



USAID | **UKRAINE**
FROM THE AMERICAN PEOPLE

LEGISLATIVE STRENGTHENING/ GOOD GOVERNANCE PROGRAM ASSESSMENT IN UKRAINE

FINAL REPORT

July 2012

This publication was produced for review by the United States Agency for International Development by Democracy International, Inc.

Prepared under Task Order, AID-121-TO-12-00003 under the Democracy and Governance Analytical Services Indefinite Quantity Contract, AID-OAA-I-10-00004.

Submitted to:
USAID/Ukraine

Prepared by:
Lincoln Mitchell, Ph.D.
Tamila Karpyk
Andriy Meleshevysh, Ph.D.

Contractor:
Democracy International, Inc.
4802 Montgomery Lane
Bethesda, MD 20814
Tel: 301-961-1660
Email: info@democracyinternational.com

LEGISLATIVE STRENGTHENING/ GOOD GOVERNANCE PROGRAM ASSESSMENT IN UKRAINE

FINAL REPORT

DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
ASSESSMENT ABSTRACT	iv
1.0 INTRODUCTION	1
2.0 BACKGROUND	2
3.0. USAID ASSISTANCE APPROACH	5
4.0. FINDINGS	7
5.0. CONCLUSIONS	13
6.0. RECOMMENDATIONS FOR FUTURE PROGRAMMING	19
7.0. LESSONS LEARNED	25
8.0. UNRESOLVED ISSUES	27
APPENDIX A: USAID SCOPE OF WORK	A-1
APPENDIX B: SCHEDULE	B-1
APPENDIX C: LIST OF PERSONS CONTACTED/ INTERVIEWED	C-1
APPENDIX D: BIBLIOGRAPHY OF DOCUMENTS CONSULTED	D-1
APPENDIX E: GLOSSARY OF ACRONYMS USED	E-1

EXECUTIVE SUMMARY

Overview: Since its beginning, “The Parliamentary Development Program (PDP) has engaged in five distinct stages of assistance to the Ukrainian legislature: (1) providing the Verkhovna Rada (VR) with comparative information on democratic governance and legislation of world democracies (1994-1997); (2) assisting with the establishment of democratic procedures: budget, committee hearings, and information exchange (1997-2000); (3) facilitating the passage of reform legislation (2000-2003); (4) strengthening internal management systems and improving legislative-executive relations and citizen access to parliament (2003-2008); and (5) improving the capacity for legislative and policy formulation within government institutions at the national and regional levels – including the VR and the regional VR of the Autonomous Republic of Crimea (VR ARC), as well as the Cabinet of Ministers and the Presidential Administration (2008-2012).”¹ According to the local implementers of the program, in the beginning the project was mainly technical in its focus. It was “deputy driven,” helping MPs to understand parliament. The program was focused on institutional capacity building, establishing rules and procedures, and developing the institutionalization of the legislative process. Through the introduction of working groups, debates, and roundtable discussions as well as inviting external experts to the committee hearings, PDP has been able to make the work of the parliament more technically competent. While support for the parliament is at a turning point now, it is nonetheless true that USAID support, primarily through the PDP has been an important part of the governance landscape for almost two decades.

Methodology of Assessment: At the request of USAID/Ukraine, Democracy International (DI) conducted an assessment of the implementation and impact of the current legislative strengthening programs in Ukraine as well as an analysis of the present operational environment. The goal of the assessment, titled the “Ukraine Legislative Strengthening/Good Governance Program Assessment,” was to provide the Mission with findings, conclusions, and possible guidelines on further activities to contribute to the goal of an “improved legislative and policy environment in Ukraine [consistent] with EU standards.” To conduct this assessment, DI fielded a team of three experts (the team), Team Leader and Senior Program Development Specialist, Lincoln Mitchell, Country Expert, Tamila Karpyk, and Local Program Development Expert, Andriy Meleshevych. The DI team reviewed pertinent background documents relating to legislative strengthening and good governance in Ukraine provided by USAID/Ukraine as well as other relevant materials obtained before and during the in-country assessment, and conducted interviews in Kyiv, Ukraine and Simferopol, Ukraine from May 7, 2012 to May 23, 2012. The team interviewed over 80 individuals (for a list of people and organizations interviewed, see Appendix C).

Key Findings of Assessment: The following key findings are based on the information gathered during the assessment:

1. The PDP program is well implemented, with most participants who have had direct contact with the program pleased with their experience with the activities. The internship program which provides opportunities for young people from across the country to engage with the legislature is the most valued and recognized component;

¹ See Statement of Work in Appendix A.

2. The parliament continues to face challenges in evolving towards a fully functioning legislative body and equal partner in governance with the executive branch;
3. U.S. support for governance has largely focused on technical capacity building activities with mixed success;
4. Although there have been some efforts to link the legislature and executive with the population, this has not been an effective element of U.S. support;
5. There have been four iterations of the PDP, despite changes in interlocutors and activities, some of the fundamental approaches and strategies look similar throughout the life of the PDP;
6. The parliament has been reluctant to invest in similar technical support programs that are not directly funded by USAID or another donor;
7. The interventions of the PDP program are very similar to programs implemented in a range of different countries throughout the former Soviet Union and even other parts of the world, and may not adequately consider the genuinely distinct characteristics of Ukrainian politics and of the Ukrainian parliament;
8. There are mixed views about the extent to which the upcoming election will change parliament;
9. As U.S. support for parliament appears to be oriented towards parliamentary committees, committee staff tends to be more familiar with this support than MPs; and
10. In Crimea, the PDP worked particularly closely with the leadership of the parliament and was able to implement several activities.

Key Conclusions of Assessment: The following key conclusions are based on the findings of the assessment:

1. The program provides clear value to its direct beneficiaries, but its broader impact on strengthening the legislative sector and improving the quality of democracy is less apparent;
2. Although the PDP has had a number of successes over the last several years, its ability to change how parliament functions has declined over time as the operating environment, political context, and parliament itself have changed;
3. The program has not sufficiently grown to reflect Ukraine's political and institutional evolution especially in regard to the erosion of commitment of many within government to improve the democratic quality of the parliament;
4. The parliament would benefit from a combination of technical and political support;
5. The relationship between the parliament and the people is not strong. This weakens representation and confidence in the legislature;
6. Based upon the team's discussion with people involved with parliament in various capacities, the extent to which U.S. support for the parliament is valued by its partners is unclear;
7. Ukraine is a complex political environment where elections still matter, but there are growing concerns about the extent to which the current government is committed to an open society;
8. U.S. support for parliament must be able to endure and succeed regardless of election outcomes;
9. From our meetings with MPs it appeared that many were largely unaware of the specific interventions of PDP; while they largely knew of the program's existence they lacked knowledge of the discrete goals and activities of the program; and
10. In Crimea, the PDP has been driven largely by the leadership of the parliament, thus limiting the overall impact of the program.

Recommendations for Possible Future Programming: The following are preliminary recommendations for USAID to consider in a future program design pursuant to legislative strengthening in Ukraine:

1. Maintain core implementation efforts with American organizations while creating opportunities to engage local groups in aspects of implementation while shifting programmatic foci away from technical assistance and towards helping the Rada become a more democratic institution;
2. Develop an approach that requires greater contribution from parliamentarians to encourage them to take ownership and responsibility for activities previously done for them by USAID;
3. Continue working with the executive branch of the government alongside activities with the legislature;
4. Develop more effective strategies to link parliament with citizens to increase citizen participation and parliamentary accountability; given that currently the political landscape is moving in the opposite direction, any strategy would have to involve political pressure or incentives as well as the creation of mechanisms and dialogues;
5. Use the reintroduction of single mandate districts to create more links between citizens, local NGOs, and the legislature;
6. Continue to support specific pieces of legislation through making quality expertise available to parliament and by strengthening parliament's ability to provide its own expertise;
7. Link party and parliamentary work more closely;
8. Provide appropriate political support to USAID assistance to parliament and governance programs;
9. Promote gender equality in government as part of legislative strengthening/good governance programs; and
10. Reframe the program in Crimea to encourage civil society oversight and challenge the parliament to make it more democratic and responsive.

ASSESSMENT ABSTRACT

At the request of USAID/Ukraine, Democracy International (DI) conducted an assessment of the implementation and impact of the current legislative strengthening programs in Ukraine as well as an analysis of the present operating environment. The goal of the assessment, titled the “Ukraine Legislative Strengthening/Good Governance Program Assessment,” was to provide the Mission with findings, conclusions, and possible guidelines on further activities to contribute to the goal of “improved legislative and policy environment in Ukraine [consistent] with EU standards.” To conduct this assessment DI fielded a team of three experts (the team), Team Leader and Senior Program Development Specialist, Lincoln Mitchell, Legislative Strengthening Expert, Tamila Karpyk, and Country Expert, Andriy Meleshevych. The field work for the assessment took place in Kyiv, Ukraine and Simferopol, Ukraine from May 7, 2012 to May 23, 2012.

This assessment report includes detailed findings, conclusions, and recommendations in regards to the legislative strengthening sector in Ukraine. The overall conclusion of the report is that while the program has been in place in Ukraine for eighteen years and generated some impressive results, particularly in areas such as supporting the parliament in the early years to help make it a functioning and professional legislature, as well as in establishing enduring programs such as the internships, the U.S. support for legislative development is at a turning point.

As Ukraine approaches its third decade of independence, its legislature no longer needs the heavily technical and often basic support and capacity-building which has characterized most of USAID’s assistance. To be more effective, U.S. support needs to pivot and refocus on more democracy-oriented aspects of legislative support. This is necessary to help the Ukrainian parliament develop into a body where accountability exists between the people and their elected officials as well as one where there is debate, pluralism, and interest representation. Lack of commitment to reform within the Government of Ukraine must be met with politically-minded programming on the part of the U.S. Government, geared at leveraging its broader influence to press Ukrainian politicians towards maintaining and strengthening their democracy.

Ukraine, particularly when compared to the rest of the non-Baltic states of the former Soviet Union, is a rather unique country. Despite current concerns about democratic institutions being weakened, it remains a country where elections matter, and their outcome is not pre-determined. It also remains a country where there are multiple political forces. However, these impressive democratic gains within Ukraine, which make it so unique from many of its neighbors, are in jeopardy of being completely eroded as increasingly dominant executive forces are reducing the checks and balances of the system. The U.S. stands to play a vital role in pressing Ukraine’s Government to continue towards democratic consolidation and preventing the democratic backsliding that is currently occurring. Ukraine is still a country in transition and the PDP program can help continue that transition in a positive direction.

In short, based on the findings of the assessment mission, we believe that the U.S. should remain involved in supporting legislative and governmental development in Ukraine. Given the high level of influence exerted on the parliament by the executive, any effective programming must focus on both branches of government. This has been a strategy pursued under the current PDP program and should be continued. However, the tenor of this support needs to evolve away from more standard capacity building programs and move toward politically oriented activities that encourage the

legislature and government into more interaction and accountability with citizens and more direct contact and collaboration with interest-based civil society organizations.

In Crimea, the political environment and assistance being provided are very different than in the rest of Ukraine. Based on the team's interviews in Crimea, it appears that while positive strides have been made the program is overly dependent on the leadership of the Crimean legislature. While a strong working relationship between the leadership and the PDP is important, more efforts need to be made to push the legislature into engaging more with citizens. Efforts in this direction have occurred, but not to the extent that the legislature is pushed out of its comfort zone.

1.0 INTRODUCTION

The fieldwork for the Ukraine Legislative Strengthening/Good Governance Program assessment took place in Kyiv, Ukraine and Simferopol, Ukraine from May 7, 2012 to May 23, 2012. The purpose of the assessment was to evaluate the implementation and impact of the current legislative strengthening programs in Ukraine and to analyze the present operating environment. The development of “More Participatory, Transparent, and Accountable Governance Processes” is a top priority for USAID/Ukraine (the Mission). Thus, the goal of the assessment was to provide the Mission with possible guidance for further activities that can increase the development of an “improved legislative and policy environment in Ukraine [consistent] with EU standards.”

In order to fulfill this task, the assessment team used field study, desk research and in-depth interviews (IDIs) as the evaluation tools. The team members met with a broad range of people, including the representatives of the Ukrainian Parliament and Verkhovna Rada of the Autonomous Republic of Crimea (VR ARC). The team met with both members of the ruling majority and opposition parties and the staff of the Parliaments’ Secretariats. Additionally, the team met with representatives from the executive branch, think tanks, non-governmental organizations (NGOs), educational institutions, the media, implementers of the PDP program, as well as implementers of other technical assistance programs. The interviewees included both leadership and mid-level personnel of the aforementioned institutions in order to gain a broad perspective of the program’s impacts and perceived developments in the legislative sector. The interviews took place in Kyiv and Simferopol, Ukraine. In Crimea, the team looked at existing prospects to maintain enhanced development of legislative strengthening and good governance programs given the current (and unique to the rest of Ukraine) political operating environment. The team also used conference calls to engage stakeholders in Ivano-Frankivsk, Ukraine.

During the interviews, the team’s goal was to develop a better understanding of the effectiveness of the present legislative strengthening/good governance programs and grasp the key elements of the existing operating environment. The team was able to discern the opportunities and constraints for the development of a transparent, responsible and efficient parliament, and the long- and short-term implications of recent constitutional and administrative reforms on the lawmaking and policymaking processes.

The team also examined the participation of civil society in the policy development process. In response to a direct USAID/Ukraine request, the team examined the capacity of local organizations to serve as USAID implementers on future similar projects. To assess this capacity, the team interviewed representatives of the legislative and executive branches about the authority and ability of certain think tanks and educational establishments to conduct similar work to the PDP.

The team also met with other donors to discuss the priorities of their governance programming. This included representatives of the USAID Rule of Law Program, European Union delegation and MATRA project, as well as the leaders of the National Democratic Institute, Westminster Foundation for Democracy, and International Renaissance Foundation. The organizations are doing important work, but none of their programs are as ambitious or extensive as the PDP. Also according to some of our interviewees, some European Union donors are cutting or at least planning on cutting their aid significantly to show their dissatisfaction with current political developments.

2.0 BACKGROUND

Ukraine is a pivotal country located in the heart of Europe. Its location, size, population, and resources make it strategically important, as what happens in Ukraine has a considerable influence on its neighbors. It shares borders with four members of the European Union (EU) and North Atlantic Treaty Organization (NATO): Poland, Slovakia, Hungary, and Romania. It controls the key seaport of the Black Sea and is a transit country for energy supplies to Europe. Despite its unfinished process of democratization, Ukraine can still serve as an example of democratic success for such states as Moldova, Belarus, and the Russian Federation.

In 1991, after the downfall of the Soviet Union, Ukraine emerged from the desolation of centuries of imperial and authoritarian rule without the institutions, infrastructure, and trained personnel to establish a modern state. Lacking a fundamental knowledge of market economics, the first president of independent Ukraine Leonid Kravchuk failed to appreciate the need for meaningful economic reform and, as a consequence, did not implement the necessary reforms. The first years in office of the second Ukrainian President Leonid Kuchma stabilized the economy with the implementation of reforms brought about with much-needed support from the West. However, President Kuchma was not capable of carrying on the reform process.

The major democratic breakthrough in the modern history of Ukraine, the Orange Revolution of 2004, has become a significant milestone for the country. At that time, the Constitutional Reform was adopted, which transformed Ukraine into a parliamentary/presidential republic. This important development moved Ukraine away from a non-democratic super presidential system, bringing it closer to the countries of Central Europe which combine strong parliaments, cabinets accountable to legislatures, and directly-elected presidents. Viktor Yushchenko, elected in 2005, proclaimed integration into the EU as a major priority for the country. Unfortunately for the Ukrainian people, the Orange ruling team failed to create a consistent and unified vision of the country's future. Yushchenko's 'return to Europe' rhetoric was undermined by the split in the democratic coalition, mutual suspicion among the members the governing team, constant political crises, internal struggles for power, corruption, and weak rule of law.

The outcome of this turbulence was the defeat of Viktor Yushchenko and Prime Minister Yulia Tymoshenko during the 2010 presidential elections by a small margin (49 percent to 45.5 percent of the vote) and the reappearance of Viktor Yanukovich, who became the fourth President of Ukraine in February 2010. In some areas, Yanukovich strengthened ties with Moscow while simultaneously trying to continue reforms required for European integration. The "highlight" of the pro-Russia focus was the Kharkiv Agreement of April 2010 which provided a 25-year extension after 2017 of the Russian Black Sea Fleets' lease on its naval base in Sevastopol, Crimea, in exchange for a thirty percent price discount on Russian gas imports, as well as the announcement that Ukraine is no seeking any longer to integrate into NATO.

Several investigations against former Prime Minister Tymoshenko and her allies were launched by the prosecutor's office. The Party of Regions together with the Communists, Lytvyn's bloc, and individual members of parliament (MP) co-opted from other parties (so-called "tushky") formed a coalitional majority in the parliament which gave them the opportunity to vote for the legislation initiated by the President. In April 2010, the Constitutional Court of Ukraine (CCU) approved the format of this coalition in spite of the fact that according to Article 83 of the Constitution the governing coalition may be formed only by party factions in the parliament. Situations like soliciting

individual MPs elected from the opposition parties to join the ruling coalition, together with a number of other developments, including passing the state budget in minutes without formal debate, and changes to the rules for the upcoming parliamentary elections in October 2012 to abolish the participation of blocs in favor of parties, enhanced skepticism about Yanukovich's commitment to democratic principles. In October 2010, the CCU abolished the 2004 Constitutional Reform reestablishing the superpresidential regime in Ukraine.

Currently, the Party of Regions, led by Yanukovich, controls all main parts of the state: the executive, legislative, and judicial branches at the national and local levels. During the last two years of his presidency the term "Family" has entered the political lexicon in Ukraine since corporate interests of the Party of Regions seems to be now less important for the President than the interests of Yanukovich's family clan. The vast majority of MPs are motivated primarily by business interests.

Although Ukraine has struggled with political and economic reforms since gaining independence, the country has never become an authoritarian state. At the time of the 2004 presidential elections, Freedom House ranked Ukraine as "partly free" with scores ranging from 3.75 to 5.75 on most measures of democracy. In the areas of electoral process, civil society, and independence of the media, Freedom House significantly improved Ukraine's rating from 2005 to 2008 giving, Ukraine the status of a "free" country.² The events of the Orange Revolution demonstrated that democratic change is possible and made Ukraine a role model of sorts for the neighboring countries that are still suffering under authoritarian regimes. However, according to Freedom House, after Viktor Yanukovich came to power "Ukraine's political rights rating declined from 3 [free] to 4 [partly free] due to the authorities' efforts to crush the opposition, including the politicized use of the courts, a crackdown on media, and the use of force to break up demonstrations."³

Both the Ukrainian party system and links between elected officials and their constituents are weak. Many people are trying to get elected to the Parliament and local positions for personal and financial reasons and not for the purpose of representing constituents or legislating for the benefit of society. Currently most of the country's political processes are shaped by preparation for the parliamentary elections that are scheduled for October 2012. Significantly, nowadays the parliament is not considered to be an independent operating body and the majority of legislation is still dictated by the executive branch. The current parliament is characterized by less discussion and debate on draft legislative and policy issues, disrespect of the recommendations of the committees and legal experts, and less serious parliamentary oversight and control than in the past. Presently, oppositional parties are not able to pursue their own legislative initiatives.

The opposition is divided and fragmented. On the eve of elections, opposition parties are in the process of uniting into one joint electoral force, but these efforts are hindered by the ambitions of the leadership and general distrust of one another. The Dictatorship Resistance Committee (Ukrainian: Комітет опору диктатурі or KOD) was created by major opposition players like the political party Front for Change" led by Arseniy Yatseniuk, All-Ukrainian Union "Fatherland" led by Yulia Tymoshenko and Olexander Turchynov, "Svoboda" chaired by Oleh Tyahnybok and others.

² See, Sushko, Oleksandr and Olena Prystaiko (2008), "Country Report. Ukraine (2008)," *Freedom House*, available at <http://www.freedomhouse.org/template.cfm?page=47&nit=472&year=2008>, accessed May 25, 2012.

³ "Freedom in the World 2012", Freedom House, available at

http://www.freedomhouse.org/sites/default/files/inline_images/FIW%202012%20Booklet--Final.pdf, accessed June 27, 2012.

However, the unity this initiative was supposed to generate has yet to coalesce as the committee is still in the process of approving the joint list of the candidates for the parliamentary elections and appointing one opposition candidate per single-mandate district.

In short, twenty years after gaining independence, Ukraine has not become a fully consolidated democracy. The development of the structure and bureaucratic procedures associated with policy institutions has occurred, but quality governance, democratic development, and legislative strengthening remain a problem.

Ukraine's democratic future remains significant for Europe, and while it has potential to achieve further democratic consolidation, there are a number of potential pitfalls that could lead to further deterioration in the quality of Ukraine's democracy. Comprehensive collaboration from the West to assist Ukraine in consolidating its democracy can play an important role in shifting the balance toward improved institutions and accountability.

3.0. USAID ASSISTANCE APPROACH

The United States has a historic record of supporting the democratic development of legislatures across the world since the end of World War II, when the U.S. provided support to the German Bundestag and the Japanese Diet. Since 1992, USAID has contributed over \$1.6 billion dollars to Ukraine. Currently USAID’s focus is on programs of “good governance, economic growth, strengthened health services, and anti-corruption.”⁴ Support for democratic governance has varied from \$8.5 million in fiscal year 2002 to \$15 million in fiscal year 2010.⁵

In the late 1980s and early 1990s USAID initiated programming to assist legislative strengthening in the countries of Eastern and Central Europe.⁶ The main objectives of these efforts “were designed to help legislatures acquire the tools they needed to function more effectively and to perform their lawmaking/policymaking role.”⁷

In designing and organizing its legislative strengthening activities, USAID developed the following strategic program priorities:

1. Build the political will to strengthen the legislature;
2. Improve the legislature’s representation capabilities to reflect the needs, problems, concerns, and priorities of the public;
3. Strengthen the legislature’s lawmaking capabilities;
4. Increase the legislature’s oversight capabilities, ensuring that activities are within the legal framework; and
5. Improve the infrastructure and management of the legislature to enable it to carry out its responsibilities more efficiently.⁸

USAID has developed a variety of tools to achieve these strategic objectives: building a support base; organizing study tours for legislative leaders; holding workshops and conferences; encouraging public interest hearings; training citizen organizations and advisory groups; training journalists, and more. The Legislative Strengthening/Good Governance Program that USAID has supported in Ukraine employed all of these tools. The support is based on the general strategic objectives similar to most other countries where similar programs have been adopted.

USAID/Ukraine’s legislative strengthening initiative, which is referred to as the Parliamentary Development Program (PDP), was launched in 1994. The Indiana University School of Public and

⁴ See, http://www.usaid.gov/locations/europe_eurasia/countries/ua/index.html

⁵ Democracy and Governance Assessment of Ukraine, September 2010, p.33

⁶ USAID Handbook on Legislative Strengthening. Center for Democracy and Governance, Bureau for Global Programs, Field Support, and Research, USAID, 2000, p.3.

⁷ Ibid.

⁸ Ibid, pp.1, 27.

Environmental Affairs (SPEA) was the initial implementer of the PDP program in Ukraine. Later the John Glenn School of Public Policy at Ohio State University took over the program.

Since its beginning, “PDP has engaged in five distinct stages of assistance to the Ukrainian legislature: (1) providing the VR with comparative information on democratic governance and legislation of world democracies (1994-1997); (2) assisting to establish democratic procedures: budget, committee hearings, and information exchange (1997-2000); (3) facilitating the passage of reform legislation (2000-2003); (4) strengthening internal management systems and improving legislative-executive relations and citizen access to parliament (2003-2008); and (5) improving the capacity for legislative and policy formulation within government institutions at the national and regional levels, including the VR and the VR ARC, as well as the Cabinet of Ministers and the Presidential Administration. (2008-2012).”⁹

According to the local implementers of the program, in the beginning the project was mainly “deputy driven” and helped MPs to understand parliament. The program was focused on institutional capacity building, establishing rules and procedures, and developing the institutionalization of the legislative process. Through the introduction of working groups, debates and round-table discussions as well as inviting external experts to the committee hearings, PDP was able to make the work of the parliament more transparent and participatory.

At a later stage, the staff driven agenda prevailed in the program and focus was placed on increasing the level of skills, knowledge, and motivation of Rada’s personnel. A lot of trainings, seminars, trips, and study tours on comparative analysis and legislative capacity building were provided to the employees of the VR apparatus and committees. Participants included assistants to the MPs and technical staff of the expert-technical department. Transition from support to MPs to support mainly for staff was logical as the offices of MPs professionalized. In the early years many MPs did not even have staff. However, the issue that transitioning support from MPs to staff introduced was even more limited engagement at the political level. PDP’s activities were now focused not only almost solely on technical assistance, but on technical assistance with non-elected officials of the parliament. The byproduct of this was a reduction in overall contact and awareness of the PDP program among MPs at the same time that political will towards democratizing the parliament was eroding.

Another important part of U.S. support for the Rada was the internship program. This program was initially founded in 1995 by the United States Association of Former Members of Congress in cooperation with the VR of Ukraine. It was administered by PDP through a cooperative agreement with USAID starting in 2000. The program gives a unique chance to young people from different parts of Ukraine, ranging from big cities to small villages, to participate directly in the legislative process and be involved in the various activities of the parliament. For many of the students and young professionals, the program is an exceptional opportunity to make first steps in their career path in political, legislative, and public fields. Starting in 2008, the interns have been provided with the opportunity to work not only in the VR but also in the ministries and the Presidential Secretariat.¹⁰ Alumni of the program have an opportunity to network and continue active public life within the activities of the Interns League.

⁹ See the Statement of Work in Appendix A.

¹⁰ See, <http://iupdp.org/internship-program>

4.0. FINDINGS

Through interviews with members of the parliament, implementers, civil society organizations, and USAID as well as the review of critical project documents, the team has gathered a number of findings. These findings are summarized in this section.

1 - The PDP program is well implemented, with most participants who have had direct contact with the program pleased with their experience with the activities. The internship program, which provides opportunities for young people from across the country to engage in the legislature, is the most valued and recognized component.

People who had benefited from the PDP program directly, primarily through having interns or through participating in workshops and trainings, largely had positive impressions of the program. The interns were generally seen as valuable staff that contributed significantly to the offices to which they were assigned. Some interviewees mentioned that the interns were frequently more competent than the staff. The program not only provided a good opportunity to young interns, but also gave people who would not otherwise have the chance an opportunity to come to Kyiv and interact with the parliament. While opinions of the internship program were almost universally positive, views of the other activities were more mixed. Most valued the training and workshops, but several people mentioned that in recent years the substance of these trainings had become less useful as the parliament has become more developed.

Strikingly, people who did not participate in PDP programs, even those who were positively predisposed to cooperation between the Ukrainian parliament and the US, frequently either had not heard of the PDP program or could not describe U.S. support for the parliament with any specifics. Some MPs who had served in the parliament for years were familiar with the early activities conducted by the U.S. in support of the parliament, but were less able to discuss recent programs and activities. Some PDP activities, notably the publication of numerous documents which were intended to help the parliament, were never mentioned by some MPs or staff, indicating that the program and its work is not broadly known by the parliament as a whole. A number of MPs and staff told the team that they do receive PDP-initiated documents but do not read them. Several MPs stated that they supported the PDP and U.S. involvement in parliament generally, but when pushed could name no specific programs other than the internship program. As mentioned above, this reflects a lack of interest on the part of the MPs, but it also highlights that the strategies aimed at getting information to MPs on the part of PDP have been at least partially ineffective.

2 - The parliament continues to face challenges in evolving towards a fully-functional legislative body and equal partner in governance with the executive branch.

Governance in Ukraine today is primarily driven by the executive, which refers to the president, his administration, and, to certain extent, the Cabinet of Ministers. Numerous interviewees described the parliament as being directly influenced by the executive, unwilling to challenge executive power, and not a pluralist, deliberative or legislative body. The majority party dominates the Rada leaving little room for debate or deliberation within parliament. The example of MPs scurrying around to cast votes for their fellow party members, based on orders from their party leader, was frequently cited as a visual reinforcement of this issue.

Civil society activists with whom the team met described the parliament as consisting of many people who have paid money for their spot on the list and seek to leverage their position in parliament for financial gain. We were told there were, of course, exceptions to this, but the majority of MPs did not go to parliament to legislate or govern. This sets a tone that makes it very difficult to develop the parliament into an effective national legislature. While some within parliament sought to describe this as a partisan problem that would be resolved with a different election outcome, civil society activists tended to see this as a larger problem which would not be resolved through elections.

As a result, almost all respondents, particularly those from the NGO sector stated almost unequivocally that there is little deliberation in parliament and public hearings are only used by two or three Rada committees. Proposed laws are rarely substantively debated. The public hearings that do occur do not make enough of an impact and input on most issues is rarely sought from civil society. Although PDP has been successful at pushing for procedural changes including an increase in the number of public hearings and publicizing information on the web, this has not led to an increase in substantive involvement. These PDP initiatives in isolation cannot encourage greater consultation and involvement of citizens and civil society in the legislative process without buy-in from lawmakers.

3 - U.S. support for governance has largely focused on technical capacity building activities with mixed success.

U.S. support has sought to strengthen parliament and improve governance through a series of interventions that have been largely technical in focus. Technical here means that specific activities supported by USAID were based on the assumption that it was the lack of knowledge of how to do things in parliament that was the primary reason why the Rada was not as strong of an institution as it should be. These type of assumptions overlook the issue that there are powerful political forces in Ukraine that simply do not want a more responsive or accountable parliament. These activities include publishing material on subjects such as rules of procedure, offering workshops and trainings on topics such as legislative processes and budgeting, and providing the legislature with access to more information and expertise. To illustrate the problem of focusing on technical support while excluding the political element, we can use the example of the parliament's lawmaking ability. While the Rada's ability to draft legislation has improved under PDP, this expertise is utilized in a political manner to draft pork-barrel legislation which benefits particular clans or individuals as opposed to the public at large. Technical capacity has undoubtedly improved, but this capacity is not being complemented by efforts aimed at going beyond technical assistance to generate real dialogue or political pressure about the democratic character of the laws being drafted.

PDP has also made major strides in improving the information environment over the last decade or so, but there is still room for improving the information to which policy makers and others in government have access. This is a difficult challenge because the obstacles after 18 years of USAID support are no longer simply that there is not enough information available to MPs, but that MPs are, in too many cases, not interested in accessing and using this information. Creating strategies that motivate the MPs to pursue informed policy must similarly go beyond technical elements like the provision of the information itself.

Today in the legislature there is a strong sense that things have changed. "We are not at the beginning anymore," "Back then we didn't know anything," and "It is not the 1990s anymore," were among the ways respondents expressed this sentiment. These comments were made with a tone of both

gratitude for previous support but also their frustration that USAID was still supporting technical support which, in many cases, respondents felt was no longer needed.

4 - Although there have been some efforts to link the legislature and executive with the population, this has not been an effective element of U.S. support.

A central component of strengthening democratic governance is building strong links between the government and the people. When these links are not strong, government becomes removed from the people and is viewed as an independent entity over which they have no interest or stake. In this context, parliaments, instead of being seen by voters as working for and accountable to them, are viewed as captured by private interests and part of corrupt or irrelevant government processes. Unfortunately, these perceptions are reasonably widespread and accurate in Ukraine. Focusing on increasing meaningful dialogue between the public and the legislature is vital to a healthy legislature. It depends on not only creating opportunities for dialogue, but in achieving enough buy-in from politicians to allow citizens to feel as though they are a part of deliberative processes.

PDP has supported an increase in public hearings in some parliamentary committees. However, this largely remains the extent of parliamentary consultation with CSOs or the public on proposed legislation. CSOs that the team met with also stated that they do not feel that approaching the parliament regarding proposed legislation is fruitful. The team was frequently told that moneyed interests dominate the parliament and are the only ones with influence over policy makers.

Programs seeking to bring the public into more contact with parliament and the government by, for example, taking MPs or representatives of the executive to the regions to meet with voters were not a significant part of the PDP. Although PDP did work to use technology and social networking tools to inform citizens about the government, these tools were not reported to be terribly effective at holding the government more accountable or mobilizing public interests to advocate different policies to the government. Undoubtedly this is not the sole fault of the PDP and largely reflects the prevailing public perception that the opportunity for real engagement does not exist, but PDP can play a role in improving this dynamic.

PDP needs to focus on lobbying the legislature to genuinely commit to including the public in the legislating process. PDP has begun to put institutional mechanisms of consultation in place, but without genuine commitment on the part of the government the public will not take these avenues seriously and even to the extent that they participate, their views will not be incorporated into the final legislation produced. Throughout this process it is key that PDP remain sensitive to creating space for real engagement while avoiding activities which could rubber stamp increasingly undemocratic ruling parties' efforts to co-opt the public.

5 - There have been four iterations of the program; despite changes in interlocutors and activities, some of the fundamental approaches and strategies look similar throughout the life of the PDP.

The U.S. has been supporting governance programs, including the PDP program, for roughly eighteen years. At the time this support started, Ukraine was only a few years removed from being part of the Soviet Union, and had little experience as an independent state with functioning institutions of governance or democracy. Today, eighteen years later, Ukraine is in a very different place. The Soviet period has been over for more than two decades. The institutions of the state such

as the legislature, executive branch, and judiciary have evolved to have different needs today than they did 15-20 years ago. Although transparency, accountability, judicial independence, and the democratic character of institutions remain issues today, the institutions of the state have greatly improved in capacity and functionality.

The extent to which this change has been reflected in support for governance in Ukraine is not entirely apparent. While programs no longer focus on the basics of explaining, for example, what a parliament is or how laws are passed, many of the programs still appear to be committing resources to the kinds of trainings and workshops that would not have been out of place a decade ago. This is not to say that some capacity building efforts are not still useful and that activities have not evolved to more complex technical subjects than previously, but rather that technical support cannot be evaluated in a vacuum. Technical support which is vital in initial years can become less relevant in scale to broader systemic issues such as lack of political will towards supporting a meaningful, deliberative process for drafting and passing laws. Our interviews also suggest that the PDP needs to expand the circle of MPs with which it is in contact because those MPs who are less interested in the PDP would benefit the most from being brought into U.S. supported governance programs. Continuing to focus technical assistance on the same MPs or their staff, while reflecting increasing levels of sophistication, does little to affect the overall quality of the Rada. Engaging a broader spectrum of MPs in similar activities, to the extent that PDP maintains its capacity-building efforts, could accomplish much more to improve the overall climate within the Rada.

6 - The parliament has been reluctant to invest its own resources in similar technical support programs that are not directly funded by USAID or other donors.

U.S. support plays a valuable role in the development of the Ukrainian legislature because without support from the US or other donors, legislative capacity-building activities would likely not occur in Ukraine. In numerous interviews, MPs, members of the secretariat, and others were very frank in responding that if foreign donors, most significantly the US, did not support activities like the internship program, study missions to other countries, and publications and training events geared at improved capacity, these types of activities would not occur. This response was given by people who thought highly of the PDP and other support.

7 – The interventions of the PDP program are very similar to programs implemented in a range of different countries throughout the former Soviet Union and even other parts of the world, and may not adequately consider the genuinely distinct characteristics of Ukrainian politics and of the Ukrainian parliament.

Unlike many countries in the region, Ukraine is still in a period of transition. Although there are concerns regarding efforts by the current government to restrict freedoms and limit democracy, Ukraine is, unlike most other post-Soviet countries, not a consolidated non-democratic regime. Instead, it is a country where elections still matter and outcomes of elections are not known in advance.

Similarly, the Ukrainian parliament, despite its manifold shortcomings, remains a place where different views are represented and where laws are passed, and occasionally even debated. There is a level of expertise and competence, particularly at the staff level, that exceeds that of many other countries in the region. PDP, and USAID, can take some of the credit for this development.

Currently, U.S. support for the parliament does not reflect these relatively unique elements of the political competition in Ukraine. The production of handbooks, ongoing staff training, internship programs and the like are still useful, but they are strikingly similar to what USAID-supported programs do in countries throughout the region, and indeed the world, where democracy is weaker and the parliament is significantly less developed. They fail to address the specific political challenges present in Ukraine.

8 - There are mixed views about the extent to which the upcoming election will change parliament.

The team did not seek to spend a lot of time discussing the upcoming parliamentary election, but it was naturally something which many involved with governance and politics wanted to discuss. Views about the significance of these elections for the future of parliament as an institution varied in somewhat predictable ways.

People affiliated with the opposition asserted that these elections were of great importance and that if the opposition won, the parliament would be reinvigorated and transformed into a strong institution integrated into growing Ukrainian democracy. These respondents tended to argue that the most useful thing the U.S. could do at this time would be to ensure that elections are conducted freely and fairly.

While obviously free and fair elections are important, it is equally apparent that elections alone will not solve the problems facing parliament. This view was shared by respondents from various perspectives and organizations who were not part of the opposition. Many civil society activists, for example, believed that the problems facing parliament were structural and would continue to exist regardless of which party controlled parliament.

9 - Because U.S. support for parliament appears to be oriented towards parliamentary committees, committee staff tends to be more familiar with this support than MPs.

In recent years, the PDP has focused largely on staff development, while devoting less attention to MPs. It was striking how much more familiar staff were with the PDP than MPs. It was the staff who valued the program most. There is programmatic rationale for this approach as staff members often remain at parliament longer; and a well-trained staff can help make a parliament consistent and competent despite political overhauls. There are also, however, drawbacks to this approach. First, there is still a great deal of work that can be fruitfully done with MPs. Much of this work is in areas like constituency relations, links with civil society and increasing accountability. Ultimately, it is the MPs, not the staff who are elected and need to be held accountable. Additionally, if all the expertise lies with the staff, the possibility of a parliament where staff wield more power than MPs is significant and would weaken the democratic potential of the Ukrainian parliament.

10 - In Crimea, the PDP worked closely with the leadership of the parliament and was able to implement several activities.

Members and staff of the parliament in Crimea were pleased with U.S. support for the legislature there. In particular, they spoke highly of the two study trips to Spain and the UK as well as of other assistance the U.S. has provided. The Crimean parliament is considerably less developed than the national parliament, reflecting the need for such interventions. In Crimea the parliament is still dominated by one party, but because it is only a regional parliament, it has less real power. However,

according to NGO activists in the region, it still serves largely moneyed and corrupt interests and is strongly lacking in transparency.

The PDP program was very close to the leadership of the Crimean parliament. It was clear that these strong relationships were cultivated by the PDP. These relationships were likely necessary in the early stages of this program, but it is now essential to move beyond relationship building and be willing to put pressure on some of those relationships in order to develop effective programs. In Crimea, the U.S. supports a number of civil society programs through the Pact UNITER program. These programs may begin to help make Crimean society more open, and are already facilitating more transparency in the region. However, at this time, their impact has not permeated parliament. This is largely due to lack of pressure on the parliament's leadership. Engaging effectively with civil society will involve increasing their ability to provide oversight and question the decisions of the parliament. This will undoubtedly meet with some resistance from the parliament's leadership.

Currently, the VR ARC has little cooperation or relationship with the Rada. Improving these ties could help the VR ARC develop into a better functioning legislature. However, some caution is necessary here. The Rada is a troubled and at times dysfunctional legislature, so it would not be a good model for the VR ARC or any other local legislature. Additionally, the VR ARC is a local legislature of a region that has only some autonomy. It has little jurisdiction and primarily governs over local issues and land use questions. Nonetheless, there is a need for stronger relations between the two legislatures so that citizens know which body is responsible for this legislation and so that, over time, VR ARC representatives can advocate for their region's interest in the national legislature.

5.0. CONCLUSIONS

Strong parliaments and strong parliamentary programs can play a significant role not just in improving governance but in strengthening democracy. There have been times when the parliament has played that role in Ukraine, but not for several years. Future USAID programs should seek to restore parliament to that position by implementing activities that recognize the need to explicitly make the parliament operate in a more democratic fashion.

The following conclusions build on the findings from the previous section:

1 - The program provides clear value to its direct beneficiaries, but its broader impact on strengthening the legislative sector and improving the quality of democracy in the current operating environment is less apparent.

Individuals and agencies or committees that have worked directly with the PDP indicated that they have benefited from this involvement. For example, most people who had interns assigned to them through PDP spoke very highly of these interns. Similarly, many, but not all, who participated in workshops or trainings, and even MPs who had worked with PDP several years ago, expressed positive feelings towards these activities.

Outside of those who had direct experience with PDP, awareness of U.S. support for legislative development was generally quite low. Many had only vaguely heard of the PDP and U.S. support for parliament in general. Others were aware that the U.S. was seeking to help the parliament of Ukraine, but had little idea of what form this support was taking. It is possible that some of these people, primarily MPs and representatives of the executive, were not aware that some of the activities from which they had benefited were supported by the U.S., but it is more likely that they simply had little interaction with these programs.

This raises a broader issue that the PDP, and U.S. support more generally, consists of a battery of activities that, as stand-alone activities, are well thought out and implemented, but together no longer have a major impact on the parliament, leading to a situation where the whole is less than the sum of its parts. Direct beneficiaries liked these programs, but knowledge did not spread and behavior did not change as much as was hoped. This has been particularly true in recent years as the parliament's technical ability is now, in some regards, relatively strong. This is a sign that the impact of U.S. support for legislative development is not as strong as it could be.

2 - Although the PDP has had a number of successes over the last several years, its ability to change how parliament functions has declined over time as the operating environment, political context, and parliament itself have changed.

It appears that PDP has begun to reach a point of diminishing returns. This is, in some regards, a reflection of the contributions that USAID has made to improved governance and legislative functioning over the last two decades. While there are continuing weaknesses within the parliament the body still makes laws, reviews legislation, and particularly at the staff level, possesses a fair amount of expertise. Much of this is due to specific activities supported by PDP and other programs.

Interviewees with deep ties to the parliament spoke of U.S. support for the legislature in almost

wistful tones; and with the exception of the internship program, most of the specific things which they described as valuable contributions by the PDP had occurred at least several years ago, in some cases as far back as the 1990s. These interviewees frequently found it more difficult to identify specific recent contributions by USAID or PDP to the legislature.

This does not mean that the work which the U.S. can do with the Ukrainian parliament is over or that everything that could be accomplished has been accomplished. However, this suggests that for the U.S. to continue to provide valuable support to the legislature it must rethink the strategy and design a program which reflects both the technical competence and political needs of the parliament and governance more generally in Ukraine. This is something that some of our interviewees touched on directly. There exists, at least among some MPs, a feeling that they have graduated from needing technical assistance. This is not congruent with actual technical capacity and was not a routinely expressed opinion, it is important to keep this view among some MPs in mind when designing and communicating programming. Effective partnerships require that activities are at the appropriate level of sophistication, in part to demonstrate to Ukraine that the US views them differently now than they did eighteen years ago.

3 - The program has not sufficiently grown to reflect this change in Ukraine's political and institutional evolution especially in regard to the erosion of commitment of many within government to improve the democratic quality of the parliament.

Over the last eighteen years, Ukraine has undergone significant political and economic transformation. Although its future road to democracy is certainly not guaranteed, it is a functioning state with developed, if not democratic, political institutions. Individuals in various places in the government and parliament have a substantial amount of expertise and institutional memory. During the years of PDP's implementation, the parliament itself has transformed from a new institution about which very few people had any real knowledge into an important part of Ukrainian political and governmental life.

Throughout most of this period, the PDP and U.S. governance support have been constants. In some respects, this has been very useful as it has provided continuity and over time built relations and accumulated invaluable knowledge. However, PDP has not adapted to the evolving needs of legislative support as well as it might. Continuing to pursue assistance focused on technical support and capacity-building has become less relevant as the technical capacity of the parliament has increased and the political environment has changed. Too many of the MPs with whom we spoke see the PDP, and even U.S. support for parliament more generally, as something that was more visible and effective in the past, rather than a program from which they can currently benefit. At the same time, parliamentary staff and representatives of the executive branch are more familiar with the current activities of PDP.

The next iteration of the PDP can be an opportunity not only to alter support for the legislature, but in some senses to reintroduce USAID as an active and current partner working with the legislature, but this can only work if the program is adjusted to reflect the current environment and needs. This includes both moving the program in a more political direction and making the remaining technical aspects more appropriate for the current context.

4- The parliament would benefit from a combination of technical and political support.

Parliamentary or governance programs which do not have a component that seeks to address political aspects of the legislature or government will have a limited impact. Support for the legislature, both currently and historically, has been oriented to technical assistance. During the first years of Ukrainian independence, this was critical as, according to many interviewees, little was known about what a parliament did, how it was structured, what committees should do and the like.

By taking a predominately technical focus, U.S. support does not address some of the key factors which underlie the tenuousness of democracy in Ukraine. Given that Ukraine is now more than two decades removed from the rule by the Communist Party, and given the long track record of U.S. support for various forms of governance in that country, strictly technical programs no longer address the major challenges facing Ukraine.

Currently, the most important work which can be done with the legislature is not in areas of technical skill building, but in strengthening the democratic aspect of the parliament. The parliament needs activities that emphasize accountability, participation and relationships with civil society and citizens more generally.

5 - The relationship between the parliament and the people is not strong. This weakens representation and confidence in the legislature.

Over the course of numerous conversations with MPs, parliamentary staff, and representatives of the executive, words such as constituents, citizens, pluralism, and accountability were rarely brought up. This suggests that the relationship between parliament and the people is not strong. This was confirmed by discussions with civil society activists who indicated that ordinary citizens had little input into the workings and decisions of parliament.

This also indicates that there is little trust or confidence in parliament on the part of ordinary citizens. They do not see parliament as a place where their voices are heard, or where their concerns are addressed. Similarly, members of parliament do not view themselves as responsible or accountable to the people, nor do they seem to take into consideration the views of the people when making decisions. There are exceptions, notably the environmental committee which appeared to have relations with advocacy and information-oriented CSOs, but this was unusual. This situation undermines trust in the parliament and confidence in potentially democratic institutions more generally. Addressing this issue is absolutely imperative for future work with the legislature.

6 - Based upon the team's discussion with people involved with parliament in various capacities, the extent to which U.S. support for the parliament is valued by its partners is unclear.

Although many respondents gave positive reports about USAID support for governance and parliament, these same respondents lacked a willingness to move forward on similar programs for which they would have to provide the resources, suggesting they may not value these programs as much as they initially claim. To a significant extent, the parliament in particular has become dependent on PDP for things like staff trainings, production of much of their printed material, and interns. Although staff in particular claims to value these things, when pressed they made it clear that the parliament did not think these things important enough to pay for them without U.S. funding support. We were often told simply that given the Ukrainian budget problems, money to help parliament function better would not be approved.

The Ukrainian parliament is not a minor institution. It has 450 members, thousands of staff, and a significant budget. Institutions of that nature frequently retain firms to help develop their staff. The parliament has an internal training division, but it is not viewed as competent or useful. Accordingly, the parliament relies on USAID for this. This can be interpreted as evidence that USAID plays a critical role and must maintain its capacity-building function, but it also suggests that if USAID ceased providing this assistance, it would not be replaced or missed. The National Academy of Public Administration would continue its work, but there would be no effort to replace the work currently supported by USAID.

7 - Ukraine is in a complex political context where elections still matter, but there are growing concerns about the extent to which the current government is committed to an open society.

In this political environment, it is critical that support for governance be nuanced, reflecting the need for better governance, the potential for political change, the different interests and outlooks of competing political forces and the possibility that supporting better governance can occasionally lead to little more than more competent non-democratic regimes.

The Ukrainian government is neither an authoritarian regime seeking to consolidate itself, nor a democratizing regime, but it has elements of both. In this context it is very tempting for the U.S. to work primarily with those pushing for democracy, but this approach is often ineffective and results in the U.S. isolating itself on the fringes of the country's politics. Thus far, the U.S. has avoided doing this in Ukraine. This is a result of the work currently being done with the executive branch, and one reason why that work should be continued.

Despite this, particularly at the parliamentary level, views of USAID support and the PDP break somewhat on partisan lines with people from BYT and currently disintegrated Our Ukraine Electoral Coalition speaking much more highly of the program, even when it is clear that some of them do not know the specifics of USAID support, while representatives of the Party of Regions express a less positive view and, tellingly, were considerably less interested in meeting with the assessment team. No representative of Volodymyr Lytvyn's People's Party and the Communist Party was willing to meet with the team.

Crafting programs that reflect this nuance is not easy. These programs must build relationships across the political spectrum, include activities which stress developing participation and accountability between governing institutions and society more generally, and be able to adapt to changing political environments.

8 - U.S. support for parliament must be able to endure and succeed regardless of election outcomes.

Competitive elections have been a central part of the fabric of Ukrainian political life for most of the last decade. The presence of international and domestic observers might assist upcoming parliamentary elections to be reasonably competitive as well. During this period the party controlling the presidency has changed twice, while control of parliament has shifted several times. This demonstrates that so far elections in Ukraine are important and outcomes are uncertain.

Virtually all the members of the political opposition with whom the team met told us that the main thing the U.S. needs to do to help make parliament more effective and democratic is to ensure fair

elections in the fall, so the composition of the parliament reflects the electoral will of the voters. While it is imperative that elections must be free and fair, the evidence suggests that changing the party controlling parliament will not be a silver bullet which transforms parliament. The main issue is not who controls the parliament, but the values and principles that this legislative body operates on. Elections should not be more important than the legislature itself. Both the government and the opposition are responsible for the strengthening of legislative capacity.

This political environment also reinforces the need for USAID to have working relationships with members of parliament and leaders of government from both sides of the political aisle. If this is not the case the impact and effectiveness of the program will be too closely tied to election outcomes. However, this is an undoubtedly sensitive area as the U.S. must be careful to not provide opportunities for members of the legislature to leverage U.S.-supported activities to bolster a largely undemocratic regime.

9 - From our meetings with MPs it appeared that many were largely unaware of the specific interventions of PDP; while they largely knew of the program's existence they lacked knowledge of the discrete goals and activities of the program.

This lack of familiarity can be attributed both to lack of interest on the part of the MPs as well as inadequately designed methods of dissemination on the part of the PDP. Failing to energize and involve MPs more broadly wastes the political capital PDP could generate towards advocating for a more democratic parliament.

Successful legislative programs, particularly in political environments like that of Ukraine, need to have political support; and in most cases, this political support comes from members of parliament themselves. Currently, because of the recent emphasis on working with staff, knowledge of, and support for, the program is weaker among MPs than among staff. Programmatically, this is not a major problem, but it reduces the political support for U.S. assistance to the legislature which can create problems for future cooperation.

This was clear in interviews as even MPs who clearly valued U.S. cooperation lacked any specific awareness of current programs operating in parliament. Despite all of the work done by the PDP, much of it was not well known. Almost no MPs referred to any of the many written documents produced by PDP. Many remembered PDP as something from the past, not as a program that continues to contribute to the development of the parliament. Thus, even these natural allies of the PDP were not in a position to advocate for it. Without this political support it is difficult to move forward with activities that may challenge or demand more from parliament or its leadership.

Working with MPs can be more challenging, particularly in Ukraine where issues of relative status appear to be significant in parliament, and where, according to most, only a small proportion of MPs are interested in any of the guidance and technical support the U.S. can offer. Nonetheless, investing in these relations, and continually expanding them to include new MPs and a range of political views is important and can be very helpful for the program.

10 - In Crimea, the PDP was driven largely by the leadership of the parliament, thus limiting the overall impact of program.

Strong relationships between a legislative support program and the leadership of the legislature should not be viewed as prima facie evidence of a strong program. In Crimea, where the parliament

is dominated by one party and democracy is weaker than in the rest of the country, PDP worked particularly closely with the leadership of the legislature.

This may have been necessary at first because it allowed the PDP to get its foot in the door and begin work with parliament, but it appears to have begun to weaken the program. The relationship with the leadership has become an ends in and of itself, thus limiting the willingness of the PDP to propose and implement activities which might unsettle the leadership of the legislature, but lead to more significant impacts. Legislative support programs in which the leadership of the legislature plays a key role can become programs which produce a lot of outcomes, but have little impact. This is in danger of occurring in Crimea.

The PDP has made efforts to increase the transparency of the parliament and encourage greater contact between the parliament and the public. This is an important first step to greater involvement on the part of civil society. However, the program can and should do more in the future to support civil society's ability to provide oversight and challenge the parliament. This may result in greater friction with the VR ARC leadership, but it is necessary to achieve sustainable impact.

6.0. RECOMMENDATIONS FOR FUTURE PROGRAMMING

The following recommendations based on the team's findings and conclusions are intended for USAID's consideration in a future program design pursuant to legislative strengthening in Ukraine.

1 - Maintain core implementation efforts with American organizations while creating opportunities to engage local groups in aspects of implementation while shifting programmatic foci away from technical assistance and towards helping the Rada become a more democratic institution.

The U.S. should continue to support legislative development in Ukraine. There is still much work that can be usefully done. Ukraine remains a country where political outcomes are still uncertain. A strong legislature can be an important actor in future democratic development. The future program, however, should be reoriented away from primarily technical support and towards working more directly on increasing the democratic capacity of governance and the legislature.

For the immediate future, this program is best administered by an American organization. Based on the team's research, there is not currently a local NGO that can provide the political stature and technical expertise comparable to what an American organization can. The need for an American organization will be particularly acute as the program shifts away from technical support. As numerous interviews demonstrated, another reason for the continuing presence of an American organization is the fact that at present Ukrainian governing institutions seem not to be ready to accept a Ukrainian NGO as an equal partner which might negatively influence the effectiveness of the program.

For budgetary, and other reasons (e.g. acceptance by governing institutions), it would be good to have a strategy for phasing in work with a local NGO. Additionally, running this program through a local NGO might demonstrate that the U.S. attitude towards the Rada has changed, as the paradigm would be less one of teacher and student. This has already happened in some areas. For example, the Interns League now runs the internship program, but this approach should be expanded. Some of the publication and information components of the PDP, for example, can soon be shifted to local NGOs that can bring in supplemental international expertise as needed. Currently, there is a substantial amount of technical expertise in Ukraine, so this would not be too difficult. The political work of the new program, however, would best be done, at least for a few years, by an American organization. As an alternative, it would be highly advisable to have an American liaison between a local NGO and government beneficiaries even after a local implementer assumes responsibilities for administering the program.

The Internship Program should be expanded and open new opportunities for its participants. In general, many interviewees saw interns as qualified young people and some of them even mentioned that the interns were frequently more competent than the staff because many of the latter obtain their positions thanks to personal connections to MPs or seniors staff members. Perhaps the alums of the Internship Program might obtain some formal hiring preferences for entry-level job openings in the government.

2 - Develop an approach that requires greater contribution from parliamentarians to encourage them to take ownership and responsibility for activities previously done for them by USAID.

The parliament does not contribute to the costs associated with the various trainings, workshops, and other activities which the U.S. supports in Ukraine. Asking the parliament to contribute some proportion of the cost would accomplish several things. First, it could reduce costs of the program, albeit probably only slightly. Second, it might help the parliament take these activities more seriously. If parliament helped pay for its own training, MPs might be more concerned about the substance of these activities. Third, it would provide USAID with an opportunity to see the extent to which their work is genuinely valued. If parliament flatly refuses to contribute to any of these activities, it would be a strong sign that parliament does not sufficiently value these activities.

During the team's interviews it became clear that the parliament is concerned about how it is perceived and wants to be taken seriously as befitting a national legislature in a country like Ukraine. The shortcomings of the parliament make this difficult at times, but the sentiment remains. At the same time, the parliament feels a sense of entitlement because for its entire existence foreign donors have provided technical support and other resources. Taken together, these views represent a paradox which could be resolved by the legislature taking a greater interest in its own capacity development. Asking them to contribute to these activities might bring the parliament more closely into decision-making around the substance and planning of these activities.

3 - Continue working with the executive branch of the government alongside activities with the legislature.

Ukraine's constitution calls for power to be shared between the executive and legislative branches of government. Through working with both the executive and the parliament, USAID can have a larger impact on governance than if it just supported efforts with one of these institutions. Moreover, providing most of this support through the same program allows both for greater continuity and for the possibility of working on issues in which both of these branches are involved.

In many countries one program works with parliament while another works with the executive. This frequently results in a lack of synergy between the two programs. In Ukraine, major benefits could be realized by establishing activities aimed at strengthening legislative oversight of the executive or having executive input on committee hearings and the like. This approach would be additionally effective if a political split with one party controlling the executive and the other the legislature takes place.

Further coordinated efforts with the executive and the legislature could also seek to involve constituency-based civil society organizations with both these institutions. The legislative and executive can both benefit from the expertise of think tanks and would both function better if they were more open to input from advocacy organizations. Pursuing these goals will be more effective if both the executive and legislature are integrated into this approach.

4 - Develop more effective strategies to link parliament with citizens to increase citizen participation and parliamentary accountability, given that currently the political landscape is moving in the opposite direction, any strategy would have to involve political pressure or incentives as well as the creation of mechanisms and dialogues.

A central goal of future work on governance in Ukraine should be to bring citizens back into the process of governance. This requires convincing citizens that their engagement in governance can influence eventual outcomes. Without citizen buy-in and involvement in the process of government, Ukrainian democracy will remain unconsolidated and rife with corruption and other problems.

Future assistance should establish programs which encourage lawmakers to seek input from a range of CSOs, with particular emphasis on membership and constituency based CSOs. To facilitate this process programs need to help CSOs create ways to communicate effectively with their constituents about what parliament is doing and help members of the legislature know which CSOs are involved on which major issues. Future programs could create forums to allow CSOs to better gather input from the public and forums for CSO leaders and members of parliament to share information. This will likely also necessitate skill and strategy development within the CSO community.

Parliament should be encouraged and supported to have more public hearings and roundtables between committee members and the representatives of civil society. However, in addition to this collaboration and information sharing, CSOs also must understand how to pressure MPs, report on their activities, and find ways to generate support for MPs who address their causes. The key to this is to work with CSOs who represent people and have real constituencies. If only the NGOs which are made up of small numbers of elites, regardless of their skills, are involved, than ordinary citizens will rightfully continue to view governance as something which has no bearing on them and on which they can exercise no influence.

5 - Use the reintroduction of single mandate districts to create more links between citizens, local NGOs, and the legislature.

In recent years the parliament's 450 members have been elected through a unified national list. This has created little incentive for MPs to create relationships with, or be accountable to citizens. Instead, the primary constituency for aspiring MPs has been the leadership of their party, because they are the ones who determine the list.

This can change now due to the reintroduction of single mandate seats. It is likely that some single mandate MPs will rely on spreading money around to get elected and will not be interested in working with constituents once in parliament, but not all single mandate MPs will feel this way. Some will be interested in serving their constituents.

Accordingly, the new program should create a special single mandate activity which identifies a group of twenty to thirty MPs, at least some from all major political parties, with whom they work intensely. These MPs would receive technical assistance for things like holding issue-based hearings and town hall meetings in their district. Constituency service could be part of this, but the real emphasis would be on seeking policy-related input. Additionally, the U.S.-supported programs could arrange meetings and roundtables between the individual MPs and important CSO and interest groups in their district. These MPs would then be part of various study tours and exchanges, thus creating an incentive for participating in this program. However, participation in these study tours, for example, should be linked to doing the other work. USAID could prioritize the inclusion of a substantial portion of female MPs in order to further support gender concerns within the parliament.

6 - Continue to work on specific pieces of legislation through making quality expertise

available to parliament and by strengthening parliament's ability to provide its own expertise.

A common theme which the team heard in many of the interviews was that parliament did not have a lot of expertise on which they can draw. Parliament's internal expert groups are either overworked (Legal Department) or held in low regard (Scientific Expert Department) by the parliament. When PDP offered substantive policy expertise it was appreciated, particularly at the staff level.

The parliamentary support program should continue to help parliament access this expertise, but it should also help parliament develop its own ways of getting needed expertise on legislation. The first way to do this would be to work to strengthen the existing experts' departments, but it will be challenging and the outcome very uncertain, because the existing bodies appear to be committed to their approaches and institutional loyalties. It would also primarily involve extensive staff training which would have limited impact outside of the direct transfer of knowledge to parliamentary staff, who may not have the relevant expertise.

Instead, the U.S. could work on strengthening links between parliament and the expertise which exist in civil society. The Westminster Fund is doing some of this already, but their program is small and only focuses on a handful of issues. If members of parliament understand the expertise that exists outside of their institution and become more comfortable seeking out these experts, parliament will also begin to establish a sustainable source of expertise while simultaneously developing better ties to civil society.

7 - Link party and parliamentary work more closely.

For donors the line between legislative and party development is a clear one, but for recipients it is rarely that simple. The individuals, who serve as powerful MPs, are often powerful party leaders as well. Behavior in parliament is frequently driven by partisan considerations; and party strategy in elections can, and in fact should, draw on what the party has done in parliament. The team saw this in the meetings, as MPs looked genuinely puzzled as to why legislative strengthening did not include efforts to make sure the parliament was elected fairly.

Separating these two components into distinct programs usually ensures that the parliamentary program is less able to appeal to the political interests of MPs and the party program is not able to work with parties on parliamentary issues. This does not mean that the party and governance programs need to be the same or run by the same organization, but it suggests that there should be more coordination between the two. Occasional joint activities and workshops can help make both programs more effective and would engage Ukrainian parliamentary and party leaders in mutually beneficial ways.

In Ukraine's highly partisan system, the potential downside to this is that parliament becomes even more polarized as more issues become divisive and party line voting becomes more common. This is possible, but this is already largely the case. If, however, parties begin to see parliament as a place where a record of accomplishment can help them get elected, they may begin to approach the legislature differently. It is also a way to help build accountability into parliament as parties themselves can hold MPs accountable, particularly if the members of the party, rather than just the leaders are involved in this process.

8 - Provide appropriate political support to USAID assistance to parliament and governance

programs.

USAID-supported governance programs benefit from greater support from American diplomats and other officials. For example, many MPs disparagingly viewed the PDP as an agreement between a university and a national parliament and believed this was an asymmetric relationship. The PDP, however, is really an agreement between the Ukrainian parliament and the American government.

The U.S. side has to communicate this more effectively. This will provide the program with political support which reminds the parliament that this program is important to the US, and makes it possible for the program to make more requests for cooperation on new programs from parliament. When the next program is initiated, there should be an official event at which the U.S. Ambassador meets with the parliamentary leadership and impresses upon them the import of this event. High-level representatives from the U.S. Embassy and USAID should increase their visits to the new program's activities and should mention the importance of this program whenever meeting with leaders of the parliament. In addition to making the program more effective, it will make leaders of the parliament feel that their participation in the program is more significant and that their efforts are appreciated by the American representation in Ukraine, not just by the implementers of the program.

U.S. support for governance should consistently engage with all significant political forces in Ukraine. Currently the U.S. works with members of all parties in its governance work, but in the parliament, there appear to be stronger relationships with the political opposition. This is neither surprising nor necessarily the fault of the PDP. The Orange forces have been more open to cooperation, value relations with the U.S. more and, in many cases, are more interested in reform. Nonetheless, the relatively weak relationships with MPs from the Party of Regions are damaging; because the executive is controlled by the Party of Regions.

Building relations with the Party of Regions has not been easy, but these efforts must be continued and increased in the new program. If U.S. support for parliament is viewed as support for the opposition, which is not yet the case, it will be very difficult to effectively implement these programs. Additionally, the Party of Regions currently controls the parliament, and may continue to control the parliament after the upcoming election. Needless to say, a poor working relationship with the party that runs the parliament is a substantial hindrance to a legislative strengthening program.

The next program must include members of the Party of Regions in, for example, its single mandate MP programs, and should consider establishing programs working specifically with MPs from that party. Training for new MPs would allow the program to establish relations with some Party of Regions MPs, but those relations must be assiduously maintained over the life of the program. A balance will need to be struck between having a good relationship and allowing the Party of Regions too much influence over programming. This will not be easy, but it is necessary.

9 - Promote gender equality in government as part of legislative strengthening/good governance program.

The issue of gender equality is very acute in Ukrainian governing institutions. Currently, there are only 36 women, or 8%, out of 450 members of the Rada. In comparison, there are 22.3% of women in European parliaments and 10.7% in the Arab countries. Both experts and politicians believe that the new electoral system and majoritarian elections in single-member districts in October, 2012, will further reduce the proportion of women in VR. There were also no women in the composition of

the Cabinet of Ministers led by Mykola Azarov for two years since its formation in 2010 until Raisa Bohatyreva was appointed to the government.

The scope of PDP should be expanded by including measures to promote greater gender equality in governing bodies in Ukraine by providing equal access to government jobs and resources. This can be achieved with the assistance of the internship program, cooperation with constituency-based NGOs that protect gender rights, trainings, publications, etc.

10 - Reframe the program in Crimea to encourage civil society oversight and challenging of the parliament in an effort to make it more democratic and responsive.

Future work in the Crimea should address basic issues of representation through bringing MPs together with CSOs and citizens groups. Given the political environment there, these should begin with basic activities such as bringing MPs outside the capital for meetings with citizens or arranging informal meetings between CSOs and MPs working on similar issues. The key is to slowly bring MPs out of their comfort level and get them accustomed to working, even to a modest degree, with citizens. It is probably best not to begin with major and divisive issues such as land use, but to start with general introductory-type events. One party's dominance and the absence of strong roots in Crimea on the part of many MPs raise particular challenges for representation. Similarly, the ethnic diversity of Crimea also makes this a difficult region in which to operate. However, modest gains can go a long way in opening up the parliament in Crimea to engaging with citizens. Improving representation will give citizens an avenue for meaningful involvement in parliament. Building off the PDP activities to improve transparency and openness, better representation can start to build a parliament more accountable to the public.

7.0. LESSONS LEARNED

Although Ukraine has a distinct political environment and equally distinct set of challenges confronting future efforts at improving the quality of democracy and governance, there are also several lessons from the U.S. support for the Ukrainian legislature, and governance more generally, that can be applied to other countries. While support for parliament is at a turning point now, it is nonetheless true that USAID support, primarily through the PDP, was an important part of the governance landscape for almost two decades. By committing to long-term support and keeping a successful program in place, USAID built the groundwork for ongoing work with the legislature. MPs and staff from parliament, and in later years the executive, knew they could depend upon PDP and appreciated the institutional memory PDP brought to governance related issues.

USAID support is particularly valuable and important for potential democratic development in Ukraine because, while there are other donors working with parliament, for example the Westminster Foundation, which at times offers useful exchanges, technical support, and assistance with EU related issues, none of these endeavors are as broad or ambitious as U.S. support for the Ukrainian legislature. Moreover, it is very unlikely that if the U.S. were to move away from that kind of support that any of these donor organizations would take over this role. For this reason, despite the challenges facing USAID, U.S. support will likely continue to play a uniquely valuable role in governance for the foreseeable future.

Similarly, working with both the executive and the legislature within the same program maximized the U.S.'s support of Ukrainian governance. This made it possible for one program to look at governance questions holistically rather than to be driven by a programmatic division that may not have best reflected political and government conditions in Ukraine. This approach also made it possible to work effectively on relations between the two branches of government, which will be even more important in the future as will greater integration of the activities.

The internship project raises a related lesson. The internship program was the most frequently cited aspect of U.S. governance work in Ukraine. Former interns described the experience as valuable, even formative, while organizations and committees who had interns assigned to them viewed the interns in some cases as “more useful than some of the staff.” One of the strengths of the intern program was that it placed interns in both the executive and the legislature, thus guaranteeing them a range of experience and contributing to good relationships between the PDP and both branches of government. A way to expand this project is to negotiate some formal hiring preferences for positions in the government for the alums of the internship program.

The Ukraine experience also demonstrates the need for programs, even successful ones, to constantly innovate and evolve. U.S. support had a tremendous impact on parliamentary development in Ukraine in the 1990s, but this impact has waned substantially in recent years. This is in part due to the parliament's great need for such programs in the 1990s, before the institution became more effective and better functioning, but it also reflects a program that has continued to do many of the same things, or at least very similar things, over much of its eighteen years of activity.

This approach contributed to a number of successes, but also contributed to U.S. support for governance in Ukraine reaching a point of diminishing returns sometime in the last few years. There is a frequent tension between the desire to implement straightforward capacity building activities that

may be easy to explain and on which partner institutions will happily cooperate, but which may not address the most immediate and relevant needs; and crafting more risky activities that are not assured of success, but which focus on the most glaring needs and have potentially higher payoffs. In Ukraine, U.S. support generally erred in the former direction. This trend was highly exacerbated by the changing operating environment in Ukraine reflecting an erosion of political support for building a more democratic parliament.

Another lesson from Ukraine is that democracy and governance are two separate things and programs that focus intently on one of these things are unlikely to have an impact on the other. PDP was, and is, first and foremost a governance program. It has contributed to helping the Ukrainian parliament become more efficient and competent, but has done little to make it more accountable, to build relations between constituents and legislators, or to increase pluralism and debate in parliament. Not surprisingly, Ukraine has a parliament that can function reasonably well, but ordinary citizens feel that they have little input. This is the result of a variety of factors including changes in Ukrainian's political landscape.

Democratic development, or even the democratizing of specific institutions such as legislatures, does not come as a byproduct of better governance. Governance programs generally make institutions function more effectively, but if they are not democratic to begin with, they will simply become better functioning non-democratic institutions. In Ukraine, like many countries, the main challenge facing democratic development is that powerful stakeholders do not want greater democracy. This is generally referred to euphemistically as a lack of political will. That condition will not change by equipping the institutions in question with tools for working more effectively, but in Ukraine, as in many other countries that is the tactic most frequently pursued. A better approach is to make sure, from the time the project begins, that efforts to strengthen democracy, in addition to governance, are integral parts of the project.

The experience in Ukraine also demonstrates that assistance cannot be entirely disaggregated from the political side of bilateral relations. Several MPs, for example, valued the PDP, not because of the support it provided, but because they viewed it as evidence of U.S. interest in and engagement with parliament. It was awkward, but nonetheless telling, that some of these people unambiguously stated their appreciation for U.S. support of the parliament, but could not describe any details of this support. Furthermore, legislative strengthening programs are most effective when the U.S. signals to the legislature that the program is important. This makes it easier for the implementer to push for activities that are productive but may move the leadership of the legislature out of their comfort zone.

8.0. UNRESOLVED ISSUES

There are several unresolved issues which will determine the impact and best approach for U.S. assistance to governance in Ukraine. Some of these issues reflect the uncertainty that is part of democracy and governance work generally. In Ukraine, two specific issues of this kind are the fall elections which, while unlikely to yield any major surprises, could lead to leadership of the parliament changing hands. The second, and related, issue is the increasing possibility that the current government of Ukraine will accelerate its policies of limiting freedoms and reducing democracy.

If control of parliament changes hands in the next election, it is possible that there will be renewed interest from parliament in seeking assistance from the US. In this case, it will be important for USAID not to become too optimistic based on this election and to recognize that regardless of which party controls the legislature, there is still a lot of work to do in areas concerning representation and accountability. However, if control of parliament does not change hands, some segments of the political elite and even the population more generally may become more discouraged and lose faith, or disengage with the parliament. This would be a very unfortunate development which USAID should be prepared to combat.

During the last two years or so, since the election of 2010, there has been widespread concern about whether the current government will continue to allow sufficient democratic space in Ukraine. Recent events, notably the arrest and conviction of Yulia Tymoshenko and other leaders of the opposition, have drawn more attention to these concerns. This report has been based implicitly on the assumption that Ukraine will continue to be a hybrid regime where elections matter, political pluralism is allowed, and different voices are represented in the legislature, the media, and elsewhere. If these conditions continue to be eroded, USAID will have to pursue a very different course.

Throughout this report, we have stressed the importance of pursuing activities that would make the parliament more accountable, pluralistic, and inclusive of citizens and civil society. Some of this can be done through work with MPs from single mandate districts, but this will not be enough. The most effective approach to this will include work with civil society organizations, particularly membership based groups organized around an interest. Bringing these groups into contact with MPs through for a, public events, petition drives, and the like will be a valuable tactic. Similarly, bringing MPs to the people, particularly outside Kyiv for events where specific policy proposals or problems are discussed, creating structures which make it possible for MPs to solicit and receive input from citizens, improving communication from MPs, particularly single mandate ones, to citizens, and helping CSOs learn how to use their political influence in parliament are other ways to achieve this goal. Some of these things have been part of previous and current assistance to the legislature, but this needs to now become the focus of this work.

The PDP has been involved in lawmaking by bringing expertise to the parliament, hosting roundtable discussions, and helping shape some legislation. This has been helpful, but at this time involvement in the lawmaking process needs to take a different form. This work has largely aimed at the technical side of lawmaking, but it is now time to focus more attention on the political and representational side of lawmaking. The process of reviewing and passing laws needs to become a much more open process with input from citizens and organizations holding a range of views on the issues in question.

At times this may mean working with civil society organizations which hold views that are not

consistent with those of the US. For example, if there is a piece of legislation involving environmental regulation, environmental groups supporting the bill, as well as those who want to accelerate destruction of the environment need to be brought into the lawmaking process. The goal here is to move away from guiding political outcomes, while moving towards more open lawmaking with greater input from citizens.

Another central issue which should be explored in more depth is the question of how much longer USAID should plan to continue to support governance and legislative development in Ukraine. After eighteen years, there are concrete accomplishments to which USAID can point, primarily involving the effectiveness and professionalism of parliamentary and government staff, but there is also the reality that eighteen years of assistance of this kind is a long time particularly in a country with the wealth and resources of Ukraine. Continued support for legislative strengthening in Ukraine should be paired with the question of how much longer the U.S. should plan to do this kind of work.

Beginning to phase in a local NGO is a good start, and will lead to a less expensive program, but at this time there does not seem to be an NGO that can take over this program and implement it well, so even that first step will take a few years. Many of the interviewees seem to take U.S. support for granted and see it as a constant that is unlikely to change. Others see it as a sign of U.S. involvement in Ukraine so fear the cancellation of various programs because they would interpret that as a sign of weakening US-Ukraine relations. While support for the parliament is part of US-Ukraine relations, support of this kind should not primarily be about the bilateral relationship. Rather, this support should seek to strengthen institutions and improve democracy and governance. If, for whatever reason, including changing political conditions in Ukraine, this becomes impossible, revisiting the wisdom of continuing the program will be necessary.

Finally, the question of widespread corruption in Ukraine clearly influences legislative development and almost all aspects of governance and remains very significant in the political and economic life of Ukraine. The Rada and lawmaking process generally is rife with corruption; and political development in Ukraine will continue to be hampered unless corruption is reduced. MPs often vote for other MPs and business and moneyed interests dominate decision-making. Future PDP programming should carefully consider how to take into account such issues of corruption within their legislative strengthening activities. However, using the legislative strengthening program as a way to explicitly combat corruption would be going beyond the scope or likely capacity of the PDP. Corruption is a significant enough issue within Ukraine to merit its own programmatic focus.

APPENDIX A: USAID SCOPE OF WORK

SECTION C - STATEMENT OF WORK

Ukraine Legislative Strengthening/Good Governance Program Assessment and Recommendations for Future USAID Interventions in the Sector

I. Introduction

This is a Statement of Work (SOW) to assess the implementation and impact of the current legislative strengthening program(s) in Ukraine and the existing operating environment. The review will provide the USAID Mission with a set of findings, conclusions, and recommendations to determine whether continued engagement in this sector is warranted and, if so, appropriate goals and interventions. Oleksandr Piskun will serve as the Contracting Officer's Representative (COR) for the assessment.

II. Assessment Purpose

USAID/Ukraine has identified the development of “More Participatory, Transparent, and Accountable Governance Processes” as the Mission's top objective for Ukraine. In advancing this objective, the Mission intends to strategically focus efforts on three intermediate results: 1) improving the legislative policy environment in line with EU standards; 2) improving citizen oversight and engagement in governance, and 3) increasing Government of Ukraine (GOU) accountability to citizens.

This assessment is meant to advise the USAID Ukraine mission on potential directions, goals, and activities that may most likely have an impact on advancing the first intermediate result, “Improved legislative and policy environment in line with EU standards”.

The USAID Regional Mission to Ukraine, Moldova, and Belarus (the Mission) will use the assessment findings, conclusions, and recommendations to re-assess its role in promoting legislative strengthening in Ukraine, the adequacy of the current activities, and the potential for new, complementary and/or subsequent interventions.

III. Background

In the two decades since its independence, Ukraine has made significant progress in its democratic transition, though its transition is by no means complete. Political institutions have matured as well, including Ukraine's national parliament, the Verkhovna Rada (the VR or the Rada). Over the past twenty years, the Rada has established itself as a key player in the policy making process, with a strong committee system and an increasingly

robust and well-trained staff.

While the Rada's institutional infrastructure has matured considerably over the past twenty years, its independence as a policy making institution is less secure. The 2010 presidential elections in Ukraine resulted in the election of Party of Regions leader Victor Yanukovich and the general disintegration of the Orange Revolution coalition. Many domestic and international observers have noted a regression in respect for democratic norms since 2010. The disintegration of the Orange coalition following the elections culminated in a number of Orange MPs defecting to join a new governing coalition with the Party of Regions. The Law on the Rules of Procedure of the Rada was then quickly amended to enable a parliamentary majority to be established on the basis of the number of individual MPs that support the coalition, whereas in the past a parliamentary majority could only be established on the basis of the numerical strength of the factions making up the majority, a change which was challenged and then upheld by the Constitutional Court, in a reversal of its prior case law.

The creation of a majority has enabled the Regions coalition to move rapidly to promote and adopt its legislative agenda in the Rada, in some cases without regard for parliamentary procedure or consultation with the parliamentary opposition or with civil society. The ascendancy of the Regions Party was furthered by a September 2010 Constitutional Court decision reversing 2004 amendments to the 1996 Constitution, which in effect returns Ukraine to a presidential-parliamentary republic in which the President selects the Prime Minister and Cabinet. Members of the opposition, as well as observers outside the parliament, have complained about a dictatorship of the majority within the VR. It has been characterized by less debate and discussion on draft legislative and policy issues, disregard of the recommendations of committee and legal professionals, the dominance of Presidential initiatives, scant consideration of opposition amendments, less intensive parliamentary oversight and control, and reduced levels and opportunity for meaningful public input and participation in the process.

USAID/Ukraine legislative strengthening assistance has focused primarily on building the capacity of the Rada. The vast majority of this legislative strengthening assistance has been implemented by Indiana and Ohio State Universities through a series of cooperative agreements collectively referred to as the Parliamentary Development Program (PDP).

During the past 18 years, PDP has engaged in five distinct stages of assistance to the Ukrainian legislature: (1) providing the VR with comparative information on democratic governance and legislation of world democracies (1994-1997); (2) assisting the establishment of democratic procedures: budget, committee hearings, and information exchange (1997-2000); (3) facilitating the passage of reform legislation (2000-2003); (4) strengthening internal management systems; and improving legislative-executive relations and citizen access to parliament (2003-2008); and (5) improving the capacity for legislative and policy formulation within government institutions at the national and regional levels – including the VR and the regional Verkhovna Rada of the Autonomous Republic of Crimea (VR ARC), as well as the Cabinet of Ministers and the Presidential Administration. (2008-2012).

PDP is one component of a larger DG effort in Ukraine, which also emphasizes civil society and media development, political party development and electoral reform, judicial

strengthening and access to justice, and rule of law. At the sub-national level, activities also aim to strengthen municipal management (particularly of budget processes and economic development planning), as well as build the capacity of local leaders to advocate for decentralization.

In FY2010, the program expanded its activities to assist the Verkhovna Rada of the Autonomous Republic of Crimea (VR ARC) to help improve regional stability and accelerate Crimea's future development by working with regional representative governance strengthening ties between Crimea and the rest of Ukraine.

Activities have been focused on building a foundation to support effective policy-making processes within the VR and the VR ARC which address central-local relations, particularly with regard to Crimea, as well as on improving the capacity and resources of VR ARC staff and increasing the transparency of the VR ARC's work, including through opening the VR ARC to visits from schools, enterprises, institutions and civic associations.

IV. Objectives

The overall objective of the review is to provide USAID with a set of recommendations about how to best advance the intermediate result "Improved legislative and policy environment in line with European standards". In accomplishing this, the assessment team should consider the following:

1) Operating Environment:

- Review the current environment with regards to the development of Ukraine's legislative branch and processes, including: 1) implications of the 2010 Constitutional changes, administrative reform and changes in procedural rules in the Rada for executive-legislative relations and inter-branch policy making; 2) the prospects for increased civil society participation in the development and monitoring of legislative policy; 3) the effects of continued political turmoil in the Ukrainian political system on Rada policymaking and institution building; 4) the possible effects of a return to a mixed proportional-majoritarian system on Rada policymaking; and 5) the overall opportunities and constraints that the operating environment presents for Ukraine's legislative and policy development processes.

2) Program Considerations:

- Review ongoing USAID legislative development efforts and report on strengths and weaknesses.
- Assess barriers to more accelerated legislative development and/or introduction of more transparent and participatory policy development process, including as they relate to cooperation between the executive and legislative branches of government.
- Identify any additional or alternate means of advancing the Mission's intermediate result.

- Review the extent to which assistance in the legislative strengthening sector is still feasible and effective in facilitating the development of more democratic and accountable legislative policy development in Ukraine.

3) Program Recommendations:

- Assess the need for changes in legislative strengthening programming to best reflect the current political environment and improve citizen representation and government accountability in legislative policy development.
- Consider opportunities for local Ukrainian organizations to directly implement legislative strengthening programming and to build local capacity for program implementation.
- Make recommendations on how programming could advance legislative strengthening given the evolved environment, and assessed constraints and opportunities.

V. Illustrative Assessment Questions

The USAID Mission in Ukraine intends to use the results of this sectoral assessment as a tool in the future design and implementation of its legislative strengthening assistance.

The following topics and questions are illustrative of the issues that USAID/Ukraine would like the team to address. These questions, however, should not constrain the team from pursuing other relevant issues, as they see fit.

- What is the current political operating environment and how does it impact the development of Ukraine's legislative policymaking and the Rada more generally?
- What are the overall opportunities and constraints that the operating environment presents to the further development of an independent, accountable and effective parliament?
- What are the long and short term implications of recent Constitutional and administrative reforms on legislative policymaking processes and on the institution of the Verkhovna Rada?
- Are there actors and institutions within the Government of Ukraine who support the further development of an independent, inclusive and effective parliament?
- What is the current political operating environment in Crimea and how does it impact the development of the VR ARC? What is the current state of relations between the Rada and the VR ARC?
- Do legislative and executive branch officials demonstrate commitment to transparent, inclusive, and accountable policy development processes? If not, what are the challenges?
- What challenges and opportunities are there for increased civil society participation in the legislative policy development process?
- Given the ongoing administrative reform and current country context, how relevant is the original project design framework to the short, middle, and long-term development needs of Ukraine? Are there other approaches that might better address the challenges of the current context?
- Are there local implementers with the requisite technical institutional and financial capacity to directly program USAID-funded legislative strengthening activities?
- What are the challenges of program implementation as they relate to cooperation

- with legislative and executive partners and the overall operating environment?
- Which priorities are being addressed to a significant degree by other donors?
- What are the lessons learned from current USAID legislative policy development programs and how might USAID leverage this experience to ensure the improved quality and impact of future programs? Are there missing components in the reviewed programs that could lead to greater impact or program elements that should not be continued?
- Given the current situation in legislative strengthening sector development in Ukraine, what specific activities in the legislative strengthening sector would be the most valuable investment of USAID's resources over the next 3-5 years?
- What are the possible expected outcomes of the program over the next 3-5 years?
- Are there programmatic interventions that could effectively address the issue of corruption within legislative policymaking institutions in Ukraine?
- Are there windows of opportunity to support improved linkages between the VR ARC and the Rada, and how can programming best leverage these opportunities?

VI. Deliverables

The Contractor will submit a clear, informative, and credible report (up to 30 pages, including an executive summary of no more than two pages) that reflects assessment team findings, conclusions, and recommendations focusing on programmatic recommendations and illustrative activities for the Mission's new Governance Program, outlining priority directions for governance assistance over the next three to five years (2013 – 2018). Additional details and analysis should be placed in an appendix. The assessment report should contain the following elements:

Executive summary — Concisely states the main points of the assessment. Briefly presents major findings, conclusions and recommendations corresponding with the outlined assessment questions. A clear distinction in the assessment report between findings, conclusions and recommendations is required. Making these distinctions enables readers to trace the reasoning used by the assessors in reaching conclusions and proposing recommendations.

Assessment Abstract - Shall provide a brief abstract of the assessment for use by USAID in disseminating information about the assessment. This abstract shall be a further summary of the same information as the summary within the space limitations of one single-spaced page, preferably less.

Introduction — Summarizes the assessment purpose, audience, and questions.

Background — Summarizes the context in which the project and its components took place, problem addressed, and summarize the current operating environment, its challenges and opportunities.

USAID assistance approach — Describes USAID's program strategy and activities implemented in response to the problem.

Findings — Empirical facts collected by the team related to the assessment questions. Findings must be supported by relevant quantitative and qualitative data.

Conclusions — Assessors' interpretations and judgments based on the findings.

Recommendations — Proposed relevant and practical actions based on and clearly supported by conclusions.

Lessons learned — Broader implications for similar programs in different settings or for future activities.

Unresolved issues — Reviews what remains to be done and examines unanswered questions.

Annexes — Should include but not limited to:

- A. SOW
- B. Description of assessment methods used
- C. Data collection instruments
- D. Schedules,
- E. Lists of persons contacted/interviewed
- F. Statistical tables
- G. Charts and/or graphs
- H. Bibliography of documents consulted
- I. Glossary of acronyms used

The Assessment Report (AR) must include sufficient local and global contextual information so the external validity and relevance of the assessment can be assessed. Assessment findings should be based on facts, evidence and data. Findings should be specific, concise and supported by strong quantitative and qualitative information that is valid and reliable. Conclusions should be supported by a specific set of findings. Recommendations should be practical, clear, action-oriented, and supported by a specific set of findings and conclusions for future activities.

The AR will be submitted in electronic form and written in English using MS Word Times New Roman 12 or other legible font of similar size. Any data used to prepare the report will be presented in MS Office compatible format and submitted either by e-mail, or CD, or a flash drive.

VII. Assessment Team Qualifications and Composition

USAID/Ukraine envisions the Assessment Team to include one international Senior Program Development Specialist who will serve as Team Leader, as well as a Mid-Level Program Development Specialist, a CCN Development Specialist and a CCN Logistics Specialist. The Senior Program Development Specialist should have substantial experience in the legislative strengthening sector as set forth further below. .

The Legislative Strengthening/Good Governance (LS/GG) Assessment Team Leader

(Senior Program Development Specialist) must have strong team management skills, at least five years of related experience, including substantial demonstrated experience in leading the design, evaluation and/or assessment of donor-funded legislative strengthening projects. He/she must have demonstrated experience with assessment and evaluation methodology and approaches and superior information analysis, writing and presentation skills. He/she shall be responsible for coordinating assessment activities and ensuring the quality production and timely completion of the assessment report. The LS/GG Assessment Team Leader shall meet the minimum level of academic and work experience qualifications outlined in Section B.5(a)(2) of the IQC. The Team Leader should have extensive analytical experience as evidenced by having led assessments or evaluations in the LG/GG arena, which equips him/her to conduct high-quality and in-depth analysis of the political, and to a lesser degree economic and social, barriers to democratic development and consolidation. The Team Leader should also have relevant experience developing LS/GG programming options on behalf of USAID, other donors, or multilateral organizations.

The Mid-Level Program Development Specialist (Country Expert) must have at least five years of experience in and detailed knowledge of Ukraine's legislative sector and relevant governmental and non-governmental institutions. He/she shall meet the minimum level of academic and work experience qualifications outlined in Section B.5(a)(2) of the IQC. The Country Expert should have extensive analytical experience, which equips him/her to conduct high-quality and in-depth analysis of the political, and to a lesser degree economic and social, barriers to democratic development and consolidation in the country. Demonstrated experience in conducting assessments and evaluations of donor-funded legislative strengthening programs is preferred. Country expert should also have relevant experience in conducting LS/GG research and assessments, and developing LS/GG programming options on behalf of USAID, other donors, or multilateral organizations. Regional experience and specific country knowledge and expertise are required. Regional and country expertise should be demonstrated by time spent in the region and in the country conducting research, managing programs, or providing advisory services, and publishing academic or donor studies on the region or country. An ability to conduct interviews and discussions in the local language is highly preferred.

The CCN Program Development Specialist must have at least five years of experience in and detailed knowledge of Ukraine's legislative sector and relevant governmental and non-governmental institutions. Demonstrated relevant experience in conducting He/she should also have relevant experience in conducting LS/GG research and assessments, and developing LS/GG programming options on behalf of USAID, other donors, or multilateral organizations.

VIII. Assessment Planning

To facilitate assessment planning, the Mission will make available to the Contractor USAID Ukraine's 2010 DG assessment; the PDP Cooperative Agreement (September, 2003 – July 31, 2013); Modifications to the Agreement; the PDP II Project's Annual Work Plans; Performance Monitoring Plans; and Quarterly Reports, as well as PDP II's annual MP surveys, and lists of PDP II project subcontractors, counterparts, sites, and documents intended to support reforms in Ukraine's legislative policy development,

within a working day of the award effective date.

When planning and conducting the assessment, the Contractor will make every effort to reflect opinions and recommendations of all key project stakeholders, including those from the national and local governments, donors, civil society, and the private sector. In particular, the Contractor is expected to meet with leadership and/or staff of the Rada and the VR ARC. USAID asks that the forthcoming American and Ukrainian holidays be considered in scheduling assessment meetings in the USA and Ukraine.

IX. Schedule and Logistical Support

The assessment will consist of 30 working days, of which up to 12 will be spent in Ukraine conducting the assessment. Assessment Team members shall arrive in Kyiv, Ukraine o/a May 10, 2012 and depart o/a May 25, 2012. The team will travel to Crimea o/a May 15th, returning o/a the evening of May 18, 2012. A six-day workweek is authorized for the Assessment Team. The remaining 14 days will be used for preparing the draft and finalizing the report.

Due to Ukrainian national holidays in May, USAID strongly recommends that the CCN Logistics Specialist start setting up the assessment schedule in the last week of April 2012.

The assessment will contain three essential stages:

- 1. Pre-assessment review and initial preparation for team planning (four days):** Prior to the in-country assessment, the team will be expected to conduct a pre-assessment review and complete preparation reading of background materials. At this stage, the Team should compile a notional plan of in-country meetings and contacts and consult with USAID for possible additional contacts and recommendations.
- 2. In-country interviews (12 days):** The information will be gathered via site visits, field interviews with project staff and recipients, and reviews of project documentation and materials produced under the project. A site visit to Crimea is required. The Team is required to begin their assessment work with the in-briefing with USAID leadership and relevant USAID offices. At the conclusion of the review, the Team is required to provide a comprehensive outbrief with USAID on preliminary findings.
- 3. Final report and presentation of assessment results (14 days):** In the last phase, the team will be responsible for presenting its findings to USAID and producing a draft and final report. The final draft version of the report should be submitted to USAID o/a 10 work days after the end of the in-country field work. USAID will provide the contractor with its comments on the draft report within 10 work days after receipt of the final version. The final approved report will be presented by the contractor to USAID within 10 days after receiving mission comments on the draft report.

The Contractor will be responsible for all logistical support during the assessment, including translation/interpretation, transportation, office supplies and computer equipment, office space, arranging meetings and accommodating field reviews. The Contractor must not expect any substantial involvement of Mission staff in either planning or conducting the assessment.

X. Other Requirements

All records from the assessment (e.g., interview transcripts or summaries) must be provided to the assessment COR. All quantitative data collected by the assessment team must be provided in an electronic file in an easily readable format agreed upon with the assessment COR. The data should be organized and fully documented for use by those not fully familiar with the project or the assessment. USAID will retain ownership of the survey and all datasets developed.

All modifications to the assessment SOW, whether in technical requirements, assessment questions, assessment team composition, methodology or timeline should be agreed upon in writing by the assessment COR.

APPENDIX B: SCHEDULE

Ukraine Legislative Strengthening/Good Governance Program Assessment and Recommendations for Future USAID Interventions in the Sector

AGENDA

Some of these meetings were conducted with the whole team, but in some cases the team split up so to maximize the number of meetings we could do.

May 7-23, 2012

Monday, May 7

Team arrival to Kyiv @ 'Boryspil' airport, Terminal F

19:00 – 21:00 Team meeting

Tuesday, May 8

10:00 – 11:00 In briefing session, USAID office @ 19 Nyzhny val street

13:00 – 14:00 Meeting with Ihor Kohut, Laboratory of Legal Initiatives @ 33 Nyzhny val street

16:00 – 17:00 Meeting with Oleksandr Sushko, Research Director, Institute for Euro-Atlantic cooperation (IEAC) @ IEAC office, 42 Volodymyrska street, office 21

Wednesday, May 9

12:00 – 13:00 Meeting with Vira Nanivska, Director, International Centre for Policy Studies @ 13 Studentska street

15:00 – 16:00 Meeting with Ihor Koliushko, Head of the Board, Center for Political and Legal Reforms @ IEAC office, 42 Volodymyrska street, office 21

Thursday, May 10

10:00 – 11:00 Meeting with Eleonore Valentine, Field Director, Parliamentary Development Program (PDP II) @ 6v Ivana Mazepyy street

13:00 – 14:00 Meeting with Andriy Mokhnyk, Deputy head of Svoboda party on political issues @ 58, Saksaganskogo, apt. 8

15:00 – 16:00 Meeting with Zhovkva Ihor, Head of Division, State Agency for

Investment and National Projects of Ukraine @ 11 Velyka
Zhytomyrska street

17:00 – 18:00

Skype talk with Farmuha Andriy, Head, Organization "Union of Young Political Scientists"

Friday, May 11

09:00 – 10:00

Meeting with Snigur Iryna, Chief Scientific Consultant of the constitutional issues and state-building of the Central Scientific Expert Office, Verkhovna Rada of Ukraine @ IEAC office, 42 Volodymyrska street, office 21

11:00 – 12:00

Meeting with Semerak Ostap, MP, Member of the VRU Committee on Budget, Verkhovna Rada of Ukraine @ Reforms and Order Party office, 28 Instutytska street

12:30 – 13:30

Meeting with Tarasiuk Borys, MP, Chair of the VRU Committee for European Integration, Verkhovna Rada of Ukraine @ VR Committee for European Integration, 3a Sadova street

13:00 – 14:00

Meeting with Sergiy Sobolev, MP, Committee on justice, Verkhovna Rada of Ukraine @ Reforms and Order Part office, 28 Instutytska street

15:00 – 16:00

Meeting with Prytula Taras, Head of the board, and Valeriya Sobakar, Director, League of interns @ 'Mafia' restaurant, 27/1 Bohdana Khmelnytskogo street

16:00 – 17:00

Meeting with Oksha Nataliya, First Deputy Head of the Department for Mass Communication, Cabinet of Ministers of Ukraine @ Club of the Cabinet of Ministers, 7 Instutytska street

Monday, May 14

10:00 – 11:00

Meeting with Klyuchkovsky Yuriy, MP, Deputy Head of Committee on State Building and Local Self Governance, Verkhovna Rada of Ukraine @ Kyiv-Mohyla Faculty of Law, 20 Irpynska street

12:00 – 13:00

Meeting with Stretovych Volodymyr, MP, Verkhovna Rada of Ukraine @ Kyiv-Mohyla Faculty of Law, 20 Irpynska street

13:30 – 14:30

Meeting with Oleksiy Sydorenko, Head of the Information Systems, Verkhovna Rada of Ukraine @ 'Ducat' café, 16 Instutytska street

14:00 – 15:00

Meeting with Yeresko Ihor, MP, Deputy Chair of the Economic Policy Committee, Verkhovna Rada of Ukraine @ 'Ducat' café, 2/18 Velyka Zhytomyrska street

- 14:30 – 15:30 Meeting with Ivanesco Denys, Head of the Department for Public Access to Information, Administration of the President of Ukraine @ 11 Bankova street
- 15:30 – 16:30 Meeting with Stavniychuk Maryna, Advisor to the President, Administration of the President of Ukraine @ 11 Bankova street
- 21:10 Lincoln and Olga departure to Simferopol, Crimea
22:40 Arrival to Simferopol, transfer to ‘Ukraina’ Hotel @ 7 Aleksandra Nevskogo street

Tuesday, May 15

(Simferopol group)

- 09:00 – 10:00 Meeting with Bariev Eskender, Expert, Head of the Center, Civic Activist, "Analytical Information Agency "Open Crimea", Crimean Tatar Youth Center" @ ‘Ukraina’ Hotel lobby bar, 7 Aleksandra Nevskogo street
- 10:00 – 11:00 Meeting with Nikoforov Andriy, Political Scientist, Taurida National University @ ‘Ukraina’ Hotel lobby bar, 7 Aleksandra Nevskogo street
- 12:00 – 12:45 Meeting with Khalilov Aider, Program Officer, Civil Society Strengthening Program in Crimea, UNITER project and Yunusov Lenur, Crimea Coordinator, Internews; U-media @ UNITER office, 3, Petropavlovskaya Street, Office 401
- 12:50 – 13:50 Meeting with Ivan Stulov, Parliamentary development program, Crimea @ ‘Divan’ café, 6 Gorkogo street
- 14:00 – 14:30 Meeting with Ioffe Grygoriy, MP, Deputy speaker, Verkhovna Rada of the Autonomous Republic of Crimea @ 18 Karla Marksa street
- 14:30 – 15:00 Meeting with Bakharev Kostyantyn, MP, Chair of the Rules Commission, Verkhovna Rada of the Autonomous Republic of Crimea @ 18 Karla Marksa street
- 15:00 – 15:20 Meeting with Ponomarenko Margaryta, Head of the Secretariat, Verkhovna Rada of the Autonomous Republic of Crimea @ 18 Karla Marksa street
- 15:30 – 16:00 Meeting with Akadyrov Zair, Editor in Chief, Information agency "AN-Crimea” and Samar Valentyna, Journalist, "Informational Press-center, Investigator web-site"@ 8 Sevastopolska street

16:30 – 17:30 Meeting with Formanchuk Oleksandr, Advisor to the Speaker, Verkhovna Rada of the Autonomous Republic of Crimea and Pilunskyy Leonid, MP, Verkhovna Rada of the Autonomous Republic of Crimea @ *‘Verona’ café, 28 Kirova avenue*

Tuesday, May 15

(Kyiv group)

10:00 – 11:00 Meeting with Igor Semyvolos, Director, AMES Institute @ *AMES office, 4 Grushevskogo street*

11:30 – 12:30 Meeting with Volodymyr Venger, Consultant of the Member of the Parliament Ruslan Knyazevych

13:00 – 14:30 Meeting with Zoryana Chernenko, Faculty Member, Social and Administrative Law, Kyiv Mohyla Academy School of Law @ *Kyiv-Mohyla Faculty of Law, 20 Irpinska street*

15:00 – 16:00 Mychailo Ratushnyi - former MP, Head of the Ukrainian World Coordinating Council @ *World Coordinating Council, 3-b Antonovycha str.*

16:30 – 17:00 Meeting with Olga Kobets, former MP @ *World Coordinating Council, 3-b Antonovycha str.*

17:00 – 18:00 Meeting with Yaropolk Tymkiv, member, League of Interns, Program Officer UNITER project @ *UNITER Office, 3 Mechnykova Str, Office 8, 8th floor*

Wednesday, May 16

07:00 Team departing from Simferopol

08:25 Team arriving to Kyiv. Transfer to Hyatt hotel @ *3 Trehsnyatylska street*

11:00-12:00 Kolesnichenko Borys, Deputy Head of the Secretariat’s Department on Inter-Parliamentary Relations, Verkhovna Rada of Ukraine @ *3a Sadova street*

12:00 – 13:00 Meeting with Mehera Andriy, Member, Central electoral commission of Ukraine @ *1 Lesi Ukrainky square*

13:30 – 14:30 Meeting with ‘Nasha Ukraina’ MPs @ *‘Stare Zaporizhzhya’ restaurant, 27 Sagaidachnogo street*

15:00 – 16:00 Meeting with Yasenjuk Yuriy, Deputy Head of VR Secreteriat, Verkhovna Rada of Ukraine and Pogorelova Alla, Head of training programs, Legislative Institute, Verkhovna Rada of

Ukraine @ 4 Grushevskogo street

18:00-19:00 Meeting with Kristina Wilfore, Chief of the party, NDI @ NDI office, 16 Yaroslaviv Val Street

19:00 – 20:00 Meeting with Laura Palmer Pavlovich and Oleksandr Piskun ,USAID @ Hyatt hotel lobby, 3 Trebsvyatytelska street

Thursday, May 17

11:00 – 12:00 Meeting with Shevchenko Andriy, MP, Verkhovna Rada of Ukraine @ 'Ducat' café, 16 Instutytska street

12:00 – 13:00 Meeting with Yuriy Miroshnychenko, MP, Plenipotentiary Representative of the President, Verkhovna Rada of Ukraine @ 5 Grushevskogo street

14:00 – 15:00 Meeting with Mykola Tomenko, Deputy Chairman, Verkhovna Rada of Ukraine @ 5 Grushevskogo street

15:00 – 16:00 Meeting with MP, Committee on Agrarian and Land Issues, Verkhovna Rada of Ukraine @ 3a Sadova street

Friday, May 18

09:00 – 12:00 Assesment Mission group meeting @ IEAC office, 42 Volodymyrska street, office 21

13:00 – 14:00 Meeting with Vashchenko Kostyantyn, First Vice-Rector at National Academy for Public Administration @ 12/2 Pugachova street

14:30 – 15:30 Meeting with Dr. Lidiya Danylenko, Valentyna Hurievska, Svitlana Gladkova and Larysa Sheremetieva, NAPA @ 12/2 Pugachova street

16:30 – 17:30 Meeting with Colin Maddock, Territorial Cooperation Expert, Team Leader - Evaluation of CBC Programmes under ENPI @ PDP office, 6v Ivana Mazepy street

Monday, May 21

10:00 – 11:00` Out-briefing with USAID Chief of the mission Janina Jaruzelski @ USAID office, 19 Nyzhny val street

13:00 – 14:00 Meeting with Borysiuk Mykhailo, Chair, Committee of Environm policy, Verkhovna Rada of Ukraine @ 'Ducat' café, 16 Instutytska street

14:00 – 15:00 Meeting with Vaughn David, Chief, USAID Fair Justice Project and Olga Nikolaeva, Program Coordinator, U.S. Agency for International Development (USAID) Fair Justice Project @ 36, Ivan Franko st. 3rd floor, office 3

15:00 – 16:00 Meeting w Halyna Shevchuk and Oksana Klymovych, Westminster Foundation @ 8/14 Velyka Zhytomyrska street

18:00 – 20:00 Meeting with Charles White, John Glenn School of Public Affairs and Edward Rakhimkulov, Deputy Project Director in Ukraine, PDP @ Restaurant Gusta Tratorria at Ivana Mazepa St. 5

Tuesday, May 22

13:30 – 14:30 Meeting with Marisia Pechaczek, First Secretary, MATRA programme head @ The Netherlands Embassy, 7 Kontraktova square

15:00 – 16:00 Meeting with Ihor Popov, Deputy Head, State Agency for Civil Service @ 15 Prorizna street

16:30 -17:30 Meeting with Evhen Bystryckiy, Executive Director, International Renaissance Foundation @ 46 Artema street

16:30 – 17:30 Meeting with Volodymyr Kondrachuk, Sector manager, Public Administration Reform, EU Delegation to Ukraine @ 10 Krublo-Universytetska street

Wednesday, May 23

Team departure

APPENDIX C: LIST OF PERSONS CONTACTED/ INTERVIEWED

Ackles Devin, Fulbright Research Fellow, Independent analyst
Akadyrov Zair, Editor in Chief, Information agency "AN-Crimea
Bakharev Kostyantyn, MP, Chair of the Rules Commission, Verkhovna Rada of the Autonomous Republic of Crimea
Bariev Eskender, Expert, Head of the Center, Civic Activist, "Analytical Information Agency "Open Crimea", Crimean Tatar Youth Center"
Bazilevych Dennis, Executive relations manager, Parliamentary development program
Bodnarchuk Sergiy, Head of the Central Executive committee of 'Nasha Ukraina'
Borysiuk Mykhailo, Chair, Committee of Environmental policy, Verkhovna Rada of Ukraine
Bystryckiy Evhen, Director Executive, International Renaissance Foundation
Chernenko Zoryana, Faculty Member, Social and Administrative Law, Kyiv Mohyla Academy School of Law
Danylenko Lidiya, Vice-Chair of the Department of Parliamentarism and Political Management, National Academy for Public Administration
Eliseeva Kateryna, Head of the Division on Multilateral Cooperation and International Technical Assistance, State Agency for Investment and National Projects of Ukraine
Farmuha Andriy, Head, Organization "Union of Young Political Scientists"
Formanchuk Oleksandr, Advisor to the Speaker, Verkhovna Rada of the Autonomous Republic of Crimea
Gladkova Svitlana, Chair of the International Affairs Department, National Academy for Public Administration
Gotsul Oleksiy, Judicial Accountability Specialist, U.S. Agency for International Development (USAID) Fair Justice Project
Grygorovych Lilia, MP, Deputy Head of the Committee on health care, maternity and childhood, Verkhovna Rada of Ukraine
Hurievska Valentyna, Doctoral Fellow at the Department of Parliamentarism and Political Management, National Academy for Public Administration
Ioffe Grygoriy, MP, Deputy speaker, Verkhovna Rada of the Autonomous Republic of Crimea
Ivanesco Denys, Head of the Department for Public Access to Information, Administration of the President of Ukraine
Karpyk Volodymyr, MP, Verkhovna Rada of Ukraine
Khalilov Aider, Program Officer, Civil Society Strengthening Program in Crimea, UNITER project
Klymovych Oksana, Westminster Foundation
Klyuchkovsky Yuriy, MP, Deputy Head of Committee on State Building and Local Self Governance, Verkhovna Rada of Ukraine
Kobets Olga, former MP, Verkhovna Rada of Ukraine
Kohut Ihor, Director, Agency for Legislative Initiatives

Kolesnichenko Borys, Deputy Head of the Secretariat's Department on Inter-Parliamentary Relations, Verkhovna Rada of Ukraine

Koliushko Ihor, Head of Board, Center of political and legal reforms

Kondrachuk Volodymyr, Sector manager, Public Administration Reform, EU Delegation to Ukraine

Maddock Colin, Territorial Cooperation Expert, Team Leader - Evaluation of CBC Programmes under ENPI

Matchuk Viktor, MP, Verkhovna Rada of Ukraine

Matvienko Anatoliy, MP, Committee on Agrarian and Land Issues, Verkhovna Rada of Ukraine

Mehera Andriy, Member, Central Electoral Commission of Ukraine

Miroshnychenko Yuriy, MP, Plenipotentiary Representative of the President, Verkhovna Rada of Ukraine

Mokhnyk Andriy, Deputy head of Svoboda party on political issues

Nalyvaichenko Valentyn, Head for political council, 'Nasha Ukraina'

Nanivska Vira, Director, International Center for Policy Studies

Nikoforov Andriy, Political Scientist, Taurida National University

Nikolaeva Olga, Program Coordinator, U.S. Agency for International Development (USAID) Fair Justice Project

Oksha Nataliya, First Deputy Head of the Department for Mass Communication, Cabinet of Ministers of Ukraine

Palchuk Oleksandr, Assistant to the Head for political council of 'Nasha Ukraina' Valentyn Nalyvaichenko

Pechaczek Marisia, First Secretary, MATRA programme head, The Netherlands Embassy to Ukraine

Pilunsky Leonid, MP, Verkhovna Rada of the Autonomous Republic of Crimea

Pogorelova Alla, Head of training programs, Legislative Institute, Verkhovna Rada of Ukraine

Ponomarenko Margaryta, Head of the Secretariat, Verkhovna Rada of the Autonomous Republic of Crimea

Popov Ihor, First Deputy Head, National Agency for Civil Service

Prytula Taras, Head of the board, League of interns

Rakhimkulov Edward, Deputy Project Director in Ukraine, PDP

Ratushnyi Mychailo, former MP, Head of the Ukrainian World Coordinating Council

Samar Valentyna, Journalist, "Informational Press-center, Investigator web-site"

Schloer Bernhard, Advisor to the President of the National Academy for Public Administration

Semerak Ostap, MP, Member of the VRU Committee on Budget, Verkhovna Rada of Ukraine

Semyvolos Igor, AMES Institute

Sergan Sergiy, Assistant to the Vice-Chair Andriy Magera, Central Election Committee

Sheremetieva Larysa, Vice-Chair of the Department of European Integration, National Academy for Public Administration

Shevchenko Andriy, MP, Verkhovna Rada of Ukraine

Shevchuk Halyna, Westminster Foundation

Snigur Iryna, Chief Scientific Consultant of the constitutional issues and state-building of the Central Scientific Expert Office, Verkhovna Rada of Ukraine

Sobakar Valeriya, Director, League of interns

Sobolev Sergiy, MP, Committee on justice, Verkhovna Rada of Ukraine

Stavniychuk Maryna, Advisor to the President, Administration of the President of Ukraine

Stretovych Volodymyr, MP, Verkhovna Rada of Ukraine

Stulov Ivan, Parliamentary Development Program, Crimea

Sushko Oleksandr, Research Director, Institute for Euro-Atlantic cooperation, Head of the board, International Renaissance Foundation

Suslova Olena, Gender Activity Coordinator, Parliamentary Development Program

Sydorenko Oleksiy, Head of the Information Systems, Verkhovna Rada of Ukraine

Tarasiuk Borys, MP, Chair of the VRU Committee for European Integration, Verkhovna Rada of Ukraine

Tomenko Mykola, Deputy Chairman, Verkhovna Rada of Ukraine

Tymkiv Yaropolk, member, League of Interns, Program Officer UNITER project, former PDP Crimea coordinator

Valentine Eleanor, Chief of Party, Parliamentary Development Program

Vashchenko Kostyantyn, First Vice-Rector at National Academy for Public Administration

Vaughn David, Chief of Party, U.S. Agency for International Development (USAID) Fair Justice Project

Venger Volodymyr, Consultant of the Member of the Parliament Ruslan Knyazevych, Verkhovna Rada of Ukraine

Vyazivskyy Volodymyr, MP, Committee on Social Policy, Verkhovna Rada of Ukraine

White Charles, John Glenn School of Public Affairs

Wilfore Kristina, Chief of the party, NDI

Yasenchuk Yuriy, Deputy Head of VR Secreteriat, Verkhovna Rada of Ukraine

Yeresko Ihor, MP, Deputy Chair of the Economic Policy Committee, Verkhovna Rada of Ukraine

Yunusov Lenur, Crimea Coordinator, Internews, U-media

Zhovkva Ihor, Head of Division, State Agency for Investment and National Projects of Ukraine

APPENDIX D: BIBLIOGRAPHY OF DOCUMENTS CONSULTED

Kyiv International Institute of Sociology (KIIS), Seventh PDP Survey of Ukrainian MPs, November 2010-February 2011.

Legislative Policy Development Program of the Parliamentary Development Project (PDPII), June 1, 2011 – July 31, 2013.

Legislative Policy Development Program of the Parliamentary Development Project (PDPII), Work plan IV, March 1, 2010 – August 31, 2010.

Legislative Policy Development Program of the Parliamentary Development Project (PDPII), Work plan II, March 1, 2009 – August 31, 2009.

Legislative Policy Development Program of the Parliamentary Development Project (PDPII), Quarterly report, February 1, 2011 – April 30, 2011.

Legislative policy development program of the parliamentary development project (PDP II), Quarterly report, October 1 to December 31, 2011.

Legislative Policy Development Program of the Parliamentary Development Project (PDPII), Program description, May 31, 2011 -July 31, 2013.

Parliamentary Development Project II, Legislative policy development Program for Ukraine, available at <http://iupdp.org>, accessed 25 May 2012.

Statement of Work, Ukraine Legislative Strengthening/Good Governance Program Assessment and Recommendations for Future USAID Interventions in the Sector, USAID/Ukraine, 2012.

Sushko, Oleksandr and Olena Prystaiko (2008), “Country Report. Ukraine (2008),” *Freedom House*, available at <http://www.freedomhouse.org/template.cfm?page=47&nit=472&year=2008>, accessed 25 May 2012.

USAID Handbook on Legislative Strengthening. Center for Democracy and Governance, Bureau for Global Programs, Field Support, and Research, USAID, 2000.

USAID Mission to Ukraine, Overview, available at http://www.usaid.gov/locations/europe_eurasia/countries/ua/index.html, accessed 25 May 2012.

USAID, Democracy and Governance Assessment of Ukraine, September 2010.

APPENDIX E: GLOSSARY OF ACRONYMS USED

ARC	Autonomous Republic of Crimea
BYT	Block of Yulia Tymoschenko
CCU	Constitutional Court of Ukraine
CSO	Civil Society Organization
EU	The European Union
IDI	In-Depth-Interview
KOD	<i>(Ukrainian – Komitet Opory Diktaturi)</i> Dictatorship Resistance Committee MP Member of Parliament
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
PDP	Parliamentary Development Project
UK	United Kingdom
US	The United States of America
USAID	United States Agency for International Development
VR	Verkhovna Rada
VR ARC	Verkhovna Rada of Autonomous Republic of Crimea

U.S. Agency for International Development

1300 Pennsylvania Avenue, NW

Washington, DC 20523

Tel: (202) 712-0000

Fax: (202) 216-3524

www.usaid.gov