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Verkhovna Rada of Ukraine: The Problem of Maintaining Legitimacy after the End of the Term

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The scheduled parliamentary elections in Ukraine were to be held on 29 October 2023, but with the decision to extend martial law until 15 November, the Verkhovna Rada effectively cancelled the elections for this year. At the same time, the debate on the possibility and expediency of holding elections before the end of the armed conflict has once again intensified. Organising parliamentary elections is currently an extremely risky undertaking. Nevertheless, if political will emerges and appropriate changes to Ukrainian legislation are approved, the prospect of conducting these elections becomes realistic.

Parliament in the face of external challenges. The start of the Russian invasion in February 2022 posed a serious threat to Ukrainian statehood, especially the functioning of the Verkhovna Rada of Ukraine, which is one of the aggressor's potential targets. Nonetheless, the hostilities have not paralysed the work of the legislature. Despite the fact that MPs now work in plenary mode only a few days a month, they have been able to pass a record number of laws. According to calculations by the Committee of Voters of Ukraine, from 24 February 2022 to 24 July 2023, 480 laws were adopted, including 386 during the first year of agitation. These indicators surpass not only the achievements of the current Verkhovna Rada but also those of the parliaments of previous terms. In comparison, 173 laws were approved in 2019, in 2020 – 242, and in 2021 – 272 laws. In line with the growth in the number of laws passed, the volume of presidential and government legislative projects has also increased. In total, since the beginning of the armed conflict, President Volodymyr Zelenskyy has initiated 94 projects, and the Cabinet of Ministers has launched 215. Simultaneously, the time taken to pass a single law has decreased, and the number of MPs voting in favour has increased.

Informal majority. In the 2019 parliament elections, the Servant of the People party won 254 seats: 124 MPs were elected by proportional representation, and 130 by majority representation (see [„Komentarze IEŚ”, nr 48](#)). The pro-presidential political force thus had 28 more seats than it needed to secure a majority. Over four years, the Servant of the People parliamentary faction has shrunk by 17 MPs, with two of them – Verkhovna Rada Chairman Ruslan Stefanchuk and his First Deputy Oleksandr Korniyenko – formally remaining members of the pro-presidential bloc. During the past two months, MPs from this bloc have been increasingly embroiled in various scandals, including corruption and long absences from parliament, leading to them being stripped of their seats or excluded from the Servant of the People faction. It is worth pointing out that if this faction loses another 14 representatives, this may possibly lead to a parliamentary crisis. The legitimacy of the chairman of the Verkhovna Rada and his first deputy could be questioned, and there may be a need to form a parliamentary coalition, which would in turn form a new government. The leadership of the Servant of the People faction will most likely try to avoid such developments.

Despite the armed conflict, the voting discipline of the Servant of the People MPs has sometimes been low, indicating a further fragmentation of the pro-presidential majority. This process, evident in spring 2020, intensified on the eve of the Russian invasion (see [„Komentarze IEŚ”, nr 481](#); [„Komentarze IEŚ”, nr 518](#)). Laws and other important parliamentary decisions, sometimes quite controversial, were periodically adopted only thanks to the support of other political forces, including the groups Trust and For the Future. The informal majority also includes two groups formed by MPs of the outlawed party Opposition Platform – For Life after the Russian invasion, named Reconstruction of Ukraine and Platform for Life and Peace. While supporting important decisions for the President's

team (see [„Komentarze IEŚ”, nr 790](#); [„Komentarze IEŚ”, nr 834](#)), these formations are trying to survive politically and avoid personal sanctions from the National Security and Defence Council of Ukraine.

The issue of parliamentary elections. Discussions on the possibility of holding timely elections to the Verkhovna Rada of Ukraine have recently intensified. Throughout the year and a half of the ongoing war, government and opposition representatives have consistently stressed that it is impossible to hold parliamentary elections in autumn 2023 and presidential elections in spring 2024 before the end of martial law. These statements were based, in particular, on Article 19 of the Law 'On the Legal Regime of Martial Law', which prohibits holding nationwide elections during martial law, and Article 83 of the Constitution of Ukraine, stating that if the term of office of the parliament ends during martial law or a state of emergency, its term of office is extended until the date of the first meeting of the new parliament elected after the lifting of martial law or state of emergency. However, on 28 July 2023, the Chairman of the Verkhovna Rada, Ruslan Stefanchuk, said that the constitution does not prohibit holding elections during martial law and that the issue would soon be 'updated'. This declaration, hardly a personal position, sparked a lively debate among politicians and lawyers.

It cannot be ruled out that, through Stefanchuk, the Office of the President of Ukraine, which publicly opposes holding elections during an armed conflict, was trying to gauge public sentiment. Unlike the deputies of the Verkhovna Rada, most of whom have little chance of entering the new parliament, some of the President's entourage seem keen to hold elections before the end of martial law. It is likely that there is a plan to take advantage of Zelenskyy's high ratings and introduce a renewed pro-presidential party into parliament, having first purged it of insufficiently loyal members. At the same time, there is a possibility that parliamentary and presidential elections will be held together.

Such aspirations may also be dictated by the expectations of Ukraine's European partners, who have repeatedly stressed that democratic processes in the country should not be frozen. Among others, the President of the Parliamentary Assembly of the Council of Europe, Tiny Kox, said in May 2023 that Ukraine needed fair and free elections even before the end of martial law, adding that there was, for example, the possibility of online voting. Behind these statements may be the desire of foreign partners to reset the Ukrainian parliament and government so that the new Verkhovna Rada is less controlled by the president, and the Cabinet of Ministers becomes a coalition government.

Organisational and political challenges. Conducting elections under the current circumstances is fraught with risk, chiefly because of prevailing security concerns. Organisational problems are also significant, and include the following:

- rapid reconstruction of damaged electoral infrastructure and establishing suitable conditions for in-person voting;
- ensuring that the military, internally displaced persons (almost 7 million people), and those who have left Ukraine (approximately 6-7 million voters) are able to exercise their passive and active electoral rights;
- the restoration of the voter register, which has not been kept or updated since the beginning of the Russian aggression;
- the lifting of the curfew, which currently makes it impossible to organise elections';
- determining the geographical boundaries for the elections;
- finding the means to finance them. According to calculations by the Central Election Commission of Ukraine, the estimated amount of expenditure required to hold the 2024 parliamentary elections will be more than UAH 3.7 billion (approximately USD 100 million).

In addition to legal and organisational issues, there are also problems of a political nature. Addressing these challenges will be a key indicator of the authorities' readiness to manage the election campaign and determine the outcome of the elections while respecting the general principles of democracy, including openness, transparency, equal access, and the participation of observers. Above all, it is a matter of ensuring informational and political competition, which implies lifting restrictions on the media and on political gatherings, rallies, and demonstrations. Furthermore, it will be necessary to allow other parties to manage the electoral process, establish electoral commissions at various levels, and create structures to oversee compliance with democratic electoral principles.

Conclusions. Even in the face of Russian aggression, the Verkhovna Rada of Ukraine is functioning quite effectively. The legislative initiatives of the President and the government are supported; as such, Zelenskyy has no ostensible reason to re-elect parliament before fighting has ceased and martial law is lifted, i.e. he has little motivation to invoke the special executive powers granted under the Constitution during martial law.

Nevertheless, the current political makeup of the Verkhovna Rada, specifically the de facto absence of a pro-presidential majority, poses challenges for Zelenskyy. If the parliament will be forced to make decisions that are unpopular with the public, the Servant of the People faction may disintegrate, leading to a parliamentary crisis that could eventually turn into a political crisis. Anticipating the high probability of such a development, the President apparently intends to hold parliamentary elections before the end of the armed conflict and establish a new, stable pro-presidential majority. At the same time, there is an awareness that it will be difficult to form such a majority against the background of the declining popularity of the current government.

If the parliament's powers have been extended, political opponents will already be questioning the legitimacy of the Verkhovna Rada, in light of the term's expiry as of November 2023. However, if the President decides to hold elections before the end of the armed conflict under martial law, this will give political opponents even more reason to portray the Verkhovna Rada as illegitimate due to the failure to follow democratic procedures in its election process. Therefore, in the current circumstances, the President and his circle face no perfect solution; nevertheless, if there is political will, parliamentary elections in Ukraine could still proceed.