

# Ukraine Civil Society Forum

## *Recommendations on the Rule of Law*

Fellows of Salzburg Global Seminar gathered in Schloss Leopoldskron in Salzburg, Austria, on 4-8 June 2023 for a program held as part of Salzburg Global's [Ukraine Civil Society Forum](#).

At the meeting, several working groups set out priorities for the country, including concrete recommendations for stakeholders to support the rights, return, and reintegration of displaced persons and refugees, addressing both immediate humanitarian needs and long-term perspectives, including the ultimate physical reconstruction and social integration of liberated territories as part of a Ukraine-wide project of national identity.

Civil society plays a critical role in supporting the state and its citizens not only during wartime but also in planning for the physical and political reconstruction after the end of hostilities. In the context of Ukraine, in which 5.9 million people are internally displaced and another eight million have fled to neighboring countries, civil society will have a significant role to play in supporting displaced persons and refugees, as well as the reintegration and rebuilding of de-occupied territories after the war. Over the longer-term, civil society will also need to play a crucial role in any and all peace and reconciliation efforts, including in the development of a post-war and Ukraine-wide national dialogue project.

With so many people displaced inside and outside Ukraine and the economy on a wartime footing, it remains essential to keep civil society leaders supported and connected to one another and with other strategic actors in the international donor, development, political, and private sectors. A connected and resilient civil society sector in Ukraine will create opportunities for dialogue on different levels of society to develop a shared vision for post-war reconstruction and national dialogue, including different social and historical narratives that help shape an inclusive identity for Ukraine.

However, international and domestic conferences on Ukraine have shunted civil society to side events or have featured representatives of governments, donor countries, or international organizations speaking at rather than listening to civil society. Salzburg Global Seminar's Ukraine Civil Society Forum intends to ensure that Ukrainians themselves will be equipped with a way to move forward and to elevate the voices of Ukrainian civil society, and in particular women, in discussions on the future of Ukraine.

### **WORKING GROUP ON THE RULE OF LAW**

Stressing the importance of a strong Rule of Law as critical to the physical reconstruction of Ukraine, to external investment, and to anti-corruption efforts and systems of coordination with international partners (donor countries, foundations, investors, etc.), this Working Group identified and prioritized several needs from the rule of law perspective, and proposed concrete activities for the primary stakeholders to effectively, collaboratively, and efficiently address those needs. These recommendations are intended to be the foundation for a strategic approach to promoting the rule of law at present and throughout the restoration process, as well as to sustainably implement broader institutional reforms in the judicial sector.

## IMMEDIATE NEEDS (WHAT NEEDS TO BE DONE NOW?)

- Implement measures to minimize corruption and misuse of reconstruction funds and processes.
- Promote information to ensure that public perception of corruption aligns with the actual incidence of corruption.
- Improve access to justice, especially concerning new legal needs arising from the conflict.

## LONG TERM GOALS (WHAT NEEDS TO BE ACHIEVED AFTER THE WAR, WHICH WILL REQUIRE ACTIONS/POLICIES TO START NOW?)

- Continue to prioritize judicial reform.
- Promote legislative measures that will attract and ensure predictability for businesses and prospective investors.
- Rescind martial law at the earliest reasonable interval and fully restore rights and liberties.
- Plan for the eventual conclusion of transitional justice systems.

## RECOMMENDATIONS

### *For Civil Society*

1. Promote a participatory, transparent, efficient, and effective restoration process.
  - Popularize among stakeholders in the private sector, civil society, regional and local governments, and the international community the existence and use of the governmental platform “[DREAM](#)” (digital ecosystem for reconstruction management) for registering, prioritizing, procuring, and monitoring the implementation of all reconstruction projects with “the highest integrity, accountability, efficiency, and transparency standards in Ukraine’s recovery to build trust between the government, citizens, businesses, and financial institutions.”
  - Provide input to the development of methodology and objective criteria for prioritizing restoration projects cataloged in Ukraine’s DREAM system.
  - Promote inclusive development of impacted stakeholders in the design of proposed restoration projects at the local levels. Restoration projects should include, among other things, consideration of environmental/ecological concerns.
  - Monitor the selection and procurement processes and report on deviations from established practices.
  - Monitor the implementation of restoration projects, reporting deviations with procured specifications to local and national authorities, including the National Anti-Corruption Bureau (NABU) and the Ministry of Territories, Communities and Infrastructure responsible for Ukraine’s reconstruction process.
  - Advocate for the incorporation of accounting systems to track expenditures throughout the implementation of restoration projects.
  - Require periodic and post-performance external financial and qualitative audits on restoration projects.
  - Disseminate information on the results of monitoring activities among diverse stakeholders to build public confidence in the integrity of the restoration process and its implementation.

## 2. Support the work of Ukraine's existing anti-corruption institutions.

- Inform the public of the various institutions charged with preventing, identifying, and prosecuting public corruption, their authorities and responsibilities, and reporting mechanisms, including the National Anti-Corruption Bureau (NABU), the Special Anti-Corruption Prosecution Office (SAPO), the High Anti-Corruption Court (HACC) and the Asset Recovery and Management Agency (ARMA).
- Advocate for restoration of the public official asset declaration register by leveraging IMF conditionality of emergency funds.
- Publicize the international recognition of the reforms in the anti-corruption sphere, including recent statements by GRECO, the Basel Institute, USAID, Royal United Services Institute (RUSI), and others praising the concrete actions taken by the Government of Ukraine and civil society to combat corruption.
- Responsibly report upon incidents of corruption without indulging in speculation or surmises.
- Leverage Ukraine's state commitments (including those to GRECO and pursuant to international conventions to which Ukraine is a signatory in addition to conditions for donor assistance and EU accession criteria) and otherwise build alliances with the international donor, diplomatic and business communities to advocate for reforms.

## 3. Promote a culture of integrity.

- Identify and reward ethical behavior through public recognition.
- Rebut categorical aspersions and unsupported accusations of rampant corruption with positive examples or by demanding supporting evidence.
- Report success stories, including enforcement of anti-corruption laws, as well as on reforms, results of monitoring activities, and functionality of systems designed to promote transparency, to all Ukrainians, including those residing outside of Ukraine.

## 4. Facilitate greater access to justice.

- Encourage the creation of more legal consultation centers, including in businesses, community centers, local governments, and academic institutions, among civil society organizations.
- Train legal aid providers on new issues and demands arising as a consequence of the war, including but not limited to issues of documentation and prosecution of war crimes, property loss, immigration/migration, equitable allocation of social benefits, war reparations, and freedom from persecution.
- Inform the public of their rights and publicize the availability of legal aid services.
- Expand the use of alternative dispute resolution (ADR) mechanisms.

### *For Government*

- Reinstate the public official asset registry.
- Suspend martial law as early as feasible and publicize reasons for further extensions.
- Solicit and genuinely consider public input on all draft legislation and by-laws, especially those relating to the restoration process and continue this best practice going forward.
- Adopt objective, measurable, and relevant criteria for prioritizing restoration projects.
- Ensure that public legal aid consultation centers are competent to address new legal needs arising from the war.
- Communicate the purpose and functionality of the DREAM system to all levels of government, as well as to the public.
- Prepare detailed criteria for prioritizing restoration projects, with input from diverse stakeholders.

- Adopt a scholastic curriculum that incorporates anti-corruption topics and promotes ethical norms.
- Prioritize judicial reform, including reforms to the institutions and processes related to the selection and appointment of judges, enforcement of judgments, and the Constitutional Court.
- Provide for equitable treatment for those raising funds or otherwise contributing to activities in support of the defense of Ukraine, including revisions to taxation of donated funds, death and disability benefits, etc.
- Continue satisfactory implementation of GRECO recommendations.
- Implement Ukraine's Anti-Corruption Strategy 2023-2025 in collaboration with stakeholders in civil society, the private sector, and the international community.
- Streamline government regulation.
- Harmonize laws to remove inconsistencies and avoid circumstances where compliance with one requirement results in a violation of another, thereby making entities vulnerable to coercion or blackmail.

#### *For the Private Sector*

- Increase the amount of pro bono legal services.
- Promote a culture of integrity throughout the private sector.
- Publicly recognize ethical behavior within businesses as well as by government officials/institutions.
- Expand charitable contributions, participate in public-private partnerships, and incorporate corporate social responsibility programming.

#### *For the International Community*

- Raise public support for financial and technical assistance to Ukraine in the restoration process.
- Continue to demand and monitor progress towards anti-corruption and judicial reforms.
- Require external audits of and incorporate other accountability measures on internationally funded restoration projects.
- Support the institution and termination of transitional justice measures.
- Assist Ukraine in pursuing just war reparations.
- Collaborate with Ukraine to provide its citizens with basic security and independence, free from foreign interference.