

The great experiment: Zelensky the new president of Ukraine

Tadeusz Iwański

According to exit poll results published after polling stations were closed, the presidential election in Ukraine has been won by Volodymyr Zelensky, who garnered around 72,7 % of the vote. Official voting results will be published by the Central Election Commission by the end of April and may differ slightly but not significantly enough to result in victory for his opponent. The election process was in principle peaceful. No serious incidents were seen that might change it's the result or cast doubt on it. Pursuant to the constitution, the new president must be inaugurated within thirty days of the announcement of the official election result.

Commentary

- Zelensky owes his success to the fact that he is viewed as not belonging to the political class. His campaign was built on his opposition to the existing elite. Zelensky managed to win the support of voters across all age groups and regions of the country who share a strong disenchantment with the rule of Poroshenko (a professional politician and oligarch) and his party – according to opinion polls, 40% of the electorate cast their vote for Zelensky as an expression of their protest against the present political class. It needs to be noted that he received the support of both supporters of bolder reforms, who are disappointed with the stagnation of the state modernisation process, and of the pro-welfare and relatively pro-Russian electorate tired of the costs of the post-Maidan transformation.
- There are no indications that President Poroshenko will refuse to accept his defeat and relinquish power in a manner similar to the standards of democratic states. Over the past few weeks, the incumbent president's efforts have been focused on mobilising and consolidating his electorate and preventing his own political camp from falling apart. He also aims to ensure a good result for his party in the parliamentary election scheduled for 27 October.
- The new president's inner circle is diversified. However, three major groups can be determined. These are: friends and associates from the Kwartal 95 firm, including Ivan Bakanov, the president of the Servant of the People political party; the people of oligarch Ihor Kolomoyskyi (who supports Zelensky); and experts in individual areas of state governance (security, foreign policy, education, healthcare, etc.). It seems that so far the group of people with whom he has co-operated for a long time and the advisors linked to Kolomoyskyi have had the strongest influence on Zelensky. In turn, the experts usually

play the role of Zelensky's spokespeople who publicly present ideas for reforming the state in individual areas. The first nominations in his administration will show what the real balance of forces in the new president's inner circle is.

- The most influential oligarch in the new president's milieu is Ihor Kolomoyskyi, the owner of the 1+1 TV station which broadcasts the productions of Kvartal 95. Kolomoyskyi is also looking for revenge as an opponent of President Poroshenko. Many facts suggest that Zelensky's connections with him go far beyond business contacts. Zelensky's inner circle includes a few individuals, for example, the lawyer Andriy Bohdan and the co-owner of Kvartal 95 Timur Mindich, whose links with the oligarch cannot be denied. According to reports from Ukrainian investigative journalists, over the past two years Zelensky has visited Kolomoyskyi in Switzerland and Israel thirteen times. Another oligarch who is making attempts to influence Zelensky is Viktor Pinchuk, the son-in-law of the former president Leonid Kuchma, the owner of three popular TV stations and an advocate of Ukraine's integration with the trans-Atlantic community.
- Zelensky has no precisely defined political manifesto. He claims he will not seek re-election, and that his goal is to reform the country and 'bring it back' to the citizens. His first legislative initiatives are expected to include bills on the president's impeachment and on depriving deputies and judges of immunity. He has also promised to pass a package of laws deregulating the economy, introducing a 5-percent tax amnesty, to establish a professional and transparent Financial Investigation Service and to pass new voting laws envisaging open election lists and the cancellation of single-member constituencies. He wants Ukrainian to remain the only state language, but he also supports a more liberal policy as regards using Russian in public life.
- Zelensky knows little about foreign policy, and there are no people experienced in diplomacy and international relations among his official experts. According to pre-election promises, the main goal on the international arena will be to bring about a genuine ceasefire in the Donbass. This will be achieved by expanding the so-called 'Normandy format' to include the USA and the United Kingdom. However, this initiative has no chance of success due to the lack of consent from Russia. The Kremlin will attempt to capitalise on the new president's lack of experience to force him to make concessions during a possible bilateral meeting on the presidential level. Moscow seems to have begun preparations for this event. Over the past few weeks, the Russian media have been praising Zelensky, while the Kremlin's most recent moves – the embargo on exports of oil, coal and petroleum products to Ukraine (which is to take effect on 1 June) and the promised issuing of Russian passports to residents of the unrecognised republics in the Donbass – may serve to create a pretext for holding bilateral talks.
- In the next six months, Zelensky will make efforts to maintain the mobilisation of his electorate at its maximum and then to capitalise on this during the October (at the latest) parliamentary election so as to introduce to parliament as many deputies as possible representing the Servant of the Nation party. Without a strong representation in parliament and participation in the government coalition, Zelensky's influence on political processes in the country will be small, considering the constitutional restrictions (see Appendix). This means that the new president will try to conduct a non-controversial policy, and the likely conflict with parliament will be used as an excuse for the failure to

conduct reforms.

- It is also possible that the new president will make efforts to disband the Verkhovna Rada (the Ukrainian parliament) and schedule a snap election. There are two different interpretations of the law in Ukraine according to which the parliament can be disbanded on 27 April at the latest or on 27 May at the latest (six months before the date of the new parliamentary election or six months before the expiry of a full five-year tenure of the parliament, respectively). Therefore, while Ukraine's Central Election Commission must publish the official election result by 1 May, and the new president must be sworn in before 3 June, in theory disbanding the Verkhovna Rada of Ukraine would only be possible in the latter case. However, then the camps of the previous and the new president would have to strike a political deal to enable the president-elect to be quickly inaugurated and for successful votes of the government and parliament concerning the date, financing, etc. of the snap election to be held. Technically, this scenario is possible and beneficial to both candidates. It would maintain the mobilisation of their electorates, providing them both with the chance of achieving a good result. However, it is unbeneficial for other parliamentary and non-parliamentary forces. These hope that Poroshenko's camp will be fall apart and also that Zelensky will soon be discredited. This will result in a reduction of voter support for both politicians.
- Achieving a majority necessary to pass important laws will be difficult but not impossible in the present parliament. A large enough group of deputies who would be ready to back the new president has not yet been formed in the Verkhovna Rada. Nor should it be expected that such a group could be formalised in the coming weeks since political parties are preparing for the parliamentary election and will not support an initiative put forward by a politician who does not belong to their circles. However, it cannot be ruled out that some of the deputies, above all those elected in single-member constituencies (including those linked to Ihor Kolomoyskyi), will back the new president. Similarly, in the case of some laws, for example, the one concerning the president's impeachment, it cannot be ruled out that support will be offered by some parties, for example, Batkivshchyna led by Yulia Tymoshenko, and that an ad hoc majority will be formed to pass certain laws.
- Poroshenko's defeat does not equate to the disintegration of the government coalition, even though there are legal doubts (these are being considered by the Constitutional Court) as to whether the existing coalition formed by the Petro Poroshenko Bloc and the People's Front have the required minimum majority (226 deputies). The head of government, Volodymyr Groysman has not mentioned his intention to step down. However, it cannot be ruled out that the ministers of defence and foreign affairs, who were recommended directly by the president, will hand in their resignations. If this is the case, the parliament may find it difficult to push through new candidates for these positions. As yet, Zelensky has not clearly pointed out his candidates, either.
- The six months preceding the parliamentary election will be a period full of populist claims and chaotic political moves from all the major players. This will be a time of an active campaign ahead of the parliamentary election, the result of which will ultimately decide on the balance of forces in Ukraine and the president's scope of influence. In effect, the speed of reform will be even slower, and some of the already implemented

reforms may be revised.

Appendix

The competences of the president of Ukraine

In principle, in the political system of Ukraine, which returned to being a parliamentary-presidential republic in 2014, the head of state has moderate competences. These competences can be used fully only when co-operation with the parliamentary coalition and the government is good. Unless the political party linked to or controlled by the president takes part in the government coalition and the cabinet of ministers, the president's influence on the country's political life is limited.

Pursuant to the constitution, the president is its guarantor, is in charge of foreign and defence policy and has a say during the nominations of the heads of district and regional state administrations. The president signs acts passed by the parliament and has the right to veto any act passed by the Verkhovna Rada with the exception of acts amending the constitution. The presidential veto can be rejected by the parliament by a two-thirds majority of the statutory number of votes.

As regards political appointments, the president puts forward his candidates for the ministers of foreign affairs and defence to the parliament but may not bring a motion to dismiss them. In the case of the head of the Security Service of Ukraine and members of the Central Election Commission, the president puts forward the candidates to the parliament, and their dismissal must also be approved by the Verkhovna Rada. In the case of attorney general, the president must obtain consent for nomination and dismissal from the parliament. In turn, the heads of district and regional state administrations are nominated and dismissed upon motion from the government. The president personally nominates (amongst other officials) one third of the members of the Constitutional Court, half of the members of the National Council of Television and Radio Broadcasting, the chief of general staff and the senior command of the Armed Forces of Ukraine, and the secretary and members of the National Security and Defence Council (which he chairs).

The competences of the head of state are determined above all in the constitution of Ukraine. Unlike the laws regulating the competences of the government or parliament, Ukraine's legislation lacks a separate legal act that would precisely determine the competences of the head of state. Furthermore, it often happens that the prerogatives of individual government bodies determined in the constitution are contradictory or are formulated imprecisely; this causes frequent conflicts of laws and the need to ask the Constitutional Court for an opinion. However, the members of the court are judges who do not always manifest their full political independence.