

## **Faction Institutionalisation and Parliamentary Development in Ukraine**

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The institutionalisation of factions in Ukraine's parliament has proceeded in a patchy, uneven manner as a consequence of cross-cutting incentives created by the constitution, lower order rules and the actions of the president. Although factions became more organisationally complex and disciplined, membership instability significantly undermined these developments so that factions remained weakly institutionalised. Despite this, factions came to exercise greater influence over the parliamentary leadership and the legislative process, largely due to the formation of Ukraine's first parliamentary majority in 2000. However, as this majority was orchestrated by President Kuchma, Ukraine's parliament remains vulnerable to external pressure.

Internal parliamentary institutions are central to the capacity of a parliament to perform roles essential to the functioning of a modern state, including law-making, oversight of the executive and representation. As parliaments are nested institutions, where key functions are devolved to internal institutions, scholars have singled out the roles played by parliamentary parties (factions) as key to institutional efficacy.<sup>1</sup> A strong party system (within and beyond parliament) is seen as crucial for accountable governance and democratic stability.<sup>2</sup> Therefore, parliamentary parties can carry out a wide variety of tasks, including: structuring and organising parliament; channeling interests for parliamentarians and the electorate; articulating alternative policy proposals; simplifying voting decisions for parliamentarians; and requiring the executive to confront parliamentarians as groups not individuals, making executive co-option of a parliament more difficult.<sup>3</sup> However, it is intuitively obvious that in order to perform any of these

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<sup>1</sup> Published in The Journal of Communist Studies and Transition Politics, 2003, Vol 19 (4), pp.41-64.

important functions, factions need to exist as defined and definite entities, that is, they need to be institutionalised.

For post-Soviet parliaments, this raises important questions for understanding the path of institutional development. How far have parliamentary parties become institutionalised since the first (semi-)free elections in 1990? What has been their impact upon parliamentary operation? This paper will examine the case of Ukraine with two interlinked aims: to assess party caucus (faction) institutionalisation and to explore the functioning and role of factions in parliament. Ukraine's parliament, the Verkhovna Rada, has experienced colossal institutional upheaval since 1990. It was transformed from a provincial republican soviet (lit. council) to the national parliament of a sovereign state and from a nominal, symbolic body into a genuine legislative and representative organ. As such, it faced the enormous challenge of building its institutional capacity to cope with the demands of new statehood during a period of extended economic crisis, foreign policy and constitutional uncertainties and ongoing inter-branch conflict with President Kuchma, who was first elected in 1994. Within this context, factions, which emerged only in 1990, have been developing as a key institution that has significantly impacted upon parliamentary operation.

In order to identify and assess how factions changed, the analysis is based upon a conception of institutionalisation drawn from the work of Nelson Polsby and Samuel Huntington.<sup>4</sup> Institutionalisation is seen as the process by which institutions acquire generally adhered to rules that make an institution's perspectives and behaviour independent of other institutions and social groupings. Therefore, an institutionalised parliament, and hence its constituent factions, will exhibit institutional complexity,

autonomy and coherence. The extent to which these characteristics have been acquired by factions will be assessed and the underlying factors shaping the path of faction institutionalisation will be explained by considering the role of institutional factors (for instance, the constitutional framework, the electoral law and endogenous institutional engineering) and the strategic action of key actors (the president and parliamentary deputies). In this way, the case study of factions will illustrate key aspects of the development of Ukraine's parliament, such as the extent of its institutional integrity and autonomy. In March 2002, a new parliament was elected, but at the time of writing, it was still too early to draw conclusions about its newly formed factions. Therefore, the study will focus upon the third convocation of the Verkhovna Rada (1998-2002) and then briefly consider some of the immediate consequences of the 2002 elections.

The study is organised into five sections. Firstly, a brief outline of factions' composition and orientation offers essential background to the analysis. The second section will comprise an overview of the most important developments in parliament relating to factions, which will provide the basis for the subsequent exploration of the extent of factions' institutionalisation. The third section will evaluate factions' institutionalisation along the criteria identified by Polsby and Huntington (i.e. coherence, organisational complexity and autonomy). Coherence will be assessed by considering voting discipline and membership stability, while organisational complexity will be considered by looking at the internal structures created by factions. An assessment of autonomy will be approached in a more nuanced manner and woven throughout the analysis. In the fourth section, the roles played by factions in the Verkhovna Rada will be explored with regard to law-making and parliamentary organisation. This will locate the

role of factions in the Rada and assess the impact of majority formation on parliamentary development. The final section will consider the effect of the March 2002 elections on factions and parliament.

### **Introducing Factions in the Verkhovna Rada**

The March 1998 elections produced no overall majority for any orientation. The left gained 39 per cent of seats, the right 10.4 per cent and the centre 30.7 per cent, with the remaining 20 per cent made up of non-affiliated and non-aligned deputies. Table 1 shows all factions registered between 1998-2002, producing a complicated picture that illustrates the fragmented parliamentary spectrum.

Table 1: *Factions of the 3<sup>rd</sup> Convocation, May 1998- March 2002*

<b>Faction</b>	<b>L-R</b>	<b>Political party basis</b>	<b>Duration</b>
Communists	Left	Communist Party	Whole convocation
Left-Centre (Socialists)	Left	Socialist (and initially Peasants)	Whole convocation
Peasants	Left	Peasant	10.98-02.00
Progressive Socialists	Left	Progressive Socialists	05.98-02.00
<i>Hromada</i>	-	<i>Hromada</i>	05.98-02.00
Solidarity	Centre	Solidarity (late 2000)	02.00-03.02
<i>Trudova Ukraina</i>	Centre	<i>Trudova</i> Party, then <i>Trudova Ukraina</i> (late 2000)	04.99-03.02
Social Democrats (SDPU(o))	Centre	Social Democrats (United)	Whole convocation
Greens	Centre	Green	Whole convocation
Revival of the Regions*	Centre	Democratic Union (spring 2001)	02.99-03.02*
Regions of Ukraine	Centre	Party of Regions	03.01-03.02
<i>Yabluko</i>	Centre	<i>Yabluko</i>	09.00-03.02
People's Democratic Party (NDP)	Centre	People's Democratic Party	Whole convocation
Independents ( <i>Nezalezhni</i> )	Centre	-	07.98-03.00
Unity	Centre	Unity (late 2001)	11.01-03.02
Fatherland	Centre	Fatherland	03.99-03.02
Reforms-Congress	Right	Reforms & Order, later Congress of Ukrainian Nationalists too	12.98-03.02
Ukrainian People's Rukh (Kostenko)	Right	Ukrainian People's Rukh	03.99-03.02
People's Rukh of Ukraine (Udovenko)	Right	People's Rukh of Ukraine	Whole convocation

\* Changed name to Democratic Union, 6.4.01.

Source: Data of the Verkhovna Rada secretariat, provided by Laboratory F-4

### *The Left*

The left factions were based upon comparatively well-established political parties with grassroots organisations. They had clearly articulated ideological positions and were the most coherent and disciplined part of the political spectrum. Initially, the left comprised the Communist, Socialist-Peasant ('Left-Centre') and Progressive Socialist factions. Most leftist deputies were elected on party lists and a large proportion were party members.<sup>5</sup>

Ideologically, the Communists represented the unreformed left, favouring the restoration of the Soviet system of power and strongly orientated towards Russia. They vocally opposed President Kuchma and the current regime, but in practice their opposition was compromised by relations with the Presidential Administration. The

Socialists maintained a more moderate leftist position and the faction was parliament's most vociferous critic of the current regime. Although the Peasants were elected on a joint programme with the Socialists, the Peasants remained distinct in their accommodation of market reforms (except for agriculture) and their willingness to co-operate with the existing regime. In contrast, the Progressive Socialists were the most radical: staunchly anti-Western and reactionary populists, they generally avoided alliances with the other left factions, a factor that seemed to substantiate the persistent rumours about their covert support by the Presidential Administration.

### *The Centre*

The centre was the most fluid and fragmented area of the political spectrum. It was distinguished by the lack of a clear ideological basis and the predominance of business interests. Most centrist factions were built as a parliamentary power base of one or several 'oligarchs' and were closely linked to the Presidential Administration.<sup>6</sup> Several of these factions formed political parties with the same name during the convocation on the basis of the faction.<sup>7</sup> Like the majority of parties in Ukraine, these were largely based on the respective leader's personality and especially his/her resources. Increasingly, they were referred to as 'oligarch parties.'

After 1998, there was increasingly widespread use of the term 'oligarch' in political commentary, following the trend in Russia.<sup>8</sup> The slack, catchall expression was used to connote a small group of extremely wealthy entrepreneurs (predominantly connected to the energy, media and banking sectors and often combining interests in all three) in close proximity to the president. In exchange for policy influence, they were

able to offer the president media and financial support, especially during the 1999 presidential election campaign. Factions provided a vehicle for the so-called oligarchs that held a deputies mandate to build a parliamentary power base, as an instrument to influence key decisions made by parliament.

Ideologically, the keyword for centrist factions was pragmatism and low levels of party identification made the factions' composition as salient as ideology or party membership to understanding the interests of centrist factions.<sup>9</sup> There was often a sharp divergence between their official programme and the goals pursued in parliament. For instance, the SDPU(o) and *Trudova Ukraina* ('Labouring Ukraine') espoused left-centre rhetoric, but were right-centre due to the sectional business concerns of their members. In general, centrist factions were strongly loyal to President Kuchma. However, Fatherland, Solidarity and *Yabluko* ('Apple') tended to be more ambivalent in their attitude to the president.

### *The Right*

The key features of the right factions were their party basis and ideological nature. However, compared to the left, right factions were more prone to fragmentation and more vulnerable to presidential influence. At the start of the convocation, the right consisted of one long-established faction, Rukh,<sup>10</sup> but by 2000, there were three. The split of Rukh as a faction and party in March 1999 was not primarily ideological – both Rukhs still prioritised the nation-building project, a pro-European orientation and liberal economic reforms. However, *Narodniy Rukh Ukrainy* (NRU, led by Hennady Udovenko) stressed the 'national' aspect and was closer to the president. *Ukrainskiy Narodniy Rukh* (UNR, led

by Yury Kostenko) emphasised its liberalism and 'constructive opposition' to Kuchma. Reforms-Congress was the faction of the liberal Reforms and Order party. Over 50 per cent were former deputies and the faction attracted part of the liberal wing of the People's Democratic Party.

In sum, the left and right were the most party-based, in terms of membership and election by party list, while centrist factions tended to be more heterogeneous and non-partisan. These patterns show continuity with the previous convocation.

### **Factions in Context, 1998-2002**

The parliament elected in March 1998 had a turbulent history that can be divided into three periods: prior to; during; and after the parliamentary majority.

#### *Before the Majority*

In 1998, the Verkhovna Rada was elected on the basis of a new mixed electoral law. Half of deputies (225) were elected by proportional representation via party lists and half (225) by a majoritarian ('first-past-the-post') system. The four per cent threshold was surmounted by eight parties, while a further 23 parties gained representation via the single mandate constituencies. The electoral law ensured that half of the deputies owed their mandate directly to a political party, even if they were not all members of a party.<sup>11</sup> This created opportunities for a greater structuring of factions in parliament by opening space for the internal rules to shape incentives for party consolidation within parliament.



Therefore, the *Reglament* (parliamentary standing orders) were amended by the new Rada to permit the registration of factions by only those parties that passed the four per cent threshold, with a minimum of 14 deputies.<sup>12</sup> This meant that non-party factions ceased to be permitted registration. The change generated a clearly structured parliament, with the registration of eight factions. The composition of the Rada is shown in table 2 below.

*Table 2: Composition of Verkhovna Rada after the March 1998 elections*

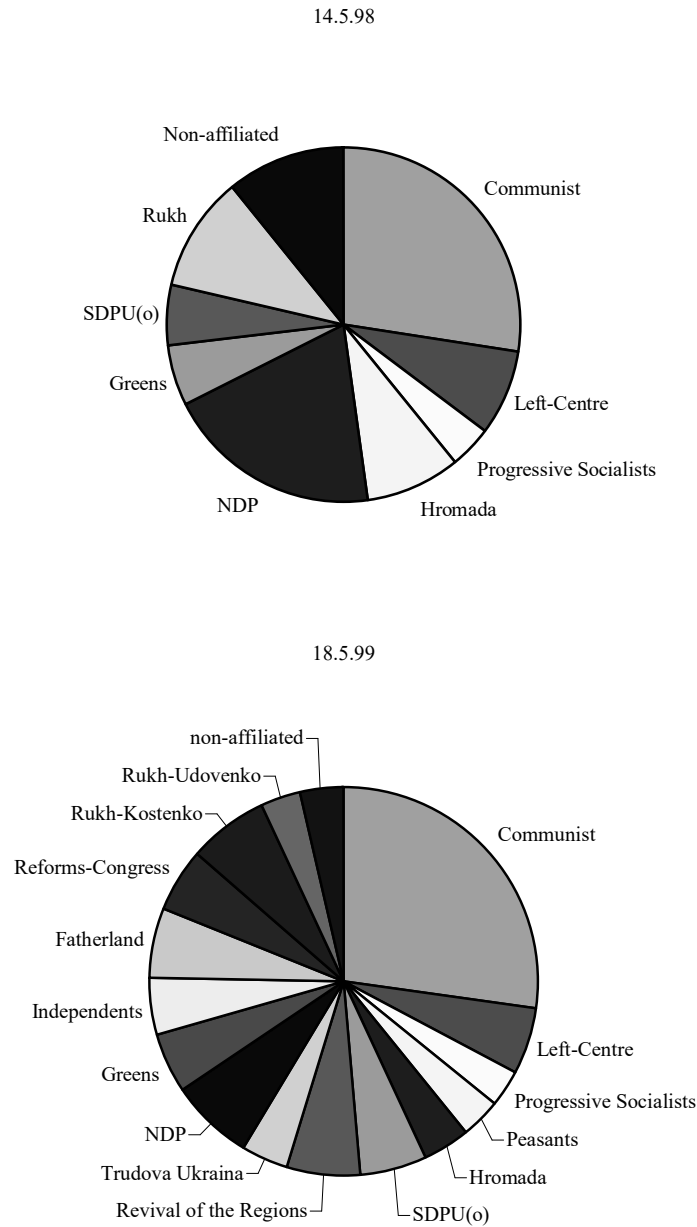
<b>Faction</b>	<b>No. of deputies</b>	<b>% seats</b>
Communist Party (CPU)	123	27.4
'Left-Centre' (Socialist/Peasant bloc)(SPU-SeIPU)	35	7.8
Progressive Socialists (PSPU)	17	3.8
<b>Total 'Leftists'</b>	<b>175</b>	<b>39.0</b>
People's Democratic Party (NDP)	89	19.8
Green Party (PZU)	24	5.3
Social Democratic Party (United) (SDPU(o))	25	5.6
<b>Total 'Centrists'</b>	<b>138</b>	<b>30.7</b>
Rukh (NRU)	47	10.4
<b>Total 'Rightists'</b>	<b>47</b>	<b>10.4</b>
<i>Hromada</i> (non aligned oppositionist)	39	8.7
Non-affiliated deputies	49	10.9

Source: Registration of first factions by the secretariat of Verkhovna Rada, 14 May 1998, provided by Laboratory F4.

However, clarity of structure did not translate into a parliamentary majority. The parliament was polarised between 175 left and 185 centre and right deputies who were more or less loyal to the president. Neither group had a majority necessary to take decisions (226 deputies).<sup>13</sup> Thus, the Rada had a high propensity to deadlock and relations with the president were often confrontational. Usually the left were able to prevail due to the amorphousness and pragmatism of centrists.

However, the party-only organisation of parliament was short-lived. In December 1998, the Constitutional Court decided that the party-only factions rule was unconstitutional, thus clearing the way for the formation of factions by parties that had not surmounted the 4 per cent barrier or on a non-party basis.<sup>14</sup> This dealt a significant blow to the established party factions, leading to their reduced size and influence in the Verkhovna Rada's organisation. However, the court upheld the Rada's amendment reducing the minimum size of factions to 14 deputies. The ruling prompted a large volume of faction switching and splits. Within four months, eight factions became fifteen.

Chart 3: Comparison of the composition of factions in the Verkhovna Rada, May 1998 and May 1999.



Source: List from the Verkhovna Rada secretariat compiled by the system 'Rada', provided by Laboratory F4.

The forthcoming October 1999 presidential election contributed to these faction splits. At the same time, significantly increased inter-branch tension, particularly as the presence of

12 presidential aspirants in parliament gave the president additional incentives to try to discredit parliament.<sup>15</sup> In the aftermath of the election, President Leonid Kuchma's victory gave him the opportunity to claim a renewed mandate to press parliament into a more compliant shape.

### *The 'Artificial' Majority*

In January 2000, Ukraine's first parliamentary majority was formed as a consequence of external stimuli from the president. By threatening a referendum to reduce the constitutional powers of parliament if they did not form a pro-presidential majority, Kuchma orchestrated the formation of a centre-right majority by 11 heterogeneous factions. He also proposed Victor Yushchenko as the candidate for Prime Minister, a move calculated to appease both Western financial institutions over Ukraine's lending<sup>16</sup> and anchor the right wing factions into the majority.

Amid severe confrontation, the majority was able to install a new speaker (Ivan Pliushch), remove the leftist heads of committees and amend the parliamentary *Reglament* to institute majority control of the agenda and expedite the legislative process. Aggressive recruiting of disillusioned leftist and non-aligned deputies by the 'oligarch' factions meant that the majority grew from 237 to around 270 by summer 2000 (of 450 in total). However, the majority continued to be riddled by serious tensions. One of the most significant divides was between pro-presidential and pro-governmental factions. The core of oligarch factions strongly supported President Kuchma, but they continued to demand revisions of the government's composition.<sup>17</sup> The right factions and Fatherland were firmly pro-Yushchenko's government and the integrity of its composition.

Moreover, the constitutional framework did not support the existence of a majority, making its functioning surreal and dependent upon the whim of the president. The 1996 Constitution created a president-parliamentary system where the powers of parliament and president overlapped in terms of oversight and dismissal of the government, the organisation of other executive bodies and law-making. Even so, in many ways the president had precedence over parliament regarding the formation, control and dismissal of the government. There were no provisions for the Verkhovna Rada to play a role in appointing the government or in taking responsibility for its actions. Parliament was simply required to confirm the president's nomination for Prime Minister (art.85.12) and the government's annual programme (art.85.6). This formally implied that there was no role in the current constitution for a parliamentary majority and thus, no incentives for factions to form and maintain a coalition that would enact the government programme and take responsibility for its actions.

However, throughout the year, the president required a majority to augment his powers by altering the constitution in line with the overwhelming (but legally dubious) results of the 16 April 2000 referendum,<sup>18</sup> which had been orchestrated with the support of oligarch factions. The Presidential Administration maintained pressure on the Rada to amend the constitution, entailing the removal of deputies' immunity from prosecution, the reduction of the number of deputies from 450 to 300 and granting the president the right to dissolve parliament if it failed to form a majority or pass the budget.<sup>19</sup> The bill was passed in first reading (by 251 votes) in July 2000, but required 300 votes in the autumn session in order to become law. As the autumn session progressed, it became evident that

this would be almost impossible to find and the majority began to lose its voting integrity on other issues.<sup>20</sup>

### *The 'Phoney' Majority*

The Gongadze scandal was the 'final straw' for the majority. The scandal erupted spectacularly in November 2000 when Socialist Party leader Oleksandr Moroz played cassettes of conversations allegedly between the president, the Interior Minister and the head of the security service discussing 'getting rid' of journalist Georgy Gongadze, who had disappeared in September. The president was temporarily unable to manipulate parliament, the oligarch factions also lowered their profile, while the right allied with most of the left to call for Kuchma to resign. In the aftermath, the integrity of the majority was lost, but the result was a phoney majority – that voted together more or less as before on social policy, culture, labour and most economic questions, but were pragmatic on 'political' issues. For a while, the majority still functioned formally, but it was regularly incapable of reaching agreement. As a consequence, the influence of the left was again more tangible – especially as the Communists proved willing to facilitate the right or the centre passing some key decisions, including the dismissal of Prime Minister Yushchenko in April 2001. This situation lasted until the March 2002 elections.

An overview of factions in context has facilitated the identification of important characteristics of factions and parliament and the key trends in factions' development. Although the new electoral law increased the role of parties in parliament, it produced a polarised composition that made the body prone to deadlock. In turn, this created

opportunities for the president to direct parliament by manipulating its constituent factions. The resultant majority was essentially artificial, produced and maintained by presidential stimuli and co-ordinated by the pro-presidential forces, organisationally based on factions inside the parliament. Tensions apparent at the outset did not diminish, because the constitutional structure and parliamentary organisation did not produce incentives to override or channel the majority's divergent interests. Thus, the majority could only be a short-lived, pragmatic phenomenon reliant on external pressure for cohesion. Ultimately, the temporary weakening of the president's position during the Gongadze scandal removed this pressure and factions reverted to type: to forming situational, tactical majorities depending on the issue under consideration, not dissimilar to the previous convocation.

Nevertheless, as we shall see, internal rule changes during the convocation helped to promote greater structuring and organisation of factions as sub-institutions of parliament. The extent of faction institutionalisation and factors shaping it will be assessed in the next section.

### **Factions as Parliamentary Sub-institutions**

By considering factions' coherence and organisational complexity, it will be demonstrated that factions became more organisationally sophisticated, but that their growing coherence in voting was superficial and significantly undermined by membership instability.

### *Coherence*

Huntington emphasises the importance of coherence and discipline to an organisation: 'The greater the disunity...the less it is institutionalised'.<sup>21</sup> This is logical because any group seeking to achieve specific aims (for instance, gaining political influence and shaping policy, legislation) needs a regular team of engaged players that work together for the group's goals.<sup>22</sup> Therefore, the high instability of faction membership identified in the Verkhovna Rada and other post-Soviet parliaments can be seen as problematic for parliamentary development.<sup>23</sup> A recent study by Herron demonstrated statistically that electoral, policy and partisan factors influenced deputy's decisions about switching faction, but concluded that other factors may influence legislators, namely internal parliamentary rules and exogenous events.<sup>24</sup> This article explores the importance of these 'other factors', focusing on identifying the relational and process aspects of the various factors, rather than seeking to quantify them. First of all, it is necessary to identify the patterns of faction membership fluidity, before assessing the causes. Table 4 below provides a broad indicator of the extent of fluctuations of faction membership, by giving faction sizes at six monthly intervals throughout the convocation. Although the table does not fully demonstrate the degree of deputy movement between factions, it illustrates the main patterns of faction growth and diminution.



Table 4: Changes in faction size during the 3<sup>rd</sup> convocation

Faction	14.5. 1998	10.12. 1998	18.6. 1999	21. 1. 2000	29.2. 2000	14.7. 2000	18.1. 2001	22.6. 2001	11.1. 2002	6.3. 2002
Communists L	119	122	122	115	116	114	111	113	113	113
Left-Centre L	35	24	24	22	19	17	16	17	18	17
Peasants L	-	14	15	15	-	-	-	-	-	-
Progressive Socialists L	17	14	14	11	-	-	-	-	-	-
<i>Hromada</i>	39	45	17	14	-	-	-	-	-	-
Solidarity C	-	-	-	-	16	28	23	21	21	20
<i>Trudova Ukraina</i> C	-	-	17	23	31	44	48	46	38	38
SDPU(o) C	25	23	25	34	33	33	33	36	32	32
Greens C	24	26	23	18	16	17	17	17	15	16
Revival of the Regions* C	-	-	28	36	36	36	35	26	15	15
Regions of Ukraine C	-	-	-	-	-	-	-	22	23	23
<i>Yabluko</i> C	-	-	-	-	-	-	14	16	15	13
People's Democrats (NDP) C	89	76	31	27	25	23	20	16	14	14
Independents C	-	25	20	14	-	-	-	-	-	-
Unity C	-	-	-	-	-	-	-	-	18	21
Fatherland C	-	-	26	35	34	34	32	24	24	24
Reforms- Congress R	-	-	24	13	14	15	15	15	14	15
Rukh (Kostenko) R	-	-	30	26	21	21	23	22	22	23
Rukh (Udoenko) R	47	48	15	17	18	19	17	14	14	14
Non-affiliated	36	32	16	25	50	49	45	44	48	46

\* Changed name to Democratic Union, 6.4.2001.

L, C and R after each faction name connotes their broad political orientation as left, right and center respectively.

Source: 21 January 2000 and 29 February 2000 figures taken from Olexiy Haran, and Oleksandr Maiboroda, (eds.), *Ukrains'ki Livi: mizh Leninismom i Sotsial-demokratieiu* (Kyiv: KM Akademia, 2000) p.222. Others from the Verkhovna Rada secretariat, provided by Laboratory F4.

The table indicates that all factions experienced membership instability to some extent, although this was very minor for the Communists. During 1998 faction membership was relatively stable, the only sizable upheavals being the uncoupling of the Socialist and Peasant alliance and the formation of Independents by a group of single mandate deputies who wanted to gain the selective benefits (office space, staff etc.) of faction status.<sup>25</sup>

From 1999, faction membership fluidity increased dramatically, with the splits of Rukh, NDP, *Hromada* and SDPU(o) forming the basis of new factions and a large volume of faction switching by individual deputies. Table four also suggests that some centrist factions (Trudova Ukraina, SDPU(o), Revival of the Regions, Fatherland) were successful at recruiting significant numbers of new members, although this varied over time. These trends can be explained by exploring the incentives produced by changes in the *Reglament* (standing orders) and the strategic behaviour of executive bodies and different groups of deputies.

The effect of the electoral law was not so considerable. A trend is tangible, but other factors took primacy in determining deputies' 'political tourism'.<sup>26</sup> Deputies elected in single mandate constituencies were more likely to switch faction, because they did not owe their seat to a party and over 50 per cent did not belong to any party. However, party list deputies also moved often – particularly if they were elected on the lists of centrist parties SDPU(o) and NDP. Deputies from the Rukh, Green and Socialist-Peasant party lists moved slightly less frequently. Communists rarely left their faction, regardless of mandate type.

Internal rule changes had a much more significant impact on behaviour. The relative faction stability during 1998 can be attributed to the amendment to the *Reglament* granting parties that passed the four per cent barrier the exclusive right to unite in factions. This removed the possibility of new faction formation and acted to constrain deputies' 'political tourism'. Therefore, the Constitutional Court ruling had a significant impact on the internal dynamics of factions. While ruling this amendment unconstitutional, the court upheld the amendment to reduce the minimum size of factions

to 14.<sup>27</sup> This latter amendment had in effect been dormant due to the countervailing effect of the party-only factions rule, but now it started to structure factions' incentives and opportunities. It allowed larger factions to split without incurring costs that the loss of faction status brought (e.g. loss of office space) and the formation of new factions and deputy groups with minimal start-up costs.

This rule facilitated wider fragmentation than seen in the previous convocation, as then 25 deputies were required for faction status. It permitted the split and survival of the Rukh and *Hromada* factions, but these splits were encouraged by the interference of the president, who sought to weaken his opponents. For instance, *Hromada* was perceived as particularly troublesome and was subject to intense pressure from the executive. When criminal proceedings for corruption were instigated against its leader, Lazarenko, he fled abroad, later being apprehended in Switzerland. Lazarenko's close counterpart in the faction (and previously in business), Yulia Tymoshenko was a vociferous critic of Kuchma, but she was regularly seen meeting with the president in late 1998 and by March 1999 she split the faction to create her own, Fatherland. One analyst summarised this practice: 'some people are brought close [to the president] and others are distanced. This is an ongoing, deliberate process, but was particularly obvious before the presidential elections.'<sup>28</sup> By a strategy of 'divide and rule', exploiting the differences within and between factions, Kuchma's administration was able to shape the patterns of influence inside the Verkhovna Rada by manipulating the size of factions.

The court ruling also removed constraints on deputy movement, permitting powerful individuals to form centrist factions. The so-called oligarchs had vast resources – financial, media and proximity to the president – and were capable of organising their

own faction and attracting other deputies by their influence and, in some cases, with financial incentives. Such factions were likely to be attractive to entrepreneur-deputies and there were at least 100 deputies with commercial interests and without strong ideological convictions, who switch faction on the basis of personal connections. Furthermore, these resource-rich factions (e.g. Revival of the Regions, *Trudova Ukraina*, SDPU(o)) were able to aggressively recruit deputies. This tendency became particularly marked after the presidential election, as factions sought to maximise their size at the expense of their competitors in order to strengthen their bargaining position over, firstly, government formation and then in the new majority, as larger factions would be entitled to more leadership positions in strategic committees.

The referendum threat and majority formation prompted faction switching on an extraordinary scale. During interviews with the author in 2000, representatives from five factions (majority factions Rukh-Kostenko, Reforms-Congress, Greens, plus the Socialists and Communists) reported pressure on their faction and attempts to dissolve them. Such reports were widespread, but the mechanisms by which this was pursued were more obscure.<sup>29</sup> 'Pressure' was described by parliamentary staff and deputies as having two forms: pressure on a deputy's business (i.e. blackmail) and financial enticement of deputies (i.e. bribery). One source (from a majority faction) stated:

*Because we are in opposition to Kuchma, there were attempts to dissolve our faction. Some entrepreneurs were forced to leave due to pressure [on their businesses]. Others were simply bought. It's no secret that they were paid \$30-50,000 to leave. So some of them left.*

Clearly, only agencies of the executive have the apparatus to apply pressure to a business (in the form of various 'inspections'), but this aspect of pressure remains opaque and open to speculation about its extent.<sup>30</sup> Bribery was more openly discussed as a tactic of the so-called oligarchic factions, most blatantly by SDPU(o) member and ex-president, Leonid Kravchuk: 'I can say nothing bad about oligarchs – if someone is for sale, they will buy him. Here everything occurs in this manner – voting and [faction] transfers.'<sup>31</sup> During the second half of 2000, such trends were influenced by the need to increase the majority to 300 deputies to facilitate the passage of the president's amendments to the constitution.

In sum, faction coherence was extremely weak, although the Communists remained remarkably intact. However, the *Reglament* amendment temporarily reduced faction fluidity, demonstrating the potential role of internal rules in structuring deputies' behaviour. Once overruled, 'political tourism' and 'political prostitution' exploded on an unprecedented scale. In the absence of constraining rules, the deliberate tactics of the president and deputy-'oligarchs' close to him exploited and contributed to the weakness of factions. Therefore, on the whole, factions exhibited lower institutional coherence than in the previous convocation, making it possible to talk of de-institutionalisation. Such a process severely limits factions' capacity to develop as strategic actors within parliament, posing the gravest threat to the development of a parliamentary party system and making the legislature itself extremely vulnerable to outside manipulation.

It is against this backdrop that any consideration of voting discipline must take place, as it is impossible to draw meaningful conclusions about institutionalisation from voting coherence alone. The longitudinal statistical analysis of all roll-call votes undertaken by Laboratory F4 has been used to identify the general patterns of faction

discipline during the convocation. These will be explained in terms of faction composition, internal parliamentary rules and the political context. During the pre-majority period (March 1998 – February 2000), continuity with the previous convocation in patterns of voting was evident. Factions at the extremes of the political spectrum were consistently more disciplined than the centre, where comparatively poor attendance augmented voting coherence problems.<sup>32</sup> Thus, the Communists, Left-Centre and Rukh were most disciplined, while Fatherland, SDPU(o), Revival of the Regions and Reforms-Congress were least coherent,<sup>33</sup> and the party-only faction rule amendment did not significantly affect voting discipline. Furthermore, the secret voting procedures did not assist faction discipline.

The formation of the majority intentionally brought key changes in faction discipline – one of the first decisions taken was to amend the *Reglement* to ensure all voting took place on an open, roll-call basis.<sup>34</sup> This gave faction leaders hitherto unavailable information about how faction members were voting, enabling them to monitor the results of strict voting decisions and apply informal sanctions where appropriate. As well as empowering faction leaders to increase discipline, the amendment also tackled the perennial problem of poor attendance by stipulating that all voting takes place on Thursdays. This made it easier for deputies with businesses to vote.

The impact on voting discipline for the centre factions was dramatic. During the 5<sup>th</sup> session (February-July 2000), these new rules combined with the psychological effect of a majority (particularly under pressure from issues attendant to the referendum) and produced unprecedented discipline in factions SDPU(o), NDP and Revival of the Regions, which together with the relatively well-disciplined Greens and Rukhs created a

critical mass to get decisions passed. Although they were supported in voting decisions by *Trudova Ukraina* and Fatherland, these factions continued to have problems with discipline.<sup>35</sup> By the 6<sup>th</sup> session (September 2000-January 2001), there had been a marked improvement in the internal cohesion of *Trudova Ukraina* and Solidarity, while Fatherland and new non-majority faction *Yabluko* were least disciplined.<sup>36</sup> The patterns of faction discipline did not change substantially after the Gongadze scandal in the period termed the 'phoney majority' (January 2001-March 2002). By this time, high levels of voting coherence were attainable by all factions.<sup>37</sup>

In sum, although the Communists and Socialists had maintained strong voting coherence since the previous convocation, the rule change enacted by the majority to roll-call voting led to increased discipline in all factions due to increased transparency and this effect was augmented by the very existence of a majority. The creation of an institutional mechanism to facilitate faction leaders' greater control over their members and increase faction cohesion and identity was a positive step towards factions' institutionalisation in the Verkhovna Rada. However, the marked increase in faction membership fluidity during and after the formation of the majority substantially undercut the significance of greater discipline and there were two countervailing trends along the dimensions identified for assessing factions' coherence.

### *Organisational Complexity*

On the whole, factions' internal organisations became more structured and developed in comparison to the previous convocation.<sup>38</sup> The increased status of factions was indicated at the start of the convocation with the provision of a secretariat to each faction. In

comparison to the one consultant allocated in the last convocation, now the minimum was three staff – one head, one consultant and one specialist. The size of secretariats paid for from the Rada budget ranged from three to twelve, but the factions or the party paid for additional consultants and made use of deputies' assistants, so that on average, factions were operating with staffs of around 15. In general, the secretariats provided administrative support and expertise on legislative matters. However, given the aforementioned wealth and resources of the so-called 'oligarchic factions', inevitably there was a visible disparity in the resources that factions were able to draw upon. Although the provisions of the parliamentary budget were quite meagre, centrist factions such as Revival of the Regions and *Trudova Ukraina* were able to utilise much wider sources of expertise.

In general, factions met more regularly than in the previous convocation.<sup>39</sup> Usually, they met once or twice per plenary week. Faction meetings were used primarily to discuss voting decisions (which were usually strict – free votes were rare), for faction leaders to report back on meetings with the president and sometimes government ministers attended to lobby forthcoming bills.<sup>40</sup>

As well as gaining their own secretariat support and meeting more regularly than the previous convocation, approximately half of the factions took steps to increase the formal structure and division of labour within their internal organisation. Some factions adopted internal rules that set out procedures for meetings, the responsibilities of deputies and the leadership.<sup>41</sup> Other secretariat staff explained that the (vague) guidelines provided by the Rada's *Reglament* were currently adequate and stressed the crucial role of interpersonal relations and the leader's influence in intra-faction co-ordination. Thus,



these factions exhibited a preference for flexibility and were unwilling to set down rules or a formal structure that could potentially foreclose options in the future, reflecting the wider parliamentary rules culture. Furthermore, these factions were those with the least stable membership and minimal party basis, so that they were less a parliamentary party caucus and more a vehicle for lobbying sectional interests in the Rada.

In a minority of factions, a division of labour between deputies and consultants was laid down. The Socialists, both Rukhs and the People's Democratic Party organised the faction into three or four 'internal committees' broadly along the divisions of legal, economic and social/humanitarian policy areas. In these internal committees, deputies from the relevant profile committees and consultants could discuss their committee work, impending legislative bills and other related issues. In practice, the level of activity of these 'internal committees' was difficult to discern as interviews produced countervailing evidence to the formal rule documents. For instance, staff of Rukh-Udovenko secretariat said there was no formal procedure for co-ordinating committee work and a Socialist deputy showed no awareness of his faction's internal committees.<sup>42</sup> This sub-institution level evidence suggests a thoroughgoing congruence with the parliament as a whole, where formal rules lacked authority and had a 'decorative' purpose (rather like Soviet era constitutions) that masked actual behaviour and organisational power. This was not necessarily deliberate as factions' good intentions to better structure deputies' legislative work probably dissipated as the day-to-day realities of work in the Verkhovna Rada unfolded.

The increased institutional support provided to factions in the form of a secretariat, office space and equipment raised the possibilities for factions to develop a

greater organisational capacity. However, the result was patchy, as factions on the left and right tended to take the initiative to develop a party caucus organisational base. Not accidentally, these factions – Socialists, Communists, both Rukhs, Reforms-Congress – existed in the previous convocation and had organisational experience and traditions to build upon. To some extent, centrist factions could bypass the need for this kind of structure by buying expertise from external bodies and relying on personal connections and good access to the president. This pattern was not significantly affected by the formation and collapse of the majority. Yet on the whole, all factions did become more structured and organisationally complex and thus more capable of supporting deputies in their legislative work and of ensuring they were better informed. It laid the groundwork for greater faction participation in the legislative process and parliamentary leadership, more disciplined factions and the creation of a stronger sense of faction belonging and identity, but these potential developments were substantially inhibited by faction membership instability.

### **Factions' Activity and Influence**

What kind of impact did better structured and disciplined factions have on parliament? Two key sites of faction activity – leadership bodies and the legislative process – are examined because they are both fundamental to a parliament's functioning and they can usefully illustrate the changing role of factions during the convocation.

*'Factions in First Place': Leadership organs*

The role of faction leaders in organising parliament remained vaguely defined before majority formation. The *Reglament* briefly described the Conciliation Council of Factions, envisaging *ad hoc* meetings of faction leaders to settle inter-faction disputes, particularly during plenary sessions.<sup>43</sup> However, following the tradition established by speaker Moroz in the previous convocation, the body was used by speaker (and Peasant Party entrepreneur) Tkachenko to meet faction leaders and committee heads to discuss his draft agenda. Although the Conciliation Council of Factions played a substantial role in the initial allocation of leadership posts, the role of the body was not formalised and *de facto*, speaker Tkachenko was able to exercise strict personal control over the agenda.<sup>44</sup> Although the Conciliation Council was the key formal site for faction heads to influence the Rada's organisation, it was widely seen as a talking shop loyal to Tkachenko and relatively unimportant once the allocation of committees and resources had taken place.<sup>45</sup> Crucial decisions were made elsewhere: either in the speaker's (by now, rather extensive) apparatus; in the regular meetings between faction leaders and the Presidential Administration; or in the corridors of parliament.

The formation of the majority in January 2000 fundamentally altered the leadership and organisational role of factions. By a combination of endogenous institutional engineering and more informal means, the majority augmented the position of factions in parliamentary decision-making to ensure their control over all aspects of the Verkhovna Rada's activity. The role of the Conciliation Council of Factions was codified by an amendment to the *Reglament*, so that it officially comprised the speaker and faction heads as voting members and committee heads and the deputy speakers in an

advisory role. It was stipulated that the Council must set the weekly draft agenda (that would be confirmed by a plenary vote) and decide bill prioritisation.<sup>46</sup> Thus, formally, the Conciliation Council of Factions was designated as the Rada's leadership organ and the role of factions via their leaders was decisive.

Yet in reality, it was the Co-ordination Council of the Majority (*Ko-ordinatsyina Rada Bil'shosty* or KRB) that took on the key decision-making role in parliament. The KRB was formed in January 2000 on the basis of the signed agreement by the then eleven factions comprising the majority as its leadership body. Leaders of the majority factions met on Mondays immediately before the Conciliation Council of Factions to decide the week's draft agenda. Decisions were taken in the same way as the Conciliation Council: faction leaders reported how their faction would vote on a bill so that 226 'votes' was expected to translate into a bill's passage in plenary and bills not supported by the majority would not be put on the agenda.<sup>47</sup> This method of decision-making in both leadership organs represented an important change, as previously it took place on a one faction, one vote basis, which had created incentives for factions to divide. Such a leadership structure could help to encourage faction consolidation, if countervailing influences such as financial inducement could be eradicated.

After ascertaining which bills they could pass, the KRB formulated a draft agenda to pass to the Conciliation Council for technical corrections. By making all committee heads representatives of the majority, the pre-eminence of majority interests in the Conciliation Council was assured. The KRB worked closely with the Presidential Administration and became very influential in factions' voting decisions, which reduced majority factions' autonomy in deciding how to vote on a particular bill. Yet at the same

time, these factions had a greater opportunity to influence a bill's passage. Concomitant to this, the 'minority' factions were left outside this framework and the Communist and Socialist leaders were rarely invited to meet the president after 1999, so that their ability to influence legislation was largely restricted to committee work.

Correspondingly, the role of the speaker and committee heads diminished vis-à-vis factions. Factions allocated the committee leaderships between them, and committee heads came to play a primarily consultative role in the leadership. Furthermore, the new speaker, Pliushch, was elected by the majority after a deal struck in the KRB. Therefore, he was obliged to take decisions together with the KRB and was more circumscribed in his actions than his predecessors. In this respect, the Verkhovna Rada's speaker began to resemble a Western parliamentary speaker. As the majority drifted into a 'phoney majority' towards the end of 2000, these structures and procedures did not alter significantly – only the majority was less capable of guaranteeing a bill's passage and, consequently, the position of the left factions was given greater consideration.

### *Legislative Activity*

The most discernable impact of the formation of the majority was increased legislative output. In the 4<sup>th</sup> session (September 1999-February 2000), 134 laws were passed, compared to 209 in the following session (February-July 2000).<sup>48</sup> Official sources claim this was a direct result of the majority formation and proof of its effectiveness due to improved relations with the executive.<sup>49</sup> However, figures tell but part of the story and during the convocation, the shifts in faction behaviour towards the legislative process

were subtle and contained strong elements of continuity not only between the earlier identified stages of faction development, but also with the previous convocation.

The dramatic change in the number of bills passed can largely be explained by the altered contexts in which the two sessions took place, although internal rule changes also had an impact. The 4<sup>th</sup> session and the three preceding it were subject to the overbearing influence of the impending presidential elections upon factions' behaviour. Thus, with the presence of twelve presidential candidates in parliament, considerable plenary time was taken up with campaigning via the legislative process. Such measures included introducing populist issues that stood little chance of enactment.<sup>50</sup> Therefore, the forthcoming election raised tensions within parliament and with the executive (see below). The existence of the majority led to increased law-making for two main reasons. Firstly, the majority created mechanisms to expedite the passage of bills through plenary by making Thursday the only voting day, by reducing the allocated time for reports and debates on bills,<sup>51</sup> and by often sidestepping the procedure for full article-by-article second reading.<sup>52</sup> Furthermore, the majority and the KRB provided a forum for horse-trading between factions, so they could strike deals to mutually support each other's bills. For instance, in June 2000 Fatherland agreed to vote for the privatisation of Ukrtelecom in return for SDPU(o)'s support of their leader and deputy Prime Minister's amendments to the law 'On electro-energy'.<sup>53</sup> It is instructive to note that in this case the deal failed to hold, with Fatherland splitting on the Ukrtelecom bill, and SDPU(o) reneging completely. The majority was always 'amorphous like *kholodets* [aspic]'.<sup>54</sup> Thus, a second factor is required to fully explain the increased legislative activity: the president's influence. As argued above, the main cohesive agent for the majority was presidential pressure, which

encouraged compromises between its constituent factions. However, the president himself remained ambiguous in his attitude to Yushchenko's government, so that the president-government-parliament triangle was riddled with tensions and even with the majority, the passage of government bills was far from guaranteed.<sup>55</sup>

Prior to majority formation, conflictual legislative-executive relations were in part played out via the legislative process, as occurred in the previous convocation. At the institutional level, relations between the president and parliament were hostile, but at the same time the president and factions interacted on a bilateral basis to lobby bills. The legislative process was marked by regular impasse: the president vetoed 1 in 3 laws passed and the Rada, rarely able to find the 300 votes necessary to override a veto, passed 'new versions' of these laws by making small adjustments and adopting them again. Unsurprisingly, such bills were often vetoed a second (or third) time. Even where a veto was overridden by the Rada, Kuchma sometimes refused to sign them. Such shenanigans were especially common over any legislation concerning inter-branch relations.<sup>56</sup> Even after the majority's formation, deadlock over all bills in the sphere of executive-legislative and local government relations persisted.<sup>57</sup> Compromise between the branches over the division of powers proved elusive as both parliament and president sought to maximise their influence within the constitutional framework, and the majority had no clear position on these issues. The pro-government factions more or less sought to protect the parliament's prerogatives and believed that the government should be formed by a parliamentary majority. The 'oligarch' factions had no united position, even within individual factions, as prominent pro-presidential parliamentarians such as deputy

speaker and SDPU(o) leader Viktor Medvedchuk were torn between greater power for their party in parliament and their presidential ambitions.

However, in other spheres (e.g. the economy) the existence of the majority did lead to improved relations with the president. While the Presidential Administration began to routinely survey all bills going through parliament, the president regularly met with majority faction heads, so each could ascertain the other's attitude to a bill and make the corresponding changes to get it through parliament and obtain the president's signature. The majority took measures to better implement the president's constitutional right to priority examination of his bills.<sup>58</sup> In this respect, relations with the Presidential Administration became more constructive, based on trading and compromises, making the legislative process more predictable. As a result, the proportion of bills vetoed fell from 1 in 3 to less than 1 in 5.<sup>59</sup> However, while this trading took place at the level of factions, it also transcended them (although the precise extent is difficult to determine). While the faction leaders met with the president, and made deals between themselves, it is evident that support for bills was also gathered by more unorthodox means similar to those used to stimulate faction membership fluidity. The president and so-called deputy-oligarchs close to him could engineer the requisite number of votes for a bill by payment to deputies and by applying pressure to their businesses.<sup>60</sup> The presence of such influences on deputies' voting decisions indicates the power of so-called oligarchic groupings (or 'clans') within and beyond inter-faction relations, which served to undermine the role of factions *per se* in legislative decisions.



On one hand, factions' activity during the convocation was characterised by continuity with the previous convocation: perpetual president-parliament conflict over all legislation that would regulate their relations that in turn prompted inter- and intra-faction discord over this pivotal issue; and the pervading influence of the president's attitude to a bill on factions' voting decisions. On the other hand, the mid-term formation of the majority did produce important changes, achieved largely through internal rule amendments. Outside the sphere of legislative-executive relations, the legislative process became more consensual, productive and predictable. Factions assumed the dominant role in the leadership and organisation of parliamentary organs, activity and the legislative process. Yet at the same time, the majority factions' close collusion with the Presidential Administration and manipulation by deputy-oligarchs associated with the president undermined the decisiveness of factions' role in the Verkhovna Rada.

### **Prospects: Early Indications after the 2002 Elections**

The new convocation of the Verkhovna Rada was elected in March 2002. Despite some differences in composition, the first months of its operation suggest there will be strong elements of continuity with the 1998-2002 Rada in the patterns of faction and wider parliamentary development. The elections did produce some notable changes that will undoubtedly impact upon the internal dynamics of parliament. Only six parties/blocs surmounted the four per cent barrier for list seats, pointing to trends of (at least temporary) party consolidation. The fissiparous tendencies of the right were seemingly overcome as they coalesced into a single bloc Our Ukraine around the presidential

aspirant, Viktor Yushchenko. Our Ukraine gained 23.4 per cent of the list vote (first place) and 119 seats in total. Henceforth, the Communists (with 20 per cent and 64 seats) were no longer the largest faction. After aggressive recruiting, with widespread reports of pressure on deputies' businesses, the pro-presidential centrist bloc United Ukraine briefly assumed this mantle.<sup>61</sup> Despite winning only 12 per cent of the list vote and 119 seats in total, the bloc was able to entice a further 60 or so single mandate entrepreneurs to join the faction. After securing the election of bloc leader Volodmyr Lytvyn as Rada speaker, United Ukraine immediately split into 9 factions. Therefore, the broad parliamentary cleavages differed significantly from the previous convocation, with a stronger right and weaker left. Nevertheless, as before, the fragmented centre factions were the linchpin in decision making, cobbling together a pro-presidential majority during autumn 2002.

Other continuities remain pronounced. A fragmented composition and absence of a 'natural' majority are long-standing features of the Verkhovna Rada. Moreover, patterns of faction fragmentation and membership fluidity continue, confirming the growing weight of business and money in parliament's operations, which will continue to circumscribe opportunities for faction institutionalisation. Entrepreneurs remain vulnerable to pressure on their businesses, permitting the continuation of the president's 'divide and rule' tactics to manipulate parliament via factions.<sup>62</sup> Perhaps the most significant similarity with the previous convocation is that the first two years of its term will be preoccupied with a presidential election. However, 2004 is particularly crucial as President Kuchma will have served his constitutionally-limited two terms and the question of successor remains open. This will place enormous strain on all factions and

means that faction and parliamentary institutionalisation is likely to proceed in the established, patchy and uneven manner.

## **Conclusions**

During 1998-2002, factions took on a greater role in parliament's legislative work and leadership. To a large extent, these changes were achieved by endogenous rule amendments, especially as the majority sought to consolidate its position within the Rada. Internal tinkering was the primary instrument of institutional engineering, which helped to promote the nascent institutionalisation of factions, permitting them to play a larger role in shaping the parliament's capacity to exercise key functions of the state.

However, the role factions, and hence parliament itself, could play in Ukrainian politics was circumscribed by the broader institutional nexus and political context. Given the absence of a substantial role for parliament in government formation, incentives for factions' institutional consolidation and co-operation (as with political parties more generally) remained poor. The president consistently demonstrated his interest in feeble, fluid factions susceptible to his own influence or that of his allies in parliament. The tactics pursued by these agents to split and break factions ensured that the latter remained fragile and mutable institutions. Although factions assumed the prime position in parliament, their weakness meant that parliament itself remained open to external pressure and thus incapable of providing genuine 'checks and balances' to the executive, such as legislative scrutiny, oversight and popular accountability.

The Ukrainian case illustrates how faction institutionalisation is central to the development of structured, coherent and autonomous parliamentary activity and also the deleterious consequences of weakly developed party caucuses to democratic procedure and parliamentary capacity. Furthermore, the case demonstrates how the process of institutionalisation of parties in post-Soviet parliaments is mediated between 'higher order' rules such as the Constitutional framework, endogenous rules and powerful external actors such as the president. This implies that although specific institutional reforms can help to promote party consolidation and parliamentary development, the attitude of the president to such reforms will critically affect institutional outcomes.

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<sup>1</sup> See, for example, David Olson and Philip Norton, 'Legislatures in Democratic Transition' in Olson, D. and Norton, P. (eds.), The New Parliaments of Central and Eastern Europe (L: Frank Cass & Co, 1996), p.10 and S. Bowler, D. Farrell and R. Katz, Party Discipline and Parliamentary Government (Columbus: Ohio State University Press, 1999), p.3.

<sup>2</sup> Samuel Huntington, Political Order in Changing Societies (New Haven: Yale University Press, 1968), Giovanni Sartori, Parties and Party Systems (L: Cambridge University Press, 1976) and Michael Mezey, 'Legislative Development and Political Parties: The Case of Thailand' in Boynton and Kim (eds.), Legislative Systems in Developing Countries (Durham, NC: Duke University Press, 1975), pp.107-141.

<sup>3</sup> These potential functions have been extrapolated from Sartori, (1976), Michael Mezey, 'Classifying Legislatures' in Philip Norton (ed.), Legislatures (Oxford: Oxford University Press, 1990), pp.149-176, Huntington (1968), Alan Ware, Political Parties and Party Systems (L: Oxford University Press, 1996) and Stanley Bach, 'From Soviet to Parliament in Ukraine: The Verkhovna Rada during 1992-4', in Olson and Norton, pp.213-230.

<sup>4</sup> Nelson Polsby, (1990(1975)), 'Legislatures', in Norton, pp.138-41 and Huntington, pp.12-24.

<sup>5</sup> The percentages of party members in the faction were: Communists 93 per cent, Left-Centre 76 per cent and Progressive Socialists 71 per cent.

<sup>6</sup> For example, Viktor Medvedchuk and Hryhory Surkis' SDPU(o), Oleksandr Volkov's Revival of the Regions (later renamed Democratic Union), Viktor Pinchuk and Andriy Derkach's *Trudova Ukraina*, Yulia Tymoshenko's Fatherland, Petro Poroshenko's Solidarity, Mykhailo Brodsky's *Yabluko* and Volodymyr Rybak's Regions of Ukraine.

<sup>7</sup> These included *Trudova Ukraina*, Solidarity, *Yabluko* and Fatherland.

<sup>8</sup> See H. Schröder, 'El'tsin and the Oligarchs: The Role of Financial Groups in Russian Politics Between 1993 and July 1998', Europe-Asia Studies, Vol.51, No.6 (1999), pp.957-988.

<sup>9</sup> The Greens had 79 per cent party members, SDPU(o) and the People's Democrats had 48 and 42 per cent respectively.

<sup>10</sup> In Rukh, 89 per cent were party members and over half were re-elected deputies; the rest consisted of a mix of party workers, local politicians and a few entrepreneurs.

<sup>11</sup> Non-party members appeared on many party lists (except the Communist Party). In total, 31.5 per cent of deputies were not party members.

<sup>12</sup> Resolution of the Verkhovna Rada 7/XI, 13 May 1998. The reduction of the minimum faction size from 25 to 14 was deemed necessary because both the Progressive Socialists and SDPU(o) won only 14 seats on

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the electoral list and these parties, having overcome the 4 per cent threshold should have the right to their own faction.

<sup>13</sup> *Hromada*, former Prime Minister Lazarenko's parliamentary power base, proved willing to vote with the left on many occasions, but together they only had a plurality of 214 votes.

<sup>14</sup> Decision of the Constitutional Court, N17-rp/98, 3 Dec. 1998.

<sup>15</sup> NDP split twice in two months, forming the deputy groups Revival of the Regions and *Trudova Ukraina* – both were led by powerful entrepreneurs who doubled as presidential advisors. Rukh, SDPU(o) and *Hromada* also split during this period.

<sup>16</sup> At this point, Ukraine was in danger of defaulting on its external debts and the IMF and World Bank had suspended lending in autumn 1999.

<sup>17</sup> In particular, SDPU(o) and Revival of the Regions demanded the removal of Deputy Prime Minister Yulia Tymoshenko who was in charge of reforming the energy sector, where these factions had substantial interests. Tymoshenko, however, was the leader of the Fatherland faction, who threatened to leave the majority if she was sacked.

<sup>18</sup> The official results were unambiguously in favour of all four questions – 85 per cent for giving the president the power to dissolve parliament if it fails to form a majority or pass a budget, 89 per cent for the removal of deputies' immunity from prosecution, 90 per cent for reducing the number of deputies from 450 to 300 and 82 per cent for a bicameral parliament.

<sup>19</sup> The president's bill was legally flawed. For more details, see *Den'*, 27 April 2000.

<sup>20</sup> Cracks in the majority appeared as early as September with a few key voting defections by the right, who were joined tactically by the leftist opposition. For example, see *Zerkalo Nedeli*, 15 Sept. 2000.

<sup>21</sup> Huntington, p.22.

<sup>22</sup> Ozbudan, cited in S. Bowler, D. Farrell, and R. Katz, pp.4-5.

<sup>23</sup> Erik Herron, 'Causes and Consequences of Fluid Faction Membership in Ukraine', *Europe-Asia Studies*, Vol.54, No.4 (2002), pp.625-639, T. Clark, S. Holscher, and L. Hyland, 'The LDLP Faction in the Lithuanian Seimas, 1992-1996', *Nationalities Papers*, Vol.27, No.2 (1999), pp.227-246.

<sup>24</sup> Herron, pp.625-639.

<sup>25</sup> The formation of both Independents and a separate Peasant faction were questionable in the framework of the existing *Reglament*, but were allowed to register pending the Constitutional Court ruling.

<sup>26</sup> Author's calculations based on lists of deputy movement between factions provided by Laboratory F4. These results concur with the statistical analysis of faction fluidity between May 1998 and Jan. 2001 conducted by Herron, who concluded that the significance of the correlation between mandate type and the likelihood of defection was weak (p.633).

<sup>27</sup> Decision of the Constitutional Court, N17-rp/98, 3 Dec. 1998.

<sup>28</sup> Author's interview with Kostiantyn Shevchenko, Laboratory F4, Kyiv, Aug. 2001.

<sup>29</sup> This subject repeatedly emerged during the course of interviews with secretariat staff and deputies, but they were uniformly vague about who was responsible for applying pressure to their factions. Given the evident discomfort that subject evoked, all related references are anonymous.

<sup>30</sup> For a general discussion of such 'pressure' tactics in Ukraine, see Keith Darden, 'Blackmail as a Tool of State Domination', *East European Constitutional Review*, Spring/Summer (2001), pp.67-71.

<sup>31</sup> *Den'*, 21 Sept. 2000.

<sup>32</sup> For example, during the second session, the Socialists attended 97 per cent of sessions, Communists 93 per cent, compared with 76 per cent for SDPU(o) and 77 per cent for NDP. Haran and Maiboroda, p. 141.

<sup>33</sup> Anatoly Tkachuk and Kostiantyn Lykhodiy, 'Fraktsii v Ukrains'komu Parlamenty', *Visnyk Prohramy Spryannia Parlamentovi Ukrainy*, Vol.1, No.36 (1999), pp.12-16.

<sup>34</sup> Resolution N1400/XIV, 21 Jan. 2000.

<sup>35</sup> Laboratory F4, *Infomatsiyho-analitychnyi daidzhest Verkhovna Rada – tyzhden'*, Nos.11-16, (2000)

<sup>36</sup> Laboratory F4, *Infomatsiyho-analitychnyi daidzhest Verkhovna Rada – tyzhden'*, nos.1(17)-11(28), 12(29) (2000).

<sup>37</sup> The key difference was in the patterns of tactical voting coalitions between faction – mainly between the centre and right, but also key decisions were passed by centre-left and left-right alliances. See roll-call votes, [www.rada.kiev.ua](http://www.rada.kiev.ua)

<sup>38</sup> The factions *Hromada*, the Peasant Party and the Progressive Socialist Party are not included in this section as they were dissolved prior to the fieldwork in 2000, also Party of Regional Revival and Unity who formed after 2000. In these cases, sufficient information about their internal organisation was not available.

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- <sup>39</sup> Given that faction documents were not made public during the convocation, evidence was gathered from interviews with faction secretariat staff and deputies, April-August 2000.
- <sup>40</sup> For example, Deputy Prime Minister, Mykhaylo Hlady, attended Rukh-Udovenko's meeting, 3 June 1999 (Poriadok dennyi zasidannia fraktsii 3 chervnia 1999).
- <sup>41</sup> For example, Rukh adopted Polozhennia pro fraktsiiu Narodnoho Rukhu Ukrainy, 3 Oct. 1999. Later Rukh-Udovenko and Reforms-Congress adopted joint rules (Polozhennia pro ob'ednannia fraktsiy, 5 Nov. 1999.) The Socialists had Reglament pro robotu fraktsii SPU-SelPU "Livii Tsentr", undated.
- <sup>42</sup> Author's interviews with senior member of Rukh-Udovenko secretariat staff, Kyiv, May 2000 and a deputy of the Socialist faction, Kyiv, July 2000.
- <sup>43</sup> Article 4.2.4. of the *Reglament*.
- <sup>44</sup> For more information on the speaker's role in agenda setting, see Sarah Whitmore, Building Institutions in Ukraine: The Case of Parliament, 1990-2000 (PhD, University of Birmingham, 2002), pp.187-189.
- <sup>45</sup> This view was expressed in many interviews, for example, by Green faction leader, Vitaly Kononov who attended these meetings (Author's interview, Kyiv, July 2000).
- <sup>46</sup> Verkhovna Rada Resolution no.1544/III, 16 March 2000.
- <sup>47</sup> Faction leaders would, as in the case of Solidarity, report where only a portion of their deputies agreed to vote for a bill. (Author's interview with Green faction leader, Vitaly Kononov, Kyiv, July 2000).
- <sup>48</sup> Figures for the 4<sup>th</sup> session from *Holos Ukrainy*, 1 April 2000 and for the 5<sup>th</sup> from Dovidka pro resul'taty rozhljadu proektiv zakoniv za period 5 sessii prepared by the Chief Organisational Department of the Verkhovna Rada Secretariat, July 2000.
- <sup>49</sup> For example, see Roman Bezsmertniy, 'Prezident Ukrainy i Verkhovna Rada Ukrainy', *Viche*, Vol.7, No.100 (2000), pp.37-8.
- <sup>50</sup> One case where such a bill was actually passed was the leftist-led law to freeze prices on public services in July 1999, which was later annulled by the Constitutional Court.
- <sup>51</sup> Verkhovna Rada Resolution N1426/III, 8 Feb. 2000.
- <sup>52</sup> Author's observation of plenary sessions, May-July 2000. For example, on the amendment to the Law 'On electro-energy', 22 June 2000.
- <sup>53</sup> Author's interview with a deputy and member of Fatherland, Kyiv, June 2000.
- <sup>54</sup> Ibid.
- <sup>55</sup> For instance, both SDPU(o) and Revival of the Regions made demands of cadre changes, before finally voting for the government's programme 'Reforms for Prosperity'.
- <sup>56</sup> For example, the law on the Cabinet of Ministers was passed and vetoed twice between 1998-9. Holos Ukrainy, 12 Dec. 1998 and 8 Oct. 1999.
- <sup>57</sup> The most pertinent example being the president's bill no.5200, to implement the constitutional changes according to the results of the April 2000 referendum.
- <sup>58</sup> See interview with Verkhovna Rada Secretariat Head, Vyacheslav Koval', Holos Ukrainy, 14 June 2000.
- <sup>59</sup> Ibid.
- <sup>60</sup> This was confirmed by Leonid Kravchuk, Den', 21 Sept. 2000.
- <sup>61</sup> The main parties in the bloc were *Trudova Ukraina*, Party of Regional Revival and NDP. For examples of reports of pressure on deputies to join the United Ukraine faction, see Zerkalo Nedeli, 13 April 2002 and/or Radio Liberty's Poland, Belarus and Ukraine Report, Vol.4, No.22, 4 June 2002.
- <sup>62</sup> For examples, see The Washington Post, 17 Dec. 2002.