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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

CONSTITUTIONAL AGREEMENT

**BETWEEN THE SUPREME RADA OF UKRAINE
AND THE PRESIDENT OF UKRAINE**

**on the basic principles of the Organisation
and functioning of the state power and
local self-government in Ukraine pending
the adoption of the new Constitution of Ukraine**

The SUPREME RADA OF UKRAINE as the sole legislative body, on the one hand, and

The PRESIDENT OF UKRAINE as the head of the State and the head of the executive power, on the other hand,

hereinafter referred to as

The PARTIES,

which are the subjects of the constitutional law empowered directly by the people,

Proceeding from the fact that:

- absence of a new democratic Constitution of Ukraine is an impeding factor on the way to the implementation of economic as well as political and legal-and-state reforms;
- non-adoption of the Law of Ukraine "On the Application of the Law of Ukraine "On State Power and Local Self-Government in Ukraine" and the Changes in the Constitution (Fundamental Law) of Ukraine Resulting from its Adoption", which is aimed at the implementation of the provisions of the Law of Ukraine "On State Power and Local Self-Government in Ukraine" makes impossible the proper functioning of the whole state mechanism both at central and local levels, impedes the implementation of economic reforms, leads to further impoverishment of the major part of the population and to the aggravation of social conflicts;
- deep economic as well as political crisis leads to social tension in the society, its criminalization and political confrontation of power structures;

for the purpose of:

- avoiding unconformities between applicable rules of the Constitution (the Fundamental Law) of Ukraine and rules of the Law "On State Power and Local Self-Government in Ukraine" and adapting this Law into the system of legal acts, which determine the constitutional system in Ukraine;
- promoting development and successful completion of the constitutional process in Ukraine;

desirous to:

- ensure adequate protection of human and civil rights and freedoms under crisis situation;
- create reliable guarantees for the existence of a sovereign Ukraine, preserve its territorial integrity and inviolability;

- reform State power on the principles of strict delimitation of functions between its legislative and executive branches as a necessary prerequisite for the overcoming of economic, social and constitutional crisis;
- create political and legal conditions for the implementation of economic reforms, maintenance of production, securing financial stability and social protection of the population;
- prevent political confrontation between power structures with its possible ruinous impact on the future of the country and the society as a whole;
- safeguard public peace and calm in Ukraine and create conditions for people to life and work in dignity and for the consolidation of all healthy forces of the society;

taking into account:

positive achievements gained in the long process of coordination of positions of the President of Ukraine and the Supreme Rada of Ukraine during the work on the draft Law "On State Power and Local Self-Government in Ukraine";

on the basis

of good will of the Parties, mutual concessions and compromise

Have agreed as follows:

Pending the adoption of the new Constitution of Ukraine public and local self-government authorities shall be organized and shall function on the principles set forth in the Law "On State Power and Local Self-Government in Ukraine" as approved by the Supreme Rada of Ukraine on 18 May 1995 by the majority vote of people's deputies of Ukraine, namely:

SECTION I

GENERAL PROVISIONS

Article 1

Ukraine shall be a democratic, social, law based State which is created on the basis of the enjoyment by the Ukrainian people of its sovereign right to self-determination and which expresses the will of the people and protects interests of its nationals.

The principle of the supremacy of law shall be applicable in Ukraine.

Article 2

The whole of the power in Ukraine shall belong to the people. The people is the sole source of the power and it exercises it both directly, i.e. through referendum, and through the system of public and local self-government authorities.

No one may assume the right to exercise State power.

Article 3

State power in Ukraine shall be built on the principle of its division into the legislature, the executive and the judiciary.

Article 4

Local self-government in Ukraine shall be exercised through territorial self-organization of citizens directly and through local self-government authorities. Local self-government authorities are elected directly by nationals of Ukraine residing within the territory of a city, town, village, respectively.

Article 5

All public and local self-government authorities in Ukraine shall exercise their functions based on the priority of human rights and freedoms. Securing these rights and freedoms, protecting human life, honour and dignity is the duty of the State.

Public life in Ukraine shall be based on the principles of political, economic and ideological pluralism.

Ownership in Ukraine shall be all-national, municipal, collective and private.

The law guarantees equal protection of all forms of ownership, socially oriented market economy.

SECTION II

SUPREME RADA OF UKRAINE

Article 6

The Supreme Rada of Ukraine shall be the sole legislative body of Ukraine which includes 450 people's deputies elected for 4 years on the basis of universal, equal and direct suffrage by secret ballot.

Regular elections of people's deputies of Ukraine are held in the first week of April after the expiration of four-year term of office of the previous membership of the Supreme Rada of Ukraine.

Next elections of people's deputies of Ukraine shall be conducted under mixed majoritarian-proportional system.

The procedure for holding elections of people's deputies of Ukraine, evaluation of their results and validation of credentials is governed by the Law of Ukraine "On Elections of People's Deputies of Ukraine."

The status of the people's deputy of Ukraine is specified by the Law of Ukraine "On the Status of the People's Deputy of Ukraine."

Article 7

The Supreme Rada of Ukraine shall conduct its proceedings in session.

Sessions of the Supreme Rada of Ukraine consist of plenary meetings of the Supreme Rada of Ukraine and of meetings of standing and other commissions held between plenary meetings.

The Supreme Rada of Ukraine holds the first session on the thirtieth day after the elections upon notification of the Chairman of the Central Electoral Commission.

Ordinary sessions are convened by the Bureau of the Supreme Rada of Ukraine. Extraordinary session are convened by the Chairman of the Supreme Rada of Ukraine, the Bureau of the Supreme Rada of Ukraine, on their initiative, or on the proposal of at least one third of the members of the Supreme Rada of Ukraine, or on the proposal of the President of Ukraine.

The Supreme Rada of Ukraine conducts its proceedings according to the Rules of Procedure of the Supreme Rada of Ukraine which have the force of a law.

Article 8

The Supreme Rada of Ukraine shall elect, from among people's deputies of Ukraine, standing commissions which, in accordance with the Law of Ukraine "On Standing Commissions of the Supreme Rada of Ukraine" and the Rules of Procedure of the Supreme Rada of Ukraine, carry out law-making activities, conduct preliminary consideration and preparation of questions falling within the competence of the Supreme Rada of Ukraine as well as exercise control of the compliance with the laws and enactments of the Supreme Rada of Ukraine. The Supreme Rada of Ukraine may set up, whenever it deems it necessary, parliamentary, inquiry, audit and other committees charged with

matters which fall within the competence of the Supreme Rada of Ukraine.

Article 9

The Bureau of the Supreme Rada of Ukraine shall include the Chairman, Vice-Chairmen of the Supreme Rada of Ukraine and chairmen of standing commissions, heads of parliamentary groups and factions in the Supreme Rada of Ukraine.

The Bureau of the Supreme Rada of Ukraine is accountable to the Supreme Rada of Ukraine and exercises its functions within the limits prescribed by the present Law.

Article 10

The Bureau of the Supreme Rada of Ukraine shall:

- 1) convene ordinary sessions of the Supreme Rada of Ukraine;
- 2) organize preparation of sessions of the Supreme Rada of Ukraine;
- 3) coordinate activities of standing commissions of the Supreme Rada of Ukraine;
- 4) assist people's deputies of Ukraine in fulfilling their mandate and provide them with necessary information;
- 5) organize all-national discussion of bills of Ukraine and other acts of the Supreme Rada of Ukraine;
- 6) organize publication of Ukrainian and Russian versions of laws of Ukraine and other acts adopted by the Supreme Rada of Ukraine, the Bureau of the Supreme Rada of Ukraine, promote publication of translations of the said acts to other languages which are used by the majority of population residing in particular areas of Ukraine.

The Bureau of the Supreme Rada of Ukraine adopts resolutions on matters falling within its competence.

Article 11

The Chairman and Vice-Chairmen of the Supreme Rada of Ukraine shall be elected from among people's deputies of Ukraine by secret ballot for the term of office of the Supreme Rada of Ukraine. The Supreme Rada of Ukraine may recall them at any time by secret ballot.

Article 12

The Chairman of the Supreme Rada of Ukraine shall:

- 1) provide general guidance in the preparation of matters before the Supreme Rada of Ukraine;

- 2) represent the Supreme Rada of Ukraine in relations with officials, public authorities and associations of citizens in Ukraine and abroad;
- 3) introduce to the Supreme Rada of Ukraine candidates for the election to the offices of Vice-Chairmen of the Supreme Rada of Ukraine and editor-chief of the newspaper of the Supreme Rada of Ukraine. Together with the President of Ukraine, submit names of candidates for the appointment to the office of the Chairman of the Constitutional Court of Ukraine by the Supreme Rada of Ukraine. Make proposals with regard to the candidates for the appointment of one half of judges of the Constitutional Court of Ukraine;
- 4) preside over meetings of the Supreme Rada of Ukraine, the Bureau of the Supreme Rada of Ukraine, sign acts adopted by the Supreme Rada of Ukraine and its Bureau, issue instructions;
- 5) provide overall administration of the apparatus of the Supreme Rada of Ukraine.

Vice-Chairmen of the Supreme Rada of Ukraine discharge specific functions assigned by the Chairman. One of them acts for the Chairman whenever he is absent or unable to discharge his functions.

Article 13

People's deputies of Ukraine shall work in the Supreme Rada of Ukraine on a permanent basis. They may not combine their parliamentary activities with any other office, except for teaching, scientific and other creative work.

Article 14

A people's deputy of Ukraine may not be prosecuted, arrested, or imposed an administrative sanction judicially without consent of the Supreme Rada of Ukraine.

Article 15

The right to initiate legislation in the Supreme Rada of Ukraine shall be vested in people's deputies of Ukraine, standing commissions of the Supreme Rada of Ukraine, President of Ukraine, Cabinet of Ministers of Ukraine, Supreme Court of Ukraine, Highest Arbitration Court of Ukraine.

President of Ukraine, taking into account the urgency of introducing legislative regulation in a given field of public relations, may request that the bills which he has submitted be considered on a priority basis. Such bills shall be included in the agenda of the meetings of the Supreme Rada of Ukraine as soon as they have been introduced and shall be considered

according to the Rules of Procedure of the Supreme Rada of Ukraine.

Article 16

The Supreme Rada of Ukraine shall consider and decide on matters which relate to State and public life and require regulation by laws of Ukraine, as well as discharge constituent and controlling functions provided for by the Constitution and the present Law.

The Supreme Rada of Ukraine, in addition to laws of Ukraine, adopts, within the limits of its competence, enactments, statements, declarations, addresses.

Article 17

The Supreme Rada of Ukraine shall:

- 1) adopt the Constitution of Ukraine, laws of Ukraine, codes and other codified acts, make revisions and amendments thereto, provide official interpretation thereof;
- 2) exercise control of the compliance with the Constitution of Ukraine, laws of Ukraine and enactments of the Supreme Rada of Ukraine;
- 3) exercise control in the field of the protection of human rights;
- 4) consider and take decision on the Program of activity of newly-formed Government of Ukraine;
- 5) consider, make revisions to and approve the State Budget of Ukraine submitted by the President of Ukraine and exercise control of its execution;
- 6) approve national programs of economic, social and national-cultural development as well as of environmental protection;
- 7) fix elections of the President of Ukraine, announce the act of his election, accept the resignation of the President of Ukraine;
- 8) consider annual and special reports of the President of Ukraine on domestic and foreign policy of Ukraine;
- 9) ratify, denounce international treaties of Ukraine or announce their conclusion or accession of Ukraine thereto;
- 10) take decision on its dissolution and fix, at the same time, early elections of people's deputies of Ukraine;
- 11) fix elections to local Radas;

- 12) approve overall structure, strength of the Armed Forces of Ukraine, the Frontier Forces of Ukraine, the National Guards of Ukraine, the Security Service of Ukraine and other military units created in accordance with the legislation of Ukraine;
- 13) approve decrees of the President of Ukraine on the declaration of state of war, the imposition of martial law in the whole territory of Ukraine or particular areas thereof in the event of military aggression or threat of military aggression against Ukraine, decisions on the termination or rescission thereof, conclusion of peace and on general or partial mobilization in the territory of Ukraine in case of the declaration of state of war;
- 14) approve decrees of the President of Ukraine on the imposition of state of emergency in the whole territory of Ukraine or particular areas thereof;
- 15) establish Defence Council of Ukraine and define the list of officials who are to be members thereof;
- 16) approve, upon submission of the President of Ukraine, membership of the Central Electoral Commission on the Elections of People's Deputies of Ukraine and the President of Ukraine;
- 17) appoint, upon joint submission of the Chairman of the Supreme Rada of Ukraine and the President of Ukraine, the Chairman of the Constitutional Court of Ukraine. Appoint one half of judges of the Constitutional Court of Ukraine. Administer the oath to judges of the Constitutional Court of Ukraine;
- 18) appoint, upon submission of the President of Ukraine, the Chairman of the Supreme Court of Ukraine, the Chairman of the Highest Arbitration Court of Ukraine, the Chairman of the Board of the National Bank of Ukraine and dismiss them;
- 19) appoint and dismiss the Prosecutor-General of Ukraine upon submission of the President of Ukraine;
- 20) appoint, upon submission of the President of Ukraine, judges of the Supreme Court of Ukraine and the Highest Arbitration Court of Ukraine and dismiss them according to the procedure established by the law;
- 21) reconsider laws which have been vetoed by the President of Ukraine;
- 22) take decisions on matters relating to administrative-territorial organization of Ukraine, name and rename human settlements in Ukraine;

- 23) may declare vote of non-confidence in all or particular members of the Government, which entails their resignation;
- 24) take, on its own initiative or on the initiative of at least three million electors, decisions on the holding of national referenda, announce results of national referenda;
- 25) exercise control of extending loans, economic and other assistance to foreign States by Ukraine as well as of the conclusion of agreements on State loans and credit and of the use of loans and credits which Ukraine has obtained from foreign States;
- 26) repeal legal acts of the Supreme Rada of the Autonomous Republic of the Crimea whenever they are incompatible with the Constitution and laws of Ukraine;
- 27) impose veto in respect of decrees of the President of Ukraine whenever they are incompatible with the Constitution and laws of Ukraine and appeal at the same time to the Constitutional Court of Ukraine;

The Supreme Rada of Ukraine shall submit the laws which it has adopted to the President of Ukraine for signature and promulgation.

The Supreme Rada of Ukraine considers and decides on matters which, under the applicable rules of the Constitution and the present Law, do not fall within the competence of public executive or judicial authorities, representative bodies and local self-government authorities and which are not such as to be decided exclusively by national referendum.

The Supreme Rada of Ukraine may not delegate its functions to other bodies except cases provided for by the Constitution of Ukraine and the present Law.

Article 18

Shall be specified exclusively by laws:

- 1) regulation of matters relating to human and civil rights and freedoms, nationality, status of stateless persons, refugees and aliens; principles of domestic and foreign policy, defence and State security; principles of social protection and health care of citizens, environmental protection, education, training and culture, science, protection of rights for intellectual property, marriage and family; rights of national minorities; matters relating the demography and migration; status of languages; activity of public associations and of mass media;

- 2) national taxes, types of charges and payments, fiscal, price and credit regulation, customs; legal status of ownership, property relations; principles of legal regulation of economic and social development of the State, entrepreneurship, labor, wildlife management and land use, matters relating to types, shapes, value and minting of coins; approval of the State Budget of Ukraine as well as revisions and report on its execution; State credit; status of special (free) economic zones; issuance of government securities; currency and hallmarks;
- 3) organization and functioning of the Supreme Rada of Ukraine, status of people's deputies of Ukraine, public executive authorities and local self-government authorities, principles of civil service, judicial system, legal proceedings, advocacy, notarial service, prosecution and institutions charged with the enforcement of sentences; acts which are crimes, administrative and disciplinary offenses, punishment therefor;
- 4) management of natural resources, energy system, all types of transport and communication; development of outer space;
- 5) establishment of units of weight, measures, time, standards and principles of State statistics and informatics;
- 6) organization and conduct of elections and referenda;
- 7) status of the capital, cities of national importance;
- 8) rules of diplomatic and consular relations, conclusion, denunciation of and accession to international treaties;
- 9) legal regime of State frontiers;
- 10) status of foreign military forces in the territory of Ukraine, procedure for the use of the Armed Forces of Ukraine outside the limits of Ukraine;
- 11) legal regime of martial law and of emergency;
- 12) establishment of State symbolics and their use; establishment of State awards, military, honorary and other special titles.

Other matters specified by the Constitution of Ukraine may also be subject to legislative regulation.

SECTION III

PRESIDENT OF UKRAINE

Article 19

The President of Ukraine shall be the head of the State and the head of the Executive in Ukraine.

The President of Ukraine as the head of the State represents Ukraine both in domestic and foreign relations.

The President of Ukraine as the head of the Executive exercises his power through the Government i.e. Cabinet of Ministers of Ukraine and the system of central and local public executive authorities headed by him.

Article 20

Any national of Ukraine aged from 35 to 65 who has been residing in Ukraine at least for last ten years before the election and who has knowledge of State language may be elected President of Ukraine.

Article 21

The President of Ukraine shall be elected by citizens of Ukraine for a period of 5 years on the basis of universal, equal and direct suffrage by secret ballot.

The procedure for holding elections of the President of Ukraine shall be established by the Law of Ukraine "On the Elections of the President of Ukraine."

Regular elections of the President of Ukraine are held in the first week of November after the expiration of 5 years since the date of his election.

The President of Ukraine takes his office not later than 15 days after the announcement of the election results. Upon taking his office, the President of Ukraine swears the oath at a plenary meeting of the Supreme Rada of Ukraine, text and procedure for swearing the oath being prescribed by the law.

The same person may not be President of Ukraine for more than two successive terms.

Article 22

The President of Ukraine, within one month after taking the office or from the date of resignation of previous Government, shall appoint Prime-Minister of Ukraine, form a new Government of Ukraine i.e. Cabinet of Ministers of Ukraine.

Within two months after its formation, the Cabinet of Ministers of Ukraine submits the Program of its activity to the

Supreme Rada of Ukraine for consideration. In case of a disagreement with the submitted Program the Supreme Rada of Ukraine may express the distrust to the Cabinet of Ministers.

After the Program of activity of the Government of Ukraine has been approved by the Supreme Rada of Ukraine the latter may express the distrust to the Government of Ukraine not earlier than after one year of governmental activities.

Article 23

The President of Ukraine shall sign and promulgate the laws of Ukraine which have been adopted by the Supreme Rada of Ukraine.

The laws are to be promulgated within two weeks since their texts have been received by the President of Ukraine from the Supreme Rada of Ukraine.

If the President of Ukraine disagrees with the content of the law as adopted by the Supreme Rada of Ukraine, he may, within the same period, exercise the right of veto in respect of such a law and transmit it together with his comments to the Supreme Rada of Ukraine for reconsideration.

If the Supreme Rada of Ukraine, during reconsideration, adopts that law again by a two-thirds majority vote of its actual membership, the President of Ukraine shall sign and promulgate that law within 10 days.

Article 24

The President of Ukraine shall:

- 1) be the guarantor of State sovereignty, independence, inviolability of frontiers, national security, territorial integrity of Ukraine, compliance with the Constitution and laws of Ukraine, human and civil rights and freedoms;
- 2) address messages to the people of Ukraine;
- 3) submit annual and special reports on the domestic and foreign policy of Ukraine to the Supreme Rada of Ukraine;
- 4) be the head of the system of public executive authorities of Ukraine;
- 5) establish, reorganize and dissolve ministries, departments, other central and local public executive authorities within the limits of State Budget of Ukraine, appoint (approve) and dismiss heads of such authorities;
- 6) repeal acts issued by central and local public executive authorities of Ukraine as well as acts issued by executive authorities of the Autonomous Republic of the Crimea whenever they are incompatible with the Constitution and

laws of Ukraine, decrees and orders of the President of Ukraine;

- 7) manage, within the limits of the law, State property;
- 8) be the Supreme Commander-in-Chief of the Armed Forces of Ukraine, appoint and dismiss high commanders of the Armed Forces of Ukraine, take measures to ensure defence potential of the State;
- 9) be the head of the Council of National Security of Ukraine and approve its personal membership;
- 10) submit draft State Budget of Ukraine and report on its execution to the Supreme Rada of Ukraine for consideration;
- 11) nominate, together with the Chairman of the Supreme Rada of Ukraine, a candidate for the appointment by the Supreme Rada of Ukraine to the office of the Chairman of the Constitutional Court; appoint one half of the judges of the Constitutional Court of Ukraine;
- 12) nominate candidates for the appointment by the Supreme Rada of Ukraine to the office of the Chairman of the Supreme Court of Ukraine, the Chairman of the Highest Arbitration Court of Ukraine, the Prosecutor-General of Ukraine, the Chairman of the Board of the National Bank of Ukraine, as well as for the appointment of judges of the Supreme Court of Ukraine and the Highest Arbitration Court of Ukraine;
- 13) appoint, upon submission of the Ministry of Justice of Ukraine as agreed with the Supreme Court of Ukraine and the Highest Arbitration Court of Ukraine, judges of general and arbitration courts;
- 14) implement foreign policy of Ukraine, conduct negotiations and sign international treaties of Ukraine; appoint and recall diplomatic representatives of Ukraine to foreign States and international organizations; accept letters of credence and of recall from diplomatic representatives of foreign States accredited to him;
- 15) submit proposals on the personal membership of the Central Electoral Commission on the Elections of People's Deputies of Ukraine and the President of Ukraine to the Supreme Rada of Ukraine for consideration;
- 16) take decision on the recognition of foreign States;
- 17) decorate with State awards of Ukraine, confer honorary titles of Ukraine; institute presidential awards and grant them;

- 18) grant high military, diplomatic and other special ranks and classes as well as grant military ranks to judges of military courts;
- 19) decide on matters concerning the acquisition of, and release from, citizenship of Ukraine, the granting of asylum to foreign citizens and stateless persons; take measures to protect interests of Ukrainian citizens outside Ukraine;
- 20) grant pardon to persons convicted by Ukrainian courts; issue decrees on amnesty;
- 21) take decision on the declaration of state of war, the imposition of martial law in the whole territory of Ukraine or particular areas thereof in the event of military aggression or threat of aggression against Ukraine, decision on the termination or rescission thereof, conclusion of peace and submit such issues to the Supreme Rada of Ukraine for consideration without delay as well as declare general or partial mobilization in the territory of Ukraine in case of the declaration of state of war;
- 22) declare, as may be necessary, particular areas of Ukraine zones of ecological emergency;
- 23) declare, in the whole territory of Ukraine or particular areas thereof, state of emergency in accordance with the Law of Ukraine "On State of Emergency;"
- 24) discharge other functions in accordance with the Constitution and laws of Ukraine.

The President of Ukraine may not delegate his functions to other persons or bodies.

Article 25

The President of Ukraine, within his competence, shall enact decrees and orders which are binding in the whole territory of Ukraine, make interpretation thereof.

The President of Ukraine enacts decrees on matters relating to economic reform not governed by the applicable legislation of Ukraine, which remain in effect pending the adoption of the respective laws.

Article 26

The President of Ukraine may fix a national referendum. Fixing a national referendum by the President of Ukraine shall be made on the grounds and in accordance with the procedure established by the Law of Ukraine "On National and Local Referenda."

Article 27

The President of Ukraine shall submit, to the Supreme Rada of Ukraine, annual and, at the request of the Supreme Rada of Ukraine, special reports on domestic and foreign policy of Ukraine not more often than once a year.

The President of Ukraine may address messages on pressing issues of public and State life to the people of Ukraine and the Supreme Rada of Ukraine.

Article 28

The President of Ukraine shall enjoy immunity. The President of Ukraine discharges his functions until the newly elected President takes the office.

SECTION IV

GOVERNMENT OF UKRAINE - CABINET OF MINISTERS OF UKRAINE

Article 29

The Government of Ukraine - the Cabinet of Ministers of Ukraine shall be central collegiate body of the Executive which is subordinated to the President of Ukraine and responsible to him.

The Government of Ukraine, in its activities, is guided by the Constitution, laws of Ukraine, enactments of the Supreme Rada of Ukraine, decrees and orders of the President of Ukraine, Program of governmental activities as approved by the Supreme Rada of Ukraine.

Article 30

The Prime Minister of Ukraine, acting within the limits specified by the President of Ukraine, shall organize and coordinate the activity of the Government - the Cabinet of Ministers of Ukraine.

Article 31

The Cabinet of Ministers of Ukraine, within its competence, shall:

- 1) ensure the implementation of domestic and foreign policy, the compliance with the Constitution and laws of Ukraine, enactments of the Supreme Rada of Ukraine, decrees and orders of the President of Ukraine;
- 2) take measures to ensure State sovereignty, national security and defence potential of Ukraine, its territorial integrity and economic independence;

- 3) implement measures to secure citizens' rights and freedoms, to ensure rule of law and legal order, to control crime, to safeguard ownership rights;
- 4) ensure the implementation of economic reforms, the establishment, development and stability of market economy, its social orientation, elaborate and execute national programs of social, economic and cultural development of Ukraine;
- 5) manage State property and determine forms of relationship with subjects of other forms of ownership;
- 6) ensure the implementation of governmental policy in the field of finances, taxes, prices and remuneration of labor, customs;
- 7) set up national and other development funds, funds for the elimination of consequences of natural disasters and catastrophes;
- 8) implement governmental policy in the field of education, science, culture and health;
- 9) be responsible for the drafting of the State Budget of Ukraine and the execution of the State Budget of Ukraine;
- 10) be responsible for the implementation of governmental policy in the field of social protection of citizens;
- 11) be responsible for the state of natural environment, ecological security and wildlife management, for the production and the marketing of environmentally sound food products of high quality, top-quality goods and for the provision of objective information to the population in this field;
- 12) streamline and coordinate activities of ministries and other central and local public executive authorities which are subordinated thereto;
- 13) discharge other functions provided for by laws of Ukraine.

Article 32

The President of Ukraine shall submit, not later than 1 September, draft State Budget of Ukraine to the Supreme Rada of Ukraine for consideration, accompanied by budgetary concept, indicators of credit emission of the National Bank of Ukraine, prospects for economic development of Ukraine for the next year, indicators of financial balance of Ukraine. Draft State Budget of Ukraine shall be drawn up with due account of the requirements contained in budgetary resolution adopted by the Supreme Rada of Ukraine.

Article 33

Whenever draft State Budget of Ukraine has not been submitted in good time, the Supreme Rada of Ukraine may take decision on the vote of non-confidence in all or particular members of the Cabinet of Ministers of Ukraine.

Article 34

In matters relating to the implementation of monetary credit policy, the Cabinet of Ministers of Ukraine shall coordinate its actions with the National Bank of Ukraine which is charged with defining and implementing such a policy.

Article 35

The Cabinet of Ministers of Ukraine, on the basis of the Constitution and laws of Ukraine, enactments of the Supreme Rada of Ukraine, decrees and orders of the President of Ukraine, shall enact, within its competence, ordinances and resolutions which are binding in the whole territory of Ukraine.

Ministers, heads of other central public executive authorities, heads of public executive authorities in the Autonomous Republic of the Crimea and regions, cities of Kyiv and Sebastopol shall provide administration in the spheres they are in charge of and be responsible to the President of Ukraine for the situation in such spheres. Regulatory and legal acts issued by central ministries and departments are subject to the registration in the Ministry of Justice of Ukraine.

SECTION V

COURTS OF UKRAINE

Article 36

Judicial power in Ukraine shall be exercised exclusively by the courts.

The Constitutional Court of Ukraine, general and arbitration courts form judicial system of Ukraine.

Judgements are rendered in the name of Ukraine.

Article 37

Courts shall protect rights and lawful interests of citizens, legal persons and the State through administering justice.

Courts are independent. All of governmental and other institutions and citizens are required to respect courts' independence.

Courts, in their activities, obey only the law.

Courts of Ukraine shall have separate budgetary financing.

Article 38

The Constitutional Court of Ukraine shall be an independent authority of the judicial power which ensures the conformity of the laws, other regulatory acts of the legislature and the executive to the Constitution of Ukraine, as well as ensures the protection of the constitutional human and civil rights and freedoms.

Article 39

Justice in Ukraine shall be administered in the form of legal proceedings in civil, economic, administrative and criminal cases as well as in the form of rendering judgements on the conformity of legal acts, issued by officials, local public executive authorities and local self-government authorities, to applicable legislation.

Any interference in administering justice shall be prohibited. Judgements may be reviewed only by the court and in accordance with the procedure established by the law. Setting up extraordinary and special courts in time of peace is not allowed. Establishment and operation of such courts in time of war are governed by the law.

Article 40

Judges shall be immune, independent and responsible only to the law. Status of judges and procedure for their appointment shall be specified by the Constitution of Ukraine and laws of Ukraine.

Article 41

Judicial supervision of the lawfulness of judgements pronounced by general and arbitration courts shall be exercised by the Supreme Court of Ukraine and the Highest Arbitration Court of Ukraine, respectively.

Article 42

Judges of all courts, except judges of the Supreme Court of Ukraine, the Highest Arbitration Court of Ukraine and the Constitutional Court of Ukraine, shall be appointed by the President of Ukraine upon submission of the Ministry of Justice of Ukraine as agreed with the Supreme Court of Ukraine and the Highest Arbitration Court of Ukraine, respectively.

SECTION VI
PROSECUTOR'S OFFICE

Article 43

Prosecutor's Office of Ukraine shall be the authority entrusted with holding formal charges, exercising general supervision and supervision of the enforcement of sentences in places of confinement.

The Prosecutor-General of Ukraine and prosecutors subordinated to him are charged with:

- 1) supervising the observation of the Constitution and laws of Ukraine by authorities and officials of the executive, representative bodies and local self-government authorities, enterprises, institutions and organizations of all forms of ownership as well as by nationals of Ukraine, stateless persons;
- 2) supervising the compliance with the legislation concerning rights and freedoms of citizens;
- 3) supervising whether agencies charged with search, inquiry and preliminary investigation do comply with the law;
- 4) investigating offenses which fall within the competence of the Prosecutor's Office;
- 5) holding formal charges in the court;
- 6) supervising the compliance with the law in places of enforcement of criminal penalties and the application of other enforcement measures;
- 7) protecting material and other interests of citizens, legal persons and the State.

Article 44

The Prosecutor-General of Ukraine shall be appointed to and dismissed from his office by the Supreme Rada of Ukraine upon submission of the President of Ukraine.

Article 45

In exercising their functions, prosecutors are independent and guided only by the Constitution and laws of Ukraine. Organization, functions and procedure for the operation of the Prosecutor's Office of Ukraine shall be prescribed by the Law of Ukraine "On the Prosecutor's Office."

SECTION VII

LOCAL PUBLIC EXECUTIVE AUTHORITIES AND LOCAL SELF-GOVERNMENT IN UKRAINE

Article 46

State administrations headed by chairmen thereof at the level of regions, cities of Kyiv and Sebastopol, districts, urban districts in Kyiv and Sebastopol shall be public executive authorities respectively in regions, cities of Kyiv and Sebastopol (as cities of national importance) and districts (except urban districts excluding urban districts in the cities of Kyiv and Sebastopol).

The President of Ukraine appoints individuals elected chairmen of regional, Kyiv and Sebastopol municipal and district Radas heads of regional, Kyiv and Sebastopol municipal, and district State administrations, respectively.

In exercising their functions, local public authorities are subordinated to public executive authorities of higher level.

Legal status and functions of regional, Kyiv and Sebastopol municipal and district State administrations are specified by the present Law and Regulations to be approved by the President of Ukraine. The President of Ukraine may delegate to a State administration functions with regard to the management of State property located within the territory of the respective administrative-territorial unit.

Organization and functioning of public executive authorities and local self-government authorities in the cities of Kyiv and Sebastopol are specified by specific laws.

Article 47

Local self-government in Ukraine shall mean the right, guaranteed by the State, of territorial communities of citizens and of local self-government authorities elected by them to decide, at their discretion, all local matters within the limits of the Constitution and laws of Ukraine.

Territorial framework of local self-government includes village (village's Rada), town, city. Urban districts are an integral part of local self-government in cities. Matters relating to the organization of administration in urban districts fall within the competence of municipal Radas.

Territorial communities of citizens residing in villages (villages' Radas), towns and cities are primary subjects of local self-government.

Territorial communities of citizens exercise their functions directly and through bodies they elect.

Financial and economic basis of local self-government includes communal property and financial resources of a village (villages' Rada), a town, a city, which are generated from revenue of local budgets and extrabudgetary inputs.

Article 48

Territorial communities of citizens shall directly exercise local self-government through such forms as referenda and other means of citizens' participation in discussing and deciding matters which fall, under the law, within the competence of local self-government.

Article 49

Local self-government authorities in villages (villages' Radas), towns, cities shall be village, town, city Radas, respectively, which are elected, in accordance with the legislation of Ukraine, by nationals of Ukraine residing within the territory of respective administrative-territorial unit.

The competence of local self-government authorities extends to:

- drafting, approving and executing budgets of respective administrative-territorial units in accordance with applicable legislation;
- establishing local taxes and charges prescribed by the law;
- managing communal property;
- organizing and holding local referenda;
- promoting the compliance with the Constitution and laws of Ukraine, decrees and orders of the President of Ukraine, ordinances and instructions of the Government of Ukraine;
- discharging other functions prescribed by the applicable legislation.

Local self-government authorities, based on local situation and particularities, may, upon mutual consent, redistribute between them some local self-governing functions on the basis of agreements.

Procedure for establishment and organization as well as scope of competence of local self-government authorities shall be specified by a specific law.

Article 50

Executive committees shall be executive bodies of village, town and city Radas. Personal membership of the executive committee of respective Rada is selected by Rada's chairman at his discretion.

Chairmen of village, town, city Radas are elected by nationals of Ukraine residing within the territory of the village (village's Rada), town, city. Chairman of the Rada is the head of the executive committee of respective village, town, city Rada ex officio.

Chairmen of village, town, city Radas shall provide overall guidance of the activities of respective Rada as a self-governing body and manage the activities of public and other services of respective executive bodies of local self-government.

Article 51

Chairmen of village, town and city Radas and executive committees headed by them, in addition to the Rada's competence, shall also discharge functions of the executive delegated to them, the scope of which is specified by the President of Ukraine.

Chairmen of Radas and executive committees headed by them, in matters relating to self-governing functions, are responsible and accountable to respective Radas.

Chairmen of Radas and executive committees headed by them, in matters relating to discharging functions of the executive delegated to them, are subordinated to the President of Ukraine, the Cabinet of Ministers of Ukraine and the heads of State administrations of higher level.

Article 52

Decisions taken by Radas, their chairmen and executive committees on matters relating to local self-government, whenever they are contrary to the Constitution and laws of Ukraine, pending judgements thereon rendered in accordance with applicable legislation of Ukraine, are suspended:

- at the level of a village, town, city (city of district importance) - by the head of respective district State administration;
- at the level of a city (city of regional importance) - by the head of regional State administration.

Article 53

Radas at the level of regions, cities of Kyiv and Sebastopol, districts, districts in the cities of Kyiv and Sebastopol shall be representative bodies in regions, cities of Kyiv and Sebastopol, districts (except urban districts excluding urban districts in the cities of Kyiv and Sebastopol). Those Radas, within their competence:

- approve the budget and control its execution;
- approve programs of social and economic development of respective administrative-territorial units;
- hear annual report of the head of local State administrations on the implementation of territorial social- and economic development programs and budget execution.

Other functions of Radas at the level of regions, cities of Kyiv and Sebastopol, districts, provided for by the applicable legislation, are conferred on regional, Kyiv, Sebastopol and district State administrations.

Setting up and functioning of regional and district Radas as well as the scope of their competence are specified by specific law.

Article 54

Decisions taken by Radas at the level of regions, cities of Kyiv and Sebastopol, districts on matters relating to their own functions, whenever they are contrary to the Constitution and laws of Ukraine, pending judgements thereon rendered in accordance with applicable legislation, are suspended:

- at the level of a district - but the head of respective regional, Kyiv and Sebastopol municipal State administration;
- at the level of regions, cities of Kyiv and Sebastopol - by the Cabinet of Ministers of Ukraine.

Article 55

Village, town, city, district and regional Radas shall consist of deputies whose total number, depending on the number of population residing within the territory of respective administrative-territorial unit, may not be less than 7 and more than 75.

Article 56

Decisions taken by chairmen of village, town, urban district (in places where they will be established), city Radas and by executive committees headed by them on matters relating

to discharging functions of the executive delegated to them, whenever they are contrary to the Constitution and laws of Ukraine, decrees and orders of the President of Ukraine, ordinances and instructions of the Government of Ukraine, may be repealed by heads of regional State administrations.

Article 57

Decisions taken by heads of district State administrations, whenever they are contrary to the Constitution and laws of Ukraine, decrees and orders of the President of Ukraine, ordinances and instructions of the Government of Ukraine, may be repealed by heads of regional, Kyiv and Sebastopol municipal State administrations.

Decisions taken by heads of regional, Kyiv and Sebastopol municipal State administrations, whenever they are contrary to the Constitution and laws of Ukraine, decrees and orders of the President of Ukraine, ordinances and instructions of the Government of Ukraine, may be repealed by the President of Ukraine.

Article 58

Whenever they break the Constitution and laws of Ukraine, decrees and orders of the President of Ukraine, ordinances and instructions of the Government of Ukraine, heads of regional, Kyiv and Sebastopol municipal, district State administrations may be dismissed early by the President of Ukraine.

Dismissal of heads of regional, Kyiv and Sebastopol municipal, district State administrations entails termination of their mandate of chairmen of regional, Kyiv and Sebastopol municipal and district Radas.

Mandate of chairmen of village, town, city Radas may be terminated early by virtue of a judicial decision by the President of Ukraine whenever they break the Constitution and laws of Ukraine, decrees and orders of the President of Ukraine, ordinances and instructions of the Government of Ukraine.

Article 59

The Autonomous Republic of the Crimea shall be an administrative-territorial autonomy of Ukraine.

The Autonomous Republic of the Crimea decides, at its discretion, matters falling within its competence under the Constitution of Ukraine and laws of Ukraine.

SECTION VIII

FINAL PROVISIONS

Article 60

The present Law shall enter into force on the day of its promulgation and shall be effective pending the adoption of the new Constitution of Ukraine.

Article 61

The legislation of Ukraine shall be effective in the part which is not contrary to the rules of this Law.

II

Pending the adoption of the new Constitution of Ukraine, the provisions of the applicable Constitution of Ukraine shall be effective only in the part which complies with the present Constitutional Agreement.

III

To recognize as necessary the creation of adequate conditions for acceleration and successful completion of the constitutional process in Ukraine in order to adopt the new Constitution of Ukraine not later than one year after the date of signature of this Constitutional Agreement.

IV

Pending the adoption of the new Constitution of Ukraine the Parties shall strictly observe the provisions of this Constitutional Agreement and shall act in full compliance with it.

Pending the adoption of the new Constitution the Parties shall not bring to the all-Ukrainian referendum, consultative referendum and public opinion poll questions other than the adoption of the new Constitution of Ukraine, the text of which will be agreed by the Parties.

* * *

The Parties realize that non-compliance with the provisions of this Constitutional Agreement will result in chaos in public life, collapse of the economy, threat of social conflict and will put in question the very existence of the sovereign democratic Ukraine.

This Constitutional Agreement shall enter into force upon its signature by the President of Ukraine and the Chairman of the Supreme Rada of Ukraine and shall be open for signature by the people's deputies of Ukraine.

Chairman of the
Supreme Rada of Ukraine

President of
Ukraine

Olexandr MOROZ

Leonid KUCHMA