

# Military Parliamentarism: Features of the Work of the Verkhovna Rada of Ukraine under Martial Law



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## Annotation

This issue of the “PARLIAMENT” Journal demonstrates how the Verkhovna Rada of Ukraine has adapted to the conditions of a full-scale war and martial law. The Ukrainian Parliament faced unprecedented challenges and the need to restructure its work. These were challenges of a security, political, technical and administrative nature. The text describes the mechanisms by which the Verkhovna Rada tried to overcome them and analyses the extent to which it succeeded. To prepare the study, the authors conducted a regulatory assessment, analysed open sources, and interviewed key parliamentary stakeholders. The process of this adaptation was divided into thematic blocks for a detailed description and analysis of all aspects of the Parliament’s work. Based on the findings of the analysis, some recommendations were made to correct the problematic processes faced by the Verkhovna Rada.

# Methodology

**The preparation of this issue of the PARLIAMENT Journal included two stages: desk research and expert interviews with stakeholders.**

The desk research includes:

- › regulatory analysis (primarily of parliamentary law acts relating to the rules and organisation of the Verkhovna Rada's work);
- › open resources analysis related to the work of the Parliament (agendas, electronic protocols, transcripts of meetings, documents related to the oversight function, in particular, the work of the PIC);
- › analysis of violations of the Rules of Procedure (mainly violations of the deadlines for drafting laws);
- › analysis and statistical processing of data from the open data portal of the Verkhovna Rada.



Following the completion of the first part of the desk research, in-depth expert interviews were conducted with MPs and heads of structural units of the Verkhovna Rada's Secretariat. After the interviews, the information provided by the stakeholders was verified, where possible, against open sources, statistics, legislation, etc.

Thus, the study contains both objective (including quantitative) data obtained during the desk research and subjective assessment and interpretation of events and processes by stakeholders. The combination of these two research methods enabled a comprehensive analysis of the process of the Verkhovna Rada's adaptation to martial law.

The timeframe of the study covered the period from 24.02.2022 – the date of introduction of the martial law regime in Ukraine – to 24.02.2023 – the anniversary of the martial law, which almost corresponds to the end of the 8th session of the VRU of the IX convocation.

This time period was also compared with previous periods of the Verkhovna Rada's work.

# Summary

An overview of the activities of the Verkhovna Rada of Ukraine during the year of martial law makes it clear that the Parliament was able to adapt to operating under unprecedentedly high security risks and to exercise its constitutional powers. This adaptation was largely informal, with major changes to the legislative process not reflected in regulations. The Rules of Procedure of the Verkhovna Rada remained unchanged, and some of its provisions were simply ignored by MPs by consensus.

Some of the new practices can be characterised as abuses under the guise of martial law, while some of them, on the contrary, have shown their progressiveness and improved certain aspects of the Ukrainian Parliament's work.

Overall, the Verkhovna Rada has undergone the following changes while adapting to the new conditions:

## 1. Changes in the working hours of the Verkhovna Rada of Ukraine

Since 24.02.2022, the Parliament has been working in a continuous plenary session that lasts for the entire session. This adaptation step proved to be successful, as it enabled the Parliament to organise sessional meetings as quickly as possible as soon as the need arose. The continuous meeting format also ensured the necessary level of security for the meetings, which could be held on any day at any time, regardless of the calendar plan of the session. However, the regulatory norms were not adapted to the format of a continuous plenary session, which caused a certain distortion of their content in law enforcement.

## 2. Adaptation of the way MPs and employees of the Verkhovna Rada's Secretariat work amid the fighting for Kyiv

The proverbial "every cloud has a silver lining" perfectly describes the Verkhovna Rada's experience in remote work during the coronavirus pandemic. The legislative framework was ready for the Rada to work remotely, gathering at Hrushevskoho Street only for plenary sessions and voting. Committee meetings were held via videoconference, the electronic

document management system allowed drafting, approving, signing, and registering draft laws remotely, and the processes established during the coronavirus pandemic allowed employees of the Secretariat's structural units to connect remote workplaces.

The practices and experience available at the beginning of martial law allowed the Verkhovna Rada to switch to remote work much faster and more efficiently and significantly reduce the loss of efficiency from this transition. However, the legal framework for remote work, including that of the committees, remained unchanged – the same as that which had been in place since the adaptation to the coronavirus pandemic.

### 3. Restriction of information about plenary sessions

The restriction of information is precisely the kind of forced decision that has both positive and negative consequences. On the one hand, it was necessary to ensure the safety of MPs and the staff of the Secretariat, but limiting the openness and transparency of political processes for a long time may threaten the democratic achievements of today's Ukraine.

Receiving information about the agenda and voting results post facto (two hours after the end of the plenary session) significantly limits the possibility of exercising public control over the adoption of important state decisions. Working without live television broadcasts of the meetings limits the opposition's ability to publicly influence the coalition's decision-making. In addition, this semi-closed format of work allows MPs to feel more free to violate the Rules of Procedure in the plenary hall without feeling the pressure of cameras and public condemnation. The publication of videos of the Verkhovna Rada's sessions cannot solve this problem, as the rush hour for news production is in closed mode, and the "United News" telethon imposes certain peculiarities on the coverage.

### 4. Refusal to discuss draft laws during plenary sessions

This is another forced ambiguous decision. On the one hand, it significantly accelerated the decision-making process, which was especially important in February-April 2022. On the other hand, when MPs received agendas half an hour before the vote, some of them might not even understand what decision they were supposed to vote for.

The lack of debate on laws in the first reading even a year after the outbreak of war was particularly unjustified. By this time, the increase in the duration of meetings no longer had the same effect on the safety of MPs, but the first reading debate was abandoned.

## 5. Consensual decisions

The enemy's offensive united all political forces in the Parliament and put aside political struggle between them, at least in the first 2-3 months of martial law. Only those decisions that were not strongly objected to by parliamentary factions and groups were submitted to the plenary hall.

The understanding of the importance of quick decisions to ensure the functioning of the defence and law enforcement forces and to demonstrate the unity of Ukrainian politicians in confronting the enemy generated an absolute consensus both within factions and groups and in the Parliament as a whole.

Each of the decisions of that time received about 300 votes in favour. In fact, the votes of all MPs present at the meeting.

## 6. Non-public working mode of the Conciliation Board of parliamentary factions and groups

The reason for holding meetings of the Conciliation Board in a non-public mode was the need to prepare and agree agendas before the meetings without disclosing information about the time and date of the meetings, as well as without disclosing the content of the acts to be proposed to the Rada for adoption.

The effect of this format of meetings was amazing. Instead of expressing political positions through the TV cameras, MPs constructively discussed draft agendas. That is, the Conciliation Board really started working as a politically advisory body and fulfilled the purpose for which it was established.

The Conciliation Board has transformed from a platform for political statements into an effective advisory body for preliminary preparation and consideration of organisational issues of the Verkhovna Rada, as stipulated by the Rules of Procedure.

## 7. Realistic agendas

Meaningful discussion of draft laws by the Conciliation Board allowed it to formulate adequate, realistic agendas that the Verkhovna Rada could consider during the scheduled session or sessions. The practice of creating a list with twice the number of draft laws, which had been in place before martial law, was discontinued.

The list with the actual number of draft laws allowed MPs to work on them more efficiently during the 8th session, improving the quality of MPs' preparation for plenary sessions. During the first half of the year, MPs were deprived of the opportunity to examine draft laws before they were adopted, as they received the agenda immediately before the meeting. If the trend of realistic agendas continues, it will definitely have a positive effect on the lawmaking process

8. Increased number of cases when committees revise their opinions on draft laws prepared for the second reading, which directly impacts the final quality of the text of the draft laws

This phenomenon is a derivative of the improved work of the Conciliation Board.

The possibility for a committee to reconsider a draft law prepared in accordance with its decision for the second reading, if the Main Legal Department has comments on the provisions of such a draft law, is provided for in Article 118(6) of the VRU Rules of Procedure. Prior to the introduction of martial law, this provision was not used very often, but during the year of full-scale war, its popularity increased significantly.

Until 24 February 2022, it was quite common for the main committees to disregard the comments in the legal expertise reports on draft laws being prepared for the second reading. However, when a meaningful discussion of a draft law takes place at a meeting of the Conciliation Board and the position of a member of the Board coincides with the comments to the draft law, it becomes much more important to the Committee, and the Committee chairs agree to reconsider their conclusion. This practice undoubtedly contributes to improving the quality of draft laws.

## 9. Conducting legal expertise when adopting draft laws as a basis in the first reading

The urgency of adopting laws necessitated the shortest possible legislative procedure, whereby draft laws were adopted immediately in the first reading. In this regard, the Main Legal Department gave no opinions on the draft laws, as the Department's Rules of Procedure require it to prepare them for consideration in the second reading.

Nevertheless, the Department's experts remained engaged in the process, reviewing the draft laws at the registration stage and providing comments to the main committees. The committees, in turn, incorporated the comments of the Legal Department into their conclusions, presenting them as proposals of the committee members. This new extra-regulatory practice, which was in place for the first few months of martial law, helped to ensure that draft laws were reviewed without a second reading and, in the opinion of some stakeholders, ensured that the quality of laws was even higher than in the pre-war years.

Such an assessment of the effectiveness of this practice suggests that it should be included in the special procedure for the work of the Parliament in the conditions of martial law and/or a state of emergency.

## 10. Increasing the number of cases of expanding the subject matter of draft laws between the first and second readings

This lawmaking mechanism is provided for in Article 116(1) of the Verkhovna Rada's Rules of Procedure. In 2022, about 42% of laws were adopted using this provision. On the one hand, this statistic indicates a certain imperfection in the content of registered draft laws, as they do not change the entire set of rules necessary to regulate the relations covered by the draft law. On the other hand, Article 116(1) (proposals and amendments must correspond to the subject matter of the legal regulation of the draft law) was often used to expand the subject matter of legal regulation of draft laws, which is a direct violation of the provisions of the same article.

In this way, parliamentarians deliberately violated the rule by creating "nesting doll draft laws". This practice was nothing new for the Verkhovna Rada, but with the introduction of martial law, its use became much more frequent. First and foremost, it was used to speed up the adoption of important and

urgent legislative changes. These changes include the expansion of the powers of the Verkhovna Rada and the President, the creation of the Research Service, etc. This practice clearly violates the Rules of Procedure and is hardly justified even in wartime.

#### 11. Inadequate adaptation of standard regulatory procedures to wartime conditions, which led to large-scale violations of the Verkhovna Rada's Rules of Procedure

A total of 2/3 of the draft laws were adopted with violations of the Rules of Procedure. However, the share of such draft laws is almost equal in the first and second half of martial law, which indicates that there is no downward trend in the number of violations. Also, the consistency of this indicator throughout the year indicates that there is no direct causal link between violations of regulatory procedures and physical threats to MPs in their workplaces.

Notably, the majority of violations can be assessed as non-critical, and are committed deliberately by MPs, which logically necessitates two actions

- 1) to work on improving parliamentary discipline in order to reduce the number of actions that violate the Rules of Procedure;
- 2) to amend the Rules of Procedure to reduce excessive overregulation of procedures.

The current actions of parliamentarians necessitate an audit of all laws that have been subject to violations during the adoption process, so that none of them is at risk of being unconstitutional.

A more global need that arises from such a significant number of violations is the need to establish a special procedure for adopting laws during the martial law regime.

A year of lawmaking under martial law has provided the necessary experience and a clear understanding of the specifics of the Parliament's work in such conditions, and has demonstrated the objective feasibility of a special procedure.

## 12. Weakening of the oversight function

During the martial law period, the Parliament's oversight function became somewhat less effective and much less visible. The insignificant impact of the war on the Parliament's performance of this function is not due to MPs, the Verkhovna Rada Secretariat or the parliamentary oversight procedures adapted to the wartime conditions. Rather, the decline in efficiency was subtle due to the underdevelopment of this aspect of the Verkhovna Rada's work in peacetime.

The deterioration of parliamentary oversight during the war was primarily due to the introduction of a non-public mode of work of the Verkhovna Rada, which resulted in the absence of an official question hour for the Government, the absence of the Cabinet's reporting at the plenary sessions of the Parliament, and the transfer of hearings of the executive branch from the Parliament's sessions to the Conciliation Board and other more non-public formats.

## 13. The fate of MPs from pro-Russian political forces: termination of powers for some and cooperation with the majority for others

The full-scale invasion of Ukraine has led to the need to bring MPs from pro-Russian political forces to political responsibility. In particular, the OPFL political party, whose faction was presented in the Parliament, was banned by a court decision. The parliamentary powers of ten members of this faction were terminated early: half of them based on personal statements, the rest – as a result of the loss of Ukrainian citizenship.

The Rada has not found a solution that would satisfy the public demand to terminate the powers of all MPs elected from pro-Russian political forces without violating constitutional norms.

A total of 40 MPs of the OPFL faction set up two parliamentary groups and continued to exercise their powers and participate in voting. There were cases when the votes of these groups became key to the adoption of laws that were not supported by other MPs of the opposition forces or even by some MPs of the majority.

## 14. Changing roles in the power triangle of the President-Cabinet of Ministers-Verkhovna Rada

The Verkhovna Rada reduced its role in the decision-making system both in terms of formal indicators and informal assessments.

In formal terms, the Government's role in the legislative process increased during the 8th session: the Government's draft laws passed the legislative stages faster, and the share of the Cabinet's laws increased compared to other stakeholders of legislative initiative. Similarly, according to formal indications, the President reduced his role in shaping public policy during martial law.

However, according to informal assessments, almost all stakeholders interviewed noted a significant increase in the influence of the President and his Office in the decision-making process.



# Introduction

On 24 February 2022, Ukraine found itself at the centre of the largest war of the 21st century. This tragic experience is at the same time unique for state institutions that have faced extraordinary challenges.

This experience is also exceptional for the Verkhovna Rada, which is the democratically elected parliament of a major European state. This institution plays a key role in the public administration system in both peacetime and wartime. Its role in the decision-making framework has also made the Verkhovna Rada a target for the enemy to capture or destroy.

Ensuring the physical security of MPs and staff of the Verkhovna Rada's Secretariat while performing their duties has been the biggest challenge since the beginning of the full-scale invasion. In the first months of the war, the fighting took place in the immediate vicinity of the capital, and the Ukrainian Parliament was under the threat of physical destruction. During the first meetings after 24 February 2022, MPs stared fearfully at the glass ceiling of the session hall, expecting Russian missiles.

Along with the physical security of MPs, the legitimacy of the entire Verkhovna Rada of Ukraine has also become a challenge. Some MPs have betrayed their oath of loyalty to Ukraine and fled abroad or even openly defected to the enemy. At the beginning of the full-scale invasion, Russian propaganda spread messages that there were many more such MPs, that the leadership of the Verkhovna Rada had also fled, and that the Verkhovna Rada could no longer make decisions. This would have undermined the legitimacy of the Verkhovna Rada of Ukraine and, consequently, reduced Ukraine's ability to provide centralised and organised resistance to Russian aggression.

Another challenge was the transport collapse, when even getting to their workplaces became a problem for MPs and staff of the Verkhovna Rada Secretariat – public transport was suspended, petrol stations ran out of fuel, and it became dangerous to move around the city.

Despite these challenges, the Verkhovna Rada continued to function and play its role in the decision-making framework. This study shows how the Ukrainian Parliament has managed to adjust its work in such extraordinary

circumstances. Learning from this experience is clearly crucial, as it can help the Verkhovna Rada to draw lessons and prepare for possible future challenges. In addition, the unique Ukrainian experience of a parliament operating under martial law may be of no less interest to representatives of parliaments in other democratic countries.

In this Journal, the analysis of the changes in the processes of the Verkhovna Rada of Ukraine is made through the prism of wartime circumstances and all the accompanying challenges. The effectiveness and appropriateness of all restrictions and procedural violations are assessed with reference to the level of physical threat, which was unprecedentedly high in the first months of martial law and almost normalised after a year of its operation.

The legislative process was conditionally divided into three stages depending on external factors during the year of martial law:

- › from 24 February to April 2022 – occupation of the Kyiv region, the maximum level of physical threat to MPs and employees of the Verkhovna Rada of Ukraine;
- › from April to August 2022 – reducing the level of threat and restoring the life of the capital after the de-occupation of Kyiv region;
- › from August to March 2023 – adapting the society and the Parliament to life and work under protracted martial law, revival of pre-war political processes, and the demand for compliance with the VRU Rules of Procedure when adopting laws.

Let us therefore try to examine how the Verkhovna Rada of Ukraine adapted its activities during these stages of the first year of war, to what extent these changes complied with pre-war regulatory requirements, and which deviations from such requirements were reflected in the law.



# 1. Legitimacy of the Verkhovna Rada of Ukraine



Russia intended to occupy the territory of Ukraine as quickly as possible, with a minimum of fighting. An integral part of this plan was to disorganise the command and control system so that only scattered and uncoordinated units would oppose the Russian troops. This required the neutralisation of key government bodies, including the Verkhovna Rada.

It is the Parliament that is supposed to give its consent to the introduction of martial law and general mobilisation, and do so regularly. It is the Rada that should adopt laws that will allow the state to adapt to the war and agree on budget redistribution. Moreover, the Verkhovna Rada is also a powerful symbol, representing Ukrainian democracy. The real or perceived paralysis or delegitimisation of this institution in the first weeks of the war could have had catastrophic consequences for Ukrainian statehood and the course of the war.

The plan to neutralise the Verkhovna Rada began to be actively implemented as early as 24 February 2022. Some MPs contributed to this. Dozens of MPs did not attend the meeting on 24 February 2022. Some of them were abroad, and some of them not only ran away from their duties but turned out to be collaborators and enemies of Ukraine.

Collaborators with the mandate of a people's deputy were supposed to demonstrate that there is a significant pro-Russian part of society in Ukraine that has its own representatives in the legislature. This would mean that Russia had indeed launched an invasion to protect the oppressed Russian-speaking population. On 24 February, the disinformation network also became more active. Along with reports of "markings", information was spread about the massive flight of MPs abroad, including the leadership of the Parliament. All of this was intended to show that the Verkhovna Rada was dysfunctional.

Therefore, perhaps the most important day for the Verkhovna Rada during the full-scale aggression was 24 February 2022. This was the point at which the Parliament had to demonstrate its readiness to work and make important decisions or "crumble", showing the paralysis of the central government and Ukraine's unwillingness to resist Russian aggression in an organised manner.

There are six factors that have largely helped the Verkhovna Rada of Ukraine to maintain its legitimacy and play its proper role in the decision-making system: a capable majority, preservation of organisational capacity, consolidation, symbolic stability and maintaining a sufficient level of publicity.

#### A capable majority

Having gathered at 8 am on 24 February, the MPs approved the Presidential Decree "On the introduction of martial law in Ukraine" with 300 votes. 300 votes is the level of support required to amend the Constitution, one of the highest thresholds of support. This means that the argument about the inability of the Verkhovna Rada to make decisions was just the enemy's disinformation, that the majority of MPs had not fled abroad. Thus, the Parliament is authorised to make decisions, introduce martial law, general mobilisation, redistribute funds, adopt necessary laws, and wage war. And every vote in the session hall since 24 February has confirmed the existence of the necessary majority again and again.

#### Organisational capacity.

Not only did the Verkhovna Rada have enough MPs to make decisions (or even amend the Constitution if there had been no martial law), but it also retained all the critical organisational structures and mechanisms that allowed these decisions to be prepared and properly executed (often not 100% within the framework of the Rules of Procedure, but at least within the framework of the Constitution). Undoubtedly, this was due to the merit of specific people – the staff of the Secretariat, who ensured the work of MPs

and the structures of the Verkhovna Rada of Ukraine.

### Consolidation

For most of the 7th session, MPs voted almost unanimously. Dozens of ordinary laws received more than 300 votes. This situation was particularly important for the first weeks since 24.02.2022. It showed that any significant pro-Russian representation in the Verkhovna Rada was a fiction. The consensus among Ukrainian parliamentarians is for the armed defence of Ukraine. It is unlikely that the political process (in the sense of politics) disappeared 100% even at the beginning of the invasion. However, it was not visible from the outside: no attempts to gain electoral points, no race for populist promises, no parliamentary bargaining. Later, the consolidation was underlined by the deprivation of individual pro-Russian MPs of their seats and the banning of pro-Russian parties.

### Symbolic persistence

In the face of disinformation and attempts to show that the pre-existing institutions are not working, it was important to demonstrate that the Parliament after 24.02.2022 is the same as before the invasion. This is not a new legislative assembly working under newly established rules, but a legitimately elected Parliament, a competent Verkhovna Rada of Ukraine with full power. In this context, the decision to hold meetings in the building at 5 Hrushevskoho Street was important. If MPs had decided to meet in another, more secure location, it could have been perceived as an escape, sowing distrust, casting doubt on all decisions made in this new location and on the fact that it was the same Verkhovna Rada of Ukraine.

### Sufficient level of publicity

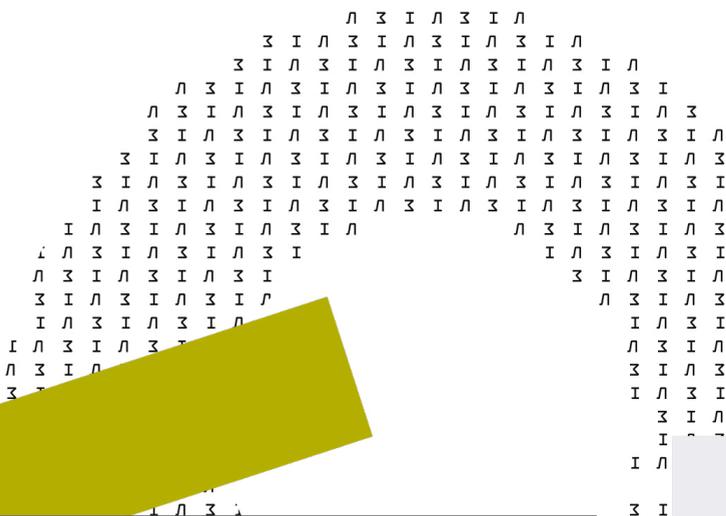
In the face of a very real threat to the lives of MPs and staff of the Verkhovna Rada, the need to restrict information about the proceedings of the Parliament was fully justified. However, the level of publicity that remained was quite sufficient for all other factors to work, so that, first and foremost, the citizens of Ukraine, as well as our allies, would perceive the Verkhovna Rada as a functioning, capable and legitimate institution. The United News telethon, online media and social media helped to spread the word about the legitimate and functioning Ukrainian Parliament. Publicity, albeit in a limited form, provided a reliable defence against disinformation and information attacks.

### High level of public trust

The combination of the five factors mentioned above, and especially the consolidation of a capable majority of MPs around the goal of confronting

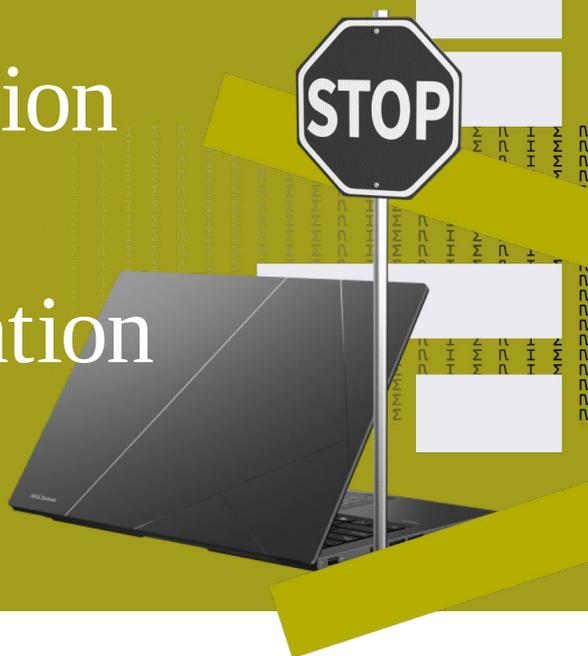
the aggressor, led to a non-trivial high level of public approval and support for the actions of the Ukrainian Parliament. According to one sociological survey, the level of public confidence in the Parliament on the eve of the full-scale invasion in December 2021 was 11%. In a similar study using the same methodology a year later, in December 2022, 35% of respondents already trusted the Parliament, and the balance of trust over that period changed from -56% to +2<sup>1</sup>. It is important to note that in the first months, the approval of the Verkhovna Rada of Ukraine's actions was even higher, as confirmed by the results of another study. According to its findings, as many as 64% of citizens approved of the Verkhovna Rada's activities, while only 22% had a negative attitude<sup>2</sup>.

A capable majority, organisational capacity, consolidation, symbolic stability, sufficient publicity and a high level of public trust helped the Verkhovna Rada to prove its legitimacy, especially in the first days and weeks after 24.02.2022. The Verkhovna Rada showed its authority and willingness to work for victory. Its work on the introduction of martial law, general mobilisation, redistribution of funds and the adoption of necessary legislation helped to ensure centralised and organised resistance to Russian forces.



1 Press releases and reports - Dynamics of trust in social institutions in 2021-2022. Home page of KMIS: <https://kiis.com.ua/?lang=ukr&cat=reports&id=1174&page=1>  
2 National survey of Ukraine conducted by the International Republican Institute (IRI): February 2023. Sociological group Rating: [https://ratinggroup.ua/research/ukraine/national\\_survey\\_of\\_ukraine\\_iri\\_february\\_2023.html](https://ratinggroup.ua/research/ukraine/national_survey_of_ukraine_iri_february_2023.html)

## 2. Restriction of access to information



One of the first comprehensive and lasting changes in the work of the Verkhovna Rada was the restriction of access to information about the work of the Parliament (especially about upcoming events), personal information about MPs and employees of the Verkhovna Rada Secretariat, etc.

Starting from 24 February 2022, the Verkhovna Rada of Ukraine began to hold closed public sessions without online broadcasts. The encirclement of the capital by enemy troops and the threat of rocket attacks objectively led to the absence of a calendar of the Verkhovna Rada's work, public posting of agendas and any announcements of the next meeting dates on the official website of the Parliament.

Information on adopted legislation, voting results and transcripts of the session appeared on the Parliament's website only a few hours after the end of the plenary session or the next day. Video recordings of the Verkhovna Rada's sessions resumed in April (between 24 February and the end of March, there were no video recordings at all). According to the respondents, the decision to restrict access to information was a consensus decision supported by all political forces (adopted at a meeting of the Conciliation Board on 03 March 2022, minutes of meeting No. 3), which corresponded to the level of threat at the time.

Moreover, until about the beginning of April (by decision of the political leadership of the Rada and with the support of other political forces), the system for recording the personal expression of will of MPs did not function: voting was carried out in a roll-call mode. This means that it is impossible to know who voted and how in the first month of the full-scale invasion.

Of course, with the level of support (300+ votes), this information does not seem to be very valuable, but it is also difficult, if not impossible, to provide any evidence of the decisions made by the Parliament during this period.

The most immediate sources of information were the Telegram channels of individual MPs. However, there was a “gentlemen’s agreement” between them to publish information about the meeting no less than 2 hours after it ended. The heightened sense of danger, especially during the occupation of the Kyiv region, contributed to the agreement. However, even a year after the invasion, advance publications are still rare.

On 6 September 2022, the Verkhovna Rada adopted a resolution that provided for the possibility of restricting broadcasts of plenary sessions during martial law by decision of the Rada TV channel.

The resolution received 241 votes in favour, thanks to the support of the “mono-majority” MPs (at least those who remained), as well as the “Trust”, “Restoration of Ukraine” and “Platform for Life and Peace” parliamentary groups (the latter two groups consist of MPs from the former OPFL faction). Other opposition factions categorically did not support this decision and cast 46 votes against the restriction.

It was already clear that for the opposition factions, the restriction of information did not seem adequate to the level of threats to the Parliament, its staff and MPs themselves.

As of the end of March 2023, some MPs, in particular from the Servant of the People faction, were voicing support for the restoration of a more transparent and open work of the Verkhovna Rada. The public arguments in favour of maintaining the status quo are the same – security concerns. However, it is no secret that it is much easier to “manage” the legislative process (as well as the political process in a broader sense) from the point of view of the political leadership of the state in this regime.

For the opposition factions, transparency and advance information are in fact basic and inalienable rights of the opposition in all its multiplicity. And at present, these rights are limited, which many perceive as quite reasonable under martial law. Moreover, both in the public space and in the responses of some respondents, there is an opinion that the opposition forces “resumed the political struggle too soon”, and this is already playing to split Ukrainian society in conditions when it should be as monolithic as possible in the face of the enemy.

On the other hand, the continued restriction of information about the work of the Verkhovna Rada (in particular, live broadcasts of its sessions), along with some other decisions of the political leadership of the state (in particular, the exclusion of “opposition” channels from the United News telethon), is assessed by representatives of both opposition factions and civil society as an instrument of political struggle against the opposition.

It can clearly be argued that the decision to restrict information about the work of the Verkhovna Rada of Ukraine, taken at the beginning of the full-scale invasion, was important and correct (as evidenced by the level of support for this decision) for the safety of MPs and staff of the Verkhovna Rada of Ukraine. This decision also contributed to the disappearance of the populist political component in the work of the Parliament and added substance to political discussions in the legislative process. However, the openness of the legislature is one of the mechanisms for preserving the democratic achievements of Ukrainian parliamentarism over the past 30 years. That is why the issue of maintaining a balance between the security of the Parliament and its openness will remain relevant until the end of the martial law regime.

# 3. Features of legislative process



## 3.1 Conciliation Board of parliamentary factions and groups

The introduction of martial law had a dramatic impact on the activities of the Conciliation Board of parliamentary factions (parliamentary groups).

The security situation made it necessary to move the work of this body to a non-public format, which changed it beyond recognition: the absence of cameras turned the Conciliation Board from a platform for political statements into a real advisory body of the Parliament.

According to the respondents, two-hour speeches for journalists and voters have been replaced by several hours (3 or even 5 hours) of meaningful discussions of draft laws.

The appearance of constructiveness in the work of this body has significantly increased its role in the legislative process.

The idea of switching to a non-public format of the Conciliation Board is not new. Back in 2016, the European Parliament's Needs Assessment Mission chaired by Pat Cox made this recommendation:

“

The approach to the organisation of the Conciliation Board's work on setting the agenda of the Parliament should be reviewed. Meetings of the Conciliation Board should be off-limits to the media.<sup>3</sup>

”

However, there was no political will to implement this recommendation in either the VIII or IX convocations (until 24 February 2022). At the same time, everyone, without exception, understood that in this form, the main function of the Conciliation Board was overshadowed by political statements. Pat Cox even called the Conciliation Board a “political reality show” during his visits to Ukraine.

The martial law unexpectedly facilitated the implementation of this, as it appeared, quite reasonable recommendation. During the first months of the war, draft agendas were developed by the leadership of the mono-majority independently and provided to the leaders of other factions and groups on the day of the Conciliation Board. This format was problematic for meaningful discussion during its meetings, as it was a challenge for opposition factions to quickly work through the agenda and the draft laws proposed for it. However, respondents, including representatives of opposition factions and groups, noted that this problem was later resolved and the approval of agendas became more substantive.

The impossibility of holding long plenary sessions due to security risks, the need to adopt a large number of security and economic laws, along with the desire to demonstrate to Ukrainian society and the world the unity of different political parliamentary forces, led to a real meaningful discussion of draft laws between the majority and representatives of opposition factions and groups and forced MPs to actually agree on their support. During the first months of martial law, after the Conciliation Board, only those draft laws that had universal support were put to the floor of the parliament, and many controversial draft laws were removed from the agenda.

Thus, at the first plenary session held after the introduction of martial law on 3 March 2022, MPs adopted a total of 14 laws, each of which received between

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<sup>3</sup> URL: <https://www.europarl.europa.eu/resources/library/media/20160301RES16508/20160301RES16508.pdf>

279 and 287 votes in favour<sup>4</sup>. At the next meeting, on 15 March, 21 laws were adopted as a whole and 5 as a basis, with each decision (except for the vote on the draft law on the introduction of a differentiated rent for natural gas production, which received 270 votes) supported by 335 to 345 votes<sup>5</sup>. These results clearly indicate that all parliamentary factions and groups have agreed on and supported the items on the agenda. On 24 March, the situation was the same. There were 18 laws adopted, each of which received between 321 and 363 votes in favour<sup>6</sup>. Only the Resolution on the appointment of M.T. Solskyi as the Minister of Agrarian Policy and Food of Ukraine was supported by just 294 MPs, which can be explained by the opposition's reluctance to take responsibility for the appointment of the pro-government minister.

It is worth noting that it became a standard practice for representatives of the executive branch to participate in the Conciliation Board to find the best solutions in the formulation and implementation of public policy (often with professional discussion of specific provisions of draft laws), which was also supposed to improve the quality of the Parliament's decisions and speed up their implementation.

Over time (from about the second half of 2022), the format of the Conciliation Board's work and the overall political situation have allowed opposition forces to periodically promote their own initiatives in exchange for support for the majority's controversial draft laws, which was not the case at the beginning of the closed-door work. At the same time, some opposition factions returned to a completely "peaceful" format of parliamentary struggle: 1) registering a large number of amendments with the potential to use them for parliamentary obstruction and 2) threatening to delay work in the session hall (where the presentation and minimal discussion of legislative initiatives eventually returned) by discussing all draft laws without exception, which, in turn, threatened to lose a sufficient number of votes in the majority.

It should be noted that while there are clear descriptions from some respondents of several hours of substantive discussions of draft laws at

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4 Electronic minutes of the plenary session of 03.03.2022, published on the VRU website: [http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_el\\_h2?data=03032022&nom\\_s=7](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_el_h2?data=03032022&nom_s=7)

5 Electronic minutes of the plenary session of 15.03.2022, published on the VRU website: [http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_el\\_h2?data=15032022&nom\\_s=7](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_el_h2?data=15032022&nom_s=7)

6 Electronic minutes of the plenary session of 03.03.2022, published on the VRU website: [http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_el\\_h2?data=24032022&nom\\_s=7](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_el_h2?data=24032022&nom_s=7)

the Conciliation Board meetings, for people outside the Verkhovna Rada, and for some MPs, the format of the Conciliation Board remains unclear.

For example, in the transcripts of plenary sessions, the Head makes many remarks such as:

“

At the proposal of the Conciliation Board of parliamentary factions and groups, we continue the plenary session”, “the list of issues previously agreed upon by the Conciliation Board has been provided to you”, “at the Conciliation Board, we agreed that the first item of 7276 should be considered under the procedure of short two-minute speeches.”<sup>7</sup>

”

At the same time, the VRU website does not indicate the dates of the meetings of this body<sup>8</sup>, at least after the fact, and one of the respondents reported receiving a refusal to participate in a meeting of the Conciliation Board with reference to the fact that “the Verkhovna Rada works in the mode of one plenary session, and therefore meetings of the Conciliation Board are not conducted”.

In general, the following main outcomes of the Conciliation Board’s work in a non-public format can be identified:

1. Real discussion of the agenda and draft laws within the Conciliation Board allowed to eliminate political discussions from the plenary sessions.
2. Agreed draft laws began to move through the legislative process much faster, which was critical in the first months of the full-scale invasion.
3. Almost every decision of the Parliament had the support of all political forces, which was an indicator of the unity of political forces for internal and external audiences during the critical period.

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7 Transcript of the plenary session of 14.04.2022, published on the VRU website: <https://www.rada.gov.ua/meeting/stenogr/show/7990.html>

8 Section “Transcripts of Conciliation Board Meetings” on the VRU website: <https://www.rada.gov.ua/meeting/stenpog/80>

4. The impossibility of lengthy debates at plenary sessions and meaningful discussion of draft laws at the Conciliation Board allowed for the removal of “underprepared” draft laws from the agenda and their return to committees for revision, which can be seen as a sign of improving the quality of legislation.
5. The agendas of the Verkhovna Rada’s meetings have become realistic: the destructive pre-war practice, when, for example, the agenda of the plenary session on 21.05.2021 contained 103<sup>9</sup> issues<sup>10</sup>, of which only 9<sup>11</sup> were adopted, has ceased. For instance, during the martial law period, the agenda of 12.05.2022 contained 16<sup>12</sup> issues, of which all 16<sup>13</sup> were adopted, and on 31.05.2022 – 22<sup>14</sup> issues, with 19<sup>15</sup> being adopted.

Considering all the positive consequences of transferring the Conciliation Board meetings to a non-public format, it would be quite logical to continue this practice during peacetime.

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9 Agenda for 21.05.2021, published on the VRU website:

<https://www.rada.gov.ua/meeting/awt/show/7722.html>

10 One agenda item means consideration of the inclusion of a draft law on the agenda, consideration of a draft law or resolution (several alternative draft laws or resolutions).

11 Electronic minutes of the plenary session of 21.05.2021, published on the VRU website:

[http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_el\\_h2?data=21052021&nom\\_s=5](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_el_h2?data=21052021&nom_s=5)

12 Agenda for 12.05.2022, published on the VRU website:

<https://www.rada.gov.ua/meeting/awt/show/8000.html>

13 Electronic minutes of the plenary session on 12.05.2022, published on the VRU website:

[http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_el\\_h2?data=12052022&nom\\_s=7](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_el_h2?data=12052022&nom_s=7)

14 Agenda for 31.05.2022, published on the VRU website:

<https://www.rada.gov.ua/meeting/awt/show/8006.html>

15 Electronic minutes of the plenary session on 31.05.2022, published on the VRU website:

[http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_el\\_h2?data=31052022&nom\\_s=7](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_el_h2?data=31052022&nom_s=7)

## 3.2 Committees of the Verkhovna Rada of Ukraine

It will come as no surprise to anyone that the majority of work on draft laws takes place at the stage of their preparation in committees. And in the absence of discussion of draft laws in the plenary hall, the role of their high-quality preparation by the relevant committees has increased significantly. MPs had little or no opportunity to submit amendments for confirmation or cancellation during the parliamentary session, so the committees actually prepared the final texts of the draft laws when considering them for the second reading. MPs could only defend their amendments and proposals at the “committee” stage of the legislative process.

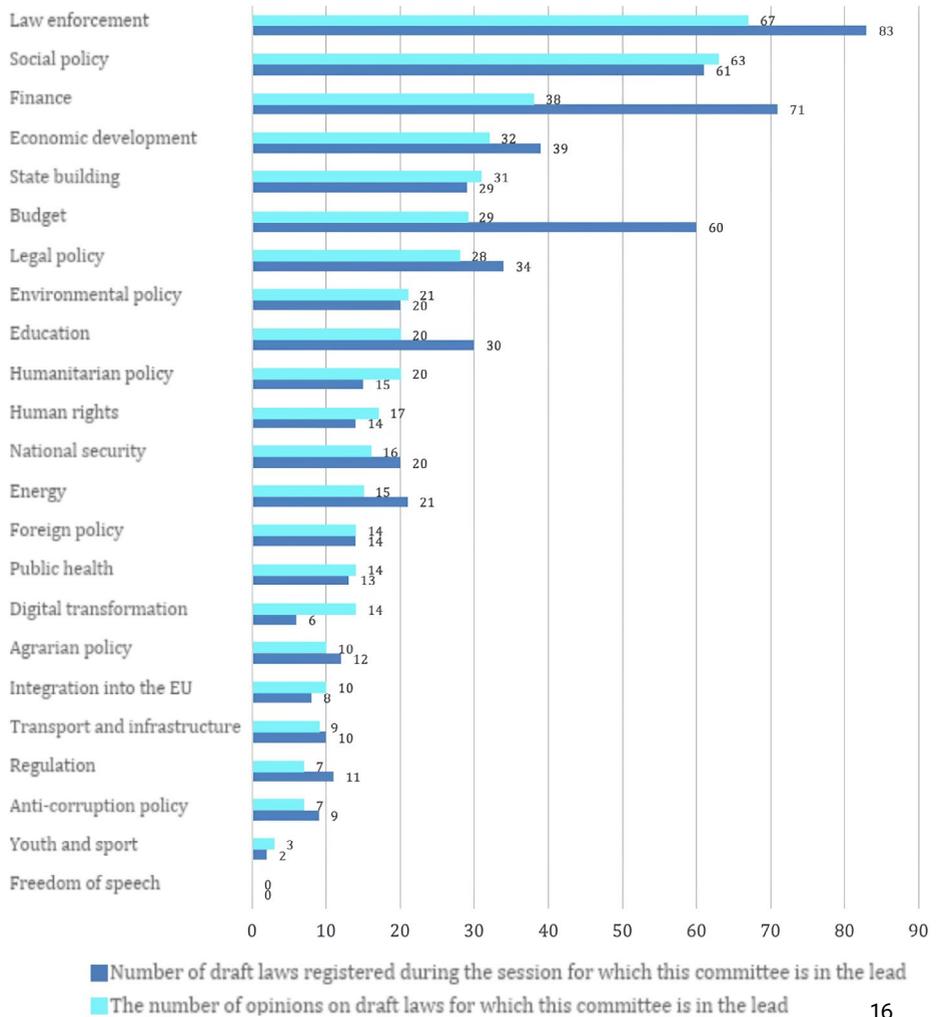
This stage requires a considerable amount of time, which MPs and committee secretariat staff would have to spend in the administrative buildings of the Verkhovna Rada. However, the virtual workstation technology implemented by the Parliament’s Secretariat in due time helped to prepare Ukrainian MPs and civil servants for a full-fledged remote work format with the possibility of creating, approving, signing with a qualified electronic signature and registering all types of documents specified by the Rules of Procedure of the Verkhovna Rada of Ukraine, the most important of which are draft laws, supporting documents to draft laws (mandatory opinions and expert examinations) and comparative tables to draft laws. The decision to allow meetings of the Verkhovna Rada’s committees to be held via video conference in 2020 also proved crucial for the Parliament’s work during the war.

The legal framework and experience gained during the coronavirus pandemic allowed the committees to conduct their work online and adopt opinions on all draft laws before they were voted on by the Rada, thus ensuring compliance with the Constitution.

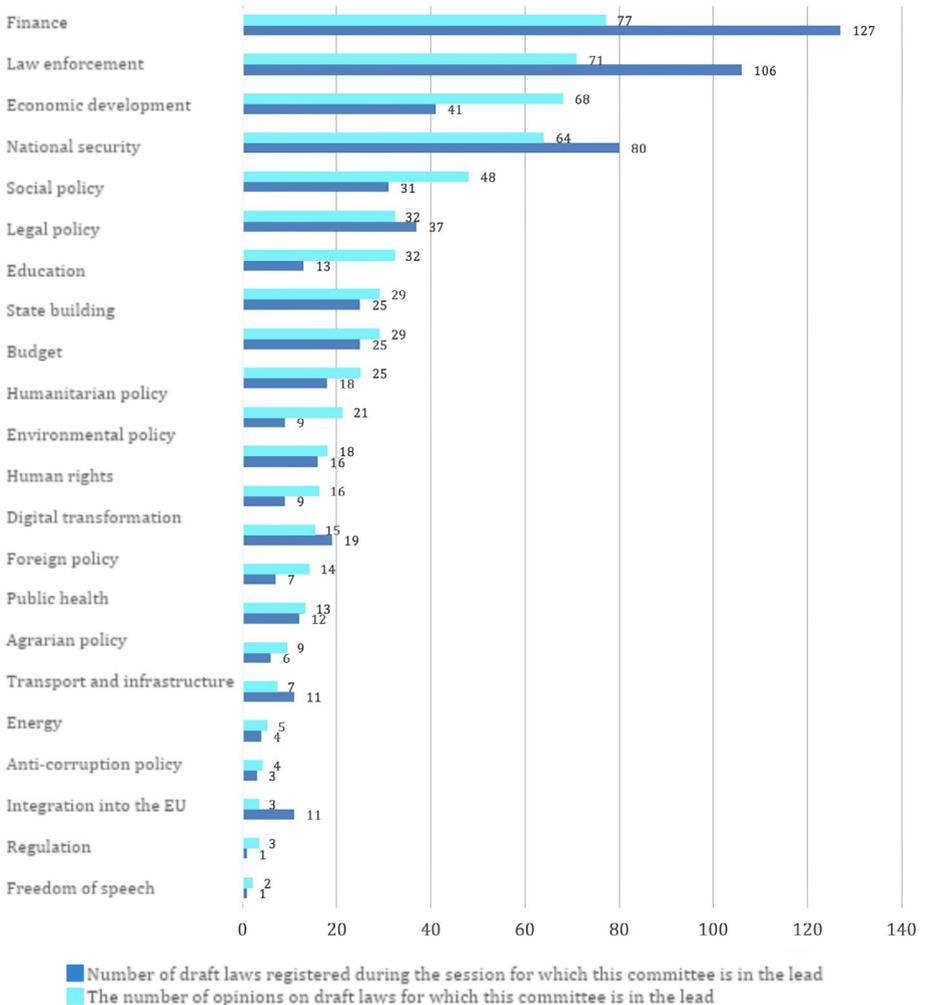
However, the full-scale war and the physical threat to the residents of the capital (especially in the first month and a half of the war) made adjustments to the distribution of the workload of various parliamentary committees.

The largest number of draft laws began to pass through the committees on: 1) Finance, 2) Law Enforcement, 3) Economic Development and 4) National Security.

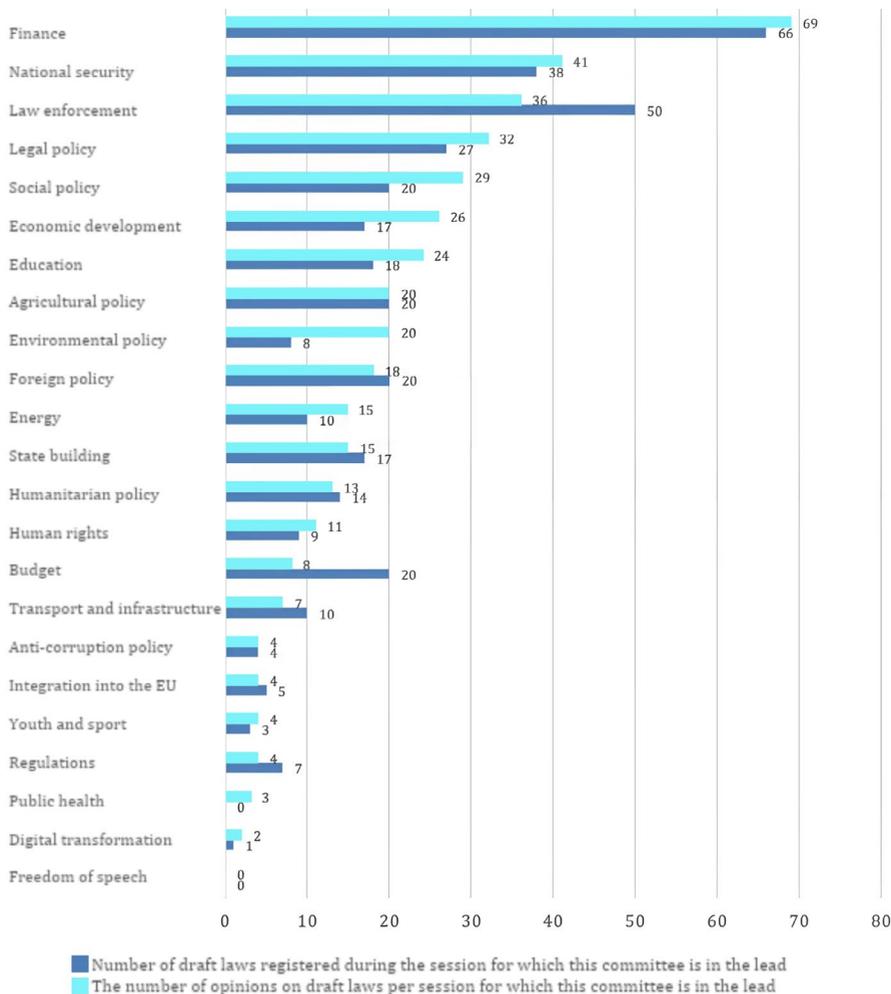
# Workload of the main committees – Session 6



# Workload of the main committees – Session 7



## Workload of the main committees – Session 8



18

In absolute terms, the workload of the Committees on Finance, Economic Development, and National Security increased significantly during the 7th session. As the main committee, the number of conclusions provided by the National Security Committee increased by 4 times compared to the previous

18 Agency for Legislative Initiatives. Monitoring of the work of the Verkhovna Rada of the IX convocation for the 8th session: <https://parlament.org.ua/2023/07/18/strong-monitoring-ro-boti-vru-za-8-sesiyu-stabilizatsiya-v-umovah-voyennogo-stanu-strong/>

session. The Committee on Economic Development and the Committee on Finance doubled the number of opinions provided. The previously high performance of the Law Enforcement Committee also increased slightly.

It is quite clear why these committees took on the biggest workload: the ongoing military operations on the territory of Ukraine, which could not but lead to the destruction of critical infrastructure, required 1) adoption of anti-crisis decisions in the financial sector; 2) improvement of the regulation of the security and defence sector; 3) change of responsibility for crimes related to military operations; 4) adoption of decisions that would ensure the functioning of the law enforcement system. The Economic Committee was also responsible for drafting sanctions legislation.

During the 8th session, i.e. during the second half of the year since the introduction of martial law, the distribution of the workload among the committees remained unchanged, but the number of opinions provided and draft laws submitted decreased compared to the first half of the year of martial law (7th session). For example, the Committee on Financial, Customs and Tax Policy provided 8 fewer conclusions, but still remained the busiest committee. The Committee on National Security, Defence and Intelligence provided 23 fewer conclusions, but became the second busiest committee during the 8th session. The Committee on Law Enforcement, although it halved the number of opinions provided (from 71 to 36), remained in the top 3 most busy committees. The number of draft laws allocated to these committees decreased by half compared to the 7th session, but these committees still remain the leaders in terms of the number of draft laws allocated to them. With regard to these three committees, the relevant data shows that the priority areas of state policy regulation remained the same, but the pace of lawmaking has normalised.

During the year of martial law, the openness of the committees' work varied greatly. Some of them (for example, the Committee on Humanitarian and Information Policy) mostly published information about their meetings and decisions in a timely manner, and published video recordings of at least part of their meetings<sup>19</sup>. However, many committees, taking advantage of the covert provisions of clause 4 of the Final Provisions of the Law on

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<sup>19</sup> YouTube channel of the Committee on Humanitarian and Information Policy, where videos of the Committee's meetings during martial law are published:

[https://www.youtube.com/@komitet\\_gi/featured](https://www.youtube.com/@komitet_gi/featured)

Committees of the Verkhovna Rada of Ukraine<sup>20</sup> (which provide for broadcasting meetings only with the consent of the majority of committee members), did not broadcast or publish any video recordings of their meetings at all. In addition, two days before the official end of the coronavirus pandemic, on 30 June 2023, the Parliament extended the provisions to cover the period of martial law and 30 days after its end, thus preserving the right of committees to decide on the openness or closedness of their work.

Overall, all respondents noted the dedication with which both MPs and staff of the respective secretariats performed their functions to ensure high-quality and timely legislative regulation in response to the challenges facing the entire country. However, the picture would not be complete without noting that in the first 1.5-2 months of the full-scale invasion, there were also committees that did not work at all or did not perform their direct functions, switching to parliamentary diplomacy: preparing statements and communicating with colleagues from other national parliaments around the world.

## 3.3 Plenary sessions of the Verkhovna Rada of Ukraine

### Work format

Due to the challenges faced by the Verkhovna Rada of Ukraine on 24 February 2022, the question was raised: how to organise the work of the Parliament in the future? After all, the Rules of Procedure of the Verkhovna Rada of Ukraine, which sets out the rules of parliamentary work, are designed for “normal mode”, for the rules of peacetime.

The Rules of Procedure were not adapted to the activities of the legislative body in a full-scale war. No one thought that such a need would ever arise. Therefore, after the declaration of martial law, the Parliament adopted by 299 votes the Resolution on the organisation of the work of the Verkhovna

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<sup>20</sup> Final Provisions of the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine”: <https://zakon.rada.gov.ua/rada/show/116/95-%E2%F0#n429>

Rada of Ukraine in connection with the act of armed aggression of the Russian Federation against Ukraine. This resolution ensured the implementation of Article 10 of the Law of Ukraine “On the Legal Regime of Martial Law”.

By adopting this Resolution, the Verkhovna Rada ensured the continuity of its work by starting to operate in a single plenary session, which was not to be closed for the entire duration of martial law.

The procedure for making a decision on the continuity of work was unique. On 24 February, immediately after the vote to approve martial law, at the 8th minute of the meeting, the Head of the Verkhovna Rada proposed that MPs vote on his oral “procedural” proposal, the approximate content of which he had announced. The issue was immediately put to a vote and received 299 votes in favour<sup>21</sup>. After the vote, this decision was formalised as the Resolution of the Verkhovna Rada of Ukraine “On the Organisation of the Work of the Verkhovna Rada of Ukraine in connection with the Act of Armed Aggression of the Russian Federation against Ukraine on 24 February 2022”<sup>22</sup>.

Later, on 6 September 2022, the Parliament adopted a new resolution to replace this one – on the regulation of the organisation of the work of the Verkhovna Rada under martial law, which already met all constitutional requirements<sup>23</sup>.

Thus, the Parliament, albeit by a resolution (rather than by amending the Rules of Procedure), legalised some of the changes in its work, while others remained an extraordinary wartime practice.

## Agendas, discussions and voting

The martial law also changed the mechanism of creating agendas, which was partially discussed in the section on the Conciliation Board. Analysing

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21 Transcript of the plenary session of the Verkhovna Rada of Ukraine on 24 February 2022: <https://www.rada.gov.ua/meeting/stenogr/show/7985.html>

22 Card of the draft Resolution: <https://itd.rada.gov.ua/billInfo/Bills/Card/39148>

23 Card of the draft Resolution on some issues of organisation of the work of the Verkhovna Rada of Ukraine of the IX convocation during the 8th session under martial law: <https://itd.rada.gov.ua/billInfo/Bills/Card/40400>

the way in which agendas were formed, it can be said that the leadership of the Servant of the People parliamentary faction took full responsibility in this regard at least for most of the 7th session of the IX convocation (ended on 6 September 2022). This is suggested by the fact that, according to the respondents, the lists of draft laws proposed for consideration in the plenary hall were provided to the members of the Conciliation Board immediately before its meetings. And the list of draft laws already agreed by the Conciliation Board was distributed to the rest of the MPs (at least from the mono-majority faction) most often half an hour to an hour before the plenary session itself.

Such conditions often made it impossible to even become acquainted with the draft laws, let alone analyse them and assess their impact.

Parliamentarians had to virtually blindly trust the position of their faction and group leaders in supporting the draft laws that were being introduced in the hall.

The desire to demonstrate a consolidated stance to both internal and external audiences in the face of a mortal threat, along with the mechanism of agenda setting described above, led to absolute consensus in voting on decisions in the first 1.5-2 months of the full-scale invasion: decisions received the support of almost all MPs present at the vote<sup>24</sup>. However, in the first months of the war, draft laws were adopted without any discussion, which is required by the Rules of Procedure of the Verkhovna Rada of Ukraine. The Chair read out the title and number of the draft law, and it was immediately put to a vote and received the support of the audience:

“Dear colleagues, from now on I will just read out the number, title and decision I propose to make. Are we clear?”

Dear colleagues, I ask you to adopt as a basis and as a whole with the necessary technical and legal amendments the draft Law on Approval of the Decree of the President of Ukraine “On General Mobilisation” (registration number 7113). Are you ready to vote? Please take your votes.

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<sup>24</sup> For example, the electronic minutes of the parliamentary session of 15 March 2022, where almost all decisions received about 340 votes: [http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_el\\_h2?data=15032022&nom\\_s=7](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_el_h2?data=15032022&nom_s=7)

In favour - 279

The decision is adopted. The law was adopted in its entirety.

I am putting to the vote the draft law on the approval of the Presidential Decree “On the use of the Armed Forces of Ukraine and other military formations” (registration number 7115). I propose to adopt it as a basis and in its entirety with the required technical and legal amendments. Are you ready to vote? Draft law No. 7115. Please take a vote.

In favour - 282

The decision is taken. The law was adopted as a whole”<sup>25</sup>.

Thus, the Verkhovna Rada deliberately departed from the regulatory procedures, as they require mandatory discussion of draft laws under the full or abbreviated procedure. The decision to do so was made at meetings of the Conciliation Board, which is clear from the texts of the plenary sessions’ transcripts:

“G.B. LEROS

Dear colleagues, can we vote without speeches and leave, since there is no broadcast anyway? It will take 20 minutes for the whole vote.

CHAIR

Mr Geo, I am in complete solidarity with you. And we suggest this every day when we work with the leaders of factions and groups in the format of the Conciliation Board”<sup>26</sup>.

Given the lack of discussion and receiving the agenda immediately before the meeting, it is likely that some MPs did not even know what they were voting for. The provision of agendas in advance and the availability of discussions began to return only in the middle of the 7th session.

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<sup>25</sup> Standard formula for the adoption of draft laws in the period from 24 February 2022 to 14 April 2022. Quote from the transcript of 3 March 2022:

<https://www.rada.gov.ua/meeting/stenogr/show/7984.html>

<sup>26</sup> From the transcript of the plenary session of 3 May 2022:

<https://www.rada.gov.ua/meeting/stenogr/show/7995.html>

That's when the first draft laws that obviously did not have consensus support began to appear. Among the first such drafts were draft laws No. 7269 and 7307, which were adopted in May 2022.

The draft law on amendments to the Law of Ukraine "On the Legal Regime of Martial Law" regarding the functioning of local self-government during martial law No. 7269, when considered in the first reading on 21 April 2022, received only 230 votes for its adoption as a basis, which distinguishes it from other such votes of that period, which received about 300 votes<sup>27</sup>. The draft law was sharply criticised by the opposition for the imbalance of powers in favour of military administrations, which could be unjustified in areas where there is no active hostilities<sup>28</sup>. At its plenary sessions on 3 and 12 May, the Rada considered numerous amendments to the draft law. Finally, on 12 May, it was sent back for a second reading for revision by the committee and adopted as a whole on the same day.

Draft law No. 7307 was adopted on 31 May 2022 with 238 votes, which also distinguishes it from consensus decisions. The opposition refused to support this draft law because it contained provisions with a high risk of corruption, such as the lease of real estate and equipment by defence enterprises without a tender and the free transfer of property<sup>29</sup>. Notably, this draft law has not yet been signed or vetoed by the President of Ukraine.

Due to the security situation in the first months of the war, MPs came to the Rada building at 5 Hrushevskoho Street only to vote on urgent draft laws as quickly as possible. Between 24 February and 2 April 2022, when the fighting for Kyiv was ongoing, only 5 such plenary sessions took place, with a total duration of about 2 hours and 23 minutes. This is slightly more than half the duration of a single pre-war session. During this time, MPs spent about 57 minutes directly considering the draft laws (there were also speeches by high-ranking representatives of foreign countries). During these 57 minutes, MPs adopted a total of 70 laws and 3 resolutions.

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27 Electronic minutes of the plenary session of 21.04.2022, published on the VRU website:

[http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_el\\_h2?data=21042022&nom\\_s=7](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_el_h2?data=21042022&nom_s=7)

28 Statements based on speeches by representatives of factions and groups. Transcript of the plenary session of 21 April 2022: <https://www.rada.gov.ua/meeting/stenogr/show/7992.html>

29 From the transcript of the plenary session of 31 May 2022:

<https://www.rada.gov.ua/meeting/stenogr/show/8005.html>

In addition, 10 draft laws were adopted as a basis<sup>30</sup>.

Thus, MPs in the plenary hall spent an average of 47 seconds to adopt one law or resolution.

## After the voting

The further processing of the adopted laws was also accelerated. The Rules of Procedure of the Verkhovna Rada of Ukraine provide for a ten-day period for the Main Legal Department to process the law adopted by the Parliament and for the Head of the main committee to sign it. Thereafter, the Head of the Verkhovna Rada should sign the law no earlier than 2 days and no later than 5 days after it is submitted for signature<sup>31</sup>. However, the military operations prevented the parliament from having that much time.

At the end of each plenary day, before the plenary session was adjourned, MPs voted to instruct the Head of the Verkhovna Rada to immediately sign the acts adopted on that day.

Initially, this proposal was made by the Head himself, but later he began to transfer the presidency to the First Deputy solely to vote on such a decision.

“The meeting is chaired by the First Deputy Head of the Verkhovna Rada of Ukraine

O.S. KORNIENKO  
15:11:08

I am putting to the vote a proposal to instruct the Head of the Verkhovna Rada to immediately sign the draft laws adopted by the Verkhovna Rada as a whole and send them to the President of Ukraine for signature. Please take a vote.

15:11:41  
In favour - 243

<sup>30</sup> The time and number of draft laws were estimated based on the data contained in the plenary session transcripts and electronic protocols posted on the VRU website.

<sup>31</sup> Standards established by Article 130 of the Rules of Procedure of the VRU:  
<https://zakon.rada.gov.ua/laws/show/1861-17/conv/parast130>

The decision is adopted. Thank you.

The Head of the Verkhovna Rada of Ukraine, Mr R.O. STEFANCHUK, is in charge of the meeting.”<sup>32</sup>

From a strictly formal point of view, such actions are in any case a violation of the Rules of Procedure, but it is noteworthy that the extra-regulatory practice has been brought at least in line with the basic principle voiced by the former Speaker of the Parliament Oleksandr Moroz: “The Verkhovna Rada can do everything...”.

## Speed and records of the legislative procedure

Following the liberation of the Kyiv region on 2 April 2022, the Verkhovna Rada began to introduce draft laws that passed both readings. At the same time, the adoption of draft laws “as a basis” continued without discussion, while the adoption of “in entirety” included discussions, which slowed down the speed that had been developed before. Nevertheless, the time taken to adopt laws remained significantly shorter than before the war.

**The number of laws passed in the first six months of the war was staggering.** As security risks decreased, the duration of sittings increased, and they began to last 2-3 hours. The Parliament tried to hold meetings for 3 days in a row about once every 2 weeks, and later switched from 3-day to 2-day sessions. The absence of debate in the first reading and minimal discussion in the second, as well as the apparent consensus in the adoption of many laws (especially at the initial stage), led to the adoption of 229 laws **from 24 February to the end of the 7th session (6 September 2022)**. This is more than in any other session of any convocation of the Verkhovna Rada of Ukraine (for which data is available).

It took MPs only 36 hours to pass this many laws<sup>33</sup>. Thus, during the first six months of martial law, **MPs spent an average of 9 minutes to pass one law.**

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<sup>32</sup> Example from the transcript of the VRU plenary session on 30 August 2022: <https://www.rada.gov.ua/meeting/stenogr/show/8048.html>

<sup>33</sup> The number of draft laws and plenary time according to the Monitoring of the Verkhovna Rada of the IX convocation for the 7th session: [https://parlament.org.ua/wp-content/uploads/2022/12/Monitoring\\_7-9-1.pdf](https://parlament.org.ua/wp-content/uploads/2022/12/Monitoring_7-9-1.pdf)

he number of laws passed during the 8th session was much more modest than during the previous 7th session: 138 compared to 229. The availability of at least minimal debate must have had an impact, as it took MPs on average about 13 minutes to adopt one law during the 8th session, which is longer than during the 7th session, but still more than three times faster than in the pre-war period<sup>34</sup>. For example, during the sixth session, this indicator was 45 minutes.

**The beginning of the 8th session marked the revival of pre-war political processes.** The remoteness of the hostilities, the effectiveness of air defence, and the usual habituation to life in a high-risk environment contributed to the resumption of parliamentary debates (although the discussions of draft laws in the plenary remained as “truncated” as in the second half of the 7th session). The return of debate to the Parliament and the return of “ routine” to both factions and groups and individual MPs was further facilitated by the advance provision of draft agendas before meetings of the Conciliation Board and before plenary sessions.

Half of all draft laws adopted during the 8th session were registered after 24 February 2022. They were aimed at addressing wartime issues. The other half were draft laws that were included in the pre-war agenda<sup>35</sup>. Such indicators are evidence of the stabilisation of the legislative process, that the **Parliament has moved away from adopting newly registered “military” draft laws to more planned work on addressing not only war-related issues.**

The above factors directly influenced the parliamentary consensus that was established at the beginning of martial law. The number of laws that receive 300+ votes has decreased. However, there are still voting on draft laws that still get that many votes, although most often these are either very technical draft laws or international treaties. However, the Verkhovna Rada retains a capable majority and the ability to make decisions.

Overall, during the year of war, the process of MPs’ work in the plenary hall changed significantly:

- › the calendar plan of the session ceased to exist;

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34 The number of draft laws and plenary time according to the Monitoring of the Verkhovna Rada of the IX convocation for the 8th session:

<https://parlament.org.ua/2023/07/18/strong-monitoring-roboti-vru-za-8-sesiyu-stabilizatsiya-v-umovah-voyennogo-stanu-strong/>

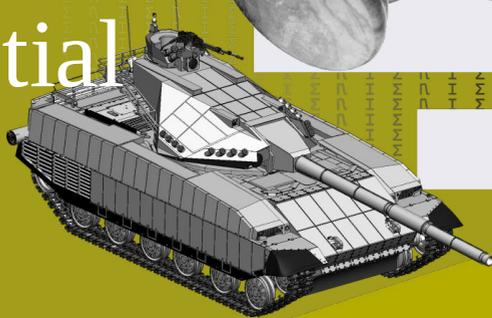
35 URL: <https://parlament.org.ua/2023/07/18/strong-monitoring-roboti-vru-za-8-sesiyu-stabilizatsiya-v-umovah-voyennogo-stanu-strong/>

<https://parlament.org.ua/2023/07/18/strong-monitoring-roboti-vru-za-8-sesiyu-stabilizatsiya-v-umovah-voyennogo-stanu-strong/>

- › the format of the plenary sessions changed - initially, it was planned to hold one continuous meeting until the end of martial law, then it was changed to one meeting until the end of the session, which also does not comply with the Rules of Procedure;
- › the number of session days and the duration of each session (which are formally part of one large session) were reduced;
- › the procedure for consideration of draft laws in the plenary session was simplified by completely or partially avoiding discussions of draft laws;
- › the practice of immediately signing and sending adopted laws to the President of Ukraine for his signature was introduced.

All of these innovations are elements of the adaptation of the procedure of the Parliament's work at plenary sessions. However, the introduction of these procedures was mainly de facto. De jure, only the holding of a continuous session (by a resolution of the VRU) was enshrined in the law, but it does not comply with the Rules of Procedure (which has the force of law).

# 4. Ensuring the quality of laws under martial law



Given the number of laws adopted during the 7th session, as well as the conditions under which these laws were adopted, it is obvious and logical to assume that the quality of laws adopted under such conditions could have been compromised for the sake of efficiency.

In fact, the majority of respondents noted that military processes required a quick legislative response, the security situation almost completely limited the discussion of draft laws in the voting hall, and the lack of relevant experience made it difficult for parliamentarians to assess the consequences of implementing norms in conditions of military instability.

**Obviously, the above factors could not help but affect the quality of the laws adopted, especially in the first months of martial law. However, the situation is not as clear-cut as it might seem at first glance. And the opinions of MPs themselves on this matter vary considerably.**

For example, the “unstable” financial legislation caused by numerous amendments to the Tax Code may be an indicator of insufficient impact assessment at the stage of rulemaking (and thus the quality of the legislative process). During the year of full-scale war, the Tax Code was amended 33 times. This is a record number for the entire period of this code’s existence.

Previously, the Parliament amended it from 8<sup>36</sup> to 26<sup>37</sup> times in a calendar year.

On the other hand, it can also be assumed that the speed with which circumstances changed in the first months of the full-scale war required legislators to constantly search for optimal solutions, which, in turn, could require a review of what had been adopted earlier.

Another proof that the quality of laws adopted in extreme conditions was not high enough is the example of the Law “On Protection of Interests of Entities Submitting Reports and Other Documents during Martial Law or a State of War”<sup>38</sup>. Initially, this was a separate new law (not an amendment to existing laws, but a separate law) with as many as 6 paragraphs. Over the course of the year, half a dozen amendments were made thereto, essentially to remove certain types of reporting from the scope of this law. Due to these changes, the text of the draft law has grown several times. However, the law does not contain a single article, consisting instead of paragraphs and subparagraphs. In short, the quality of this document is quite low (based on the criteria established by the Rules for Drafting Laws and the basic requirements of legislative technique developed by the Secretariat of the Verkhovna Rada of Ukraine<sup>39</sup>). Perhaps, in a normal situation, this law should not have existed at all, and its provisions should have been scattered among other laws. Instead, the logic behind the adoption of this law can only be understood in terms of the timing of its adoption - 3 March 2022, a week after the invasion began on 24 February.

However, it is difficult to assess the extent to which the deterioration in the quality of adopted laws is a characteristic of the extraordinary conditions of martial law. Firstly, the Verkhovna Rada had already adopted controversial and not perfect (in terms of rulemaking technique) legislative changes before. Second, it adopted such legislation long after the first months of the February invasion. For example, on 13 December 2022, the Verkhovna Rada adopted the Law on Media<sup>40</sup>, which, in particular, amended the Rules of Procedure of the Verkhovna Rada of Ukraine. The quality of these amendments was rather questionable, as now part 6 of Article 3 of the Rules of Procedure contains logically and textually

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36 In 2016, 2017, 2018.

37 In 2015. Obviously, the financial sector also needed numerous anti-crisis solutions at that time.

38 URL: <https://zakon.rada.gov.ua/laws/show/2115-20#Text>

39 URL: <https://zakon.rada.gov.ua/rada/show/n0002451-06#Text>

40 Draft Law on Media. No. 2849-IX dated 13.12.2022: <https://itd.rada.gov.ua/billInfo/Bills/Card/3115>

unrelated elements that actually duplicate each other's content.

Some respondents believe that the quality of the laws adopted during the first months of martial law was even higher than in the period before 24 February. In particular, the extreme conditions for drafting and adopting laws gave rise to a new mechanism for ensuring the quality of draft acts. If we look at the drafts registered and adopted at the beginning of martial law, we can see that the content of the main committee's conclusions to the first reading on these acts differs. Half of the text of the conclusions on the first "martial law" draft laws consists of the committee's proposals to the content of the draft law. This is not typical for opinions adopted in other periods. The submission of proposals to the text of a draft law by the committee when preparing it for the first reading is exceptional, as the committee may amend all its proposals by the second reading.

This practice was generated by the speed with which draft laws had to be considered in the session hall for security reasons in the first months of the full-scale invasion. The same period saw the peak of the adoption of laws in the first reading and in general, which made it impossible for the Main Legal Department to provide its conclusions on the draft laws, as according to the Rules of Procedure, the Department prepares them for consideration in the second reading.

Nevertheless, the Legal Department's **experts did not retire from their work, but continued to review the draft laws at the stage of their registration and provide their comments to the main committees.** The committees, in turn, took into account the comments of the Legal Department in their conclusions, presenting them as proposals of the committee members.

This new extra-regulatory practice helped to ensure that draft laws were examined in the absence of a second reading and ensured that the quality of the laws, according to some stakeholders, was even higher than before the full-scale invasion.

An additional mechanism that worked to ensure the quality of the draft laws that made it to the parliament was the Conciliation Board, which worked in a closed session to ensure meaningful discussion of the draft laws on the draft agenda.

# 5. The procedure for reviewing European integration draft laws



The full-scale invasion has not stopped Ukraine's European integration processes, but rather accelerated them. On 28 February 2022, the President of Ukraine signed the application for Ukraine's membership in the European Union. In April, the European Commission submitted a questionnaire, which Ukraine had to answer by 9 May. Under these circumstances, the Verkhovna Rada, in cooperation with the government, **stepped up efforts to adapt Ukrainian legislation to EU law.**

**On 29 July 2022, the Parliament adopted a resolution on certain measures to fulfil Ukraine's obligations in the field of European integration<sup>41</sup>,** which contained certain requirements for the drafting of laws aimed at adapting Ukrainian legislation to the provisions of the European Union *acquis* and fulfilling Ukraine's international legal obligations in the field of European integration.

The resolution contained organisational and administrative provisions: the establishment of a subcommittee on the adaptation of legislation to EU law in each committee. This decision was met with mixed reactions,

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41 Resolution of the Verkhovna Rada of Ukraine of 29.07.2022 No. 2483-IX:  
<https://zakon.rada.gov.ua/laws/show/2483-IX#Text>

as the relevant function belongs to the European Integration Committee itself, and some MPs considered it more appropriate to strengthen this committee by increasing the staff of its secretariat to ensure that all draft laws could be properly processed. Instead, the implementation of the resolution required expanding the staff of the secretariats of not just one, but all committees. This created a duplication of functions between the Committee on European Integration and the other committees.

The resolution also established **procedural changes**: it provided for the preliminary preparation of European integration draft laws by all committees, sending draft laws to the European Integration Committee and the Cabinet of Ministers for additional examination before the second and subsequent readings, and changing the procedure for consideration of such draft laws at the plenary session of the VRU.

The VRU resolution was a kind of legal experiment, which was acknowledged by the Parliament. **The regulatory procedures it introduced should have been contained in the Law on the Rules of Procedure, not in a bylaw.** Therefore, after experimenting, the relevant draft law was registered in the Parliament in November 2022<sup>42</sup> at the initiative of the Head of the Verkhovna Rada and his deputies. **However, it remains unclear how successful the experiment was, given that the first time around,** even the inclusion of draft law No. 8242 on the agenda was failed. And even after the second, already successful attempt, which took place in early February 2023, no further progress was made on the adoption of this act.

Perhaps an obstacle to the adoption of the draft law is the establishment of additional requirements for the preparation of supporting documents to draft laws, which is perceived by parliamentarians as a way to restrict legislative initiative. In any case, **MPs should find a consensus on the procedure for consideration of European integration draft laws and fix it in the Rules of Procedure.** High-quality adaptation of national legislation to EU law is a key element in accelerating Ukraine's accession to this supranational union, as a separate part of the questionnaire filled out by Ukraine was devoted to this issue.

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42 Card of the draft law No. 8242 of 28.11.2022: <https://itd.rada.gov.ua/billInfo/Bills/Card/40926>

# 6. General state of compliance with the procedure for consideration and adoption of decisions in the Verkhovna Rada of Ukraine

With the introduction of martial law, MPs had to find a balance between respecting the legitimacy of the procedure, which is designed to ensure the quality and legitimacy of laws, on the one hand, and the maximum speed of their processing and adoption, on the other.

It should be emphasised at the outset that parliamentarians did try to comply with the basic provisions that are mandatory for the constitutionality of the adopted law. However, there are examples of violations of the Constitution both in the procedural part and in the provisions of the adopted laws. In particular, we can mention 1) the Resolution of the Verkhovna Rada “On the Organisation of the Work of the Verkhovna Rada of Ukraine in connection with the Act of Armed Aggression of the Russian Federation against Ukraine on 24 February 2022”<sup>43</sup> and 2) The Law of Ukraine “On Amendments to Certain Laws of Ukraine on the Functioning of the Civil Service and Local Self-Government during the Period of Martial Law” (12.05.2022)<sup>44</sup>.

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43 URL: <https://zakon.rada.gov.ua/laws/show/2103-20/ed20220224#Text>

44 URL: <https://zakon.rada.gov.ua/laws/show/2259-20#Text>

However, while the adoption of the Resolution according to the Head without registration and preliminary consideration (i.e. in a manner that does not comply with the Constitution) on 24 February 2022 under the threat of missile attacks seems quite reasonable, the actual expansion of the constitutional powers of the Verkhovna Rada of Ukraine and the President by a simple law cannot but raise questions. Moreover, the experts of the Legal Department drew attention to this in their opinion.

**As for the regulatory norms, some of them were deliberately ignored as unimportant under martial law. Such norms include:**

- › deadlines for submitting draft laws and other documents for processing by MPs and the Secretariat's departments;
- › mandatory discussion of draft laws during plenary sessions;
- › deadlines for submitting alternative draft laws, the deadlines for preparing them for signature and the actual signing of the draft laws were systematically violated.

During the first six months of the war, up to 67%, and during the second – up to 63% of draft laws (i.e. two-thirds of the draft laws adopted during the year of martial law) were adopted with violations of the procedures established by law (primarily in terms of the deadlines for submitting documents). However, it should be noted that during the 1st and 2nd sessions of the 9th convocation<sup>45</sup>, the share of laws adopted with violations of the procedure was higher (some figures reached 82%) than during the six months of war.

The opinions of the MPs we interviewed on such violations differ dramatically. Some of them consider it necessary to comply with all regulations: after the de-occupation of the Kyiv region, violations of the Rules of Procedure do not seem justified at all. The other part does not have a clear position on the assessment of violations of the Rules and emphasises the need to comply primarily with the provisions of the Constitution of Ukraine. There are those who generally consider the Rules of Procedure of the Verkhovna Rada to be over-regulated, and do not consider the failure to follow certain (outdated or irrelevant, in the respondents' opinion) procedures to be violations:

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<sup>45</sup> URL: <https://cutt.ly/Bw4pbAUK>

“

If there were no speeches and laws were adopted, I do not consider it a violation. It was with the consent of all political forces.

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The need to adapt the legislative process to the conditions of martial law has created (or rather popularised) another parliamentary practice that can be briefly described as “nesting doll laws”.

These are laws that hide several laws with different subject matter and content under one name. Usually, such laws have one content and focus at the stage of the first reading, and then, in preparation for the second reading, they are amended to add completely new provisions that were not considered during the first reading and belong to a different area of regulation.

This practice is not an invention of the MPs of the IX convocation, as it was used in previous convocations, including the VIII convocation. However, the change in the provisions of Article 116 of the Rules of Procedure, which “legalised” this practice, occurred in 2019 at the very beginning of the new convocation.

After the introduction of martial law, in an effort to speed up legislative procedures as much as possible, parliamentarians began to actively use this provision. **For example, the Law “On Amendments to Certain Laws of Ukraine on the Functioning of the Civil Service and Local Self-Government during the Period of Martial Law”.** In the first reading, it concerned the division of powers between local governments and military administrations. However, during the amendment stage, provisions were added to the second reading that expanded the powers of the Verkhovna Rada and the President. In particular, these new provisions led to the dismissal of the Ukrainian Parliament Commissioner for Human Rights, Lyudmyla Denisova. **The new provisions added to the second reading not only dealt with a completely different topic, but also violated the Constitution by expanding the powers of the Verkhovna Rada and the President.**

In the same way, the Research Service of the Verkhovna Rada of Ukraine was established. Provisions on its status and functions were introduced

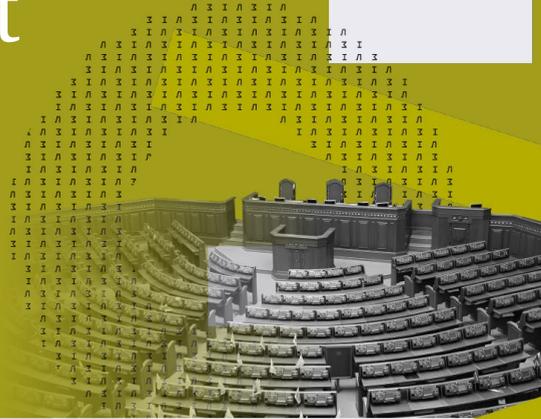
into the Rules of Procedure of the Verkhovna Rada by amendments to the second reading of the draft law on amendments to certain legislative acts of Ukraine on the peculiarities of establishing legal facts in martial law or a state of emergency<sup>46</sup>.

In total, in 2022, according to the Legal Department, about 42% of laws were adopted using this provision. On the one hand, these statistics show that the content of the draft laws that are registered and passed for the first reading is obviously imperfect: they do not change the entire set of rules necessary to regulate the relations that are the subject of the draft law. On the other hand, part 1 of Article 116 (which clearly states that proposals and amendments must comply with the subject matter of the draft law) has often been used to expand the subject matter of legal regulation, which is a direct violation of the same article.

To summarise, all the respondents to the questionnaire on the topic of violations of the legislative process support, to varying degrees, the rationality and necessity of enshrining in the Rules of Procedure special extraordinary procedures for the preparation, consideration and adoption of decisions in the Verkhovna Rada in special conditions (such as martial law). Although it is certain that a package of relevant amendments is already being developed in the Parliament, more than a year after the start of the full-scale invasion, the Rules of Procedure still remain without relevant amendments in this regard.

46 Card of the draft law No. 7310: <https://itd.rada.gov.ua/billInfo/Bills/Card/39471>

# 7. Oversight function



## General state of parliamentary oversight

Based on the analysis of open sources and interviews with respondents, a cautious assumption can be made that the full-scale invasion and the introduction of martial law in Ukraine **did not significantly affect the exercise of the oversight function by the Verkhovna Rada of Ukraine**. This is primarily due to the fact that even before the full-scale war, this function was recognised as one of the weakest points of the Ukrainian Parliament. And although in recent years the oversight function has been the subject of much attention at conferences, roundtables, discussions with expert institutions and research centres, as well as relevant legislative changes<sup>47</sup>, the overall state of the Verkhovna Rada's oversight function as of February 2022 has not radically changed for the better. And the need to repel a full-scale aggression and the introduction of martial law in Ukraine could only worsen this situation.

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47 In particular, the Law 1052-IX "On Amendments to Certain Laws of Ukraine on Ensuring Effective Implementation of Parliamentary Control":  
<https://zakon.rada.gov.ua/laws/show/1052-IX#Text>

The weakness of the Verkhovna Rada's control over the Cabinet of Ministers is largely due to the fact that in reality the Parliament has no influence on the Government's personnel policy. The MPs of Ukraine, in accordance with their constitutional powers, appoint and dismiss ministers, but this is currently done only formally, while the real subject of these decisions is outside the Parliament

Therefore, the maximum that the Verkhovna Rada can do is to hear ministers without any consequences for them, except perhaps reputational ones. Traditionally, as before the February invasion, representatives of ministries are not always present at committee meetings, and mostly when a government draft law needs to be presented. Even then, representation is usually at the level of a department head, rarely at the level of a deputy minister.

After the declaration of martial law and, accordingly, the start of the Verkhovna Rada's work in a semi-closed regime, the effectiveness of the oversight function became even lower. Hearings of ministers, heads of law enforcement and security agencies were **transferred from plenary sessions to the Conciliation Board**, which was held in a completely closed manner throughout the war: no broadcast, no video recording, no transcripts.

Along with the change in the form of plenary sessions, the hour of questions to the Government, which was perhaps the most effective mechanism of public influence on government officials available to parliamentarians, disappeared from the agendas. As far as we know, there are no intentions to bring it back.

When considering certain issues, the Conciliation Board invited the Government, the Minister of Defence, the Commander-in-Chief of the Armed Forces, and representatives of other military formations. However, it is difficult to attribute this form of work to parliamentary control, since the invitations were made with the aim of discussing state policy on certain issues and finding more accurate and balanced solutions. In particular, it was agreed that not all initiatives related to the Armed Forces of Ukraine, security and defence issues should be discussed in the session hall: "Only those initiatives that have a clear positive impact, including taking into account the realities at the frontline, the actual state of affairs in the Armed Forces and a number of other issues, should be considered.

In addition, according to the First Deputy Speaker of the Verkhovna Rada of Ukraine Oleksandr Korniienko, who spoke at the forum “Democratic Reforms for Ukraine’s Integration into the EU: Dialogue with Leading Reformers” on 17 June 2022<sup>48</sup>, the Parliament’s control function was carried out in the format of closed meetings of individual ministers with 1) the leadership of the Servant of the People faction 2) leaders of parliamentary factions and groups (which is probably not much different from the format of meetings with the Conciliation Board). According to the First Deputy Speaker, as of mid-June, some ministers had had several such “control” meetings. However, the effectiveness of these meetings remains unknown.

## Temporary commissions

Temporary investigative and temporary special commissions of the Verkhovna Rada of Ukraine are actively being established and operating.

During the first year of martial law, 6 provisional investigative and 3 provisional special commissions were established. The subject matter of all special commissions is legal relations directly related to the full-scale invasion of Russia and its consequences.

The situation with investigative commissions is quite different: only the first 2 out of 6 established during martial law deal with issues caused by the invasion, while the other 4 have a completely civilian, unrelated to Russian aggression, subject matter. This indicator is another marker of the stabilisation of the Verkhovna Rada’s work, the return of the focus of the parliament’s activities to addressing the full range of state issues, rather than concentrating solely on military and political ones<sup>49</sup>.

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<sup>48</sup> Information about the event:

<https://rpr.org.ua/announcements/demokratychni-reformy-dlia-ievrointehratsii-ukrainy-dialoh-z-providnymy-reformatoramy/>

<sup>49</sup> The investigative commissions to examine possible violations in the verification of humanitarian aid and to investigate sexual violence during martial law were established on the same day - 20 September 2022.

Four commissions with non-military investigations were established later:

- inefficiency of the State Forestry, State Water Agency and State Environmental Inspectorate - 18.10.2022;
- facts of corruption in the National Academy of Agrarian Sciences of Ukraine - 01.12.2022;
- violations of the law by BES officials - 13.12.2022;
- facts of violation of the law in the alienation of foreign state property - 23.02.2023.

**A persistent challenge for the temporary commissions is their effectiveness – the efficiency of the commissions both in pre-war and wartime remains low.** So far, none of the commissions established during martial law has achieved the result for which it was formed: none of the final reports has been approved, and there is no information on the transfer of any developments to law enforcement agencies.

## Accounting Chamber

Another institution of parliamentary control is the Accounting Chamber. According to its status and powers, this body, on behalf of the Verkhovna Rada of Ukraine, controls the receipt of funds to the State Budget of Ukraine and their use, which should be a powerful tool in the hands of the Parliament. However, the effectiveness of the Accounting Chamber's work inside and outside the Verkhovna Rada is widely questioned. The reform of this body in 2015 did not have the desired effect: the changed mechanism of electing the Head of the Chamber led to a situation where each of the 9 members of the Chamber considers oneself a potential head of the Chamber. Most of the time, the authorised members of the body are absent. Audit reports are not approved for months due to the lack of a quorum at the meetings of the Accounting Chamber.

While the hostile invasion led to the consolidation of the Ukrainian parliament and generated consensus in its decisions, the members of the Accounting Chamber did not have such an effect. **During the year of full-scale war, this body was repeatedly unable to gather a quorum to approve reports.** Moreover, parliamentarians had many questions about the substantive quality of such reports.

In general, there are many comments on the work of this parliamentary oversight body, both in general and in relation to the year of the full-scale invasion. In particular, the fact that despite the almost doubling of state budget expenditures in 2022 (to UAH 1 trillion 214 billion), the amount of state budget funds audited by the Accounting Chamber decreased by UAH 241 billion, or almost 40%<sup>50</sup>, cannot but raise questions.

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50 URL: <https://www.pravda.com.ua/columns/2023/04/10/7397147/>

## Committees of the Verkhovna Rada of Ukraine

There were no changes in the oversight function in most committees, but this is not the case for the Budget and especially the Security Committees.

Due to the fragility of Ukraine's financial system during the war, the level of communication and cooperation between the Budget Committee and the Ministry of Finance increased. The increase in expenditures required a significant number of changes to increase the amount of borrowing and redistribute the sources of financing of the state budget, for which the Ministry of Finance needed the approval of the Budget Committee (the question of the constitutionality of this practice - bypassing the decisions of the session hall – has been open since at least the VIII convocation). Such approvals are one of the main mechanisms of the Committee's control over the Government's implementation of the current year's budget policy.

With some caution, it can be argued that the role of the control function of the Committee on National Security, Defence and Intelligence has increased. The meetings of this Committee were held in a closed session, so it is impossible to reliably assess the mechanisms used by the Committee and their effectiveness. It is known, however, that after the scandal over food procurement by the Ministry of Defence, the Minister and his subordinates began to attend meetings of the Defence Committee and the Conciliation Board much more frequently.

## The Ukrainian Parliament Commissioner for Human Rights

Another oversight tool of the Verkhovna Rada is the Commissioner, who, in accordance with its legal status, exercises parliamentary control over the observance of constitutional rights and freedoms of man and citizen and the protection of the rights of everyone on the territory of Ukraine and within its jurisdiction.

Waging an aggressive war by Russian troops causes an incredible number of human rights violations throughout Ukraine. Ensuring the observance of these rights is a positive obligation of the state, and therefore the annual report of the Ukrainian Parliament Commissioner on the observance of constitutional rights and freedoms of people and citizens in Ukraine is

particularly important. In addition, a Special Report was prepared on the observance of the rights of victims of the armed aggression of the Russian Federation against Ukraine for the period 24 February – 31 October 2022<sup>51</sup>. In general, we can note the active role of the Ombudsperson and cooperation with other state bodies.

However, unfortunately, in recent years, the practice has developed whereby such a report is only sent to MPs in writing and published on the Commissioner’s website. **There have been no oral reports in the Parliament for several years.**

However, during martial law, the objective factor that limits the possibility of an oral report is the security situation, which does not allow MPs to stay in the parliament building for a long time. In other words, the full-scale invasion did not actually affect this component of parliamentary oversight: the weakest point remains the mechanism for processing the results of the Commissioner’s work and translating them into further policy measures.

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51 Annual and special reports of the Ukrainian Parliament Commissioner for Human Rights: <https://ombudsman.gov.ua/uk/shchorichni-ta-specialni-dopovidi>

# 8. The Secretariat of the Verkhovna Rada of Ukraine



The work of the Secretariat of the Verkhovna Rada during martial law was marked by three characteristics: the need to establish work in extraordinary conditions, the departure of some employees abroad for security reasons, and the selfless work of the majority of employees.

**The need to work in extraordinary conditions was not a new challenge for the Verkhovna Rada.** In fact, the experience of adapting to the COVID-19 pandemic, already mentioned in the section on the work of committees, helped the Secretariat to meet the challenges of a full-scale war more prepared. At this point, the importance of the previously created electronic document management system with the possibility of remote access to the workplace became tangible. Of course, there were problems with providing all Secretariat employees with devices – laptops, tablets – that would allow such access.

In this regard, the Department of Computer Systems of the Verkhovna Rada Secretariat had a heavy burden to configure the devices and make them available to the staff. When the Secretariat's stock of tablets and laptops ran out, and in the case of staff members who had been outside the capital before the invasion, the Department found a way to securely set up access to the electronic document management system from their personal

computers. The timely technical assistance provided to the Verkhovna Rada of Ukraine by the European Parliament also contributed significantly to the establishment of full-fledged remote work. These and other organisational, technical and security solutions (including one of the key ones – storing parliamentary data in the cloud storage of a data centre in the EU) ensured that all employees of the Secretariat could perform their duties regardless of their location.

The experience gained during the COVID-19 pandemic and the technological processes of remote work established at the same time enabled the legislature to switch to a remote mode of operation almost instantly and comply with the provision of the Law “On the Legal Regime of Martial Law” on the continuity of the exercise of powers by the Verkhovna Rada of Ukraine. The work processes were carried out in such a way that, according to some heads of structural units, it was not clear which employees were physically at the workplace and which were working remotely.

**The departure of some employees of the Verkhovna Rada’s Secretariat** abroad, along with millions of other Ukrainian citizens, took place at the beginning of the full-scale invasion for security reasons. In some places, this almost paralysed the work of certain structural units of the Secretariat for about a month and a half. When the Government ordered civil servants to return to Ukraine<sup>52</sup>, not all of them complied. Those who did not return had to be dismissed. Thus, some structural units lost some of their staff.

The majority of respondents noted **the dedicated and professional work of the Secretariat’s structural units:**

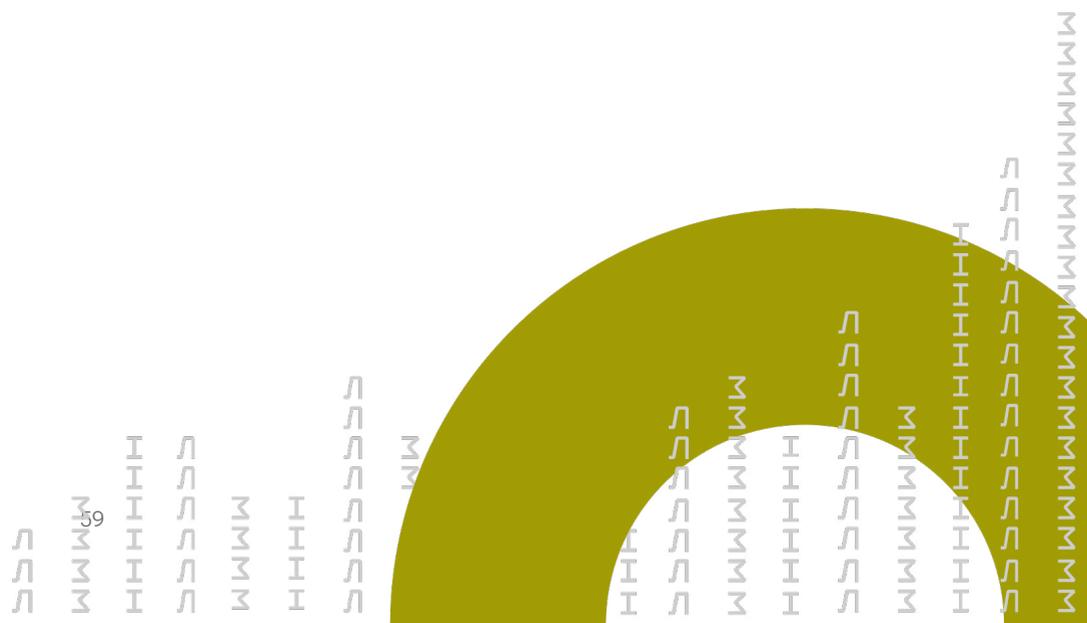
“When, instead of a ten-day deadline, the employees of the secretariats of the Committees, the Main Legal Department, and the Documentation Department, which processed the draft laws, were tasked with preparing two dozen laws for signing immediately [on the same day after the plenary session], none of them considered their personal time.”

One possible explanation for this is the stability of the Secretariat staff. Many of the staff members have extensive experience – 10 years or more. Such experience means that there is a special institutional memory and

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52 Resolution of the Cabinet of Ministers of Ukraine No. 440 of 12 April 2022: <https://cutt.ly/Zw4pb3Ed>

corporate culture that cultivates the priority of fulfilling the functions and duties of civil servants, regardless of the complexity of the conditions. That is why, at a critical moment, the holders of such values are ready to move away from the standard workload and do their job selflessly. In general, all respondents highly appreciate the professionalism and dedication of the staff of the Verkhovna Rada, especially those who remained in their jobs and performed their duties in good faith despite the hostilities.



# 9. Changing roles of the President and the Cabinet of Ministers



States that have been at war since antiquity have been characterised by the concentration of power to make quick, timely decisions. Such patterns can be traced back to the first civil societies of the ancient world (Greece and Rome). However, even in the representative democracies of the twentieth century, during major wars, the legislative branch was weakened and the executive branch strengthened. Ukraine did not escape this fate. The balance of power, which had not been on the side of the Parliament before, shifted even more towards the executive after 24 February 2022. There were objective prerequisites for this.

**First**, there was a so-called “mono-majority” – a faction that had coalition rights and was presidential, as most of its MPs had no political weight of their own and “entered” the Parliament through the brand of Volodymyr Zelenskyy.

**Secondly**, the existential threat to Ukrainian statehood objectively requires consolidation and cohesion, closer coordination between the legislative and executive branches of government. And since the majority and opposition factions and groups have consolidated in the Parliament, criticism of the Government’s actions from various parliamentary forces has become at least less frequent.

**Thirdly**, in the context of such consolidation, the concept of opposition to the government takes on many complex aspects. If the government is identified with the state (and this is a common technique in the government's communication strategy), then criticising the government means criticising the state, and being in opposition to the government means being in opposition to the state. The government is well aware of this, so it tries to portray criticism from the opposition as an attempt at internal destabilisation. This makes it difficult to be an opposition during the active phase of the war.

**Fourth**, the executive branch of government has more formal rights and public trust in extraordinary actions. It is difficult to draw a line between the attempts to strengthen their own power position, on the one hand, and the need to mobilise resources (including military) in the fight against Russia, on the other.

**Fifth**, the government during martial law cannot be changed in a constitutional way, at least if it is a systemic change of power rather than a reshuffle of the government. A change of government at such a time threatens to undermine state stability and weaken the power vertical responsible for conducting hostilities. In addition, the society overwhelmingly agrees that the use of unconventional means of changing the government (the policy of dissent) is unacceptable, as it leads to the same loss of state stability and weakening of the power vertical.

These and other factors led to the strengthening of the role of the President and the Cabinet of Ministers during martial law. This happened in both formal and informal ways.

Six months after the introduction of martial law, the role of the Cabinet of Ministers in the legislative process began to grow significantly. The share of government laws in the total number of laws adopted during the 8th session increased from the typical 18-22% of previous sessions of the 9th convocation to 30.5%<sup>53</sup>. Also, the Cabinet's draft laws were prepared for the second reading faster than other draft laws, which indicates both that the Government improved communication of its draft laws<sup>54</sup> in the

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53 Agency for Legislative Initiatives. Monitoring of the work of the Verkhovna Rada of the IX convocation for the 8th session: <https://parlament.org.ua/2023/07/18/strong-monitoring-roboti-vru-za-8-sesiyu-stabilizatsiya-v-umovah-voyennogo-stanu-strong/>

54 According to the Monitoring of the 8th session, the number of days between adoption in the first reading and adoption in the second reading decreased for governmental laws in general (to an average of 123 days), while this figure increased for the President's and MPs' draft laws.

Verkhovna Rada and that the system of public policy making was shifting towards a government-centric model, which was recommended by Western partners and actively discussed within the framework of the parliamentary reform.

In addition, the speed and quality of processing of governmental draft laws in preparation for the second reading has increased, as the number of days between the adoption in the first reading and the adoption in the second reading for governmental laws in general has decreased (to an average of 123 days), while this figure has increased for draft laws of the President and MPs. One of the tools for achieving this is once again the participation of the Cabinet of Ministers in meaningful discussions at the “closed” Conciliation Boards.

The President and the President’s Office, unlike the Cabinet of Ministers, have increased their role informally, while formally the President has even withdrawn from domestic politics for some time. During the first six months of the war, the Verkhovna Rada of Ukraine did not adopt a single law submitted by the guarantor that would relate to domestic policy. All the laws passed by the President were merely symbolic or ratification laws. However, it should be borne in mind that before each plenary day, the so-called small faction of the Servant of the People (the head and deputy heads of the faction and the heads of committees from this faction) met at the Presidential Office to receive certain recommendations on the need to adopt draft laws. According to the respondents, the draft laws recommended for adoption by the Office became a priority in the Parliament even without the President formally designating them as urgent.

The formal role of the President of Ukraine began to recover somewhat in the second half of the full-scale invasion. During the 8th session, 20% of the laws passed by the President concerned domestic political issues<sup>55</sup>. However, respondents noted the growth of the President’s informal influence. **His control over the Verkhovna Rada is so strong that the head of state does not even need to use formal legislative instruments.**

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55 Agency for Legislative Initiatives. Monitoring of the work of the Verkhovna Rada of the IX convocation for the 8th session: <https://parlament.org.ua/2023/07/18/strong-monitoring-roboti-vru-za-8-sesiyu-stabilizatsiya-v-umovah-voyennogo-stanu-strong/>

# 10. The fate of pro-Russian political forces in the Verkhovna Rada of Ukraine

The full-scale invasion of the Russian occupiers raised questions in society about the future of pro-Russian political forces represented in the Parliament.

Representatives of these forces broadcast Russian narratives in Ukrainian politics, did not recognise the facts of Russian aggression since 2014, paid visits to the aggressor country and held friendly meetings with its officials. And this is only what lies on the surface of the public activities of these political forces and their individual representatives.

Their representation in elected bodies is dangerous for Ukraine for many reasons, primarily security ones. It shows support for pro-Russian narratives, provides legitimisation of the Russian invasion, and allows them to obtain inside information about the activities of key state bodies. At the local level, a dozen and a half pro-Russian parties were represented. At the level of the Verkhovna Rada, there were fewer such forces, with only one of them having the status of a faction – the Opposition Platform – For Life. Therefore, both public attention and efforts to limit its influence were focused on OPFL. The means of combating the OPFL were the deprivation of its members of parliamentary mandates and the banning of the party.

Ilya Kyva was the first of its representatives to have his mandate terminated early. He had left Ukraine before the invasion, and on 24 February 2022, he said on Russian television that Ukraine was “enslaved and brought to its knees by the West, steeped in Nazism, and has no future”, and that the Ukrainian people “need liberation”. Other OPFL MPs were less media-friendly and less openly supportive of the Russian invasion. In this context, Ilya Kyva stood in sharp contrast to the others. Therefore, on 3 March 2022, Kyva was expelled from the faction and dissociated from it. This was especially important for those members of the OPFL who remained in Ukraine and did not hide, hoping to maintain the status quo.

Already in Russia, Kyva submitted a letter of resignation to the Verkhovna Rada of Ukraine. On 15 March 2022, the Verkhovna Rada terminated the fugitive’s powers by resolution. Interestingly, the materials of the draft resolution on the Verkhovna Rada’s website do not contain an appendix – Kyva’s personal statement<sup>56</sup>.

Three days later, on 18 March, the President issued a decree approving the NSDC’s decision to suspend the OPFL political party. The parliamentary faction of the same name split into two newly formed parliamentary groups, which demonstrated the intention of such MPs to continue their activities in the Parliament. Some of those representatives of the OPFL who were outside the country and had no intention of returning began to lose their status as MPs.

Thus, five of them: Vadym Rabinovych, Viktor Medvedchuk, Taras Kozak, Renat Kuzmin and Andrii Derkach – were deprived of their citizenship by the President, which led to the early termination of their powers by the Parliament. Four more: Yulia Lovochkina, Natalia Korolevska, Yuriy Solod and Oleh Voloshyn – resigned their mandates of their own free will.

In addition to the OPFL members, pro-Russian non-factional MPs Vadym Novynskyy, Dmytro Shentsev and Andrii Aksionov also resigned their seats of their own free will. The latter cited his health condition as the reason, which was confirmed by the head of the mono-majority, Davyd Arakhamia<sup>57</sup>.

As for the motivation of the remaining “volunteers” to leave the Parliament, some wrote letters of resignation, realising that returning to Ukraine would threaten them with criminal prosecution, while others were aware of the

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56 Card of the draft resolution 7170: <https://itd.rada.gov.ua/billInfo/Bills/Card/39239>

57 URL: <https://cutt.ly/mw4pnd1t>

absolute disdain of society and the loss of their political weight. Being ostracised by the rest of the parliamentarians, against the background of all other factors, created more problems from their parliamentary status than advantages, which, by the way, were almost gone.

The Parliament could not fulfil the radical request of the society to deprive all members of the OPFL of their powers, as the Fundamental Law provides an exhaustive list of grounds for this.

Revocation of mandates in any other way would have set a very dangerous precedent and would have given rise to court appeals, including to the European Court of Human Rights, which would not be the best option on the path to European integration. Of course, the ECHR would not be able to reinstate them as MPs, probably limiting itself to paying them lost salaries (in case Ukraine loses). However, this could theoretically become an argument for delegitimising the process of limiting Russian influence and fighting collaborators.

The most effective of the legal grounds proved to be deprivation of citizenship, if the MP was found to have citizenship of another state, and voluntary resignation. If we do not take into account the “extra-parliamentary” instruments of physical assault (as happened, for example, with collaborator Oleksii Kovalev), the internal ostracism of MPs with openly pro-Russian views has also proved effective. According to some respondents, treating these MPs as traitors, both on the part of fellow MPs and the staff of the Secretariat, is the most effective legal way to “force” them out of the Verkhovna Rada.

The remaining MPs with a track record of pro-Russian stances, who did not leave Ukraine for permanent residence, did not “light up” their second passports and did not express a desire to give up their IDs of their own free will, retained their status, continue to work in the Verkhovna Rada and influence the adoption of laws with their votes.

Another aspect of the socio-political debate on limiting pro-Russian influence is the issue of depriving MPs who were previously members of the OPFL faction of their positions in committees. The most visible figure in this debate is Nestor Shufrych, the only committee head from this political force. He chairs the Committee on Freedom of Speech, although the majority in this committee still belongs to representatives of the Servant of the People. Other former members of the OPFL are less visible, although they hold the positions of first deputy, deputy heads and

secretaries of committees, and heads of subcommittees.

The deprivation of these MPs of their committee positions is not limited by the Constitution and can be done at any time if there are 226+ votes in the session hall. Moreover, in some cases, collaborators have already been deprived of their committee positions without being deprived of their deputy mandate. For example, this happened in July 2022 with O. Kovalov<sup>58</sup>. Later, in October 2022, three more MPs – I. Vasylykovskyy, R. Kuzmin and V. Rabinovych – were expelled from the committees. In March 2023, S. Liovochkin<sup>59</sup> was expelled from the National Security Committee.

There were many initiatives registered in the Verkhovna Rada aimed at expelling pro-Russian MPs from the Parliament or otherwise limiting their influence. For the most part, they were based not on grounds clearly defined by the Constitution, but on the statement of anti-Ukrainian activities of a certain group of MPs and rather indirect ways of proving violations of the Constitution. The form of such initiatives also varies - some are registered in the form of draft laws, and some in the form of draft resolutions:

- › Deprivation of 5 pro-Russian MPs of their mandates due to their anti-Ukrainian position, which is a violation of the MP's oath (draft resolution 7323<sup>60</sup> of 27.04.2022, initiated by O. Dunda).
- › Granting the NSDC the right (at the request of 45 MPs) to suspend the powers of MPs if the activities of the party from which such an MP was elected are also suspended (draft law 7362<sup>61</sup> of 10.05.2022, initiated by T. Batenko).
- › Enabling the Verkhovna Rada to decide to deprive MPs elected from parties whose activities have been suspended of the right to participate in meetings of the Parliament, committees and other bodies (draft law 7424<sup>62</sup> of 01.06.2022, initiated by T. Batenko).
- › Suspension of powers of MPs elected from a party banned by a court. Such MPs are also recalled from all positions (committees, delegations, commissions). That is, these MPs do not lose their

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58 URL: <https://zakon.rada.gov.ua/laws/show/2384-IX#Text>

59 URL: <https://zakon.rada.gov.ua/laws/show/3008-20/ed20230321#n6>

60 URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/39504>

61 URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/39570>

62 URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/39711>

status as MPs, but cannot exercise any powers (draft law 8089<sup>63</sup> of 29.09.2022, initiated by I. Gerashchenko).

- › Granting the Central Election Commission the authority to revoke the mandates of MPs from parties banned by the court. However, such MPs will be considered to have failed to join the parliamentary faction in the manner prescribed by the Constitution (draft law 8345<sup>64</sup> of 10.01.2023, initiated by O. Bakumov).
- › Depriving former members of the OPFL of their positions in committees (draft resolution 8348<sup>65</sup> of 11.01.2023, initiated by I. Herashchenko)
- › Recall of N. Shufrych from the post of the Head of the Committee on Freedom of Speech (draft resolution 9469<sup>66</sup> of 10.07.2023 initiated by I. Herashchenko and draft resolution 9479<sup>67</sup> of 10.07.2023 initiated by M. Bezuhla)

A possible reason for the slow process of ousting some former OPFL MPs from the Parliament is their importance as reserve votes. It is not uncommon for the initiatives of the parliamentary majority to be threatened with failure to pass due to a lack of votes in favour. Traditionally, in such cases, representatives of the parliamentary groups “Trust” and “For the Future” come to the rescue. However, with the formation of two new parliamentary groups, Restoration of Ukraine and Platform for Life and Peace (formed mainly by former members of the OPFL), the Servant of the People has already received support from them in terms of voting. The most recent such cases include the urban planning reform (draft law 5655<sup>68</sup>). The draft law was passed by 228 votes out of the 226 minimum required. This draft law had almost no support from the minority factions - the EU, Fatherland, and Voice gave 1 vote in total. However, former members of the OPFL cast as many as 20 votes, which ensured the adoption of this draft law. It is noteworthy that due to public opposition, the President has not yet signed the draft law (as of 19.12.2022), and even the European Parliament has called on Volodymyr Zelensky not to sign it<sup>69</sup>.

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63 URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/40556>

64 URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/41129>

65 URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/41151>

66 URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/42256>

67 URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/42255>

68 URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/26981>

69 URL: <http://surl.li/tuezk>

# Given all the circumstances described, three conclusions can be drawn:

- in cases where there can be no doubt about the anti-Ukrainian position of MPs and where there is a legal possibility of depriving them of their mandate, all possible legal measures are taken;
- the Ukrainian authorities, despite heated debates and a broad public demand for decisive but questionable steps from a legal point of view, chose the path of legality, and the parliamentary environment chose ostracism mechanisms to force politicians with unacceptable positions out of the Parliament;
- a comprehensive solution to the issue of political forces with obvious pro-Russian positions (or a long history of such positions and political actions that cannot be immediately reversed by a simple statement) rests not only on the constitutional guarantees of the status of a Member of Parliament of Ukraine, but also on their willingness to cooperate with the political leadership of the state.