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Zelensky: a recipe for the presidency

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Five months since winning the presidential election and two months since the sweeping victory in the parliamentary election, President Volodymyr Zelensky is the unchallenged leader of the country with a dominant political position. The parliament in which his party, Servant of the People, has a majority and the government, staffed according to his wishes, has been tasked with implementing changes in the country's political system and reforms initiated at the Presidential Office. The position of the head of state, who is the keystone of the political system, is additionally strengthened by the continuing record-high confidence ratings. In effect, even though constitutionally Ukraine is a parliamentary-presidential republic, the system actually functioning there at present is presidential.

Although the government appointed on 29 August is in the process of taking over obligations from its predecessor, the recent votes held in the new *Verkhovna Rada* (Ukrainian parliament) provide a preliminary view of the tempo, form and direction of the changes Zelensky wants to make. Economic deregulation is accompanied by amendments of the constitution as part of the fulfilment of the key promises made during the electoral campaign (introducing a procedure for impeaching the president and liquidation of MPs' immunity) as well as legislation aimed at creating a healthier situation at the institutions in charge of the rule of law and abidance of the law. Zelensky seems to have the political will to carry out quick reforms aimed at a thorough modernisation of the state, and the political practice seen during the first few weeks since the formation of the new parliament and cabinet proves that the Presidential Office is the pivotal government centre. At the same time, there are signs that the presidential centre will make efforts to both restrict the opposition's influence and further concentrate power. This latter endeavour may lead to splits inside the parliamentary faction of the Servant of the People, (which is already heterogeneous) and may have a serious impact on the difficulty of governing the country in the longer term.

Governing in practice

Zelensky has de facto total power in the country. This is an effect of his constitutional prerogatives as the head of state and the great influence he has on the government members and deputies from the Servant of the People faction. This influence results both from the fact that a significant section of the deputies owe their seats to the popularity of Zelensky himself and from the high personal ratings of the president, which offer him a strong mandate to carry through his political plans. These are devised in close co-operation with the most-trusted aides from the Presidential Office: its head, Andriy Bohdan (a

seasoned public servant who until 2019 acted as personal lawyer for oligarch Ihor Kolomoysky), the president's first aide Serhiy Shefir (his business partner from the Kvartal 95 firm when Zelensky was engaged in artistic activity) and Andriy Yermak (lawyer and film producer) who is in charge of foreign affairs.

After the presidential election, Zelensky made reshuffles everywhere where parliamentary approval was not required (for example, he replaced almost all governors), believing that this would guarantee success in reforms. In turn, after the sweeping victory in the parliamentary election, he faced a dilemma of how to effectively manage the Servant of the People grouping consisting of 254 members, none of whom have parliamentary experience and who originate from various circles. In effect, a peculiar vertical management system was created: the faction was randomly divided into 15 teams, each headed by one of the deputies of the grouping's president, while they report to the faction leaders and the Presidential Office. By assumption, the parliament is expected to adopt the legislation proposed by the president as urgent without any unnecessary obstructions to fully use the short window of opportunity which, according to the governmental assessments, will last half a year before the faction possibly becomes fragmented or influenced by oligarchs. However, such a *modus operandi* is beginning to be viewed by MPs of the Servant of the People as using them to the president's ends and it is provoking resistance. One manifestation of this was the absence of necessary support for the legislation which envisaged depriving a deputy of his/her seat for leaving the faction with which the said deputy had won the seat (or for refusing to be its member) and the possibility to wiretap deputies without the approval of parliament.

If the extremely rapid tempo of changes is maintained, the new team may expect intensifying criticism from the opposition and oligarchs, who accuse the president of the desire to marginalise the parliament and centralise power in his hands. The temptation to increase the 'political gains' above the level resulting directly from the election outcome is giving rise to a certain degree of concern at present. The dissolution of the Central Election Committee (interrupting the 7-year term of its members on very weak legal grounds) and the intention to undermine the position of Vitali Klitschko as the mayor of Kyiv and impeding deputies in their efforts to amend the legislation may be recognised as examples of such moves.

The direct control of the parliament by the presidential centre results from the awareness of the high degree of diversification inside the parliamentary grouping of the Servant of the People and of the fact that certain sections of it are linked to various government centres and oligarchs. Kolomoysky alone controls at least 22 of its deputies and the For the Future faction consisting of over 20 members elected in the constituencies where the majority system applied. The group linked to Zelensky formed by his trusted aides consists of around 20 people, while most numerous are those deputies (over half of the grouping) who have no political connections and won their seats as representatives of the Servant of the People. This offers Zelensky a strong instrument for disciplining the faction, i.e. threatening to dissolve parliament and schedule a snap election (formally, it is sufficient that 29 deputies leave the faction and a new coalition is not formed within a month).

Directions of the changes

The first decisions of the new parliament were received enthusiastically by the Ukrainian public, lifting Zelensky's popularity ratings to a record-high level (around 70% of the public expressed a positive opinion on the president's activity in September this year in a survey conducted by Rating Group). At the same time, it seems that this is to a great extent an effect of adopting the populist constitutional amendments which were expected by the public and promised by almost each of the preceding political teams: liquidating parliamentary immunity and introducing the presidential impeachment procedure (the former of the amendments must still be approved during a vote on the legislative level, which met with resistance from deputies). Another direction of the president's activity comprises reforms and reshuffles at the institutions in charge of the rule of law and abidance of the law. This entails the need to conduct radical organisational changes inside the structures of the prosecution authorities, courts and secret services. It took the president the least time to initiate the process of change inside the prosecution authorities. Upon his motion, the parliament passed an act initiating a radical reorganisation of the prosecution structures. The Prosecutor General's Office is being liquidated to be replaced with the Office of the Prosecutor General. This move will make it possible to apply the 'zero option'; setting up a new institution will facilitate the process of recruitment and verification of prosecutors. According to plans presented by Prosecutor General Ruslan Ryaboshapka, the employment level at the prosecution authorities will be reduced from 15,000 to 10,000. In the new model, the prosecutor general will supervise two separate bodies: the Anti-Corruption Prosecutor's Office and the Military Prosecutor's Office, while the position of the Chief Military Prosecutor will be liquidated.

Another important step was to statutorily determine a set of clear rules of operation of the High Anti-Corruption Court (HACC). Since it was established in June 2018, its work was paralysed because all corruption cases were addressed to it, regardless of the degree of their significance, which prevented this institution consisting of 38 judges from effectively conducting proceedings. From now on, the HACC will consider cases conducted only by the National Anti-Corruption Office and the Anti-Corruption Prosecutor's Office, and only those concerning corruption involving senior state officials.

Changes in the judiciary were also passed in the first reading. These are expected to improve the operation of courts and exclude corrupt judges from the profession. Another key issue is streamlining the operation of the High Qualification Commission of Judges, whose twelve members are elected as part of a contest by the Supreme Council of Justice. It will be tasked with approving candidates for judges at common courts of law. It should be expected that Zelensky's team will make efforts to conduct the vetting of judges as part of which there will be an evaluation of their ethics while carrying out their official obligations during the period preceding the vetting.

Challenges

President Zelensky's team is building its political position on the criticism of the activity of the previous president, Petro Poroshenko. The rapid tempo of the changes is expected to show that thorough reforms are possible in Ukraine and that professional politicians are not needed to conduct them. The direction of the reforms suggests that the government is determined to repair the state, an essential element of which will be the reshuffle. So far, the

parliament passed the changes that were appreciated by public opinion, but the further modernisation of the state also requires making some unpopular moves (for example, the promised land market reform which has more opponents than supporters). It also seems that Zelensky is not guided by a consistent strategy that would determine a detailed schedule and shape of the reforms (it may be presented in October in the expected statement by Prime Minister Oleksiy Honcharuk).

Regardless of the broad scope of power, formal and informal alike, Zelensky will find it challenging to maintain an efficient system of carrying out the intended reforms, above all co-operation with the parliament and cabinet. As regards this aspect, it will be essential to partly empower some deputies and ministers regardless of their real dependence on the president. Overcoming the resistance posed by the bureaucracy and professional corporations (judges, prosecutors, etc.) will be another problem. Since Ukraine regained independence, numerous vital reforms have been passed there. However, the main challenge has been posed by the ineffective implementation of the reforms.

The development of a model of relations with oligarchs will be another challenge on which the success of the reforms depends. This above all concerns Kolomoysky, whose support during the election campaigns significantly contributed to the victories of Zelensky and the Servant of the People. Kolomoysky openly manifests his good relations with the new government and has an influence on around 40 deputies, which offers him a strong bargaining chip in contacts with the government, especially in case the president's influence on the Servant of the People faction weakens. Therefore, it seems that, considering Kolomoysky's high aspirations, which are articulated in his frequent contacts with the press, his conflict or deal with Zelensky may be just a matter of time.