additional Hryvnia 39 billion (\$2.4 billion) to perform their new functions, Hennadiy Zubko, deputy prime minister

of Ukraine, said on Dec. 8.

However, there are plenty of simpler legislative initiatives that can be adopted and will make a real difference without comprehensive budget changes, Sergiy Grebenyuk, attorney and counsel with Egorov Puginsky Afanasiev & Partners Ukraine law firm, said.

For example, there is a much-needed law to regulate appointments to the High Council of Justice, a body that controls the quality of judges' work and the only authority that is capable of dismissing them. The institution has been paralyzed for eight months since its members were dismissed, leaving judges who made unlawful rulings during the EuroMaidan Revolution unpunished, according to Grebenyuk.

Ukraine is in dire need

A full-page photograph of Ukrainian Prime Minister Arseniy Yatsenyuk. He is a middle-aged man with glasses, wearing a dark suit, white shirt, and blue tie. He is standing at a wooden podium, gesturing with his right hand (index finger pointing up) while speaking into two microphones. The background is a wood-paneled wall with decorative elements.

of a new judicial system, which is key to improving the business climate, fighting corruption and ensuring human rights. Ukraine remains one of the most corrupt countries in the world, even after the government changed hands earlier this year.

"Despite 'the facade change,' Ukraine continues treading water. The newly-adopted laws have not yet given the tangible results in anti-corruption fighting," Transparency International said in a Dec. 3 statement.

More transparency is also overdue for Naftogaz, the state energy giant, says Alexander Burtovoy, associated partner at Antika law firm, who advised on several energy efficiency projects. Its deficit is expected to reach Hry 110 billion (\$6.8 billion) this year.

Moreover, at a time when Ukraine is facing a severe shortage of coal, having lost some 60 coal mines in the war-torn east while remaining dependent on Russian gas, legislation to monitor the process of energy consumption has to be on the agenda of the new parliament, Burtovoy said.

"Ukraine is a unique country," he said. "There is probably nobody who knows how our energy balance is actually formed and how the consumption of energy is tracked." ■

Ukrainian Prime Minister Arseniy Yatsenyuk presents the government action program to the Verkhovna Rada on Dec. 11 in Kyiv. (Volodymyr Petrov)