

According to the Current Constitution:

“Ukraine Is a Unitary State Under the Parliamentary-Presidential Model of the State System”

- The Constitutional Process in Ukraine: Search for the Optimal Balances -

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On Aug. 24, 2014, Ukrainian people celebrated the 23rd Anniversary of Independence of Ukraine. Every year, this day marks a new reference point, a measurement of progress and challenges. And 2014 is not an exception. This year, Ukraine is probably coming through the most difficult challenges in the days of its independence – fighting for its territorial integrity and sovereignty, signing the Association Agreement with the European Union as well as intensification of the constitutional process. This process aims to find an optimal mechanism of interaction between branches of government and intercommunication between capital and regions.

First, since the end of February, Ukraine has facing unprecedented challenges – an active phase of aggression actions by the neighboring Russian Federation. As it is well aware, in March 2014 the Russian Federation illegally annexed Crimea, an integral part of Ukrainian territory.

Almost the whole civilized world expressed its renunciation of territorial aggression against Ukraine and doesn't recognize this act of international crime. It is confirmed by the results of the voting at the meeting of the UN General Assembly on March 27, 2014, where 100 UN member states supported the Resolution "Territorial Integrity of Ukraine."

After this, the Russian Federation went over to the next stage of the aggressive actions in Ukraine and launched a covert operation in the country's east, backing the separatism movement. As a result, today we are witnessing violence and criminal activities of the illegal armed groups, suffering of innocent civilians, loss of hundreds of human lives as well as infrastructure objects, mines, factories, etc. that are subjected to bombing.

Ukraine, as a peace-loving country, is eager to resolve the situation in the east regions through the all available peaceful and diplomatic means. During a recent meeting with leaders of Belarus, Kazakhstan, Russia and representatives of the EU, held on Aug. 26, 2014 in Minsk, Ukraine, President Petro Poroshenko emphasized that our main goal is to take resolute actions that will bring peace to the Ukrainian land.

Second, this year is also marked by Ukraine's signing of the Association

Agreement with the European Union. The political clause of this document was signed on March 21 and the economic clause on June 27, 2014. In the course of seven years, Ukraine has passed through the thorny road towards the political association and economic integration with the European Union.

This milestone event became the response to the aspiration of the people of Ukraine and starting point for the new phase in the history of Ukraine – the nation-building phase based on the European values of democracy, rule of law, and respect for human rights.

Against this background, the no less important event for the Ukrainian people is the ongoing constitutional process. In this regard, let me draw your attention to the both historical and modern aspects of this process. The constitutional process in Ukraine has been launched since Ukraine's independence in 1991.

Over the next few years, the Verkhovna Rada (Parliament) of Ukraine adopted about 450 laws, however, due to the lack of the concept of the constitutional process, the majority of them were ineffective. Only five years later, on June 28, 1996, the Parliament adopted the Constitution of Ukraine.

The adoption of the Constitution was a major achievement of the first period and, at the same time, the starting point of the second period in Ukrainian constitutionalism development.

The 1996 Constitution outlined Ukraine as a presidential-parliamentary republic. This system played an important historical role, especially in the early years of statehood, providing stability of both society and the state. However, over time it became obvious that in 1996 the mechanism of confrontation between the legislative and executive branches of power was laid down in the main document.

This required a redistribution and balance of powers, especially between the President and Parliament, and then the dispersal of power, reducing its concentration in one hands, and in the end development of the democratic potential of the state and society.

Completion of the second phase of the constitutional process, which occurred during the dramatic events of the presi-

dential elections in 2004, the "Orange Revolution", was the adoption by the Verkhovna Rada of Ukraine on December 8, 2004: the Law "On Amendments to the Constitution of Ukraine". This document provides an improvement of the functioning of the president, parliament and government, a shift from the presidential-parliamentary to the parliamentary-presidential model of the state system.

In order to upgrade the Constitution of Ukraine on Dec. 27, 2007, the President of Ukraine formed the National Constitutional Council, which began a public dialogue on the content and form of improvement of the Constitution.

However, it should be noted that from 2006-2010, there were a number of constitutional conflicts between the branches of government due to the imperfections and conflicts of the Constitution as amended in 2004. In April 2010, the National Constitutional Council terminated its activity.

The count of the third period of the constitutional process was the restoration of the 1996 Constitution of Ukraine in September 2010 by the decision of the Constitutional Court of Ukraine. From February 2011 – December 2013, the Constitutional Assembly, established by the President of Ukraine, prepared amendments to the Constitution of Ukraine.

However, against the backdrop of an unprecedented crisis of power in the beginning of 2014, the society became more active in the political idea of returning to the Constitution as amended in 2004 aimed at transition to the parliamentary-presidential model of the state system. On February 21, 2014 the Verkhovna Rada returned in force the Constitution as amended in 2004 by the constitutional majority of votes. Thus, in Ukraine began the next stage of the constitutional process.

The Temporary special committee of the Parliament of Ukraine on preparing a bill on amendments to the Constitution of Ukraine was formed. This institution deepened in hard work to prepare relative amendments to the Constitution of Ukraine.

At the difficult time for the country, the plan on the settlement of the situation in the east of Ukraine, presented by the President of Ukraine Petro Poroshenko on June 20, 2014, is considered the important step in the process of consolidating the Ukrainian nation. This plan consists of 15 steps and includes three major parts: ceasefire, restoration and dialogue.

"I won't itemize this Plan, but focus on the one item. The plan provides for the decentralization of power," said the President.

What does it mean for Ukrainian society? For the first time in the history of Ukraine, instead of taking a full pack of powers and fighting, as it usually was, for the expansion of power, the newly-elected President of Ukraine (on May 25, 2014) does the contrary. He aspires to convey part of his powers to local authorities and territorial communities.

On June 26, 2014, the Verkhovna Rada (Parliament) of Ukraine registered a draft law on amendments to the Constitution of Ukraine regarding the decentralization of power. This draft law was also submitted to the Venice Commission of the Council of Europe. We can count on final adoption of this very significant document in September 2014.

Under the new Constitution, it is planned to hold the elections to local councils. The councils will form the executive committees and elect their heads.

The elected local heads, not appointees from Kyiv, will manage the regions and local budgets. These budgets will be substantially increased. Part of taxes will be redistributed for the benefit of communities, cities, districts and regions.

Decentralization provides for the expansion of the rights of regions in the issues of historical memory, cultural traditions and language policy. Local communities will determine themselves to what monuments they should lay flowers, what they should celebrate and what songs they should sing at the holiday table, in which churches to pray.

The Ukrainian government is willing to listen to all the legitimate political demands of the Ukrainian citizens of different nationalities from every part of Ukraine. And not only listen, but also to meet them if they are legitimate.

In this regard, I won't but mention that during the recent period some representatives from the Russian government have made efforts to propose to reform the centralized state structure of Ukraine into a federation in order to improve the balance of its territorial integrity and extend the rights of minorities in the regions.

Of course, we don't accept any kinds of suggestions from the Russian side concerning the ways of further development of the internal situation in Ukraine, and consider them as the interference in the internal affairs of Ukraine.

Meanwhile, many political experts and

S. Korea Opens Its Diplomatic Office in Palestine

Korea has run its representative office in Palestine all-year-round to enhance its diplomatic channel with the de-jure sovereign state in the Middle East.

It dispatched Pak Woong-chul, one of its Middle East experts from Seoul, to Ramallah, on Sept. 1, 2014, to serve as the head of the country's representative office to Palestine there.

According to the Ministry of Foreign Affairs, Park, 53, would be the first Korean diplomat to work full-time at the office in the Palestinian city in the central West Bank since it was set up in 2005. Korea currently does not have an embassy or a consulate in Palestine that, which has been in the center of the Arab-Israel conflict for decades. The Ramallah office has been a key diplomatic channel between Korea and Palestine.

According to the Ministry, a counselor at the Korean Embassy in Israel had jointly served as the head of the Ramallah office before Pak's arrival. It also said the counselor had commuted from Tel Aviv, where the embassy is located, to Ramallah, once or twice a week. The two cities are about 44 km away from each other.

"We have been pushing to have a full-time official for our representative office in Palestine ever since we opened it up in 2005," said an official at the ministry's Middle East Division 1 on condition of anonymity. The division deals with the issues on the conflict areas in the Middle East. "With growing interest and importance toward Palestine, we decided to enhance the role of the Ramallah office."



Representative Pak Woong-chul

The official also said the government hired a Korean staff living in Palestine to support Pak. "We plan to increase the number of our staff there in the future although we still need work on details." Pak joined the ministry in May 1992. Since then, he served at the Korean embassies in Egypt, Saudi Arabia, Iraq and Libya.

From February 2013 to July, he served as the director at the ministry's Middle East Division 2, which deals with the issues on the Gulf States such as the United Arab Emirates and Qatar. Pak earned his bachelor's degree in 1985 at American University in Cairo. He earned his master's degree in physics at Jordan University in 1990. He is fluent in Arabic and English, according to the ministry. ★

analysts agree that decentralization of power in Ukraine will maintain the country's territorial integrity and contribute much to a peaceful resolution of the situation in the eastern part of Ukraine.

I am deeply convinced that the issue of the state structure lays not in the form but in the effectiveness of interaction between the capital and regions of a country aimed at securing the citizens with the appropriate life conditions, fulfillment of human rights, etc.

I would like to emphasize that according to the current Constitution, Ukraine is a unitary state under the Parliamentary-Presidential model of the state system. Bearing this in mind, it is absolutely clear that the decentralization of power in Ukraine, i.e. the increasing power of the local community, should be the interest of every citizen of my country.

In this case, the most issues of public life can be settled in close proximity to each individual. Each person will be directly involved in dealing with such issues. Therefore, the citizens' requirements to the authorities will be applied not to the President or the Government in the capital,

but to the mayors and local councils.

Celebrating the 23rd Anniversary of the Independence of Ukraine, we look into the future with confidence that ongoing constitutional process in Ukraine will result in finding the optimal mechanism of interaction between branches of government, intercommunication between capital and regions, as well as construction of real democratic institutions. These will be guided by the principles of the rule of law and the settlement of the most important spheres of public relations.

One of the key elements in this process will be election of the new Members of the Verkhovna Rada (Parliament) at the early parliamentary elections in Ukraine on October 26, 2014. It is important that the Members of the Verkhovna Rada of the 8th convocation, who will be elected in every part of Ukraine, receive the mandate of trust and the right to represent their regions in contacts with the central government.

An important item on the agenda of the new Parliament will be guaranteeing in the new Constitution the fundamental principles of the democratic state – freedoms and rights of the every citizen of Ukraine. ★