

### **Third parliamentary session as a regular and important event**

#### RESEARCH UPDATE

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On February 4, 2003, opening the third session of the Verkhovna Rada, speaker of the Ukrainian parliament Volodymyr Lytvyn said that workload assignments of deputies would increase by 1.5 times. In his opinion, the session should become a regular and important event. He probably meant not only implementation of political objectives of some parliamentary parties in the current political season, when the beginning of the presidential campaign could be observed de facto with all due consequences for its potential participants and active "observers", but also law-making activity of those political forces.

However prosaically, this season MPs will have to settle traditionally difficult problems. There are 760 issues on the agenda, of which 36 presidential tasks and, at least, 15 governmental objectives must be considered immediately. "Since 1991, just 508 sound new regulations have been passed by the Verkhovna Rada. Given the situation, the Ukrainians are governed only by nine legal acts, including codes, approved as long ago as under the Ukrainian Soviet Socialist Republic", stated Volodymyr Lytvyn in his opening speech."

Meanwhile, the information department of the Verkhovna Rada calculated that MPs were to consider 16 issues and 19 drafts daily on average, whereas at the second session, deputies had considered 10-11 issues daily on average. Also, calculations indicate that most drafts relate to introduction of changes and amendments to laws in force (59%) and the rest of 225 documents, of which 6 are draft codes, will be considered in the new redaction. In general, most legislative initiatives will be launched in the following spheres: economic policy (32%), industrial development (25%), legal (19%) and social (12%) policies. At this session, deputies shall consider six codes, namely the Criminal Procedural Code, the Civil Procedural Code, the Labor Code, the Code of Judicial Ethics, the Correctional Labor Code and the Taxation Code.

Although, today it may be safely suggested that those traditional and routine legislative assignments will not be distinctive features of the third parliamentary session.

#### **Starting Line. Political Reform: The Cabinet of Ministers of Ukraine**

The third session will become another parliamentary test for the Ukrainian government. It will be expedient to mention that not only "urgent Cabinet drafts" but also scheduled approval of the 2004 Cabinet Action Program will be considered at the session. From the standpoint of efficient work of Ukraine's government in the future, approval of the above program will ensure immunity of the Cabinet of Ministers of Ukraine for 2003 – the year that can be viewed as a turning point in the 2004 campaign. Should Victor Yanukovych manage to retain his office, he will stand a good chance in the presidential race. Relations between the Ukrainian parliament and government can be characterized by a statement of the President of Ukraine Leonid Kuchma who said that the coalition government headed by Victor Yanukovych would work till the 2004 presidential elections. The above makes Victor Yanukovych a major competitor in the elections, if not a presidential successor. Most likely, the President made that statement not because of effective work of the speaker but for the reason of weakening position of head of the Presidential Administration Victor Medvedchuk.

As long ago as in December 2002, the Cabinet of Ministers of Ukraine announced its intention to send the Cabinet Action Program for approval to the Verkhovna Rada on February 28, 2003. Mykola Azarov shall be responsible for approval of the Program. In late 2002, Victor Yanukovych mentioned that he had planned to work out a long-term Cabinet Action Program for 2003-2011. However, it is quite possible that the President does not share such strategic plans. At a recent press conference, the President of Ukraine said, "I am rather afraid of yet another large Cabinet Action Program... Let us have a program of specific arrangements, concrete actions of the government." Most likely, the government will pay attention to presidential desire. And compliance of the Cabinet Action Program with the presidential message can only foster gaining immunity.

Regarding the presidential message, speaker of the Ukrainian parliament Volodymyr Lytvyn pointed out that

consideration and approval of the Cabinet Action Program could serve as a criterion of effective interaction of the government and the parliament. "The above shall be made subsequent to the presidential annual message to the Verkhovna Rada. We shall hope that it will pave the way for our further joint work", emphasized the speaker. At the same time, the Cabinet of Ministers shall meet a number of requirements so that to achieve positive result. "First and foremost, we have to secure interaction of the Verkhovna Rada and the government against influence of numerous subjective factors. If somebody did not understand the danger of such impact, I would frankly and honestly say: either the Verkhovna Rada will be the Verkhovna Rada or it will become the same kind of rubber-stamp legislature", he commented. Stressing low quality and ambiguity of some documents elaborated by executive officials, Volodymyr Lytvyn mentioned, "It seems that some leaders of executive bodies started their activity with efforts to adapt respective laws to their personal interests."

Nevertheless, the current session will serve as litmus paper demonstrating either strength of formal political agreements of the coalition government and the modified majority or paradoxical stagnation of relations between the government and some part of the minority, as in the case of problematic approval of the 2003 budget.

### **Starting Line. Political Reform: The President of Ukraine**

The third session will be interesting not only because of another approval/rejection of codes by the Verkhovna Rada, not only because of the budgetary process that followed approval of the 2003 budget (at present, there are 11 versions of introduction of changes to the 2003 national budget), not only because of consideration of laws on the parliamentary majority and opposition but also because of efforts to launch the so-called political reform and amend the Constitution of Ukraine being inviolable since 1996. Transparency of the decision-making process and politicians whose plans will be realized in the context of the political reform will determine the course of the 2004 elections and further action program.

As is well known, on August 24, 2002, the President of Ukraine offered the current version of the political reform. The President proposed to transform Ukraine into parliamentary-presidential republic; reform the system of the electoral law that should be brought in line with requirements of the parliamentary-presidential system, i.e. introduction of proportionate system of elections of MPs; carry out the administrative and territorial reform; and enhance the role of local self-government. Meanwhile, transition to a parliamentary-presidential republic provided for proportionate system of elections of MPs, formation of the stable parliamentary majority and formation of the coalition government based on the stable parliamentary majority bearing responsibility for its work.

We can only speculate about reasons for such a decision, for the Ukrainian President has always resolutely opposed reorganizing the system of power. Perhaps, he was guided by the objective to undermine positions of the opposition on the eve of September 16 – the date of protest action scheduled by the opposition.

Anyway, five months after announcement of the initiatives, the Presidential Administration addressed the issue of political reform once again. The 2003 presidential message to the parliament will start with the section on the political reform. Though, experience of previous high documents proves that it is not essential, as the 2002 message dealt with the "European choice" and the 2001 message related to "Guidelines of the reform of pension security system in Ukraine"..."

Hence, the subject of the 2003 presidential message is important but not determinative in the context of interests of high politicians. According to the President, he is not going to expand the number of participants in the discussion of changes to the Constitution but will take into account proposals that are on every politician's lips. Recently, Leonid Kuchma has announced his intention to propose the Verkhovna Rada the draft on introduction of changes to the Constitution for realization of the political reform providing for transition from presidential-parliamentary form of governance to parliamentary-presidential one. The President believes work of the Constitutional Commission on the draft changes to the Constitution to be ineffective. "It is unwise to expect the Constitutional Commission to be unanimous about the Constitution. And we are well aware about the fact that the Commission had approved one Constitution, whereas an absolutely different document was passed", the President asserted. "Therefore, it is necessary to discuss the Constitution in the parliament. I do not want to be accused of impeding this reform", Leonid Kuchma said. The above statement can also be viewed as a kind of logic game, since as we approach the presidential elections many political forces intend to introduce changes to the Constitution. "Many politicians are going to use those changes in their personal interests", noticed the President of Ukraine."

Another aspect of the presidential viewpoint is a political reform conception developed by independent experts from the Presidential Administration and recently presented by director of the National Institute for Strategic Studies Anatoly Halchynsky at a roundtable session. We shall hope that persons, to whom the message was addressed, apprehended it. Meanwhile, it is unclear whether independent experts have thoroughly discussed that complex and important issue.

Under the conception, the political reform shall be carried out in three stages and must be completed in 2010. The first stage of the reform shall be realized prior to the 2004 presidential elections, for the new President must be elected according to criteria and requirements of the new model of Ukraine's political system. The conception provides for introduction of changes to the Constitution in the context of alterations in the presidential powers. The second stage of the reform shall be completed before the 2006 parliamentary elections. The parliamentary reform shall play the key role within that period, since it is necessary to solve the issue of introduction of proportionate system of elections of MPs and lay legal and organizational foundations for introduction of a two-chambered parliament (the Day, February 6, 2002). "The administrative and territorial reform shall mark the third stage, lasting from 2006 to 2010. The reform shall settle the issue of elections of governors. However, today it is understood that different political parties will use realistic tools for implementation of the reform in their personal interests. For the time being, it is difficult to predict whether it will be possible to reconcile different political interests, which will depend on balance of political forces in the parliament. For instance, it is not advantageous for Our Ukraine to welcome substantial reduction of presidential powers, whereas some part of the opposition will only benefit from increase of parliamentary authorities. And the final decision on nominating a common candidate from both the opposition and the government has not been made yet."

Nevertheless, even notwithstanding dependence upon real intentions and interests of initiators of changes, it is the Verkhovna Rada that shall determine destiny of political transformations. And today, the parliament must be interested in enhancement of its role despite influence of the government and the Presidential Administration. Weakening of trust in this legislature will potentially adversely affect campaigns of candidates for presidency nominated by the parliament.

### **Starting Line. Political Reform: The Ukrainian Parliament**

At the beginning of the third session, the parliament managed to recover from the crisis of the previous session and permanent calculations of the actual number of parliamentary majorities. The parliamentary majority supported the coalition government, whereas the opposition reserved the right of voting in 19 parliamentary committees. Nevertheless, the quasi-majority still has to settle the issues of launching the political reform and introducing changes to the Constitution. For the time being, it is unclear whether the parliament will be able to solve the above problems according to the presidential proposals.

However, formation of forces for the parliamentary reform is under way. The present Ukrainian parliament consists of 13 factions and deputies groups. 21 MPs, including the speaker of the parliament and his deputy, do not belong to any faction or group. Meanwhile, the above number of factions and groups can vary. In late 2002, ex-member of the SDPU (u) Olexandr Volkov initiated formation of a new faction. "13 MPs have already agreed to join the faction and the process of admission of new members continues", he stated. Olexandr Volkov works together with Olexandr Bilovol who left the Social Democratic Party of Ukraine (united) on February 6, 2003. In the opinion of Olexandr Volkov, first and foremost, the newly formed faction will back the President's constitutional reforms and government activities. "I said, guys, let's help the President to carry out the reform", he said. At the same time, a faction cannot be formed at the request of Volkov or Symonenko, it is formed at the request of MPs. Although, Olexandr Volkov noticed that the situation was not that simple, since some non-party MPs took wait-and-see position.

Other politicians make efforts to create a new deputies' formation as well. On February 4, 2003, Oleg Bespalov announced that about 30 MPs, including Ivan Plushch (the Democratic Initiatives Foundation), Igor Nasalyk, Victor Musiyaka and Volodymyr Sivkovych, gave their consent to joint his faction "Union of Patriotic Forces". Hence, changes in the parliament are very interesting in the aspect of competition of various political reform projects determining who will finally take the upper hand.

## **"The Verkhovna Rada will be the Verkhovna Rada!"**

Opening the session, speaker of the Ukrainian parliament Volodymyr Lytvyn mentioned, "The fact that the political reform was initiated by the President and that most of its fundamental provisions are either close to or coincide with the tenets of the Verkhovna Rada gives us hope for joint work on its implementation." Most likely, announcement of understanding on the part of the parliament leadership demonstrates loyalty to the presidential course and proves that it is the parliament that has trump cards to play the constitutional game.

In his opening speech, Volodymyr Lytvyn paid major attention to the issue of the political reform. Even today, the speech is believed to be a serious statement in the context of his participation in the presidential elections. In general, Volodymyr Lytvyn's address was non-traditional, for he did not report about achievements of the previous session and rather briefly described qualitative and quantitative indicators of legislative activity. The speaker accentuated national and foreign political prospects for Ukraine's development and enhancement of the role of the parliament. For Volodymyr Lytvyn, enhancement of the role of the parliament means strengthening of his positions as a speaker in the forthcoming presidential elections. On the other hand, the situation is risky, since it is hardly possible that all MPs participating in the presidential campaign will welcome increase of the role of the former head of the Presidential Administration.

At present, no deputies were indifferent to the emphasis of Lytvyn's address on enhancement of the role of the parliament. It is indicative that notwithstanding the fact that Volodymyr Lytvyn had not discussed problems of the village and the agrarian reform, the opposition's "Silski Visti" published his address.

"We have to speculate who will come to power, how this power will be organized and balanced and whether it will be able to satisfy people's needs and expectations", pointed out Volodymyr Lytvyn. In the viewpoint of the speaker, excessive personification of Ukraine's politics seriously hampers national development. The above means that politicians shall be responsible for Ukraine's future. "Such personification is rather dangerous, for we are threatened by the possibility that cynical politicians-oligarchs will come to power", emphasized the speaker. Volodymyr Lytvyn mentioned no names though political figures can be easily identified.

Following the logic of the address, it is necessary to carry out the political reform as soon as possible so that to minimize influence of respective factors. Hence, the key objective of implementation of the political reform is to build political system capable of easing tension in relations between the government, the Presidential Administration and the parliament."

So, there is yet another application for success, which cannot but make a strong impact on efficiency of work of the present parliament.

Proceeding from the afore-mentioned, this regular and important session will unfortunately become just a test for relations between the government and the parliament and promotion/slowdown of the political reform process on the background of efforts to enhance the role of the parliament and its speaker.