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LEGISLATIVE STRENGTHENING PROGRAMS IN UKRAINE

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Submitted to:
USAID

Written by:
Irina Khmelko, PhD, University of Tennessee-Chattanooga

Submitted by:
Barry Ames, PhD, University of Pittsburgh
Audra Grant, PhD (Evaluation Specialist)

Contractor:
NORC at the University of Chicago
Attention: Renée Hendley
Bethesda, MD 20814
Tel: 301-634-9489; E-mail: Hendley-Renee@norc.org

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ACRONYMS

| | |
|-------|---|
| AWS | Solidarity Electoral Action |
| EU | European Union |
| IMF | International Monetary Fund |
| LSPs | Legislative Strengthening Programs |
| MP | Member of Parliament |
| NATO | North Atlantic Treaty Organization |
| NDI | National Democratic Institute |
| NED | National Endowment for Democracy |
| PAC | Public Account Committee |
| UW | Freedom Union |
| SLD | Democratic Left Alliance |
| USAID | U.S. Agency for International Development |

I. INTRODUCTION

The existing literature on political development universally recognizes that legislatures are vital institutions in promoting both democracy and economic growth (Longley and Davidson, p. 1; Copeland and Patterson, 1994, p. 1). Some argue that legislatures should probably be regarded as the most important institutions in a democracy. This is because their different institutional forms, rules, and practices can have major consequences both for the degree of democracy in a country and for the effective operation of the system (Lijphart, 1991: ix).

The literature identifies three key and necessary parliamentary functions: “*linkage* (or representation), *legitimacy* (“the public recognition and acceptance of the right of a parliament and the government to act in some manner and the corresponding obligation of citizens to abide by that action”), and *policy-making* (addressing the key problems of the policy) (Copeland and Patterson, 1998: xxiv - xxviii). The policy-making responsibility includes both the creation of policies and their implementation. Oversight, therefore, is a key function of any legislature that allows these bodies to review, monitor, and supervise policy implementation and make sure that laws get implemented as intended.

This paper addresses the factors that drive active and effective efforts at policy oversight within post-authoritarian countries. The paper compares two former autocratic nations, Poland and Ukraine. We examine what has worked and what has not worked in the two countries, and we situate those experiences in a larger setting of legislative developments around the world. Next, we address the motivating factors behind the oversight processes in these two countries. This is where we can gain an insight into what drives individual legislators to engage in oversight activities. Finally, we conclude by identifying factors that need to be considering in establishing a new program or improving an existing program of oversight.

The remainder of this paper is structured as follows: in the first section, we review the literature on legislative oversight. In section two we lay out a series of hypothesized relationships about the factors that are likely to impact the effectiveness of oversight. Following this discussion, we compare the cases of Ukraine and Poland. The final section outlines conclusions and discusses the implications of the study for the work of the developmental community.

II. RESEARCH ON LEGISLATIVE OVERSIGHT

Oversight can be defined as “the review, monitoring, and supervision of government and public agencies, including the implementation of policy and legislation” (Yamamoto, 2007, p. 9). More specifically, the purpose of oversight is to hold the government accountable for the use of public funds by detecting fraud and waste and by ensuring that laws get implemented as intended. Oversight is consequently a “follow-on activity linked to lawmaking” that becomes critical when considering the “enormous powers wielded by executive leaders” (National Democratic Institute [NDI], 2000, p. 19).

Research on oversight is heavily influenced by studies of the Congress of the United States and other legislatures operating in long-lasting democracies. Studies of the developing legislatures of Eastern Europe usually concentrate on the oversight functions of committees, while some publications also address budgetary oversight.

This research reveals that oversight practices may differ in terms of how and to what extent legislators attempt to detect and remedy the transgressions of members of the executive branch of the government. For example, McCubbins and Schwartz (1984) famously observe that legislators may attempt to maximize the political benefits of legislative oversight by adopting either a police-patrol or fire-alarm approach to the oversight process.

Oversight can be either legislative or investigative. The former involves the examination of programs and agencies for the purpose of deciding whether new legislation or a modification of existing legislation is needed. The latter is more exploratory, with a view toward uncovering incompetence or malfeasance within the administration of a particular agency.

Oversight tools can be internal to the organization of a legislature (committees, inquiries, etc.) or external (ombudsmen, audit institutions). The external environment of a legislature is significantly affected by both contextual and facilitating factors, and thus its use of external oversight tools must be considered within a particular context. Experts differ as to which of these factors are the most important. The literature points to the following mechanisms that legislatures use to oversee the work of governmental agencies on policy implementation: investigations, funding, constituency service, reviewing secondary legislation, audits, and ministerial responsibility.

Specifically, legislatures may use *Questions to Government* to collect information. Parliamentary “Questioning Periods,” “Government Days,” and “Question Hours” are the most common oversight tool that can be found in parliamentary and hybrid governmental systems. They are, however, not found in full presidential systems. Within these information-gathering systems, questions can be asked of government entities or individuals orally or in writing. These questions are then discussed and debated as needed. Written questions are not debated in parliament, although written answers to those questions are provided. Additionally, individual questions can be deemed “urgent,” requiring a speedy government response.

Legislatures also use *interpellations* to obtain information from the executive. Interpellations differ from question periods. While an individual Member of Parliament (MP) may submit questions, interpellations have to be introduced either by a party’s parliamentary group or by a prescribed minimum number of MPs. During question periods, the executive is questioned by an MP on factual data, such as the correctness of information received by the government, which informs a deliberative process, whether the government plans to share this information with the legislature, and whether the government has undertaken or is willing to undertake a specific course of action. In an interpellation the objective is not only to gain or clarify factual information, but also to obtain information on the reasons and motivations behind a particular government decision. Unlike the question period, a government crisis and motions of censure can be caused by an interpellation.

Legislatures also use *Motions* to scrutinize policy implementations. There are two main types of motions: motions for debate and motion of censure. A motion for debate is used to scrutinize the implementation of government policies and activities. A motion of censure is used to express formal disapproval of either the head of the government or the government as a whole. Motions of censure can have a wide range of consequences (Pelizzo 2013). In some presidential countries, such as Burundi, they are used only to record the displeasure of the legislature, without any substantive consequences. In other countries, such as Liberia, they can lead to the dismissal of the head of government.

Committees are one of the most distinctive organizational features of legislatures. Regardless of the type of oversight, legislative committees often play a vital role in the process of oversight. This is particularly true in semi-presidential and presidential systems, where active committees with strong oversight roles play a critical role in exercising inter-branch checks and balances, ensuring the genuine separation of powers (Strøm, 1998). They can vary in size and number, but they invariably assist legislatures in performing their legislative and oversight functions.

The oversight functions of a particular committee are dependent upon the committee type. Permanent committees exist for the duration of the legislature and are established either in a constitution, in parliamentary rules and procedures, or in the standing orders of a legislature. Ad hoc inquiry committees exist for a specific period of time, and function to examine a specific issue.

The most frequently used specialized committee for oversight purposes is the Public Account Committee (PAC). This type of committee reviews government expenditures and ensures accountability. It was once found exclusively in countries with a British institutional legacy (Commonwealth plus Ireland). In the contemporary political world, several countries outside the Commonwealth and/or with presidential forms of government (e.g., Nigeria, Liberia, Seychelles, Bhutan, and the Federated States of Micronesia) have also adopted PACs (Pellizzo, 2013).

Hearings are the most common oversight tools utilized by committees. Committees can have the power to subpoena government ministers and senior officials, as well as other witnesses if deemed necessary, in order to gather information on government activity and policy implementation and keep the government accountable. Many legislatures use ad hoc or temporary committees (or sub-committees of inquiry) to perform specific investigations on particularly salient issues. These committees are dissolved once they have performed the task for which they had been instituted or because their terms have expired.

Missions and reports are other forms of legislative oversight that are used in some parliaments. Pellizzo (2013) has found several countries (e.g., Benin, Burundi, Congo, Djibouti, and Indonesia) where legislatures can carry out fact-finding missions to gather information on the efficiency and the effectiveness of government policy implementation. In many other countries (e.g., Cyprus, Djibouti, and South Korea), specific provisions compel the executive to submit regular reports to the legislature about the implementation of policies and programs. These reports can be subject to debate in the plenary.

III. LARGER SYSTEMIC FACTORS

Legislatures do not operate in isolation. They work as a part of a larger system that also includes the executive and judicial branches as well as society as a whole. This larger system framework influences all processes in which legislatures engage, including the process of oversight.

Legislatures differ in their strength relative to the strength of the executive and judiciary. Therefore, oversight processes work differently in different countries. In parliamentary systems parliament not only oversees the executive branch, but also helps form it, with some or all of the ministers (including the Prime Minister) are first elected as members of parliament. By contrast, in presidential systems parliament and the executive are separate branches of

government, and presidents are elected for fixed terms in elections separate from parliamentary elections. Ministers are appointed by the president (although such appointments are often subject to parliamentary ratification).

A key function of parliament in promoting greater government accountability within the executive branch is its financial oversight function. This is particularly relevant where a parliament has a role in ex-ante and ex-post budget reviews. Parliaments approve the annual budget and oversee government spending, and through this process assist in holding the executive accountable for the use of public funds. As a good example of “strategy follows structure,” parliamentary systems tend to emphasize the parliament’s role in the budget cycle ex-post, with an emphasis on financial scrutiny and, in a growing number of countries, value-for-money and performance audits, while in presidential systems parliaments tend to play a greater role in budget formulation.

Legislatures differ in their usages of legislative oversight tools. For example, Pelizzo’s research (2013) shows that Committee hearings are used in 22 of the 24 countries under consideration, oral or written questions in 21 of the 24, committees of inquiry in 20 countries and urgent questions in 19. By contrast, missions are used only in 9 of the 24 countries, motions for debate in 12, reports in 15, and motions of censure in 14. The question, then, is what motivates legislators to engage in oversight in general and in a particular form of an oversight specifically?

Research indicates that oversight is a function of both the type of a governmental system and the election system.

Presidential/parliamentary forms of government and electoral systems (Pelizzo 2013)

| | Single-Member Plurality System | Proportional Representation |
|----------------------|---------------------------------------|------------------------------------|
| Presidential | Strong Oversight | Weak Oversight |
| Parliamentary | Weak Oversight | Strong Oversight |

Thus, Pelizzo concludes that legislatures that operate in presidential systems with single-member plurality systems, as well as those legislatures operating in parliamentary systems with proportional representation systems, have strong oversight functions.

IV. DEVELOPMENT OF OVERSIGHT THEORIES

The previous discussed theories have been developed within a general paradigm of institutionalism. All these theories agree on the main purpose of legislative oversight, which is to make sure that laws get implemented as intended and to correct governmental wrongdoings during the policy implementation process. In addition, these theories present the major tools of legislative oversight and their applicability in the contexts of different countries. Thus, oversight is discussed in relation to a specific type of a governmental system and also in relation to the type of an election system.

The development of these theories is heavily rooted in the practice of Western legislatures and especially the US Congress. This means that certain basic assumptions about a political system need to be true in order for a theory to be generalizable from a Western context to that of a developing post-communist country. For example, the definition of oversight points out that the main interest of legislators is in making sure that policies get implemented as intended and correcting governmental wrongdoings in order to protect the public good. In addition, there is an assumption that the electoral connection works and the election process itself is indeed free and equal, as in all long-lasting democracies. This is a huge assumption for a post-authoritarian society. If an election system does not function as intended in a democracy, then it is hard to conclude that a legislature that functions in a parliamentary system with a proportional system of representation would have a strong oversight function. It is also hard to conclude that a legislature that operates in a presidential governmental system with a single-member plurality system would have strong oversight function. If we apply this argument to modern Belarus under President Lukashenko, then the theory suggests that the Belorussian parliament would have a strong oversight function. However, the research demonstrates that Belarus is an authoritarian country where President Lukashenko has power and the parliament serves frequently as a rubber-stamp institution to the Presidential power.

Here is an additional example of an argument that is based on the assumption of free and equal election that works for the Western World but needs further clarification in order to be applied to the developmental context of post-communist countries (Pelizzo 2013):

As soon as voters demand that the government be held accountable for its actions, the structure of incentives shifts and it becomes more rewarding for legislators to engage in effective oversight and to oversee the government actions. This means that it is sufficient to generate or stimulate voter demands for accountability in order to ensure that oversight activities will be effectively performed by the legislature. If voter demand exists for more effective oversight, then there will be clear benefits for legislators to introduce accountability procedures.

This argument is based on the assumption that voters can *demand* anything from legislators and can actually hold legislators accountable. This assumption is based on a fundamental principle, that elections are free and equal and that voters can make an actual difference. However, research on post-communist countries points to widespread occurrences of election fraud. The devices used in authoritarian countries in order to cheat in elections in what is known as “competitive authoritarianism systems” have been researched to some extent. Organizations such as the National Endowment for Democracy (NED) are already discussing how authoritarian regimes deliberately obfuscate their electoral processes in order to mislead Western observers (See National Endowment for Democracy: <http://www.ned.org/events/election-observation-how-authoritarian-regimes-muddy-the-waters/>).

Asking if a legislature has the appropriate tools for oversight and the knowledge of their use is an important question and a proper first step. However, an additional important question for the practice of development should address the motivational factors behind a legislature’s engagement in legislative oversight. The following section engages in further theory

development in order to find answers to this question.

The neo-institutional perspective has two aims: to account for the effects of legislative organization and to explain the organization's origins. These both share the point of view that legislative organization matters. Institutional structure, procedures, and rules are assumed to affect the distribution of legislative power and, ultimately, public policy. The neo-institutionalists see legislators as being involved in collective choice situations that include both some inescapable conflict over outcomes and some prospects for gains from trade (Shepsle and Wiengast, 1994; Krehbiel, 1991).

The following may provide an insight into what motivates legislators to engage in oversight. First, engaging in oversight activities allows legislators to increase their level of expertise on policy issues, which in turn gives them an advantage in working with executives—who are specialists by definition—and allow legislators a greater influence on policy. However, this is mitigated by the crucial role that information uncertainty plays in the construction of policy (Gilligan and Krehbiel, 1989; Krehbiel, 1991). There is some degree of uncertainty between parliamentary decisions and policy outcomes. Specialization is a well-known way to deal with the uncertainty of policy outcomes. Oversight activities would allow deputies to specialize at low cost.

In addition, individual legislators have different agendas. Oversight activities allow deputies who have conflicting policy goals to exchange “favors” and to engage in negotiation activities such as “pork-barrel” projects. This can be associated with increased chances of electoral success and more influential positions in the process of policy making.

Finally, oversight can be seen as an instrument for increasing the position of a particular party for future re-election purposes. Thus, members of an opposition party may engage in oversight activities in order to increase their chances of not only reelection, but also becoming a majority. Conversely, oversight may be perceived as a tool which the majority party can use to remain in power.

The neo-institutional perspective has important implications. The first explanation implies that legislators act independently of party or floor influence in performing legislative oversight functions. The second explanation implies that legislators are constituency-oriented, irrespective of party or floor preferences. And the final explanation implies that legislators are motivated by their parties. All three perspectives imply that legislators are interested in gaining an increased level of influence in the policy-making process and thus the ability to exert effective influence on the government during the policy implementation process.

V. OVERSIGHT EFFECTIVENESS

Drawing insights from both recent scholarship on post-communist legislatures and the broader literature on comparative world legislatures, we develop here a series of hypothesized relationships concerning the effectiveness of legislative oversight. We are specifically interested in factors that contribute to the effectiveness of legislative oversight. We can measure the effectiveness of the oversight process by whether or not this activity results in more effective implementation of policies by the governmental agencies that benefit broad constituencies. Obtaining a greater public good for broader constituencies (as opposed to a process which

offers benefits to only one person or a small group of political or economic elites) as a final result of the oversight process is a key component to our operationalization of effective oversight.

The first hypothesized relationship we offer is that the availability of oversight tools to legislators increases the opportunity for the creation and implementation of an effective oversight process. Specifically, the presence of the following mechanisms allows for effective oversight:

- investigations;
- funding;
- constituency service;
- reviewing secondary legislation;
- post audit; and,
- Ministerial responsibility.

Nevertheless, the effectiveness of an oversight process, even if it may avail itself of all these mechanisms, is still dependent on the type of governmental system in a society and the coupling of that system with a particular election system (Pelizzo 2013). Pelizzo's research concludes that a presidential system together with a single-member election system and a parliamentary governmental system united with a proportional representation system election system offer the strongest possibilities for effective oversight.

Further, the choice and implementation of these mechanisms depends on the purpose of the oversight. Oversight can be either legislative or investigative. The availability to legislators of such purpose-dependent mechanisms allows for effective oversight.

Finally, larger systemic factors influence the effectiveness of legislative oversight. Thus, the degree of conflict in legislative-executive relations, the level of corruption in the country, and the degree of fraud present in the electoral processes all influence the effectiveness of legislative oversight. We hypothesize that the levels of corruption and/or fraud will have an inverse relationship to the efficacy of the oversight process; i.e., higher levels of corruption result in a less effective oversight process.

VI. CASE STUDIES: POLAND AND UKRAINE

The following section compares the cases of Ukraine and Poland and gives special attention to this question in addition to discussing the existing tools of legislative oversight available to these legislatures.

The transition from communism in Europe and the former Soviet Union has led to fully-consolidated democracies with functioning democratic legislatures in only few instances. Since the crumbling of the Berlin Wall in 1989 and the collapse of the Soviet Union in 1991, 28 mostly new states have abandoned communism. But only eight—the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia, and Croatia—have well-functioning democratic legislatures. Legislatures in the remaining majority of new post-Communist states exhibit various degrees of institutionalization, ranging from “rubber stamp” legislative institutions in countries like Russia and Belarus to parliaments that have developed policy-making capacities and different degrees of independence from executives, such as Ukraine. Why did some

legislatures become more successful than others in developing independently from the executive policy roles? Why have some acquired a considerable degree of influence on policy making, while the others struggle and remain puppet or rubber stamp institutions to powerful executives? Simultaneous regime change in two dozen countries, all beginning in roughly similar places but moving along very different trajectories over a two-decade period, offers a perfect social laboratory setting for testing theories and developing new hypotheses about legislative institutionalization in general and the development of an oversight function within a parliament specifically.

In comparing these two cases of post-communist transition we must discuss the successes and failures of their legislatures regarding oversight, analyze which mechanisms of oversight are available to legislators in those countries, and discuss why the process of legislative oversight of policy implementation is working as it does in these countries. We must specifically address the factors that influence the behavior of individual legislators. Finally, we must identify the factors that need to be considered within these countries in establishing initial or improving existing legislative oversight processes regarding policy implementation.

Poland and Ukraine are two post-communist countries that separated from the Soviet Union and began their democratic transition during the last decade of the 20th century. Poland actively engaged in a democratic transition between 1989 and 1991. This put an end to the People's Republic of Poland and led to a democratic regime, called the *Polish Third Republic*. Poland joined the North Atlantic Treaty Organization (NATO) in 1999 and then the European Union in 2004. In December of 1989 the Sejm approved the government's reform program to transform the Polish economy from centrally planned to free-market, amended the constitution to eliminate references to the "leading role" of the Communist Party, and renamed the country the "Republic of Poland." The communist Polish United Workers' Party dissolved itself in January, 1990, creating in its place a new party, the Social Democracy of the Republic of Poland. Most of the property of the former Communist Party was turned over to the state. Poland's first free parliamentary elections were held in 1991. In April 1997, the first post-communist Constitution of Poland was finalized, and in July put into effect. Poland's new Constitution of 1997 redefined the concept of the Polish nation in civic rather than in ethnic terms. Article 35 of that Constitution guaranteed the rights of national and ethnic minorities, while other provisions prohibited discrimination and political organizations that spread racial hatred.

In 1997 parliamentary elections two parties with roots in the Solidarity movement—Solidarity Electoral Action (AWS) and the Freedom Union (UW)—won 261 of the 460 seats in the Sejm and formed a coalition government. Jerzy Buzek of the AWS became Prime Minister. The AWS and the Democratic Left Alliance (SLD) held the majority of the seats in the Sejm. Marian Krzaklewski was the leader of the AWS, and Leszek Miller led the SLD. In June of 2000, UW withdrew from the governing coalition, leaving AWS at the helm of a minority government.

Compared to the relatively straightforward movements in Poland, Ukraine's constitutional engineering has been far more complicated, with multiple changes between semi-presidential to semi-parliamentary forms of government. Ukraine gained its independence from the Soviet Union in 1991. Since that year, Ukraine has moved through four broad periods of institutional development. The first period marked the establishment of Ukraine's mixed presidential-parliamentary system, beginning with the transition to independence in the late 1980s through the early 1990s. The second period—from the first openly contested parliamentary and

presidential elections in 1994 through the passage of Ukraine's constitution in 1996 to the early 2000s—saw the solidification of the mixed regime and heightened legislative-executive conflict. During the third period, beginning in 2004, constitutional reforms shifted power from the President to the Parliament. This third period also marked an important change in political context: the period of political demonstrations (Majdans) such as the Orange Revolution, which led to the peaceful defeat of the reigning autocratic elites. The fourth period has been characterized by a series of Majdans, that is, of ongoing conflicts between government and opposition forces. This period also includes a military confrontation with Russian-backed separatists in Eastern Ukraine, the constitutional reforms of 2010, which shifted more power to the President, and, finally, the reforms of 2014, which brought more power to the Parliament. (See Appendix I for a brief chronology of Constitutional engineering in Ukraine).

In general, the Polish Sejm and the Ukrainian Rada have all the tools necessary to conduct effective legislative oversight of the executive branch. In the following section we will discuss the most frequently used oversight tools in the Rada and the Sejm.

UKRAINE

The most common oversight tools used by the Rada include committee and plenary hearings, MPs writing inquiries or information requests to ministries, and Government Day (Hour of Questions). The Rada conducts plenary hearings, at which time they allocate a period on the floor for questions to the ministerial staff. Frequently however, the purpose of these is less one of oversight than another form of sight. They are usually an opportunity for MPs to be in front TV cameras and show that they are actively advocating for their constituencies. The plenary room is usually almost empty and the majority of MPs are absent. Thus, MPs ask questions and address TV audiences more than actually trying to get answers from ministerial staff. Ministerial staffs are usually represented, but not by those who can give informed responses. Oversight on these occasions is therefore just a public relations tool for MPs.

Committee hearings can be more influential in terms of oversight than plenary hearings. Committees have connections to ministries in their policy areas, and these hearings usually target more specific policy issues than televised hearings on the plenary.

Legislative inquires to ministries, whether from MPs or the public, also have marginal impact. If a law is supported by powerful groups, it will be implemented in any case, through informal communication channels rather than through the use of the formal tools of oversight. If a law is not supported thus, then letters will have no impact except to show the electorate that MPs care about their concerns, and the inquiries serve the sole purpose of supplying MPs with publicity for their constituencies.

In addition, Ukraine has an Accounting Chamber (in Ukrainian: Рахункова палата України), which is an audit body of the Rada. The Accounting Chamber is a permanent acting body of external state financial control that has been functioning since 1997. The Constitution adopted in 1996 fixed the status of the Accounting Chamber as the body acting on behalf of the Rada and executing control over use of the funds within the State Budget. This change, however, was only gained after a contentious override of a presidential veto.

Article 98 of the Constitution of Ukraine outlines the main purpose of the Accounting Chamber: to provide a control over use of funds of the State Budget of Ukraine. The tasks of

the Accounting Chamber include:

- organize and execute control over timely execution of the expenditure part of the State Budget of Ukraine, spending of budget funds, including national targeted funds, their amounts, structure and targeted allocation;
- execute control over the internal and external national debt of Ukraine, judge appropriateness and efficiency of spending public money; foreign currency and credit and financial recourses;
- research and technical, social and cultural development, and environmental protection;
- execute control over the legality of lending money and rendering economic assistance as envisaged by the State Budget of Ukraine to foreign countries and international organizations;
- analyze deviations from the State Budget indicators and draft proposals for their corrections as well as for improvements of general budgeting process;
- regularly inform the Parliament of Ukraine and its committees about State Budget execution and the situation with redemption of internal and foreign debt of Ukraine and about the results of other controlling activities; and,
- execute other tasks of the Accounting Chamber according to current Ukrainian law.

The staff of the Accounting Chamber includes its Chair plus a First Deputy, Deputy Chair, chief inspectors and the Secretary of the Accounting Chamber. They are collectively known as the Collegiate of the Accounting Chamber, or the Board of the Accounting Chamber. The chamber has its own secretarial apparatus and has a great degree of independence from other organizations within the state administration. To preserve independence in its functions, members of the Chamber cannot be members of Parliament or other government agencies, and cannot be employed in commercial activities or perform other work concurrently, except for teaching, research, and other unrelated creative activities. Appointments to leadership positions in the Chamber take place every seven years, according to the Law of Ukraine on the Accounting Chamber.

POLAND

Committee hearings are one of the most frequently used methods of oversight in Poland. Ministers and representatives of other public institutions are obliged to present information and explanations at the request of permanent and special committees of the House or the Senate on matters falling within the scope of their activity. In addition, the Polish Sejm may appoint a committee of inquiry. The house may appoint an investigative committee to examine a particular matter. Legislators may submit oral and written questions. Deputies may address interpellations, deputies' questions and questions on current issues to ministers. Interpellations are a form of question relating to significant matters in Poland. Deputies' questions relate to less important matters, while questions on current issues address the matters covered by their title. An addressee of an interpellation is obliged to provide an answer in writing within 21 days. Consideration of an interpellation at a sitting of the House includes information on the substance of an interpellation and the answer of the representative. In the course of the sitting, the questioner may request additional information from the person addressed. Questions on current issues are posed orally during each sitting of the House and require a direct answer. The House presidium is obliged to include in the orders of the day of each sitting an item for interpellations and questions on current issues, provided that the time granted is no longer than

one and two hours respectively. Questions cannot give rise to a debate in the House. The Sejm itself conducts a budgetary audit. Thus, the supreme chamber of control is subordinate to the House and is the chief state audit body (Article 202 of the Constitution). It audits Government administrative bodies, the national bank, state legal persons and other state organizational units with regard to their legality, economic prudence, efficacy, and diligence. The chamber of control may audit the activity of the organs of local Government, communal legal persons, and other communal organizational units with regard to legality, economic prudence, and diligence. It may also audit the activity of other organizational units and economic subjects, regarding their legality and economic prudence, to the extent to which they use state or communal property or resources, or have financial obligations to the state.

The president of the chamber is appointed by the House, with the consent of the Senate, for a period of six years, which may be extended for one more period only. The president may not hold any other post, except for a professorship in an institute of higher education, nor perform any other professional activities, and may not belong to a political party, a trade union, or perform public activities incompatible with the dignity of the office. The supreme chamber of control presents a report to the House containing three sections: (i) an analysis of the implementation of the state budget and monetary policy aims; (ii) an opinion concerning the vote to accept the accounts for the preceding fiscal year presented by the Council of Ministers; and (iii) information on the results of audits, conclusions and submissions specified by statute (Article 204 of the Constitution). It also presents an annual report on its own activities to the House.

Comparing oversight in the two legislatures

Both legislatures use the tools available to them regularly. Legislators of both legislatures are well aware of what tools of oversight they have and how to use them. Yet the Rada faces far more significant challenges in performing these functions than the Sejm (and the majority of legislatures in long-lasting democracies). Some challenges are similar to those faced by other legislatures around the world, including the Sejm and US Congress, for oversight is usually one of the most neglected functions in the majority of legislatures. The Sejm, in its early years, used this tool considerably more than it does currently. In addition, getting the cooperation of ministries or agencies, especially in the presence of a strong president in presidential and semi-Presidential systems, can be a challenge as well. This can be true for the strongest and the most developed legislatures with longest histories, such as the US Congress.

As in any country, there are historical and larger systemic factors that condition policy implementation and the process of legislative oversight. As discussed in previous sections, the Ukrainian political system has been developing rapidly, with multiple changes in its governmental system, from semi-presidential to semi-parliamentary. Therefore, Ukraine and its Rada faced differing sets of challenges, depending on the period of the Ukrainian post-communist history and the governmental system in place at any given time. The history of the Sejm demonstrates that it too faced multiple challenges during its post-communist history, but Poland did not have as many radical changes in its governmental system as Ukraine.

One of the first and most significant challenges to both the Rada and the Sejm was a lack of knowledge among legislators about organizing legislative functions, such as committee work and oversight. Thus, legislators of the first post-communist Rada engaged in plenary work with

enthusiasm and at the expense of any other kind of parliamentary work, including work on committees. Conducting almost all, if not all, work on the plenary (primarily with floor debates) served as a significant impediment to the work of this institution. This coincided with an economic transformation from a state-owned to a market economy, the development of a banking system that could address the needs of a new market economy, and the formation of new economic and social groups.

Modern Ukraine and its Rada are currently facing a different set of challenges than those in its earlier post-communist years. These contemporary issues also set the Rada apart from the Sejm and its unique set of challenges. The Ukrainian challenges include corruption, the struggle to develop a fully representative form of government, election fraud, and the lack of an effective system of punishment for governmental wrongdoing. For example, during the summer of 2015, Ukraine had prosecutors who refused to prosecute governmental wrongdoing and an Accounting Chamber that did not execute any control over the State budget. All this occurred during the ongoing conflict in Eastern Ukraine, replete with its Russian-backed separatists and Russian aggression in Crimea. Research on the Sejm, based on series of interviews conducted by Monica Nalepa with Polish legislators, shows that the relationship between government and opposition is the main driving force behind almost all decision-making processes for Polish legislators. They stated that as soon as the government makes a decision, the opposition attacks that decision almost automatically, regardless of the substance of what the government decides. Legislators in the Polish Sejm are concerned mainly with their own reelection. Interviews show that the national election process works in Poland, and legislators thus rely on actual votes (as opposed to the other tools that are used in fraudulent elections) to win seats in the Sejm. There is some perception of the need for oversight in Ukraine, but not as a tool to improve policy implementation. Rather, oversight could be a tool for legislators to increase their levels of visibility, which then translates into an increase of the degree of power of these legislators in the Rada and in the overall political system. In other cases oversight can be used as a tool for individual economic gain.

There are some new and emerging factors that provide Ukraine with an opportunity to overcome these challenges, move to the next stage in its institutional development, and engage in effective oversight activities. Pressures from the international community could be among the most influential factors. The flow of money from the West benefits some powerful economic groups in Ukraine. Therefore, international pressures can serve as an incentive for reforms to combat corruption and address other challenges. For example, the Ukrainian government is interested and has been successful in securing loans from the EU and the IMF. Those were conditional loans, and compliance with the conditions to implement those loans would be monitored by the international community. This offers an opportunity to the Rada to use its oversight tools to ensure that those policies that are necessary to secure next set of loans are implemented effectively.

Effective oversight that is directed toward improving the country's public policies, such as those much-needed loans to Ukraine, could change the prevailing public opinion—and the opinion of the majority of the Ukrainian legislators—that there is no need for legislative oversight. Currently, Ukrainians crave more legislation and blame the lack of quality in existing legislation for failures in policy implementation. Most Ukrainians believe that laws must be self-executing. They share a belief in a perfect law that would leave little or no need for oversight,

i.e., a law that spells everything out clearly and in detail. Rada staff members are very much interested in more training to write perfect laws that would self-execute, so there would be no need for oversight.

LARGER POLITICAL SYSTEM INFLUENCES IN UKRAINE

The Rada, like legislatures in other countries, operates within the constraints of the political system in Ukraine. It has an opportunity to influence the system, but its daily operations remain within the constraints of the political system of which it constitutes a significant part. Corruption has been one of the main factors which explain the dynamics we observed in legislative oversight. Oversight in this system is becoming a part of another process, which Ukrainians call “schemas.” A “schema” is a sequence of steps where those with ties to powerful economic groups can make significant financial gains. Ukrainian laws, like laws from the US Congress, leave considerable room for administrative discretion. Ministries frequently use this discretion to benefit a specific group; for instance, they may make rules that allow a specific group to “win” a governmental contract (“tender”) to import drugs.

Characteristics unique to the legislative process in Ukraine influence the oversight processes. Thus, the success of a law in terms of implementation depends on who initiates the law. Specifically, presidential laws usually enjoy a smooth ride through ministries, leading to a conclusion that there is no need for oversight in general. Ministries are highly motivated to please presidential administrations because of the power that the President has over ministries. Therefore, ministries work closely with the presidential administration to implement laws exactly as they are intended. The Rada has little to no role in this process.

If a law is initiated by a legislator, it is usually initiated by a ministry through a legislator, as it is easier to initiate a law by a legislator than by a ministry. Therefore, ministries frequently approach members of their “factions” within the legislature. Thus many laws appear to originate in the parliament but in reality come from ministries. Ministries have a vested interest in implementing their own laws, and therefore, oversight has little to no value to this process.

Finally, legislators introduce draft laws as well. If such a law is approved by the president, then the ministries will execute it. No formal oversight is needed, because it is easier for all parties to discuss the details of such legislation over dinner than to use the formal tools of oversight. If the law is not supported by the president, even if the law gets through the Rada and a presidential signature, then the fate of implementation depends on whether the intended outcome of the law aligns with interests of one or more powerful economic groups and whether some other powerful group would oppose it. In such a high-conflict situation, no oversight can help with policy implementation (or the lack thereof), if ministries are captured by powerful economic interests aligned against the law. If the President supports the powerful economic interests and opposes the law, then a ministry usually would ignore those legislators who are trying to engage in legislative oversight.

Some legislators are not aligned with any powerful economic group. If these new legislators refuse to join forces with one of the well-established powerful economic groups, they can use oversight tools, but their efforts will be largely fruitless. Ministries will respond, but responses will take forms like, “we are reviewing the issue,” or “we are investigating,” and the other such responses. If a legislator continues to insist on performing an oversight function, then the threat

can be made to discredit that legislator in the media.

An additional way to discredit these legislators is to organize a mass protest. For example, one of the interviewees explained it as follows:

. . . (W)ith this number of people making less than \$100/month, it takes little to organize a protest against a product. For example, if an uncooperative MP has a business that produces a medicine in a green box, then tomorrow, there can be hundreds of people next to the parliament protesting medication in green boxes. In addition, the KGB has files on all, and if a President wants somebody to be discredited, then these files can be made public.

Practices like these can preclude legislators from engaging in oversight. Some legislators enjoy a certain degree of independence from the President. This relative independence is itself dependent upon the election system and the region from which the legislator hails. This is because the powerful economic interests represented in the Rada (related to oligarchs) have the power to fight with almost unlimited resources, such as the ability to organize mass protests, pay for media coverage and smear campaigns, fund private militias, and (it is alleged) resort to bribery. Presidents themselves can use their powers over regional administrations to enhance the chances of one candidate for a legislative seat over another.

Ministerial officials are also powerful players in legislative-executive relations and can act independently from either the president or the legislature. Ministerial staff members, for example, may refuse to cooperate in any meaningful way with legislators during the oversight process. This is especially true if the president supports the ministerial staff (and if the president opposes a given legislator). In this situation there is little that legislators can do to get cooperation from the executive branch. This can regularly occur due to the competition among different groups of oligarchs represented in the Rada. Staffers in a ministry make very little money, so it is easy for a group of oligarchs to bribe them.

If other groups try to engage in oversight, ministerial staff members will either ignore a particular request or delay a response to that request, send a formalistic response, or send a representative to participate in an event at the Rada. Little or no information will flow from the ministry to the legislature. In other words, the formal attributes of successful oversight are there for donors to observe, but this is a form of window dressing rather than a full-fledged democratic practice for the region.

Ministers who have the powers of hiring and firing may not get cooperation from their employees if powerful groups of oligarchs align against them. For example, a new Minister of Health has been experiencing difficulties in getting cooperation from the street-level bureaucrats under his command. The following is a summary of responses received during interviews with Ukrainian experts. When asked about the appointment of a new Health Minister and the Minister's appointment of loyal department heads, responses varied, but all pointed to a very similar situation:

Yes, there is a newly appointed Minister of Health, but he will be taken care of in the same way as the previous Minister. He is new and has not gone through the stages of career growth here, so he has little if any understanding of how things work. Picture this: a regular staff member of the ministry makes about 1800-

2000 Hrivna per month (Hrivna is the Ukrainian currency, currently about 20 Hr = \$1 US). If the paperwork becomes suddenly “lost,” or mis-delivered, or delayed, there is no way to find out what happened. This is because powerful economic interests can pay small amounts to buy the loyalty of these low-paid governmental employees. They then do what Ukrainians from the old communist times referred to as “Italian Sabotage,” which is when a leader with a lack of professional experience cannot even find a reason to fire an employee, because the employee points to the fact that he or she brought the failure to the supervisor’s attention, did this and that, and did their absolute best to accomplish the task, and they just have no idea what went wrong. The present themselves as very hardworking and willing to please the boss, but they just do not know how to do so. This new minister is already looking for a way out, and you cannot just come after “schemas” and expect to succeed. [The word “schema” is understood by any Ukrainian. It means a system of steps that lead to a well-predicted outcome, which is usually significant financial gain by one of the powerful economic groups.]

At the time of this field research, in June of 2015, the Accounting Chamber worked with little, if any, effectiveness. The Rada had the responsibility, but it failed to appoint the staff of the Accounting Chamber except for its Chair. As a result, although its employees were coming to work and were getting paid, they were not actually appointed for three years by the time of this research, and therefore were not performing any of the duties assigned to them. In addition, on August 14, 2014, the Rada adopted a law on lustration, which excluded from public office civil servants who worked under President Viktor Yanukovich for more than a year “and did not resign of their own accord” between 25 February, 2010, and 22 February, 2014. The law also excluded civil servants who were active in the Communist Party of the Soviet Union. These former civil servants may be excluded for anywhere from five to ten years. The leadership of the Accounting Chamber had ties to powerful economic groups, and all feared being dismissed from their positions under the lustration law. Therefore, even the lawful Head of the Chamber was avoiding performing any meaningful tasks in order to avoid conflicts with any of the powerful groups of oligarchs.

Here is an example from one of the interviews taken in Ukraine in Summer, 2015:

Picture this: here is a bottle of water or medicine. It costs 5 Hr. You are a governmental official and you come to me and say that you are willing to pay 8 Hr per bottle with an understanding that 3Hr will be deposited directly to a Swiss account.

The staff of the Accounting Chamber will usually catch this practice. However, the Ukrainian solution is then to offer 1 Hr from the sale to whomever is working on this case in the Accounting Chamber. MPs or their close families are usually part of this process, a typical Ukrainian “schema.”

When the government announces a competition for private companies to provide a service (buying drugs, for example), the rules of the competition are usually designed to favor specific groups in such a way that no other group can possibly win the contract. Competition for the contract will be announced, but everybody knows who will win the contract. The paperwork

can be drafted in a way that only one company would qualify for it. For example, they would require certain dosages, and those must be obtained from the same provider. Even though it makes no substantive sense, the process ensures that only one “preferred” company will qualify.

Schemas in general are becoming more sophisticated. The groups behind them figured out how to participate in the policy implementation process on paper, but they actually do nothing and still profit. Consider this example: The ministry sets up a rule that the winner of a competition does not have to provide the actual drug for another five months, but gets money to purchase the drug immediately. Whoever wins the contract has no intention to do anything to further the purchase. The winner simply takes money from the government for the purchase and makes money by using the capital for the ensuing five months. They then return the amount awarded, claiming that the service cannot be provided due to circumstances outside of their control, such as price changes. Another popular excuse is that capital was awarded in Hrivnas and the exchange rate has changed, making the transaction untenable. They then insist the government either take the money back or award more money for the purchase. In any case, the groups make money using government money, a kind of governmental loan with no interest. Drug consumers are simply left with no means to sustain life or enhance their quality of life until this process is completed and the drugs are obtained.

Legislative oversight under these conditions is usually limited to protecting the interests of a powerful group and making sure that the schema works smoothly. Many powerful actors in different branches of the government are involved in these schemas, and they use their oversight functions to ensure the largest financial gain for their groups.

Finally, the election process is another factor that has impact on legislative oversight in Ukraine. Free and fair elections ensure an electoral connection and enhance the function of representation in a legislature. The electoral process (and electoral fraud) has been outside of scope of this research, but researching election practices in Ukraine would be a very useful next step in understanding Ukrainian dynamics, including the oversight process. Initial results from this current research suggest the presence of some levels of electoral fraud, levels that could possibly be substantially higher than those reported by Western election observers.

Larger Political System Influences in Poland

There are two main premises that we need to consider in discussing oversight in Poland:

- Formal rights versus actual possibilities; and
- Full control of government coalition over legislation.

The role of the Polish legislature is strictly connected to its political background and structure and specifically to the roles of political parties in legislative process. The legislature presents the decision of the majority, while opposition is frequently characterized as powerless. Thus amendments or drafts submitted by opposition parties are routinely rejected, irrespective of their substantive content.

Unlike the Ukrainian case, it does not matter for the purposes of oversight who formally initiates a particular bill, but the support of the majority coalition matters. This can be explained by the differences in governmental systems. Poland has adopted a parliamentary form of

government where the President is the supreme representative of the Republic and the guarantor of the continuity of state authority (Article 126 of the Constitution). He or she ensures observance of the Constitution and safeguards the sovereignty and security of the state as well as the inviolability and integrity of its territory. The Prime Minister heads the executive branch. The Council of Ministers is composed of its President, the Prime Minister, and other ministers (Article 147 of the Constitution). Vice-presidents or Deputy Prime Ministers may also be appointed within the Council of Ministers. The Council of Ministers conducts the internal affairs and foreign policy of the Republic and manages the Government administration. The President is directly elected by universal suffrage (Article 127 of the Constitution). He or she nominates a Prime Minister who proposes the composition of a Council of Ministers (Article 154 of the Constitution). The President appoints, within 14 days of the first sitting of the House or acceptance of the resignation of the previous Council of Ministers, a Prime Minister together with other ministers and accepts their oaths of office. In the event that a Council has not been appointed by the President, the House chooses a Prime Minister as well as the other ministers as proposed by him within 14 days by an absolute majority of votes in the presence of at least half of all deputies. The President then has to appoint the Council of Ministers so chosen.

In the event that no Council of Ministers has been appointed according to the above procedure, the President appoints, within a period of 14 days, a Prime Minister and, on his application, the other ministers. The House, within 14 days following the appointment of the Council of Ministers by the President, holds, in the presence of at least half of all deputies, a vote of confidence thereto. If the vote of confidence has not been granted to the Council of Ministers, the President orders new elections to the House.

There is no difference between the two chambers in this respect, due to the majority rule. The role of parliament is thus to legitimize the (party) government decisions. For example, for the 6th term of the Sejm (2007-11), 1511 bills were considered by the legislature. 45% of those were submitted by the government, 33% by MPs, 12% by committees, 7% by the Senate, 2% by the President, and 1% by citizens. If we ascribe party affiliation to the MPs who signed the bill proposals, we see that most of the 33% of the bills submitted by MPs were submitted by opposition parties (these bills constituted 20% of the total number of bills).

The Sejm approved most of the bills submitted to it (72%); 9% were rejected or withdrawn, and 19% were not subjected to a third reading by the end of the term (and then, according to the law, not examined again during the next term). However, the plurality of bills presented by opposition MPs (45%) were postponed and were not given a final reading by the end of the term; 23% were rejected by the chamber; and 7% were withdrawn by the initiators. One in four succeeded, mostly as joint projects.

The parliament can require information on any issue from the government (ministers or heads of central offices). This may take the form of individual interpellations and inquiries (written, and then written answers are required), individual questions on current issues (delivered orally, with direct answers required), or committees demands (*desiderata*) and resolutions.

In the case of individual actions, their main function is to maintain an MP's image as present and active for his or her constituents. This strategy is considered to improve an MP's chances

of getting appointed as a candidate by his or her party in the next election. The record on the number of questions by MPs is easily available from the Sejm web site and is frequently used as an indicator of the quality of an MP (e.g., by media ranking). It is probable that on many occasions the content of a particular question is delivered by civil society organizations or other pressure groups.

Demands by committees often seek to gain access to information which then may be used by civil society organizations. However, any real decisions resulting from the oversight function (a vote of approval—*absolutorium*—for the budget execution, a vote of confidence, a vote of no confidence, approval for any report or information, appointment of an investigative committee) depend on the ruling majority, and are in fact automatic. This obviously limits the real responsibility of the government unless the parliamentary majority becomes unstable.

VII. CONCLUSION

The legislatures of Poland and Ukraine have been building their respective institutional capacities, specifically with regard to their oversight functions. Both the Rada and the Sejm have been using all the major tools of legislative oversight that can be found in any democratic legislature. At the same time, larger systemic factors such as corruption and electoral pressures influence the oversight processes in these two countries. These larger systemic factors present a significant challenge to the quality of this process in Ukraine, for they frequently undermine the process altogether or capture this tool for the personal economic gain of office holders. The Polish Sejm has its challenges, but those are in line with what parliaments in developed parliamentary systems are dealing with for the most part.

It should be noted that the availability of all the major tools of legislative oversight to the Rada, along with the knowledge of how to use those tools, offers a unique opportunity to Ukraine to address the problem of corruption and other social ills apparent in Ukrainian society. These tools, when coupled with the international pressures, can be used to deal with the very issues which impede the effective use of oversight. Ukraine already has a viable infrastructure with which to conduct legislative oversight, and international pressures may serve as a catalyst to jump-start the process and to use it to combat major social ills.

The oversight process in Ukraine at the time of this research has become frequently a part of the schemas that we discussed earlier in this paper. Under these conditions, the oversight process can be—and frequently is—manipulated by powerful economic interests who use it for personal financial gain or for increased visibility in order to gain political power (which, in turn, is used for personal financial gain). The main problem with the Ukrainian system at the time of this research (Summer 2015) was that there were no effective mechanisms of law enforcement, and any governmental wrongdoing, however publicly known and exposed in the media, was not prosecuted.

It is important to emphasize the time of this research, because currently Ukraine is working on a reform of its criminal justice system, specifically the Prosecutor's office. This is where the available tools of legislative oversight can be especially useful to move Ukraine further in the direction of combating corruption. Most democratic countries, including the US, went through a long stage of development where major private interests wielded a disproportional amount of

power, such as the trusts in the latter 1800s. However, Roosevelt and the Progressives came into government and broadened the influence of citizens, and the governmental infrastructure was in place to allow them to be effective. Ukraine has this infrastructure in place. This gives Ukraine an opportunity to use these available tools of legislative oversight to oversee the implementation of laws and to make sure that reforms are implemented as intended. In addition, Ukraine will have to implement reforms and policies that are part of the conditions for external funding from the European Union (EU) and the International Monetary Fund (IMF). The EU and other donors will demand proof of implementation. This is an opening for the Rada to use tools of legislative oversight to make sure that these policies will be implemented properly and as intended.

This research has important implications for building future Legislative Strengthening Programs (LSPs). Specifically, such a process would start with building an infrastructure, i.e., assisting a legislature with establishing the major tools of legislative oversight and training legislators in their use is an effective first step, and the foundation for further work legislative work bent on creating a better institutionalized and stronger legislature. Some of the most useful forms of assistance within this step include responses to information requests from legislators, trainings, and handbooks.

LSPs will need to have a fast reaction force due to the fast pace and the rather large scale of changes occurring in Ukraine. To stay on top of those changes, issues like the degree of autonomy of the regional U.S. Agency for International Development (USAID) office will need to be addressed, and the relationship between the Washington and field offices will need to be reevaluated. Although the general trend in Public Administration is to decentralize such functions, this may be the wrong approach for the developing world. A field office, although it may understand the many minute details of local politics, may lack the vision to see a broader horizon. This foreshortening of a global vision, especially when coupled with its own organizational interests, can be counterproductive to the general mission that USAID has in a country.

Also, the highly fragmented nature of the projects supported by USAID (most of which address relatively small tasks, such as enhancing the administrative capacity of nonprofits in Ukraine) might have been useful at some point, but this model of service delivery may be counterproductive at this point, and a restructuring may be needed to keep up with the pace of changes in some of the developing countries. This is because the situation in the country has developed rapidly and new political realities in the country require new approaches to providing assistance.

For example, USAID provides training in enhancing the administrative capacities of local not-for-profit organizations. USAID also supports projects that train not-for-profit organizations in lobbying and other methods of influencing government. Groups that just go through training in enhancing their administrative ability without training in understanding how the government works and where to apply pressure usually either disappear or get captured by powerful economic groups. In other words, enhancing solely an organization's administrative capacity is a waste of resources, because this simply enhances the ability of that group to better represent powerful economic interests or does not address the long-term viability of the group itself.

LSPs may need to consider involving the American research community in coming up with solutions to modern problems in the developing world. Although the idea of building local capacity in dealing with their own problems is a good one, it may not be appropriate in all situations, and again, given the fast pace of changes in some of these countries, it may not be responsive to the lived needs of the organization. These developing democratic societies present new challenges that need immediate solutions. However, these societies do not have the capacity to come up with these solutions because they do not yet have an internally-developed discipline of political science. For example, a corps of researchers and practitioners in the fields of political science and public administration are needed to address major challenges in these countries. However, these fields do not exist in Ukraine. Ukraine has a science of *Polytology*, which is a strange mixture of philosophy, sociology, and anthropology, and all this at a very rudimentary level. Therefore, without an influx of international political scientists and public administrators, Ukrainians will continue to lack the training in and education on matters which are commonplace for college graduates in political science. Therefore, continuing with ongoing training will be important, but the trainers themselves will need to be better trained; involving our American academia is a necessary part of this process.

This is a necessary but not sufficient part of the process. A shift in focus is needed to complement this influx of expertise. LSPs would be better off concentrating their efforts on a select number of major issues, rather than on a larger number of very small issues. Issues like the construction and maintenance of a fair, above-board, and consistent election process should be given priority. Another large issue that deserves attention is a reform of Public Administration. Civil service reform could have been very useful in combating corruption in Ukraine; the reform of such institutions and processes would in turn make more global processes like legislative oversight all the more effective.

APPENDIX I: REFERENCE

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