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# From Soviet to parliament in Ukraine: The Verkhovna Rada During 1992–94

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The collapse of the Soviet Union and the declaration of Ukrainian independence occurred during the term of the deputies of Ukraine's national legislature, the Verkhovna Rada, who were elected in 1990. It fell to these deputies, who were chosen under a system that the Communist Party continued to dominate, to begin the process of transforming the Rada from a largely powerless body into a functioning parliament during a period of intense controversy over the direction and pace of both political and economic change. This transformation was further complicated by uncertainty and disagreement about the constitutional relations among the Rada, the president, and the prime minister and his cabinet of ministers.

The process of electing a new Rada began in early 1994 and resulted in a wholesale change in the Rada's membership, some changes in its internal organisation and a significant shift in the locus of political power. One of the first concerns of the newly-elected deputies was to encourage the formation of a more stable and formal system of parliamentary parties or factions. Not surprisingly, however, the Rada remained an institution in transition, both in its internal organisation and procedures and in its place in Ukraine's evolving constitutional structure.

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During March 1990, 450 deputies were elected to the Verkhovna Rada, which was then known in English as the Supreme Soviet of the Ukrainian Soviet Socialist Republic. During March–August 1994, there were new elections to the same unicameral assembly that, during the intervening time, had become in translation the Supreme Council of the Republic of Ukraine. The Rada remains an institution in transition from Soviet to parliament. As

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the Supreme Soviet of the Ukrainian SSR, it was the highest constitutional organ of government, but in fact it exercised no significant political or governmental power as a legislative body. As individuals, its leaders may have been influential; the Chairman of the Supreme Soviet was the *de jure* head of state. As a parliament, however, it hardly even managed to maintain the facade of democratic forms, meeting for two annual sessions that lasted only as long as was necessary to ratify decisions made elsewhere in Kiev or Moscow.

After the disintegration of the Soviet Union, the Rada began to assert itself as a more serious and independent actor in Ukraine's policy-making process. Whether its leaders and members truly are committed to transforming it into an effective national parliament and whether they can succeed in doing so remain open questions, even after the selection in mid-1994 of new parliamentary leaders by an overwhelmingly new corps of deputies. What is certain is that, with the demise of the Soviet Union and the Communist Party as the *de facto* sources of power and policy, the opportunity for this transformation exists if the Rada has the will and capacity to seize it. What follows is a baseline report on the condition of the Verkhovna Rada as an institution at the end of 1992 – its membership, structure, procedures, and resources – and on some of the immediate consequences for the Rada of the 1994 elections.

#### THE VERKHOVNA RADA AS AN INSTITUTION IN 1992

Even before the 1994 parliamentary elections, the Rada was no longer a static institution. At the same time that it was beginning the extraordinary task of creating a new corpus of national law for Ukraine, it also was becoming more cognizant of the need to re-create itself. In fact, some of its members were trying to transform it into something it was not intended to be when they and their colleagues had been elected. They were constrained, however, by a membership and organisation that newly independent Ukraine inherited from the many decades of its Soviet experience, an inheritance that would not be easy to change.

##### *Membership*

In 1990, deputies were elected to five-year terms in the Rada from single-member districts in relatively open and even competitive elections, but elections that nonetheless took place in the context of continuing Communist Party dominance. Roughly 3,000 candidates ran for the 450 seats. In almost three-quarters of the districts, no candidate received a majority of the votes cast in the first round of voting, resulting in a run-off election between the top two candidates with only a plurality of votes being

required for victory. (In either round, a majority of the electorate had to vote for the election to be valid.) Although the elections did not qualify as completely fair and free, voter turnout was 84.7 per cent in the first round and 78.8 per cent in the second, and opponents of the political *status quo* won more than one-quarter of the seats in the Rada.<sup>1</sup>

On the other hand, the newly elected corps of deputies continued to be dominated by members of the Communist Party and the *nomenklatura*. At the time of their election to the Verkhovna Rada, approximately 375 of the 442 MPs elected were formal or candidate members of the party (although some also were, or later became, supporters of Rukh or other pro-democratic groups).<sup>2</sup> The deputies reportedly included a majority of the 25 or so regional (*oblast*) Communist Party secretaries. Eighty-seven deputies were officials of government ministries at the national, regional, or local level, and 51 were employed by Communist Party organs. Seventy-five MPs were directors of industrial or agricultural enterprises, and 16 were active-duty military officers.<sup>3</sup> Thus, most of the deputies were closely linked to what became the old regime when, in December 1991, Ukraine declared its independence from a disintegrating Soviet Union.

The 'class of 1990' was overwhelmingly male – there were 13 female deputies – and only 68 of 422 deputies serving in late 1992 were 40 years old or younger. More than 200 deputies were more than 50 years of age. This age distribution would not be surprising in an established parliament, but it did not augur well for the openness and flexibility in thought required by deputies who found themselves serving in a political and economic context that was significantly different from the one in which they were elected. Almost 400 deputies had completed some form of higher education. But in contrast to the more common pattern in established parliaments, the largest occupational group were MPs designated as 'engineers'; more than 100 deputies so described themselves.

Most striking and important is the fact that only 21, or five per cent, of the deputies still serving in late 1992 were lawyers. This dearth of legal expertise was recognised by senior deputies and officials of the Rada as a serious deficiency. Few deputies had professional training and experience that made them likely to bring to their service in the Rada an understanding of a democratic law-making process and the requisites of effectively drafted laws.

The occupational backgrounds of deputies also were noteworthy because most of them continued in their occupations while serving in parliament. Roughly 190 of more than 420 deputies were full-time MPs; the others combined their parliamentary work with some other employment. So by the Rada's own estimate, more than half of the deputies participated in parliamentary activities only sporadically and occasionally. In 1992, the



Verkhovna Rada even adopted a monthly schedule that accommodated and actually may have encouraged this situation. It allowed deputies to spend most of their time in their constituencies, continuing to engage in other more remunerative professions, and visiting Kiev only for the one week of plenary sessions each month.

Thus, the working Verkhovna Rada was not even half the size of its formal membership. Since the deputies had been elected to an assembly that was not expected to place very heavy demands on their time, attention, or intellect, most of them undoubtedly never had any intention or expectation of being full-time MPs. Then, however, they found themselves members of a body facing far heavier demands. And even if they may have been inclined toward a full-time professional commitment to elective politics, they had no assurance that they would survive the next parliamentary elections, especially when the shape of the election law that would govern those elections, the political parties that would contest them, and even the likely date for the elections all remained unknown.

It is not surprising, then, that so many deputies devoted only part of their time to the Rada. In consequence, activist and reformist MPs may have enjoyed a degree of influence out of proportion to their numbers, especially on the Rada's permanent commissions. On the other hand, this situation also may have had several deleterious institutional effects. First, much of the extraordinary workload of the Rada had to be assumed by less than half of its members. Second, deputies who had made no real commitment to parliamentary service had less need to be concerned with and responsive to the interests of their constituents. And, third, the part-time deputies were unlikely to be well informed when they came to Kiev to cast their votes in plenary sessions. The ability of the Verkhovna Rada to transform itself from Soviet to parliament must remain severely limited until deputies are expected and enabled to devote most or all of their time to parliamentary service.

### *Structure*

The transitional condition of the 1990–94 Verkhovna Rada also was evidenced by the weakness of parliamentary party groups in organising the deputies and their activities. Most deputies were not formally affiliated with any party or similar organisation, and deputies who did belong to the same party did not even sit together. Seats in the plenary session hall were assigned to deputies by regions and then in alphabetical order within each regional group.

From November 1992, deputies acknowledged membership in nine officially registered political parties and movements, but only two of them had even a dozen deputies among their formal members. Larger numbers of

MPs were associated with looser parliamentary coalitions. By one count, there were 47 groups of deputies in March 1993, although some were ephemeral, many were poorly organised, and individual MPs could and did belong to more than one of them.

Although precise numbers are elusive, one count identified 49 deputies as having been associated with Rukh in December 1992; 39 were more or less allied in the 'Congress of National Democratic Forces' and a roughly comparable number were affiliated together in 'New Ukraine'.<sup>4</sup> Only Rukh, which claimed the support of 27.7 per cent of the deputies after the 1990 elections,<sup>5</sup> had existed one year earlier and had any significant grassroots organisation; the others may be thought of as 'hydroponic' parties, lacking structures that rooted them in the towns, villages and farms of Ukraine's several regions. Ironically perhaps, the largest and initially most cohesive group within the Verkhovna Rada was the group of formally unaffiliated deputies who were the most committed supporters of the old regime. After the 1990 elections, they were known informally as the 'Group of 239', reflecting the fact that they constituted a majority of the Rada's entire membership.

The lack of effective and durable party structures within the Verkhovna Rada deprived the parliament of the organisational benefits that parties contribute to most other national parliaments. For example, the weakness or absence of parties in the Rada left otherwise ill-informed deputies, especially part-time deputies, without the very helpful general policy guidance and specific voting cues that parties offer their members, even in legislatures such as the US Congress where party unity is not nearly absolute. It also left the electorate without party labels as convenient devices for simplifying their voting decisions. The experience of virtually all democratic parliaments argues convincingly that a stronger and more clearly defined party system would be a prerequisite for a more productive and accountable Rada.

By contrast, the Verkhovna Rada did have a well-articulated committee system in the form of 24 'permanent commissions', each of which had legislative responsibility for one or more defined policy area. Some of the commissions had conventional responsibilities – such as those on foreign affairs, social policy and labour, health, education and science, and defence and state security. Others reflected Ukraine's unique experiences and conditions – for example, the Commissions on State Sovereignty, on Inter-Republic and Inter-Ethnic Relations, and on the Chernobyl Catastrophe. In mid-1992, the commissions ranged in permanent membership from seven to 27 deputies, but such numbers are misleading; more significant were the much smaller numbers of full-time commission members.

Most of the members on ten of the commissions were full-time deputies.



On the other hand, there were only four full-time deputies among the 26 members of the Commission on Planning, Budget, Finance, and Prices. Taken with the Commission on Economic Reforms and the Commission on the Development of Basic Branches of the National Economy, the three commissions that appear to have had primary responsibility for efforts to reorient the Ukrainian economy had to rely on only 20, or barely one-quarter, of their 77 official members. Although these numbers tell us nothing about the quality of work that full-time commission members contributed, they certainly suggest that critically important commissions were severely handicapped by inactive and inattentive members.

Something else that distinguished the Verkhovna Rada from more well-established parliaments was its procedure – or lack of procedure – for assigning deputies to the permanent commissions. In effect, each deputy elected in 1990 was able to select the one commission on which he or she wanted to serve, though the Chairman of the Rada may have influenced some deputies' choices. Such self-selection had the obvious advantage of allowing MPs to work on the issues that concerned them the most, for personal or political reasons, which should have encouraged their participation in commission work. And perhaps these assignments did not seem very consequential at a time when most deputies still were responsive to Communist Party leadership. However, self-selection also may produce some commissions that lack sufficient regional diversity and others – for instance, commissions with responsibility for matters such as the 'Agro-Industrial Complex' – that are populated by deputies with a special, perhaps constituency-based, interest in their work. The result can be commissions that are unrepresentative of the entire assembly.

The lack of a robust parliamentary party system combined with self-selected commission memberships made it imperative that the Verkhovna Rada have some mechanism for central co-ordination. That mechanism was the presidium, a steering committee composed of the Rada's chairman and two Deputy Chairmen, who were elected in plenary session, and the chairmen of the 24 permanent commissions, who were nominated by the Chairman of the Rada and then ratified by plenary vote. The presidium was empowered to schedule the two annual sessions of the Verkhovna Rada, but its fundamental official responsibility and power was over the agenda for plenary meetings.

### *Procedures*

Between 1992 and 1994, most major legislation for newly independent Ukraine originated with the Cabinet of Ministers. In principle, the right to initiate legislation was not limited to the cabinet or to the deputies, chairman, presidium and permanent commissions of the Verkhovna Rada

itself. Under the Ukrainian Constitution, the president, the Constitutional Court and other bodies including the Ukrainian Academy of Sciences all retained the formal authority to present legislative drafts to the Rada. In practice, though, the government defined the legislative agenda generally as well as the framework of the specific proposals the Rada considered. It was relatively unusual for individual deputies to propose their own legislation and even more unusual for their proposals on priority matters to receive serious consideration.

This state of affairs is generally characteristic of most democratic systems – the United States being a partial exception to the rule – and especially so under the kind of critical conditions that the Rada faced during this period. Particularly on economic legislation, the parliament relied on initiatives from the president and then from the prime minister and the Cabinet of Ministers. In the autumn of 1992, the Verkhovna Rada went so far as to grant the prime minister and cabinet the authority for six months to legislate on many economic questions, with these laws to take effect unless the Rada disapproved them within a ten-day period. This authority went considerably further than the authority President Kravchuk had been exercising to issue decrees that implemented, or at least did not contradict, existing law. The controversy that erupted in May 1993 over whether to renew this grant of emergency authority, or whether the Cabinet of Ministers should be more subordinated to presidential control, created a crisis in the Ukrainian political system that remains unresolved and that reflects the ambiguous allocations of power under Ukraine's current patchwork constitution.

When a bill was presented for the Rada's consideration, its chairman or one of his two deputies referred it for review by one of the 24 permanent commissions. Most proposals were sent to only one commission, but referral to two or more commissions was possible; for example, the Commissions on Foreign Affairs and on Defence and State Security both considered the START treaty. In conducting this review, the commissions did not normally hold public hearings – space limitations were cited as one reason – but there was some limited radio or television coverage of commission meetings. It was common practice for ministry officials and advisers to the commission, as well as its staff, to participate. The commission could debate and vote on specific amendments to the bill. But it also was common practice for a commission to decide conceptually on how a bill should be revised, and then leave it to staff to transform the concepts into formal legislative language. This practice should not have been surprising in view of the deputies' own lack of technical expertise, nor is it unique to the Verkhovna Rada. It does have the effect, however, of giving considerable power to unelected parliamentary officials who



inevitably exercise some discretion in deciding how a general concept ought to be implemented.

After the commission completed action on the bill, the presidium had the authority to schedule it for consideration by the Rada in plenary session. Herein lay a primary source of the presidium's formal power and informal influence as a collective body. The presidium prepared a potential agenda for the one week of plenary meetings that took place each month. In light of the enormous workload the Rada faced, however, this agenda often far exceeded the amount of business that the parliament conceivably could transact. More important, therefore, the presidium also drafted daily agenda resolutions for the Rada to approve. In principle, it was free to amend or reject the proposed agenda, but such a thing rarely if ever happened. From time to time instead, the presidium presented an agenda with several options, leaving it to the deputies to decide by vote which alternative they preferred.

With the Rada expected to meet in plenary sessions only one week per month and with a legislative workload that would have overwhelmed even the most experienced and energetic legislators, the presidium's agenda decisions gave it impressive influence, if not effective control, over the fate of legislation. The presidium could expedite action on bills it favoured, just as it could postpone, perhaps indefinitely, those it opposed. In turn, this power should have given it great leverage to influence commission decisions. More often than not, the presidium appears to have followed the guidance of Chairman Pluishch. In the future, however, the presidium's agenda powers, if unchanged, could strengthen the hand of a new generation of commission chairmen. If the presidium acts to promote the interests and preferences of its members, as such a body is likely to do, each chairman can make persuasive arguments to the other members of his commission (and to other Rada deputies) that their legislation is unlikely to be taken up for plenary action unless it satisfies the chairman's preferences.

The Rada's process for plenary action also served to enhance the influence of its permanent commissions. There were two distinct stages to this process. The debate on first reading typically began with a 15–30 minute statement by the minister concerned with the bill, who was followed by the chairman or another member of the permanent commission that had reviewed it. Other deputies wishing to speak – on average for ten minutes each – notified the chairman or the secretariat. The result was a list of potential speakers that was available to the chairman, who was given (or assumed) some latitude in deciding who would be allowed to speak and in what order. The time available to each speaker as well as the total time for the debate on first reading were set in advance, in theory at least. The chairman proposed these time limits for the Rada's approval. Reportedly,

however, the chairman was known to either expand or contract debate time at his own discretion.

During this debate, deputies could propose amendments to the bill but there were no votes on them at this stage. Instead, at the conclusion of the debate on first reading, amendments were referred to the appropriate permanent commission for its study and recommendations. Before the plenary debate on second reading, when deputies did vote on the amendments, the secretariat produced a document that presented each amendment, the related provision of the bill, and the committee's recommendation for approving or rejecting the amendment or adopting an alternative amendment instead. In unusual circumstances, additional amendments could be proposed during the debate on second reading; such amendments also would be evaluated by the commission before being voted on during a debate on third reading.

Typically at the end of the debate on second reading, the bill was passed by majority vote and signed by the chairman for presentation to the president. Under the law on the presidency, the president then had ten days in which he could veto the bill in its entirety or with his recommendations for amendments. President Kravchuk exercised this power only once during late 1992. In that case, he returned the bill with his proposed amendments that were reviewed by the appropriate commission in preparation for plenary votes during a debate on third reading. The Rada approved or disapproved the amendments individually and by majority vote, and then re-submitted the bill for the president's signature. Alternatively, the Rada could re-affirm its support for a bill it had passed, acting again by simple majority vote, in which case it was considered to be enacted. The ability of the president to propose amendments with his veto created opportunities for compromise that do not exist under systems that allow presidents only to accept or reject bills in their entirety. On the other hand, the Rada's power to override a presidential veto by majority vote could be expected to reduce severely parliamentary incentives to compromise.

### *Resources*

After independence, the Verkhovna Rada slowly began the process of creating for itself the resources it required to become an effective national parliament. There were serious deficiencies to be addressed, though for some purposes it already had a well-developed support structure.

In January 1992, that structure was divided between the administration and the secretariat, both of which reported to the presidium. The administration was responsible for parliamentary finances and accounting, buildings and restaurants, and health and medical services for deputies and staff, as well as transportation and other logistical and housekeeping



services. And these services were elaborate, largely because of the party property that had come under parliamentary control. The administration managed the Rada's own day-care centres and also provided housing in Kiev for all deputies. It owned and managed two hotels in central Kiev and maintained a resort in the Crimea. To supply its facilities, the administration even had its own food production plant. All told, more than 3,000 employees worked in the various units of the administration.

Offsetting these facilities and support services were some notable weaknesses in the Rada's resources, such as the staff, space, and equipment it provided its deputies. Each deputy received a cash allotment for hiring staff, but it was sufficient in late 1992 only to employ one person at an average wage (or several people on a part-time basis). Perhaps one reason was the lack of office space to house additional staff; some office space was provided to the 190 to 200 full-time deputies but not to the others, which did nothing to discourage absenteeism. Furthermore, MPs were not provided with any computers for their own use. Deputies who wanted access to the Rada's automated information systems had to go to their commission offices where they might find a networked personal computer.

More directly relevant to the Rada's legislative activities was its secretariat, with a total staff of roughly 300 persons that had expanded rapidly since the 1990 elections. The secretariat was divided into a triad of service units. Among its other responsibilities, the Documentary Services Unit published the proceedings of the Rada's plenary sessions as well as periodic and annual compilations of new laws. The Organisational Services Unit included a department that responded to public requests and complaints. Other groups were responsible for recording plenary and commission sessions and otherwise supporting the Rada's plenary sessions.

Of most interest are three units within the Legal and Scientific Services triad. First, the Legal Department, with a staff of 13 lawyers, was the only concentration of legal expertise that the Rada had created for itself. These lawyers served as general legal advisers to parliamentary leaders; they could also provide legal advice and legislative drafting assistance to the permanent commissions. Second, the Computerised Information Systems Centre had developed a relatively elaborate array of databases and automated information services. It received bills electronically from the Council of Ministers, and maintained a database of existing (post-independence) laws and a separate database of pending legislation that recorded successive changes in each bill. Other databases displayed electronic voting results, government statistics, and biographical information on Ukrainian legal and policy specialists whom the Rada could consult. The centre also provided the Rada with access to various foreign news sources and databases. Third, the Rada supported a unique institution

in the form of a privately funded Council of Advisers comprising senior political advisers from the United States, western Europe, and Japan. The Council's multi-national staff provided complementary services, including an impressive capacity to translate documents into and from Ukrainian.

In addition, each of the permanent commissions had its own staff or 'secretariat', ranging in size from six to 17. In total, the commission secretariats employed 216 people, 66 professional and 150 administrative; the presidium fixed the size of each commission's staff. The policy-relevant staff assistance available to any of the commissions was limited. The lines of authority over the commission staffs were ambiguous; they were described as serving two masters. They had been components of the centrally controlled secretariat, but now were supposed to be more accountable to the various commissions. Nonetheless, the secretariat continued to attempt at least a co-ordinating role – among its Legal and Scientific Services was a Department of Coordination between the Secretariats of Commissions – and it actually may have had a more directive role in practice.

The most serious deficiency in the Verkhovna Rada's support structure was the lack of policy analysis that was prepared at its request and was responsive to its needs. Commission secretariats were small and the Rada's central secretariat provided no research and analysis services other than those of its Legal Department. And although the Rada also sought advice from university faculty and research staff at the institutes of the Ukrainian Academy of Sciences, this too was a limited resource on which to draw. One problem was the lack of trained policy research specialists. Another was the lack of a political tradition in which competing policy alternatives are openly advocated and compared. A third was the lack of policy-relevant information. Especially so long as many members of the Rada remain part-time deputies, the need for research and analysis, whether centralised or dispersed among commissions or parties-to-be, will remain acute. Until this need is met, the Rada remains at risk of being a captive of the ministries and their presumptive policy expertise.

#### THE 1994 ELECTIONS AND THEIR AFTERMATH

The Rada that has been described here adjourned for the last time on 25 February 1994. During the next three months, a new parliament was elected and began to organise itself. The preceding description is written mostly in the past tense because the new Rada will decide what aspects of its structure, procedures and resources it will preserve and what it will replace. In an established parliament, no one election is likely to be followed by fundamental institutional changes; most of what has been will continue to



be. But not enough time has yet passed to know how, and how much, the Verkhovna Rada is changing. In some respects, the newly elected Rada marks a sharp break with the past. In other respects, it may witness attempts, successful or not, to preserve or even return to the past. The direction that the Rada ultimately chooses to take could well determine the prospects of the democratic transition in Ukraine.

Since independence, Ukraine had lacked a clear sense of direction in economic policy and had failed to reconstitute the political regime to, among other things, clarify the respective constitutional powers of the parliament, the prime minister and the president. The 1994 elections succeeded in that the results did 'appear to have reflected the will of the electorate'.<sup>6</sup> In terms of governance, however, there is reason to question whether these elections will prove to be truly transformative, either for the Rada as an institution or, more generally, for the economic order or the political system of Ukraine.

### *The Election*

As in 1990, the new parliamentary elections took place in 450 single-member constituencies. However, this had not been a foregone conclusion. Some reformers had pressed for a new system of proportional representation, while those already in power and supporters of the recreated Communist Party favoured the existing electoral law. All evidently had made the same political calculation: that supporters of what was becoming known as 'the party of power' were much better organised across the country and were able to field many more well-known candidates, giving them much better chances of winning elections in single-member districts than the large number of often competing and poorly organised opposition parties. Several compromise proposals for mixed systems were suggested, but the Rada ultimately decided in November 1993 to preserve the existing electoral system. To some unknowable degree, therefore, the election was over before the first votes were cast.

The first round of parliamentary elections was even more inconclusive in 1994 than it had been in 1990. Only 49 of 450 deputies, half of them party candidates, were elected in the voting which took place on 27 March; 289 more were chosen in run-off elections that were held early in April. An additional 55 seats were filled by repeat elections in July and August, still leaving 57 seats to be contested during a third round of elections in November. Although this process was tortuously slow and cumbersome, the 338 deputies elected in March–April were sufficient to constitute the simple majority quorum needed for most purposes and the two-thirds quorum required for the Rada to act on what it construes to be 'constitutional' legislation.

A wholesale change has taken place in the membership of the Verkhovna Rada. Data are available only on the 338 deputies elected during March and April, only 56 (or 16.6 per cent) of whom were re-elected incumbents, and they constituted 29.8 per cent of the 188 incumbents who sought re-election. Notwithstanding the replacement of almost 90 per cent of the entire corps of 450 deputies, however, there is some evidence of continuity in the kinds of people who have been elected. Only 12 of the 338 elected deputies are women, and fully two-thirds of the 338 are at least 41 years old. In short, the new parliament does not appear to be dominated by a new generation that has come of age – politically, at least – since the USSR began to disintegrate.

### *Reorganising the Rada*

One of the first concerns of the new parliament was to encourage the development of a more stable and formal system of parliamentary parties or factions. Adopting proportional representation would have encouraged the development of party organisations and stronger party discipline among deputies elected to the Rada. As it was, however, the spring 1994 elections were not organised or dominated by political party organisations. Only 11 per cent of the candidates were nominated by a party or bloc of parties, though they constituted 26.3 per cent of those elected. The other successful candidates were put forward by workers' collectives or voters' petitions in roughly equal numbers (120 and 129 respectively).

The Communist Party nominated 59 deputies who were elected; no other party nominated more than 12.<sup>7</sup> Many more deputies were affiliated with, though not nominated by, parties, so within days of the April elections, as many as 13 parties were credited with representation in the Rada. By far the largest delegation was that of the Communist Party with 86 deputies; only three others were thought to have more than a dozen members in the new parliament. There remained fully 170 deputies, exactly one more than half of the 338 elected, who had not been nominated by an officially registered political party nor who claimed a formal party affiliation.<sup>8</sup>

This situation created the prospect of a highly fragmented assembly that could have been immensely difficult to organise, politically and institutionally. Only two days after the new parliament convened, therefore, the new deputies adopted new regulations on parliamentary party factions.<sup>9</sup> To receive official recognition, each faction must have at least 25 members, who can include deputies who support a party programme without being formal party members. Groups of deputies also may form factions on a cross-party or 'non-party basis', presumably to benefit from the resources and other advantages that accrue to organised factions and their members. And to encourage stronger factions, deputies are prohibited from belonging



to more than one of them, in contrast with the practice that had prevailed during the preceding Rada.

Under these regulations, positions on standing commissions and parliamentary delegations are to be distributed proportionately among the factions, which evidently also are assured opportunities to participate in committee and plenary debates. In addition, a 'Coordinating Council of Deputies Groups (Factions)' is to advise on the agenda and activities of the Rada and its committees. Perhaps just as important, the regulations suggest that staff, space and equipment are to be distributed among the factions, probably to the severe disadvantage of any unaffiliated deputies.

Not surprisingly, therefore, by 27 May 1994, most of the elected deputies had coalesced into nine parliamentary factions, six of which barely met the threshold requirement.<sup>10</sup> (See Table 1, which does not reflect the results of the July–August repeat elections.) This factional structure is likely to remain fluid for some time to come, and the minimal size of most of them suggests that at least some may have been born of convenience and without much more to hold them together than the advantages accruing to factions under the new regulations. On the other hand, two or three larger alliances or blocs, however fragile, may be forming. Some observers speak in summary terms of a division between the 'Left' or the 'Communists' on the one hand, and the 'Democrats' or 'National Democrats' on the other; others claim to see a third, 'Centre', group associated with some of the previous leaders of the Rada.

TABLE 1  
PARLIAMENTARY FACTIONS IN THE VERKHOVNA RADA, AS OF 27 MARCH 1994

Communists of Ukraine	86
Centre	38
Agrarians	33
Rukh	27
Inter-Regional Group	27
Reform	27
Yednist (Unity)	26
Derzhavnist (Statehood)	26
Socialists	25
Unaffiliated	23

*Source:* Markian Bilynskyy, 'Ukrainian Parliamentary Commissions Formed', *Update from Ukraine*, US–Ukraine Foundation, 10 June 1994.

The new locus of power within the Rada was demonstrated by the election as chairman of Oleksandr Moroz, leader of the Socialist Party faction and formerly the leader of the Communist deputies in the pre-independence Supreme Soviet. Moroz received 171 of the 322 votes cast,

defeating Vasyl Durdynets who had been the First Deputy Chairman of the Rada before the 1994 elections. In this election, the Communist, Socialist, Agrarian and Unity factions generally opposed the Centre, Reform, Rukh and Statehood factions, though factional unity was less than complete. The emerging coalescence of political forces was suggested by the fact that the Rukh leader, Vyacheslav Chornovil, withdrew as a candidate for chairman to the obvious benefit of Durdynets, who had been one of the most prominent leaders of the parliamentary majority that Rukh had opposed so vigorously before the recent elections.

Soon thereafter, the Verkhovna Rada formed 23 standing commissions, the same number that had functioned before the March–April elections, with the seats and chairmanships distributed roughly proportionately among the factions. Each faction and the unaffiliated deputies received at least one chairmanship, with the three largest factions each securing at least three. Nonetheless, complaints about insufficient consultation among the factions in assembling the slate of chairmen and in selecting the Rada's two deputy chairmen may presage a degree of polarisation and a lack of comity among deputies that could seriously hinder any attempts at consensus-building.

Although some deputies wanted to reduce the number of commissions, the politics of the moment may well have created different but reinforcing reasons not to do so. Commission seats and chairmanships were one resource that Moroz and his new majority coalition could use to reward allies and consolidate their control. And those who opposed this Communist/Socialist coalition could look on their commission positions as their most potent remaining source of influence in the Rada. Perhaps for this reason, many 'democrats' in the Rada successfully advocated increasing from three to four or five the number of sub-commissions per commission, 'the reasoning being that the more subcommissions there are the more diffuse power will become to the disadvantage of the Left'.<sup>11</sup>

Allowing for the vagaries of translations, most commissions of the new Rada carry titles identical or similar to those of their predecessors. (See Table 2 for a list of commissions in the 1994 Rada.) In several instances, however, changes in the committee system seem to reflect a better sense of institutional needs. For example, the workload that had been carried by the former Commission on Planning, Budget, Finance and Prices now appears to be divided between separate Commissions on the Budget and on Banking and Financial Affairs. Also, what had been the Commission on Mandates and Ethics of Parliamentary Members has been recast as the Commission on Regulations, Deputies' Ethics and Working Conditions, a change that may reflect a greater emphasis on the Rada's resources, infrastructure and standing orders.



TABLE 2  
PERMANENT COMMISSIONS OF THE VERKHOVNA RADA, AS OF 26 MAY 1994

Agro-Industrial Complex, Land Resources, and the Social Development of the Village  
Banking and Financial Activities  
Basic Branches of Industry and Regional Development  
Budget  
Chernobyl  
Culture and Spirituality  
Defence and National Security  
Ecological Policy  
Economic Policy and the Administration of the National Economy  
Fight Against Organised Crime and Corruption  
Foreign Affairs and Relations with the CIS  
Fuel and Energy Complex, Transport and Communications  
Health, Motherhood and Childhood  
Human Rights, National Minorities and Interethnic Relations  
Legal Defence of Freedom of Expression  
Legal, Political and Judicial Reform  
Legality and Law and Order  
Nuclear Policy and Nuclear Safety  
Regulations, Deputies' Ethics and Working Conditions  
Science and Education  
Social Policy and Labour  
State-Building, the Work of the Radas and Self-Administration  
Youth, Sport and Tourism

*Source:* Markian Bilynskyj, 'Ukrainian Parliamentary Commissions Formed', *Update from Ukraine*, US-Ukraine Foundation, 10 June 1994.

Other changes in committees evidently reflect the emergence of new issues or the increased salience of 'old' issues that now merit formal recognition within the committee structure. There continues to be a commission on Chernobyl, but now there also is a separate Commission on Nuclear Policy and Nuclear Safety that should be well situated to address more generally the risks associated with Ukraine's continued reliance on dangerously unsafe nuclear reactors. Similarly, the new Rada has created a Commission on the Fight Against Organised Crime and Corruption, presumably to address an old problem that has taken a new and much more visible form. And the former Commission on Human Rights has been recreated as the Commission on Human Rights, National Minorities and Interethnic Relations. Whether this also represents a change in responsibilities, the change in name clearly signifies the east-west regional divide in Ukraine and the accompanying political differences between ethnic Ukrainians and ethnic Russians.

#### THE VERKHOVNA RADA AS PARLIAMENT

The election of Moroz as Chairman of the Rada was not the only indication that, like Lithuania, Poland and Hungary, for example, Ukraine was

experiencing the return of at least some elements of its 'old guard'. On 16 June, the Rada elected Vitaly Masol as prime minister by a vote of 199 to 24, with the support of President Kravchuk. Masol had been prime minister under the Soviet regime, during 1987–90. And soon thereafter, Kravchuk was defeated for re-election by former prime minister Leonid Kuchma, whose previous claim to fame had been his management of the Soviet Union's largest missile factory. So the triumvirate of Kuchma, Masol and Moroz, taken with the majority of the 'left' in the Rada, hardly constitute evidence of a democratic transformation in the political leadership of Ukraine.

As for the Rada itself, its future as a democratic parliament will depend not only on further internal, institutional change, but also on the resolution of at least two related questions affecting the fundamental design of Ukraine's political system – questions that Ukraine must address before it can finally adopt a definitive new post-Soviet, post-independence constitution.

What is to be the distribution of power between levels of government and within the national government? Should Ukraine transform itself into a federal state and the Rada into a bicameral institution in order to take account of the ethnic and cultural diversity, and the different historical experiences, among regions of the country? Giving greater constitutional or statutory powers to regional and local governments should reduce the Rada's workload, but also its ability to promote consistent national policies. And should Ukraine move toward presidentialism or parliamentarism? Either path is open, given the current confusion over the allocation of powers and responsibilities among the parliament, the president, and the prime minister and his Cabinet of Ministers. How Ukraine ultimately resolves both questions will reshape the underlying political and institutional context in which the Verkhovna Rada functions and, consequently, the criteria by which Ukrainians and scholars alike will evaluate its capacity and performance.

#### NOTES

1. Commission on Security and Cooperation in Europe (CSCE Commission), *Elections in the Baltic States and Soviet Republics* (Washington: US Government Printing Office, 1990), pp.113–36.
2. CSCE Commission, *Elections in the Baltic States and Soviet Republics*, p.133; and T. Kuzio and A. Wilson, *Ukraine: Perestroika to Independence* (New York: St. Martin's Press, 1994), p.125.
3. Council of Advisers to the Verkhovna Rada, *Briefing Information on Ukraine's Structure of Government and Parliament* (Kiev, manuscript, 1992). The data cited here do not reflect the results of special elections to fill the 28 seats that were vacant from 1 December 1992. Somewhat different figures, but to the same effect, are presented in Kuzio and Wilson,



- Ukraine: Perestroika to Independence*, pp.125–6.
4. Council of Advisers, *Briefing Information*.
  5. Dominique Arel, 'Voting Behavior in the Ukrainian Parliament: The Language Factor' (Manuscript, 1993), p.6.
  6. Commission on Security and Cooperation in Europe (CSCE Commission), *Ukraine's Parliamentary Election* (Washington, 1994), p.1.
  7. International Foundation for Electoral Systems (IFES), *Ukraine's New Parliament* (Kiev and Washington, 1994), p.15.
  8. IFES, *Ukraine's New Parliament*, p.14. With the Ukrainian party system in such a state of flux, any such data should be treated with caution. For example, somewhat different figures appear in the *RFE/RL Daily Report* for 12 April 1994, and in CSCE Commission, *Ukraine's Parliamentary Election*, p.24.
  9. *Regulation on Deputies' Groups (Factions) in the Verkhovna Rada of Ukraine*, 13 May 1994.
  10. Roman Woronowycz reports slightly different figures in 'New Ukrainian Supreme Council registers eight deputies' factions', *The Ukrainian Weekly*, 29 May 1994, p.3.
  11. Markian Bilynskij, 'Ukrainian Parliamentary Commissions Formed', *Update from Ukraine*, US-Ukraine Foundation, 10 June 1994, p.2.