



INSTITUTE FOR INTERNATIONAL RESEARCH AT THE UKRAINIAN ACADEMY OF SCIENCES

Talking points on involving civil society organizations in corruption prevention

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Session IV. The key role of civil society and business community towards developing
comprehensive and effective anticorruption approaches
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- Execution of civil society's control over governmental activities is the core element for development and existence of open and democratic society. Creation of appropriate conditions for public authorities functioning when their representatives are forced to perform duties on open and clear manner is the basement for such control. Thus governmental openness, transparency and accountability to civil society in decision-making and implementation process have to be crucial in corruption prevention.

- The main precondition for successful civil society involvement in the fight against corruption is the existence of appropriate legal platform. In Ukraine in the last year a number of laws were adopted in order to support modernizing of national anticorruption policy, including civil society involvement.

- *The Law of Ukraine on the Basis for Prevention and Countering of Corruption* came into effect on July 01, 2011. Under this Law it was clearly declared that business communities, institutions and organizations of all kind of subordinations and property relations as well as representatives of their authorities and staff, citizens and their associations upon their agreement are entitled to participate in anticorruption activities, including informational and R&D ones. The whole chapter of this document is dedicated to procedural aspects for such participation.

- *The National Anticorruption Strategy for the years 2011-2015* also was promulgated last year by respective Presidential Decree. According to this Strategy, it will be easier for individuals, business, industry and civic society representatives to get access to governmental information on central and local levels. Independent institutions and NGOs will be involved in Strategy monitoring in order to provide impartiality.

- *The Governmental Regulation №996 on Support of Civil Society Participation in Governmental Policy Implementation*, dated November 3, 2010. Under provisions of this document special Civil Boards created at governmental institutions are entitled to conduct an expertise of draft legal documents and prepare respective proposals and conclusions for governmental authorities to be considered.

- This topic is now of paramount importance for the agenda of the State Security and Defense Council of Ukraine.

- Formally in Ukraine almost all judicial preconditions have been created for successful civil society involvement in anticorruption activities. What we need and start doing now – just to reveal possible shortcomings and verify in practice how these preconditions meet challenges, we are facing with.

- Crucial role in this endeavor international organizations and funds have to play. *International Renaissance Foundation in Ukraine* approximately a month ago under provisions of Civil Society and Good Governance Program, based on existing judicial regulations, made a bid for civil society organizations to elaborate project's proposals on civic oversight for anticorruption policy implementation activities of central and local governments and their staff representatives.

Project On Support to Detecting and Combating Corruption in Ukraine was implemented by the Projects Coordinator in Ukraine (PCU) in 2011 with the aim of providing methodological support and help in developing statistical tools for the assessment of corruption level in Ukraine. As far as PCU activities in this direction is concerned, sometimes due to its legal status and existing regulations, majority of such projects are focused on providing support for governmental bodies with supplementary involvement of NGOs.

- The following possible formats of civil society involvement in anticorruption activities could be considered:

- monitoring of governmental anticorruption legislation implementation activities both on central and local levels;
- development and presentation for general public discussion of methodology for carrying out civic anticorruption expertise of draft authority's legislation;
- carrying out civic anticorruption expertise of draft legislation;
- development and justification of the necessity to amend or revise existing rules of procedure for governmental bodies and their decisions exposed to the risk of corruption;
- broad public discussion of all the results obtained (public disputes, hearings etc).

- Thus the OSCE as one of the leading international organization has possibility and should promote a more active and contributing role of civil society and the private sector within the global fight against corruption. The role of civil society in EED events and in particular through the EEDIM needs to be increased. Special emphasis should be given to public involvement in reviewing implementation of the Maastricht Strategy Document.

- To avoid possible overlapping and ensure a comprehensive, cross-dimensional approach, thorough consideration should be given to the reflection of civic involvement under common idea of broad security obligations' implementation both in the agenda of the EEDIM and HDIM. To that end the scope of existing civic human dimension initiatives (Civic Solidarity Platform or International Civil Initiative for OSCE etc.) might be also amended or broadened by providing additional EED services to the world wide community. Good governance aspects as a whole should be included in the agenda of so called Parallel Civil Society Conferences becoming an indispensable "side event" within the margins of the OSCE Ministerial meetings.

- Inviting local population, media, NGOs, think-tanks and researchers to continue on the basis of findings of the progress report to be presented at the end of this year with an in-depth and structured analysis of areas of application, goals and tools of the Maastricht Strategy Document.

- Strengthening the analytical capacity of the OSCE also could be discussed in the context of Strategy's monitoring functions of economic and environmental challenges and threats to security and stability as well as new developments in Conflict Cycle discussion. Input and analytical support of the Office of the Co-ordinator of Economic and Environmental Activities (OCEEA) should assist participating States not only in reviewing process, but also in information processing and sharing activities. Local population, media, NGOs, think-tanks and researchers could comprise "on-site" informal supporting sub-network for OCEEA on all issues relevant to good governance in the OSCE area.

- Strengthening the OSCE capacity for advice and assistance with civil society involvement should be considered as driving force of the EED for years to come.