



# MEMORANDUM OF UNDERSTANDING ON SUPPORT FOR ANTI-CORRUPTION INITIATIVES, JUSTICE REFORM, & ELECTION CREDIBILITY BETWEEN THE REPUBLIC OF KOREA AND REPUBLIC OF UKRAINE

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Since the dissolution of the Union of Soviet Socialist Republics, the situation in Ukraine continues to improve but is marked by important security, economic and political constraints, relating also to decades of internal suppression, arbitrary legal system, and lack of political integration of Ukrainians and the relocated subjects of the Union. Such challenges will continue to have an impact on the pace of reforms, but must be challenged head on. Other challenges are related to the corruption, the persistent lack of public trust in the justice system, lack of efficiency of public administration at central and local levels as well as the lack of domestic institutional capacity to conduct reforms without outside financing and support. Significant progress has been made by the current administration since it took office and as a result, the Republic of Korea and financial backers as outlined in this memorandum are providing a budget of \$150 million towards achieving the goals, reforms, and actions as discussed in this memorandum.

This Memorandum of Understanding is made between the Republic of Korea (Korea) and the Republic of Ukraine (Ukraine) on the date of 1997.09.15 with aims to recommend, finance, and facilitate actions towards the principles and standards of stable governance, accountability, election efficacy, justice reform, and anti-corruption and fiscal transparency. These actions shall be supported by a multinational effort by the Republic of Korea, Kingdom of Norway, Federal Republic of Germany, and the Republic of Ukraine. Building the following goals through the outlined articles of the memorandum on the stipulated objectives with the details as follow:

## Article 1: Political Actions, Participation, and Initiatives

- a) To encourage, support and strengthen participation of all Ukrainians in the political process through forming interest groups, political parties, and running as candidates in free, fair, and open elections within the Ukrainian electoral system and laws.
- b) To support and encourage the government of the Republic of Ukraine to work towards implementation of the principles of good, accountable, and transparent governance by creation of stable and independent political institutions free from nepotism, corruption, and inefficiencies;
  - i. Implementation of entrance exams for civil service in Ukraine that are both manageable, easily accessible, secure, and does not discriminate on linguistic or income basis.
  - ii. Implementation of transparent financial records of all public servants on the request of private citizens, news entities, and the countries domestic anti-corruption task force
  - iii. Implementation of readily available financial records with up to date records of financial assets, stocks, and valuable items of Ministers, Directors of security, intelligence, and economic sectors, and the President & Prime Minister.
- c) To help finance the restructuring of Ukraine's civil service with a financial grant and to be appropriated by the Ukrainian Government on the basis of their internal determination with consultation from the Republic of Korea if required.
- d) To support the participation of all citizens of Ukraine in the political process through financing Ukraine's radio, internet, and communication infrastructure in both Ukrainian and Russian to ensure all citizens in Ukraine have equal access to their political representatives and that all political parties and candidates may have equal access to state resources
- e) To strengthening democratic governance and promoting participation and diversity:
  - i) Implementation of recommendations regarding the need to enhance transparency and accountability of the political process and supporting the local administration as well as national administration to increasing trust in the political and electoral process, including the reform of the Rules of Procedure and internal government,
  - ii) To enter into force of a new Law on the Public Prosecution Service and set-up of the prosecutorial self-governance and support bodies such as a council of public prosecutors, qualification and disciplinary commission of prosecutors, and yearly commission on the status and effect of prosecutors
  - iii) To introduce new approaches towards knowledge management and institutionalization of the Ukrainian standards of prosecutorial training and ensuring a widely accessible system for all people to access,
  - iv) Through development of a General Rules of Ethical Conduct for Civil Servants and Local Government Officials by the Ukrainian Government and improved the existing legal framework on investigation of ill-treatment cases especially within the State Bureau of Investigation and amending the current Criminal Procedure Code of Ukraine for Soviet-era security authorization that circumnavigate democratic norms,

## Article 2: Democratic governance, accountability, and transparency

- a) Implementation of a legal framework and policy allowing for political participation of all Ukrainians in the electoral system in recognition of the linguistic, ethnic, and cultural minorities of Ukraine and ensuring proper delegation and allocation of competencies and resources to local authorities;
  - i) Ensuring local authorities and elected representatives are equipped with knowledge and tools to conduct modern and effective management of resources,
  - ii) Ensuring local authorities enhance their transparency to increase trust at the local political level and amongst political actors and institutions with regards to the citizens,
  - iii) Providing an effective consultation mechanism between central and local authorities to resolve disputes over jurisdiction and responsibility,
- b) Expanding the current system of providing the free legal aid to civil and administrative cases and granting the right to free secondary legal aid to additional specific categories of vulnerable groups
- c) Ensuring all Soviet-era security and detention cases are addressed and publicly available to allow victims and families of victims access to case determination, outcome, and if applicable, compensation,

- d) Liberalization of state-owned enterprises under the control of the state's security, intelligence, non-government agencies, and individuals to ensure the political liberalization of the country and readily accessible economic resources for the growing population of Ukraine
- e) Implementation of efforts to establish constructive environment for/with the youth towards democratic innovations, participation, and acceptance
  - i) Ensuring local authorities and elected representatives are equipped with knowledge and tools to conduct modern and effective management of resources,
  - ii) Supporting initiatives by the relevant ministries in charge of Youth portfolio to implement a roadmap for reform aimed at youth policy in Ukraine. Supporting the relevant Ministry in the implementation of a policy towards youth engagement in the political process.
  - iii) In addition, calling for a mission towards reducing hate speech and avoid institutionalization of the marginalization of minority communities in Ukraine whether linguistic, cultural, religious, or ethnic. With recommendations calling for special attention to be given to intercultural dialogue and protection of minority rights

#### Article 3: Judiciary, Prison, and Justice Reform

- a) Implementation of steps and necessary reforms towards an independent and effective judiciary towards ensuring accountability for human rights and the rule of law in Ukraine.
- b) Combating low level of trust in the judiciary resulting from the Soviet-era criminal justice structure and secret detention systems
- c) To ensure proceedings that comply with fair trial guarantees and support the judicial reform to ensure that all Ukrainians enjoy equal protection by independent and objective judicial system free from corruption and political injection
  - i) Implementation of judiciary reforms to target the Law on the Judiciary and the Status of Judges and of the Law on the High Council of Justice and implementing them to set out a clear path of towards reform.
  - ii) Transforming the institutional structure and functions of the judicial authorities in Ukraine and significantly increased the independence of judges by placing the responsibility for the appointment and dismissal of judges with the High Council of Justice (HCJ)
  - iii) Implementation of the constitutional reform on the judiciary to ensure that the new judicial system is fully operational and independent,
    - i) Following the adoption of the constitutional amendments and the relevant laws, further efforts are needed to ensure harmony between the functions and powers of the HCJ, the High Qualification Commission of Judges of Ukraine and the Council of Judges of Ukraine, at the same time, ensuring the effective interaction between these institutions and the government to ensure institutional stability,
- d) Ensuring effective functioning and management of courts, especially of the Supreme Court, is necessary. With specific focus towards the protection of appellate courts, as they form “the backbone” of the judiciary. Further taking measures to assess the current situation of the national legislation and institutional capacities of the Ukrainian Legal Association to ensure mandatory legal representation in the courts. As well as the promotion of the use of alternative dispute resolution in Ukraine to avoid backlogging the reformed justice system.
  - i) Improved access to justice in the areas affected by the crime and disenfranchisement as well as implementation of faster, less confrontational, more effective, less financially burdensome solutions to settlement of conflicts should be used through an alternative dispute resolution system, including arbitration and mediation,
  - ii) Improved effectiveness, independence, decentralization of functions and accountability of the public prosecution service and enhanced capacities of prosecutorial self-governance and disciplinary bodies to perform their functions,
- e) The Republic of Korea will facilitate with the National Academy of Prosecutors of Ukraine efforts to training prosecutors in the implementation of prosecutorial functions and necessary duties of public prosecutors.
- f) Strengthening the Free Legal Aid (FLA) system remains an area of future improvement and should be a target goal of the justice reforms to ensure that the reforms reach all citizens of Ukraine.

Continued support towards the FLA will help to enhance the institutional independence and strengthening operational capacities, improving the quality of the legal aid and its accessibility, including for vulnerable groups and women, and raising awareness of the society on the rights and their protection mechanisms.

- g) Recording the conditions of detention and healthcare in the penitentiary and psychiatric institutions to ensure that quality can be assessed and if necessary improved, specifically for women and juveniles.
- h) Efforts to be made to in a rehabilitative approach to offenders that shall led to a decrease in prison population and re-offending as well as reducing the strain on the Ukrainian judicial system.
  - i) Ensuring the capacity and gender sensitivity of the prison staff to perform its functions and enhanced conditions of its service in line with humane treatment of prisoners,
  - ii) Increased capacity of the domestic authorities to investigate instances of ill-treatment in detention and outside detention in relation to the abuse of power and excessive use of force by law enforcement authorities;
  - iii) Increased capacity of the National Police to address cases of violence against women and children and domestic violence in co-operation with other institutions and civil society;
- i) Providing the financial support towards an efficient internal prison inspection scheme that puts increased emphasis towards its awareness and capacities in creating rehabilitative prison regimes and managing prisons in an ethical context through implementing new Code of Ethics for prison staff, Manual on Prison Management, Suicide and Self-Harm Prevention Policy to be revised and implemented, social and life skill courses and management practices,
  - i) Supporting the creation and further development of a Human Rights Directorate in the National Police of Ukraine that ensures a standard of human rights and protection for prisoners in line with the relevant code of ethics for staff.

#### Article 4: Corruption

- a) To support actively the development of a Code of Conduct for all businesses in Ukraine (local and foreign) to comply with in the areas of disclosure of financial transactions between private firms and political parties, individuals, and where not a national security classification, the security and intelligence sector of Ukraine.
- b) To build and strengthen the networks both at institutional and individual levels of the oversight of the government by an Anti-Corruption Task Force to oversee anti-corruption measures and play an encouraging and preventative roles to stop corruption.
- c) To strengthen the roles on cooperation and protection of individuals with knowledge on corrupt practices and ensuring their access to the anti-corruption initiatives and to organize the reporting process to ensure anonymity and security of the identity of reporters, ensuring an environment friendly towards reporting of misconduct by public officials.
- d) To support financially the measures necessary in accordance with Ukraine's outlook on public governance, the principles of public confidence and inclusion in the political process, and supporting and aspiring towards compliance with international democratic norms of individual freedoms, personal liberties, and so forth.
- e) To mobilize global cooperation and assistance to ensure offshore storage of financial resources can be easily combatted through the participation in a multinational environment and forum towards reducing corruption and external financing leading to corruption and ensuring that no global institute becomes an agent condoning any form of bribery.
- f) To put pressure on anti-reform bodies within Ukraine through appropriate forms of government action, public involvement , and inquiry into benefits from corruption and bribery of said individuals alongside measures taken to allow anti-reform bodies to partake in the reform process to ensure inclusivity of all elements of Ukrainian society

#### Article 5: Financing

- a) The Republic of Korea, Kingdom of Norway, and Federal Republic of Germany (hence referred to at the tripartite) agree to collectively provide a \$150 million financial package to Ukraine towards the

articles stipulated in this memorandum, individually pledging \$50 million towards the outlined articles.

- b) The Republic of Ukraine is obligated to provide overviews of its spending of the \$150 million to the tripartite on a request basis, and must provide an overview prior to any spending to the tripartite.
- c) The Republic of Ukraine agrees therein to allow auditors from the tripartite to investigate any misappropriation of financial funding from the stated objectives towards other measures.
- d) This Memorandum is entered into in good faith on 1997.09.14 between the parties. In line with the financial provisions outlined with the Memorandum, the parties are responsible for appropriate financial transfers, updating relevant parties, and ensuring transparency throughout the process of implementation of said measures

The language of the signed MoU shall be in Ukrainian and Korean. In the event of any discrepancy between the Korean, Ukrainian, and if applicable German and Norwegian version of this MoU, the English language version will prevail.

This document will be transmitted to all references parties in accordance with the spirit of multilateral cooperation.

Republic of Korea  
Authorized by the President of the Republic of Korea, Kim Daejung  
Signed on behalf of the President, *Jo Jaehyuk, Prime Minister of the Republic of Korea*

Republic of Ukraine  
Signatory:

