SPEA Continues To Assist Ukraine On Road To Democracy

In 1991, the School of Public and Environmental Affairs welcomed the first parliamentary delegation of what was then the Republic of Ukraine. During that historic conference on the American system of governance, the desire for a Ukraine independent of the Soviet Union was first stated on U.S. soil—a bold statement before the fall of the former superpower. No one, except perhaps the Ukrainians themselves, could have guessed that in 1993, a third delegation would return to SPEA in order to discuss the developments of a free and independent state's steps toward democracy and a market economy. In this year's conference, "The Role of the Legislative Branch in American Rule of Law" which ran November 6-20, participants spent two weeks discussing specific issues arising from rebuilding government institutions, inter-governmental relations, and developing a new constitution in Ukraine.

SPEA professor and Associate Dean Charles Wise has been a principal figure in each of these three conferences sponsored by the U.S. Information Agency, Indiana University, and the U.S.-Ukraine Foundation. Dr. Wise commented on the difficulties facing the Ukrainian parliament, a legislative body with 450 representatives. "They are building all the democratic institutions that go into having a legal government. The legislature is also trying to help establish a court system and bureaucracy operating according to the rule of law, written law," said Wise. "In Ukraine's previous history, you didn’t have a government or a society that operated on law. It operated on the whims of those in power. So, their populace has no experience with this." Wise said that laws are being passed, but there is difficulty with the executive branch actually implementing the laws to govern effectively. Not only must parliament help develop legal institutions, but win the faith of the people. "They have to explain to the people how law will benefit them and then show how it does benefit them," Wise said.

During the November conference, Serhiy Dorohuntsov, chair of the Commission of the Environment, said that parliament has already enacted over 100 new laws. Colleague Serhiy Sobolev added that nearly 800 amendments to these laws are now on the books after just eight sessions of the existing parliament. "Perhaps everything in our legislation might not seem to be in harmony because of the wide scope of work that we have to do," Dorohuntsov said through a translator. "The fate of our parliament has been that we have to start from square one with everything."

A copy of the October 1993 draft of the Ukrainian constitution was presented to the Indiana University library as a gift from the delegation. Vladislav Nossov, a member of the parliamentary committee on legislation and legality, apologized for not having the time to print the document in English. This last draft, he said, shows a tendency toward a presidential parliamentary republic, whereas before the parliament had envisioned a presidential republic.

Wise said that it is difficult to calculate what the effects of the March 27, 1994 elections to parliament will be. "The sitting parliament was elected before Ukraine was declared independent and was elected much like the previous Russian parliament, when Ukraine was part of the Soviet Union." After March, said Wise, "you will have the first parliament
with democratic legitimacy in an independent Ukraine. That parliament will have to draft and pass a constitution that will then have democratic legitimacy.” This constitution will provide the basis for the rule of law and enable the legal undergirding for a market economy to be put into place.

One of the major issues the delegation sought information on during their visit to Indiana was the development of systems for efficient and effective interaction between different levels of government. Wise stated that the Ukrainians have national, regional and municipal governments, with no overall law detailing the rights and responsibilities of each level, nor what kind of relationships should exist between them. “There are a lot of issues yet to be decided. For example, what is going to be the taxing authority of regional and municipal governments, if any? What services will the different government levels be responsible for? Will they be individual or shared responsibilities? All these things are up for grabs, and many of the issues involved in answering these questions haven’t even been thought about yet.” This situation, he said, is just one example of the crises facing this struggling state.

Wise spoke highly of the level of participation by SPEA’s adjunct and full-time faculty during the November conference. To show the Ukrainian visitors as many examples as possible of American legal mechanisms and the procedure of government at work, the delegation was taken on a carefully plotted tour through Indianapolis, Jeffersonville, Bloomington, Detroit, and Washington, D.C. Featured speakers included SPEA adjunct faculty members the Honorable John Baker and David Allen, Indianapolis mayor Stephen Goldsmith, and IU President Emeritus John Ryan.

In Detroit, delegates met with Senator Carl Levin and also toured a sanitary landfill. While in the nation’s capital, the parliamentarians sat in on the House of Representative’s debate on the NAFTA vote and received briefings on such topics as legislative process, congressional oversight and investigations, lobbying Congress, and executive branch advocacy before Congress from committee and agency representatives. Complex political processes were illuminated by giving the Ukrainian delegates the opportunity to observe firsthand how the different levels of government and agencies affect each other and serve the public through one overall system. “We had them at Senator Richard Lugar’s district office and Representative Lee Hamilton’s district office. That’s very important because they are only beginning, and they are struggling, with how as individual parliamentarians they should relate to their constituents,” said Wise.

Over the last three years, Wise has found the information exchange in the U.S./Ukrainian conference is definitely not one-sided. “Many of the American participants, whether they were government officials or academics, told us how much they learned from their experience with these people. This is important, because with 52 million people, Ukraine is one of the major countries in Europe right now and one that people on our side don’t know very much about.”

There is a growing recognition, Wise added, that developments in this part of the world will have direct implications for the United States. “It’s easy to say that about almost any country, but this is the part of the world that has had nuclear missiles pointed at the U.S. If that is no longer true, that change has a major impact. If that part of the world becomes populated by democratic societies with effective market economies, there will be a major shift which will affect the United States. I think everyone knows that,” Wise said. “We really have a stake in the transition taking place. I think many of our participants have a sense that in a small but significant way, they are trying to ensure that the transition continues.”

Wise also believes that U.S. foreign policy overtures to Ukraine are missing the mark with the independent republic’s average citizen and government leadership. Besides thinking the U.S. is overly concerned with Russia and not enough with the other free republics, Ukrainians also say there is too much talk about the missiles. “They perceive, and the delegates are typical of this, that the United States is overly focused on Ukraine giving up the missiles,” without showing any appreciation of the economic, environmental, or security risks associated with de-escalation, Wise said. “If they give up the missiles, will the United States and other countries say, ‘Now you can shift for yourself?’”

While not every member of the delegation agreed that Ukraine’s problems are of horrific proportions, some facts are undeniable: a wounded economy, rampant inflation, escalating energy prices, and a defense industry facing the end of the Cold War. Ukraine also suffers complex ecological problems —so much so that in 1990, parliament declared the state an ecological disaster zone. Dorohuntsiv said that in only nine months of 1993, a full 12% of the state budget was spent on remedying the effects of the Chernobyl disaster.

“In the middle of this,” Wise said, “is the question, will the social fabric hold as they go through these economic shocks, and can you build a new parliament that will respond fast enough? That is the challenge.” Particularly, he observed, when there is a range of opinion on what freedom has brought fast enough? That is the challenge.” Particularly, he observed, when there is a range of opinion on what freedom has brought, will the United States and other countries say, ‘Now you can shift for yourself?’”

Still others, Wise added, are determined to endure for an independent Ukraine and argue for greater changes to speed democracy and the conversion to a privatized economy.

SPEA’s involvement with the Ukrainian government will not end with this latest conference, with the School’s vision of continuing support, Wise said. “We are moving, at their request, into cooperative activities which involve the more in depth research, technical assistance, and training that the three conferences helped lay the foundation for.” Such involvement will require the skills of SPEA faculty and others in the IU community, he observed. “In terms of anything SPEA does—government, environmental science, budgeting—this is an area of the world in which there are new sets of developments. SPEA and other IU faculty will be present, involved, and able to conduct research on these developments as they unfold.” Over the next three years, Wise stated, SPEA will be part of a consortium of research institutes and universities developing projects to extend the rule of law in Ukraine.