

# **Will Government Work in the Parliament? Outlook for Reformation of the Power System in Ukraine**

*(By Svitlana Kononchuk, Political Program Head, UCIPR)*

Every new election is intriguing concerning the question: Who will have the power? Certainly, the point of these changes can be hardly estimated before familiarity with the draft text of the new Constitution. Though, it is already known that project developers propose to introduce a new feature in the system, which is the combining of a representative mandate with the activities in the government. Such an approach foretells the so-called revolution within the power system. Hence, let's try to get to the point. What caused the introduction of this initiative, which can substantially modify the power system? Does it justify itself? Doesn't it contradict the principal idea of democracy which is the distribution of power?

Properly speaking, this approach is not that new but has never been used in Ukraine regarding the organization of the parliament's and government's work. Nominally, the first restriction for the combination was registered in the Constitutional Agreement of 1995 between the Verkhovna Rada of Ukraine and the President regarding the basic principles of organizing and functioning of the state power and local self-governments in Ukraine. Ideas concerning expediency of such combination appeared from time to time in the past (for example in one of the draft bills regarding the Cabinet of Ministers of Ukraine which has been never approved). Though, those politicians who preferred the distribution of power into the legislative, executive and judicial branches took to the idea sluggishly and were not ready to discuss the expediency or in expediency of the combination of a governmental post and a representative mandate. Nevertheless, the idea of modification of the power system forces to pay more attention to both political and administrative values of new ideas.

Paradoxically at first sight, the holding of more than one official post exists in the British government. Historically speaking the formation of government does not change as it strengthens parliamentary control over the government regarding the parts of making decisions and reporting on activities. In the so-called Westminsterian power system (England, New Zealand, Canada, Australia) there are no legally registered (but only legally!) limits of the parliament's competence, and there is no formal distribution of the power between its legislative and executive branches. Relations between the government and parliament are regulated on a basis of case laws with the help of constitutional conventions which change constantly, though their legal succession is preserved. Even the very term "executive power" is used quite rarely; instead the notion "central government" is preferred. The government leans on a stable parliamentary majority and factions of an opposition which works through its "shadow government". Such a state of affairs creates an atmosphere of debates in the parliament and excludes the possibility of unofficial or closed decision making. Such practices also decrease the level of corruptive decisions, as transparency and publicity are mechanisms to avoid bribery.

British people are convinced that such a system corresponds to the principles of democratic control over governmental activity, as the determinative feature of it is supremacy of law and participation of citizens in the process of giving every politician a personal mandate for realization of power on the behalf of the people. According to

this system the government is represented by members of the parliament only, and cannot be formed by just “good guys”, prime minister’s friends, who failed to pass election (or never took part in it) and personal selection by citizens. It is needless to say that “closed” election lists would be taken with surprise and incomprehension by nationals of Her Majesty (in Great Britain candidates are elected in single-seat districts, number of which is equal to number of seats in Lower Chamber). Hence, the government in England is controlled not only by means of the parliament but elections as well, in contrast to the completely constitutional order of the formation of government in Ukraine since 2006.

Besides, the principal and integral feature of this model is a strong system of state administration, headed and governed by specialists of that sphere according to which policy is carried out – family, health, military cooperation, communal service, migration, etc. That is another watershed that differentiates between decision making (the political process) and realization (the administrative process), which also prevents corruption. Officials of public administrations (state bodies) have no right to be engaged in politics and take part in elections. Such restrictions make state administrative bodies completely indifferent to politics and subdue the nervousness of officials of ministries and departments, whose work is not linked to political perturbations. In addition, it will remove from the agenda Ukrainian pseudo-discussions like what are the vacations for Ukrainian ministers and top managers of the state administration during the election period – a right or an obligation?

We cannot but hope that developers of a new power system in Ukraine will consider every detail and will correspond it to other elements of the system. Thus, the correct answer to the question why people don’t fly as birds is “because they are not birds”, but not “because they don’t have wings”. Only wings were not enough for Icarus to fly.

It is no doubt that a good realization of the idea of the combination of a post in the government with parliamentary work may become a detonator for changes in the system of state government, if only it is a real system of public administration on all levels, like in European countries.

To introduce this idea into the power system, what is needed is to review the principles of activities of the government and the parliament, which includes a revision of the formation of the majority in the parliament (a coalition must be formed by a winner of the election but not “on grounds of agreements”), a revision of the determination of grounds for a vote of no confidence, a new determination of functions and status of ministers-politicians and state officials, a way of payment for ministers and state officials, the depoliticization of public administrations and other connected mechanisms of formation and the realization of power as the democratic right of citizens for self-government. We also should not ignore the essential difference of the Ukrainian power system from the British one, which is the influence of the President. It is worth analyzing separately the compatibility and cooperation of the proposed model with the institution of the Presidency.

Unity of parliamentary and governmental activities of ministers is proved by the successful practice of the Westminsterian model. Taking into account the fact that Ukraine’s political system is completely different from the British one, this idea needs calculated approaches, estimation of consequences, correct application and adequate legal accompaniment. The most important demand of citizens of a country

of any power system is representation of interests and proper administration to carry out political rights and civil freedoms.

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