

INTER-BRANCH RELATIONS AND THE  
USE OF DEPUTY REQUESTS IN UKRAINE, 2002-2006

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## **Introduction**

In November 2004, Ukraine garnered the world's attention as hundreds of thousands of citizens mobilized to challenge improperly administered presidential elections. Tense negotiations between the opposition and regime finally produced a compromise: another round of voting would be held for the presidency,<sup>1</sup> and constitutional reforms subsequently would be enacted to enhance parliament's authority vis-a-vis the president. The opposition's victory in the repeat election secured the transfer of executive power from a group of entrenched semi-authoritarian elites to its challengers.<sup>2</sup>

This unlikely sequence of events has received attention in the scholarly literature. Some researchers have focused on the causes of the "revolution" (Kuzio 2009), while others have emphasized mobilization and have used the Ukrainian case to better understand the phenomenon of "electoral revolutions" (Bunce and Wolchik 2006; Beissinger 2007; Tucker 2007). The implications of the Orange Revolution extend beyond these issues, however, and allow scholars to investigate additional questions about the development of effective political institutions in transitional societies.

As a new democracy with evolving political norms, Ukraine provides an ideal setting to investigate how cooperation and competition among political institutions develops. Using data about parliamentary oversight, this paper focuses on how the change in executive power influenced competition between the legislative and executive branches. Our main vehicle for investigating oversight is the deputy request, a tool available to Ukrainian members of parliament that allows them to request information or action from national and local organizations.

We address several questions about deputy requests at two levels of analysis. At the level of individual deputies, we assess how institutional rules, partisan affiliation, the legislator's professional standing, and demographic features affect how legislators use this tool. At the level of parties, we investigate how a party's affiliation with pro-regime or anti-regime activities influences the frequency and target of requests.

We address these issues in four sections. First, we outline our expectations about inter-branch relations, and address the formal mechanisms for interaction between the executive and legislature as well as the context of inter-branch conflict in Ukraine. Second, we present findings from our analysis of individual-level data to discern what features influence how deputies use requests. Third, we present data aggregated at the level of parties and parliamentary sessions to evaluate hypotheses about institutional and partisan effects. We conclude with a discussion of future research.

## **Expectations about Inter-Branch Relations**

### ***Oversight and Inter-Branch Conflict***

Many scholars have explored inter-branch conflict, particularly between executive and legislative institutions, in the American and comparative politics literatures.<sup>3</sup> Research has addressed how key positions are appointed (Atkinson and Nossal 1980; Neto and Strøm 2006), how domestic divisions affect

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1 Technically, "new" elections were not held. Rather, the second round of the presidential election was repeated.

2 Ukrainian political alliances are perhaps not as straightforward as this characterization implies. Viktor Yushchenko, who won the presidency as an oppositionist had been prime minister under the ousted regime's longstanding president, Leonid Kuchma. Other opposition leaders like Yuliya Tymoshenko have similarly ambiguous biographies.

3 Outside the United States, scholars have particularly studied European democracies ( King 1976, Andeweg 1992, Muller 1993).

foreign policy outcomes (Hazan 1997; Neto and Strøm 2006), and how oversight is connected with inter-branch relations (Rockman 1984).

The diverse mechanisms through which inter-branch conflict may be manifested were outlined in a seminal article by Anthony King (1976). King indicated that the concept of legislative-executive relations has been inadequately defined, and consists of at least five types of interactions. Interparty relationships address how parties form and manage coalitions. Intraparty relationships address how government ministers compete and collaborate with backbenchers from their own parties. Cross-party relationships address how government, backbenchers from governing parties, and the political opposition can unify on specific policy matters. Non-party relationships address how backbenchers in ruling parties and the opposition can collaborate to constrain government actions. Finally, opposition relationships address how conflict between governing and non-governing parties are managed. We are most interested in the last interaction in this paper because many of the basic reasons for conducting oversight correspond with a political opposition's strategic and tactical goals vis-a-vis ruling parties.

Oversight allows political actors to investigate and undermine dishonesty, waste, arbitrary or biased decision-making, and the improper implementation of statutory provisions (Rockman 1984; James 2002).<sup>4</sup> In principle, legislatures can exert oversight functions in the process of budgeting and appropriations, authorization, confirmation, impeachment, and investigation (James 2002, 20-26). While oversight may be characterized as a component of good government practices, it is often politically charged (Rockman 1984). When the executive and legislative branches are in a particularly antagonistic period, moreover, information-seeking mechanisms are especially valuable to undermine efforts by one institution to challenge the authority of another (Aberbach 1990). For the political opposition, probing the executive for evidence of improper behavior could provide fodder for campaigns or leverage in the governance process. As a readily available, low cost tool, deputy requests allow legislators to extract information and potentially undermine competitors in government.

### *Ukrainian Context*

Ukraine was the last post-Soviet state to codify a new post-communist constitution. Ratified in 1996, the constitution established a semi-presidential system that conferred significant powers to the executive and more limited powers to the legislative branch. The president had the right to appoint and dismiss the prime minister, members of the cabinet, general prosecutor, and several other key posts. The president also enjoyed veto and decree powers.<sup>5</sup> Ukraine's presidency was characterized as super-presidential, denoting institutional rules and informal practices that privilege the president and elevate his ability to make policy. However, scholars noted that its status as super-presidential was more ambiguous than other post-Soviet cases (Ishiyama and Kennedy 2001). In a study of post-Soviet presidencies, Ukraine was ranked as the eighth strongest post-Soviet presidency (Frye, Hellman et al. 2000).<sup>6</sup>

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4 Rockman cites Macmahon (1943). James (2002, 2-4) provides a more detailed list of oversight functions, noting that it "ensure[s] executive compliance with legislative intent, improve[s] the efficiency, effectiveness, and economy of governmental operations, evaluate[s] program performance, prevent[s] executive encroachment on legislative prerogatives and powers, investigate[s] alleged instances of poor administration, arbitrary and capricious behavior, abuse, waste, dishonesty, and fraud, assess agency or officials' ability to manage and carry out program objectives, review[s] and determine[s] federal financial priorities, ensure that executive policies reflect public interest, protect individual rights and liberties... and other purposes...."

5 See Article 106 for a full list of presidential powers.

6 Ukraine was ranked behind, in order: Belarus, Uzbekistan, Turkmenistan, Kazakhstan, Kyrgyzstan, Russia, and Armenia. It was ranked ahead of Tajikistan, Georgia, Moldova, Lithuania, Estonia, and Latvia. Azerbaijan was not included in the assessment.

Ukraine's parliament began developing oversight mechanisms in 1990, with rules evolving over time. Early oversight functions were carried out by commissions, but they faced several challenges including a lack of deputy engagement, as well as lack of political will to challenge the standing government. New rules and statutes, including the Regulations (Reglament),<sup>7</sup> laws on the budget and committees, and the constitution, formalized the place of oversight in Ukrainian legislative processes. Further, committees increasingly dedicated time and attention to oversight functions. But, oversight "inevitably became entangled with deputies' and factions' political aims..." (Whitmore 2004).<sup>8</sup>

The contentious relationship between governing political elites and those in the opposition reached its apex during the 4<sup>th</sup> convocation of the Verkhovna Rada (parliament) that occurred from May 2002 until April 2006. President Leonid Kuchma was often antagonistic toward parliament, and especially leftist factions that dominated it in the 1990s. Kuchma's frustration with parliament's unwillingness to comply with his preferences prompted him to initiate efforts to change the constitution, first through a referendum in 2000 and subsequently through parliamentary action in early 2004. The referendum's implementation was scuttled by revelations of improper behavior, including allegations that the president was complicit in the murder of an opposition journalist. These allegations were revealed in parliament when then-speaker Oleksandr Moroz played audio tapes allegedly recorded in the president's office that included references to the journalist as well as coarse discussions of other improper activities. The scandal led to street protests and the "Ukraine without Kuchma" movement.

While the scandal did not lead to Kuchma's ouster, it enhanced the electoral prospects of regime opponents whose parties performed well in the 2002 parliamentary election. Parties of the left that had previously challenged Kuchma (e.g., Socialist Party of Ukraine (SPU) and Communist Party of Ukraine (KPU)) gained seats, but the opposition associated with a stronger orientation to an ethnic and linguistic Ukrainian identity, as well as to European institutions, (e.g., Our Ukraine (NU) and the Bloc of Yuliya Tymoshenko (BYT)) also performed well, especially in the proportional representation component of the mixed electoral system.

As the 4<sup>th</sup> convocation progressed, anti-regime sentiment grew. President Kuchma's term-limited exit from the office of chief executive approached, and he designated a successor: Viktor Yanukovich. Yanukovich faced the leader of the main opposition party that had gained parliamentary seats in 2002, Viktor Yushchenko. As we noted in the introduction, strong allegations of fraud led to street protests, and eventually a repeat of the election's second round. The Orange Revolution, and the change in executive authority, did not affect parliament's composition, however. Parties and political elites who had been in pro-regime factions found themselves in the political opposition. Many in the opposition found themselves now part of a ruling coalition. However, the ruling coalition in the executive branch was not matched by a parliamentary majority; the prime minister and government were primarily responsible to the president, not parliament, at that time.<sup>9</sup>

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7 The Reglament is the set of internal rules and procedures for parliament.

8 In addition, executive compliance was problematic and deputies pursuing oversight could face threats. Some deputies involved in oversight activities died in "unclear circumstances" (Whitmore 2004, 174).

9 The failure of the "Orange" forces to match their capture of executive offices with a legislative majority were manifested in several ways. For example, new officials could not be appointed in some positions, such as the chief of the State Property Fund, where Orange factions could not muster a majority (226 votes). In principle, Orange forces might have been able to manufacture a majority from "Blue" deputies who were ready to defect after Yushchenko gained the presidency. However, the leadership did not seem to pursue this option.

### ***Oversight Mechanisms in Ukraine***

Oversight tools provide parties and individual politicians a formal method to gather information and check behavior. Parliamentary regulations delineate three mechanisms for deputies to exert oversight: requests, hearings, and methods to monitor the activities of the Cabinet of Ministers. Deputy requests (запит in Ukrainian/запрос in Russian) are formally designed to provide a tool to check and monitor the behavior of other institutions. Ukraine's constitution, Law on the Status of People's Deputies of Ukraine, and Reglament define the purpose and parameters of legislator requests. Ukraine's constitution notes that a deputy has the right to direct requests to "bodies of the Verkhovna Rada of Ukraine, to the Cabinet of Ministers of Ukraine, to the heads of other state bodies and local self-governing units, and also to the heads of enterprises, bodies, and organizations located on the territory of Ukraine... Heads of state governing bodies and local self governing units, enterprises, departments, and organizations must inform the Verkhovna Rada about the results of the inquiry..." (Article 86, translation by the authors).

Deputy requests are read into the official parliamentary record during plenary sessions (held on Fridays, and in some cases, Wednesdays). At the plenary session, the legislator (or group of legislators) publicly identifies the issue and the institution to which the request is directed. The only exception to this general rule are requests directed to the president; these requests must receive a favorable parliamentary vote to be placed in the record.

The Law on the Status of People's Deputies of Ukraine defines the time period when a deputy has the right to exercise official functions. Because deputies alone may issue requests, the formal start and end of parliamentary convocations demarcates the time periods for requests. The beginning of the first session is supposed to take place no later than 30 days after the official announcement of election results. Because results are not certified until complaints are adjudicated, the new parliament may not sit until long after election day. For the 4<sup>th</sup> convocation of the Rada, elected on March 30, 2002, formal terms of deputies began on May 14, 2002.

### **Data and Expectations**

The Verkhovna Rada makes available information about deputy requests on its website (<http://portal.rada.gov.ua/>).<sup>10</sup> These reports indicate the identity of the deputy filing the request, the institution to which the request was directed, as well as a summary of the content. We used this raw material, as well as data from Ukraine's Central Electoral Commission, to code the variables in our analysis.

*Insert Table 1 about here*

Table 1 summarizes the number of deputy requests filed by session, as well as by tier. During the 4<sup>th</sup> Rada convocation (2002-2006), deputies filed 15,852 requests. With 178 available days to file requests, an average day would include 89 requests placed on the record. While the total number of requests filed among deputies elected to PR seats was higher than their SMD counterparts, the median number of requests among PR deputies was lower.<sup>11</sup> Several deputies in PR seats were highly active in

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10 For our paper, we concentrate on the formal submission of requests. The Rada provides limited information on responses to requests (addressing only when a response was provided, but not the nature or quality of the response).

11 The level of activity among PR deputies is accentuated by several outliers, most notably Yuriy Karmazin who filed 901 requests.

filing requests, but many PR deputies were inactive (13.8% of PR deputies filed no requests, compared to 7.9% of SMD deputies).

*Insert Table 2 about here*

Table 2 displays information about deputy requests filed prior to and after the Orange Revolution. Sessions 1-5 occurred prior to the Orange Revolution, session 6 occurred during event, and sessions 7-9 occurred after Yushchenko secured the office of president. Since the change in executive office was not formalized until session 7, we include session 6 among the "pre-revolution" sessions. The number of requests filed after the Orange Revolution exceeds those filed before, and when the number of available days is factored into the assessment, the post-revolution period appears even more active. The mean number of requests per day was 55.9 in sessions 1-6, but it was 178.9 in sessions 7-9.

Another key variable in our analysis is partisanship. As noted above, the key divide in Ukraine during this period was pro-government and anti-government,<sup>12</sup> although other social and political cleavages paralleled the main division (e.g., factions of the left were generally anti-government as were factions associated with Ukrainian nationalism). We relied upon data from the Central Electoral Commission, Verkhovna Rada, media, and our own knowledge of Ukraine's politics to code factions. We adopted a conservative approach, identifying factions as part of a "Blue" (pro-government) or "Orange" (anti-government) group based on their activities during elections, in the governing period, and in the aftermath of the Orange Revolution.<sup>13</sup> While some factions may arguably "lean" in one direction or another, we focused on factions whose allegiances seemed to be clearer. Among the "Blue" factions, we included: Labor Ukraine, Party of Industrialists and Entrepreneurs (PPPU),<sup>14</sup> Party of Regions/Regions of Ukraine, People's Democratic Party, Social Democratic Party of Ukraine (United), and United Ukraine.

Among the "Orange" factions we included: Bloc of Yuliya Tymoshenko (BYT), Our Ukraine (NU), Party of Reforms and Order (PRP), and the Socialist Party of Ukraine (SPU).<sup>15</sup> The definition of the "Orange" coalition is complicated by the dismissal of Tymoshenko as Prime Minister at the beginning of the 8<sup>th</sup> session. While Tymoshenko's ouster placed her and her political allies outside of the governing coalition, and her dismissal underscored the weakness of the "Orange" coalition, she did not ally with Blue factions in opposition. Instead, she used her firing to emphasize differences with Yushchenko which would prove advantageous in the 2006 parliamentary election.

Our analysis addresses the factors influencing the use of deputy requests at two levels. We begin at the individual level, and draw upon the literature about oversight and legislative behavior to identify variables that may affect how deputies use this oversight tool. It is important to note that legislators face

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12 Change in the executive branch complicates this classification. When we refer to "pro-government," we include political actors or groups that were generally aligned with the Kuchma regime. That is, "government" refers to the pre-Orange Revolution political situation.

13 Defining political groups as pro-government and anti-government becomes exceptionally complicated in Ukraine during this period. The change in executive authority alters the identity of government and opposition, however some prominent politicians defect from the pre-Orange Revolution government to the post-Orange Revolution government. Further, parties and factions change, and some deputies change their affiliations multiple times (see Herron 2002; Thames 2007). Here "government" refers to the Kuchma-era government.

14 PPPU is included among "Blue" factions prior to the Orange Revolution, but also among "Orange" factions after the revolution because its leadership switched sides.

15 While the SPU notably broke with its "Orange" partners after the 2006 election, it was allied with them in the Rada during this period.

limited incentives to allocate their time to oversight. A significant amount of research indicates that legislators often act in ways that enhance their likelihood of retaining office (c.f., Mayhew 1974). Activities that allow legislators to claim credit, obtain a measurable result (particularly in the short-term), and avoid trouble are more beneficial to achieving that end (Rosenthal 1981). Indeed, the increase in the rate of deputy requests at the end of the 4<sup>th</sup> convocation could be related to the upcoming election. Because requests are announced at plenary sessions, deputies could use them as a tool to promote themselves and their factions.

Engaging in oversight may serve multiple purposes. Committees charged with oversight – and the legislators who participate in them – are often more focused on advocacy efforts. That is, while their responsibilities include monitoring the implementation of policies in a certain issue area, members of committees are often committed to the maintenance of the activity (Aberbach 1990). In Ukraine, many deputy requests simultaneously provide oversight and constituency services (Herron and Boyko 2009). The role of overseer and advocate can be blurred, increasing the incentive for individual deputies to engage in these activities.

Because of the connections between oversight and other deputy roles, we have relied on the literature on oversight as well as constituency service to identify variables for our individual-level analysis. Below we address institutional and career advancement motivations, and several demographic features that have appeared in the legislative behavior literature.

Many scholars link incentives associated with institutional rules to legislator behavior. Legislators in majoritarian seats may face different incentives than their counterparts in PR.<sup>16</sup> Because legislators in majoritarian systems have geographically-defined constituencies, and are dependent upon voters in the district for electoral success, they encounter strong incentives to regularly – and publicly – advocate for the district's interests.<sup>17</sup> In our analysis, we assess the SMD and PR tiers to address institutional effects, and control for tier in the analysis combining deputies from both tiers.

Another motivation for oversight and constituency service could be individual career advancement. Legislator activities could be designed to earn voters' trust, cultivate a personal vote, and improve electoral outcomes (Clarke 1978; Cain, Ferejohn et al. 1987; Parker 1989; Serra and Moon 1994) especially in competitive districts (Clarke 1978). In addition, incumbents and legislators with longer experience may be more likely to have access to, and reap rewards from, oversight and constituency service activities (King 1991; Heitshusen, Young et al. 2005; Ashworth and Mesquita 2006).<sup>18</sup> A legislator's ideology and/or party membership (Clarke 1978; Halligan, Krause et al. 1988; Ashworth and Mesquita 2006) could also influence the tendency to provide oversight or constituency services. Further, legislators who aspire to higher offices (i.e., those who display progressive ambition) are more likely to monitor opinion (Maestas 2003) and perhaps also to provide services. In our analysis, we include variables

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16 The literature on mixed electoral systems has not reached a consensus on how seat mandate affects behavior. Some researchers have found differences in behavior across tiers (Lancaster and Patterson 1990, Judge and Ilonszki 1995, Thames 2005). Other studies have noted that the opportunity to contest in both tiers of the mixed system could confound effects based on mandate (Herron 2002; Ferrara, Herron, and Nishikawa 2005). However, in Ukraine's 2002 election, dual candidacy was not permitted; candidates could only contest seats in one tier. Because of the formal separation of the two tiers during this period in Ukraine, we expect that mandate effects could be more pronounced.

17 The cultivation of a "personal vote" is particularly important for politicians in single-member districts (Cain, Ferejohn, and Fiorina (1987).

18 Some research, however, has found weak support for incumbency advantage (Gaines 1998), although other work suggests that weak support may be due to methodological issues rather than conceptual errors (King 1991).

for incumbency, the deputy's role in leadership,<sup>19</sup> and district competitiveness<sup>20</sup> to account for career orientation.

Lastly, demographic features such as gender (Richardson and Freeman 1995) and education level (Clarke 1978) may influence the propensity to provide services.<sup>21</sup> The characteristics of the district may also influence services, with variation in political culture among regions posited as an important factor affecting legislator behavior (Johannes 1983). In our analysis, we include variables controlling for gender and region.<sup>22</sup>

Following our individual-level analysis, we assess patterns of deputy requests at the level of party groups. We focus on two issues – the number of requests issued by deputies associated with particular factions, and the targets of those deputy requests. We expect that the rate of requests among "Blue" factions will increase after the Orange Revolution, when their opponents gained executive office. We further anticipate that the rate of requests among "Orange" factions will decrease after the Orange Revolution as they take control of executive institutions and have fewer incentives to publicly check the behavior of these bodies. We expect little change in behavior of deputies from the KPU as this faction was not part of either governing coalition.

## **Analysis**

### ***Individual-Level Determinants of Deputy Requests***

We explored several alternative specifications for the models of individual deputy behavior. To assess deputy activity, we could have focused on the number of requests submitted and analyzed the data using a negative binomial regression.<sup>23</sup> While this approach would allow us to model the frequency of request submissions, it would not take into account two important features of the data. First, sessions are of unequal duration, and within sessions the number of available days for making requests varies. As Table 1 illustrates, while five sessions presented deputies a comparable number of days to submit requests (ranging from 20-22), two sessions had more days (26 and 32) and two sessions had substantially fewer days (6 and 7). Since we were interested in assessing the level of deputy activity, it was important to take into account the opportunity to submit requests. Consequently, we generated a dependent variable that measures the rate of deputy requests: the number of deputy requests filed per available day.

After addressing this issue, we faced another challenge. Several deputies were prolific filers of deputy requests. One deputy alone filed 901 requests (around 6% of all requests) over the course of the convocation. Other deputies were potential outliers due to their high level of activity. To address the potential impact of outliers, we use robust regression.

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19 Specifically, in our legislative leadership variable, we code committee officers as 1 and deputies who are only members of committees as 0.

20 For SMD deputies, competitiveness is the margin of victory. For PR deputies, competitiveness is the list position (logged).

21 Because Ukrainian deputies do not exhibit much variation in educational levels obtained, we do not control for education in the analysis.

22 We control for region only among SMD deputies. Instead of controlling for all of Ukraine's 27 major geographic units (24 oblasts, an autonomous republic, and two cities of special significance), we aggregate regions into eight macro-regional units (Barrington and Herron 2004).

23 The data show signs of overdispersion, so a poisson model is not appropriate.



Table 3 shows the results of robust regression analysis for several models. The dependent variable in all of the assessments is the number of deputy requests per available day. We also conducted a parallel analysis using negative binomial regression and a count of requests as the dependent variable, achieving similar results.<sup>24</sup> However, we report robust regression results because of the potential effect of outliers.

*Insert Table 3 about here*

The results are reasonably consistent across models of pre-and post-Orange Revolution sessions, and across the SMD and PR tiers. Most of the variables are not statistically significant: incumbency, SMD victory margin, region, and gender do not exert significant effects. However, several variables are statistically significant across most models.

The most consistent factor influencing the level of activity in issuing deputy requests is partisanship. Deputies associated with "opposition" factions ("Orange" factions and the left opposition – notably the KPU) tend to file more requests than deputies associated with "pro-government" factions ("Blue" factions). The coefficient is statistically significant in all models, save the post-Orange revolution model for SMD deputies.

The deputy's leadership role also exerts an effect on the filing of deputy requests, albeit less consistently than opposition membership. Deputies in committee leadership positions were more likely to issue requests in several models: the post-Orange Revolution SMD model, and both models that combined PR and SMD deputies. Among deputies in PR, higher list position<sup>25</sup> (another marker of leadership) was associated with more activity.

Finally, the variable for deputies occupying SMD seats is statistically significant in the combined model. This suggests that deputies in SMD seats are more likely to be active in issuing requests. While PR deputies issued more requests than deputies in SMD, several deputies in PR accounted for a sizable portion of all requests and a higher proportion of PR deputies filed no requests (see above).

The individual-level analysis suggests that partisanship is the most consistent predictor of legislator activity in issuing deputy requests. The next section evaluates the effect of partisanship at a higher level of aggregation, assessing the frequency and targets of deputy requests based on membership in factions associated with partisan groups.

### ***Partisanship and Deputy Requests***

Figure 1 shows the dynamics of deputy requests across all nine sessions of the 4<sup>th</sup> Rada convocation, based on deputy membership in "Blue" or "Orange" groups, or the KPU. As we noted earlier, sessions 1-6 constitute the period in which executive power was held by political elites associated with "Blue" parties, and sessions 7-9 constitute the post-Orange Revolution period in which "Orange" parties gained control over executive bodies. The figure displays an index of requests based on the number of days available to issue requests. Activity generally increased over the nine sessions, with two notable

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24 Standard OLS also produced similar results when the dependent variable was the number of deputy requests per available day.

25 That is, a lower number on the list, hence the negative sign.

decreases. The number of deputy requests decreased for all groups during session 6. Further, KPU request activities dipped after session 7.<sup>26</sup>

*Insert Figure 1a about here*

The pattern for "Blue" factions follows our intuition noted above. Pro-government factions produced relatively few deputy requests prior to the Orange Revolution, but were more active after the changeover in executive authority to the "Orange" opposition. Following this change in power, the number of requests per day increased until the end of the 4<sup>th</sup> convocation. Given that the primary purpose of deputy requests is to facilitate legislative oversight, especially over political units controlled by the executive, the change in behavior is not surprising.

Patterns for "Orange" and Communist factions are more difficult to interpret. Among "Orange" factions, the rate of deputy request submissions increased across the nine sessions, with the notable exception of the drop in submissions during the sixth session. It is not surprising that factions opposing the sitting government would use oversight tools to challenge their rivals. However, unlike the "Blue" factions, whose behavior appears to have been altered by the change in identity of the chief executive, "Orange" factions continued to vigorously pursue oversight after they gained power in the executive.

This observation holds even if BYT is removed from the group of Orange factions after Tymoshenko's ouster as Prime Minister in September 2005. Table 1b treats BYT as a member of the "Orange" group until session 8. While the rate of requests among the remaining members of the Orange coalition plateaus, it continues to increase, albeit slightly, in session 9. The request rate among BYT deputies increases as well, although they filed fewer requests than their counterparts.<sup>27</sup>

*Insert Figure 1b about here*

The Communists, who opposed the Kuchma regime but were not coalition partners with "Orange" groups, initially experienced an increase in the pace of requests after the Orange Revolution, but their rate of requests tapered off after the seventh session.

*Insert Figure 2 about here*

To better understand how the behavior of factions changed over time, we also explored the composition of deputy requests (See Figure 2). Specifically, we assessed the targets of deputy requests. As we noted earlier, deputy requests could be directed toward national or local institutions, with the caveat that requests directed to the president required an additional vote in parliament to be accepted. Probably due to the additional barrier required to file a request with the president, the number of these re-

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26 Using individual-level data, we assessed whether or not behavior in the pre-Orange Revolution period differed statistically from the post-Orange Revolution period. We conducted comparison of means tests (t-tests) on the number of requests filed by Blue, Orange, and KPU deputies in the two time periods. The values differed statistically for Blue and Orange deputies, but were not statistically significant in the case of the KPU. When we conducted comparison of means tests on the rate of requests (number divided by available days), all three groups showed statistically higher levels of request activity following the Orange Revolution. These statistical findings conform with what the figures appear to illustrate.

27 The overall productivity of the BYT faction, as well as other political groups, could be affected by the number of affiliated deputies. While individual deputies may submit as many requests as they would like, smaller factions are likely to be less productive than larger factions.

quests is relatively low. The raw number of requests was higher among Blue factions and the KPU after the Orange Revolution (from 5 to 36 for the former and 20 to 32 for the latter), whereas the number of requests among Orange factions was slightly lower (from 18 to 12). This general tendency complies with expectations; the factions associated with the president would be less likely to file requests directed at the president than those factions outside the presidency.

Requests directed to the highest executive body – the Cabinet of Ministers – followed a similar pattern. The number of requests filed by Blue deputies for response by the Cabinet of Ministers increased from 300 prior to the Orange Revolution to 445 in sessions following the event. Orange and KPU deputies filed fewer requests after the change in government, from 1109 to 625 for Orange factions and from 604 to 535 for the KPU.

The pattern was similar for the General Prosecutor's office. In addition to representing the state in judicial matters, the General Prosecutor has important powers such as the ability to oversee compliance by law enforcement institutions and challenge immunity of parliamentary deputies. Moreover, the prosecutor's office has allegedly used powers to target opposition politicians.<sup>28</sup> Deputies in Blue factions filed more requests about the General Prosecutor after the Orange Revolution (126 prior to the event, 461 after). The number of requests directed to the General Prosecutor by Orange factions declined substantially (1109 to 625) while those issued by the KPU declined less precipitously (604 to 535).

Two targets for inquiry exhibited different patterns among factions that were in the opposition prior to the Orange Revolution. The number of requests directed to ministries and local institutions increased for all groups: from 127 to 433 for ministries and 17 to 193 for local institutions among Blue factions, from 556 to 873 for ministries and from 202 to 265 for local institutions among Orange factions, and from 336 to 345 for ministries and 64 to 97 for local institutions in the KPU.

Among less popular targets, expectations about activity were generally met by Blue factions. The number of requests directed to the Security Service of Ukraine (SBU), Central Electoral Commission (CEC), parliament and its committees (Rada), and Security Council increased. Among Orange factions, the number of requests to the SBU, CEC, and Rada decreased, but the number of requests to the Security Council increased. KPU requests directed to the SBU, Rada, and Security Council increased, but there was no change in the number of requests directed to the CEC.

The assessment of deputy requests aggregated at the level of partisan groups generally conforms with expectations. As power shifted in the chief executive's office, and control over executive bodies was transferred to new leadership, parliamentary deputies' oversight activities changed as well. Political elites ousted from the executive – those remaining in loyal Blue factions – increased their use of deputy requests. Political elites who were isolated from executive power in both periods – members of the KPU – initially increased their activities after the Orange Revolution, but their level of activity tapered off toward the end of the 4<sup>th</sup> Rada convocation. But, political elites who gained power in the executive branch – members of Orange factions – did not reduce their level of activity; rather, the rate of deputy requests increased.

The targets of deputy requests provided some nuance to the interpretation of deputy behavior. Following their loss of the presidency, Blue factions increased their activities directed at executive bodies, par-

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<sup>28</sup> These accusations include the pre-Orange Revolution opposition as well as the new post-Revolution opposition.

liament and its committees, and local institutions. The behavior of the KPU was more inconsistent, and changes in the number of requests filed were more subtle than among the Blue and Orange groups.

Orange factions, which found themselves in control of executive bodies for the first time since Ukraine's independence, decreased inquiries directed at the president, cabinet, and prosecutor, but increased their challenges to ministries and local institutions. It is possible that entrenched bureaucracies, held over from the previous administration, prompted Orange deputies to continue pressing ministries and local institutions. That is, while the newly victorious Orange forces could appoint new leadership, they may have faced resistance in the civil service prompting continued pressure.

### **Conclusion**

Our preliminary findings suggest that the change in the executive, facilitated by the Orange Revolution, prompted deputies to use institutional tools differently. As scholars of oversight indicated, these tools are often wielded for partisan reasons and the patterns of usage in Ukraine support this interpretation. Our analysis of individual deputy behavior suggested that partisanship, along with leadership, influenced the rate of request submission. Our analysis of parliamentary factions showed that the behavior of Blue and Orange factions changed after the Orange Revolution. While Blue factions behaved as we anticipated, increasing their oversight efforts after losing the presidency, other factions did not fully conform with expectations. Orange factions continued to file requests at a high rate after the Orange Revolution, but the composition of these requests changed to focus on institutions over which the executive has less control.

As the project evolves, we plan to code additional data to more fully explore the content of requests, and patterns of usage in other parliamentary convocations. In addition, we will further develop the models of individual-level behavior. Although preliminary, our assessment of deputy requests has potential implications for scholarship on accountability, representation, electoral systems, and democratization.

**Table 1: Number of Deputy Requests by Session, 2002-2006**

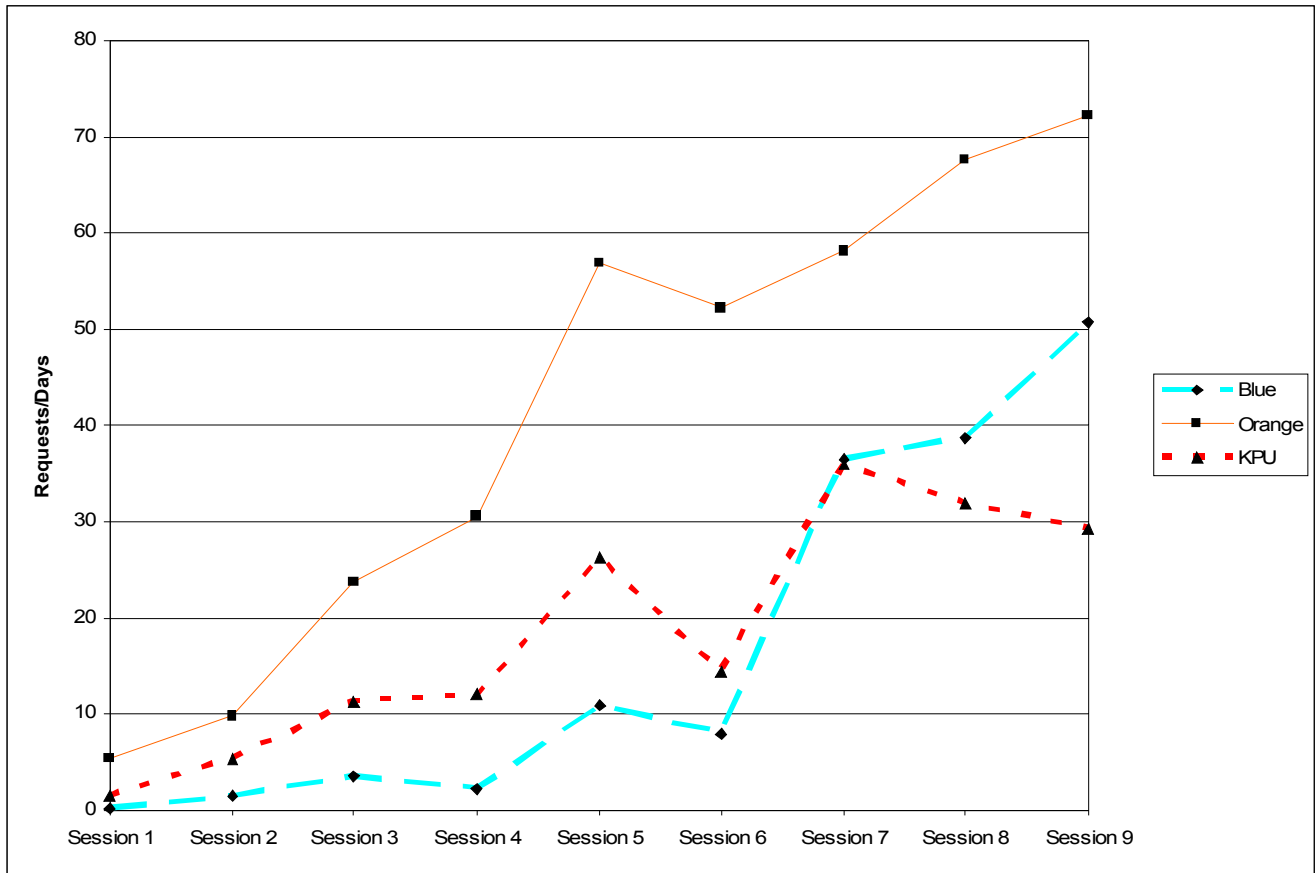
	Session 1	Session 2	Session 3	Session 4	Session 5	Session 6	Session 7 (1 <sup>st</sup> Post-OR)	Session 8	Session 9	Total
Dates	5/02-7/02	9/02-1/03	2/03-7/03	9/03-1/04	2/04-7/04	9/04-1/05	2/05-7/05	9/05-1/06	2/06-4/06	
# of Days	7	26	32	21	22	22	20	22	6	178
# of Requests (Total)	60	509	1428	1054	2352	1863	3430	3935	1221	15852
# of Requests (SMD)	19	203	522	333	858	712	1588	1638	545	6418
# of Requests (PR)	41	306	906	721	1494	1151	1842	2297	676	9434

**Table 2: Number of Deputy Requests Before and After the Orange Revolution**

	Pre-Orange Revolution	Post-Orange Revolution
# of Days	130	48
# of Requests (Total)	7266	8586
# of Requests/Day	55.9	178.9
# of Requests (SMD)	2647	3771
# of Requests (PR)	4619	4815

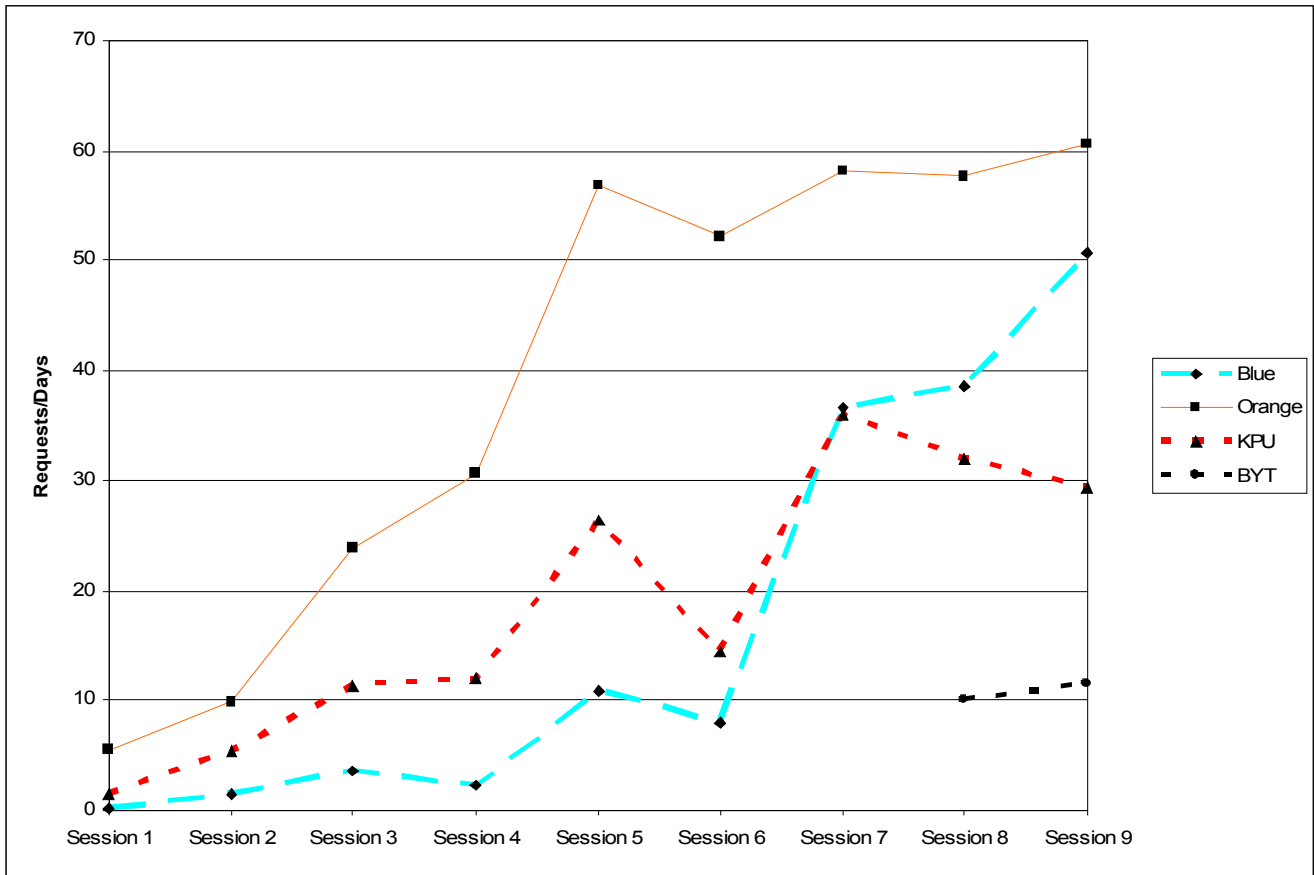
**Table 3: Individual-Level Analysis of Deputy Request Activity**

	# Req/Day (Pre-OR) SMD	# Req/Day (Post-OR) SMD	# Req/Day (Pre-OR) PR	# Req/Day (Pre-OR) PR	# Req/Day (Pre-OR) Combined	# Req/Day (Pre-OR) Combined
Opposition (Pre-OR)	0.050* (0.009)	0.063 (0.039)	0.016* (0.006)	0.068* (0.026)	0.025* (0.004)	0.058* (0.019)
Victory Mar- gin	-0.000 (0.000)	-0.000 (0.001)	-----	-----	-----	-----
List Position (Logged)	-----	-----	-0.007* (0.003)	0.014 (0.011)	-----	-----
Incumbent	-0.011 (0.010)	-0.039 (0.044)	0.006 (0.005)	0.010 (0.023)	0.002 (0.005)	-0.008 (0.019)
Legislative Leadership	0.010 (0.008)	0.076* (0.034)	0.005 (0.005)	0.036 (0.022)	0.008* (0.004)	0.055* (0.018)
Gender	0.008 (0.020)	-0.089 (0.092)	-0.000 (0.009)	0.038 (0.043)	-0.000 (0.009)	-0.007 (0.039)
Crimea	-0.016 (0.022)	0.053 (0.099)	-----	-----	-----	-----
East	-0.020 (0.017)	0.115 (0.075)	-----	-----	-----	-----
Eastcentral	-0.021 (0.16)	0.100 (0.072)	-----	-----	-----	-----
South	0.001 (0.018)	-0.008 (0.083)	-----	-----	-----	-----
Northcentral	-0.008 (0.015)	(0.039) (0.068)	-----	-----	-----	-----
Westcentral	-0.035* (0.016)	0.026 (0.072)	-----	-----	-----	-----
SMD	-----	-----	-----	-----	0.020* (0.004)	0.055* (0.019)
Constant	0.034* (0.026)	0.181 (0.118)	0.032* (0.012)	-0.024 (0.055)	0.005 (0.009)	0.067 (0.042)
F	5.03*	1.69	4.31*	3.02*	8.74*	4.67*
N	223	223	275	275	503	503

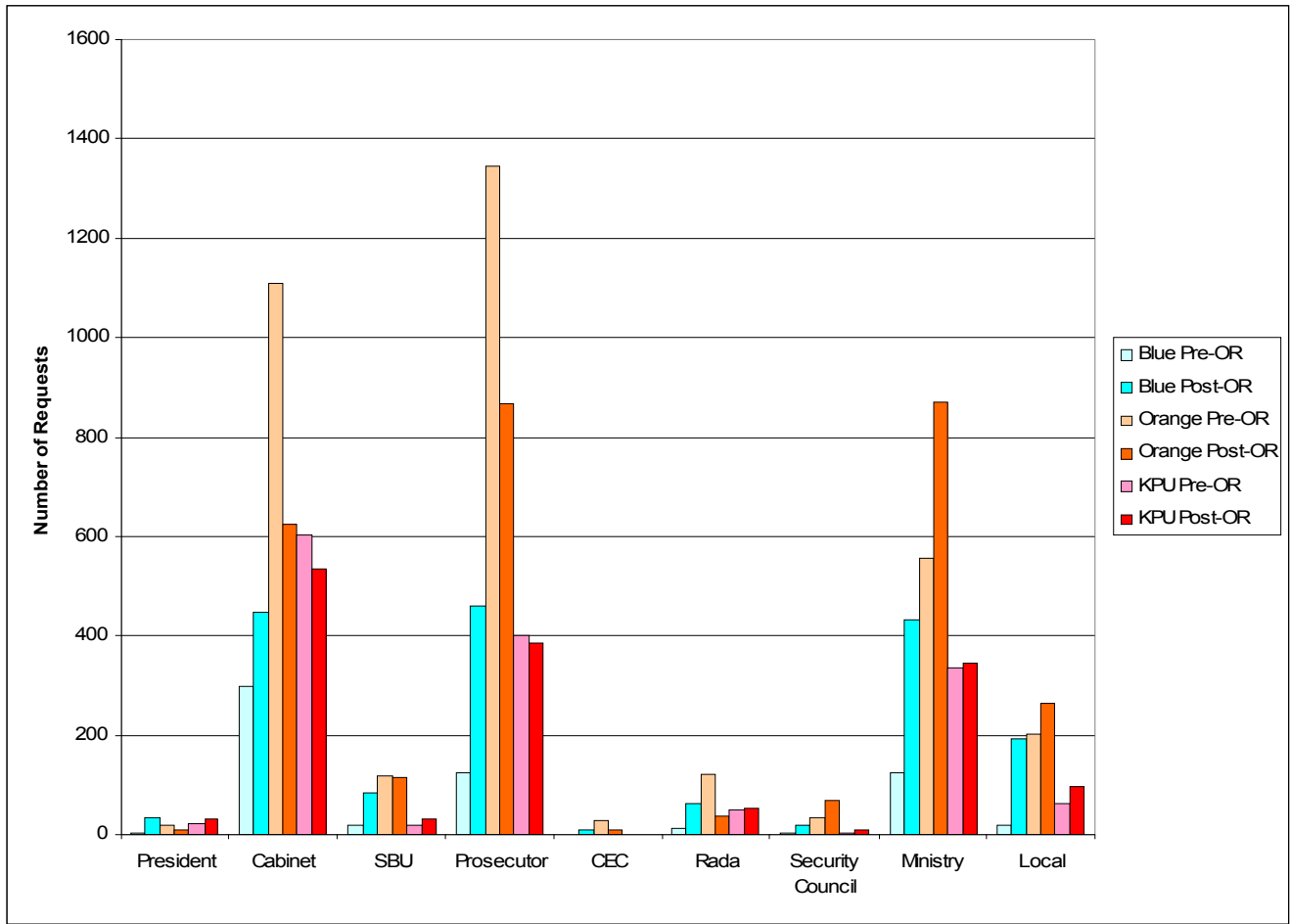


**Figure 1a: Rate of Deputy Requests, 2002-2006**





**Figure 1b: Rate of Deputy Requests, 2002-2006 (with BYT Removed After Cabinet Reshuffle)**



**Figure 2: Targets of Deputy Requests, 2002-2006**

## Bibliography

- Aberbach, Joel (1990). *Keeping a Watchful Eye*. Washington, DC, Brookings Institution Press.
- Andeweg, Rudy B. (1992). "Executive-Legislative Relations in the Netherlands: Consecutive and Co-existing Patterns." *Legislative Studies Quarterly* 17(2): 161-182.
- Ashworth, Scott and Ethan Bueno de Mesquita (2006). "Delivering the Goods: Legislative Particularism in Different Electoral and Institutional Settings." *The Journal of Politics* 68(01): 168-179.
- Atkinson, Michael M. and Kim Richard Nossal (1980). "Executive Power and Committee Autonomy in the Canadian House of Commons: Leadership Selection, 1968-1979." *Canadian Journal of Political Science / Revue canadienne de science politique* 13(2): 287-308.
- Beissinger, Mark R. (2007). "Structure and Example in Modular Political Phenomena: The Diffusion of Bulldozer/Rose/Orange/Tulip Revolutions." *Perspectives on Politics* 5(2): 259-276.
- Bunce, Valerie J. and Sharon L. Wolchik (2006). "International Diffusion and Postcommunist Electoral Revolutions." *Communist and Post-Communist Studies* 39(3): 283-304.
- Cain, Bruce E., John A. Ferejohn, et al. (1987). *The Personal Vote: Constituency Service and Electoral Independence*. Cambridge, Harvard University Press.
- Clarke, Harold D. (1978). "Determinants of Provincial Constituency Service Behaviour: A Multivariate Analysis." *Legislative Studies Quarterly* 3(4): 601-628.
- Clarke, Harold D., Richard G. Price, et al. (1975). "Constituency Service among Canadian Provincial Legislators: Basic Findings and a Test of Three Hypotheses." *Canadian Journal of Political Science / Revue canadienne de science politique* 8(4): 520-542.
- Ethridge, Marcus E. (1984). "A Political-Institutional Interpretation of Legislative Oversight Mechanisms & Behavior." *Polity* 17(2): 340-359.
- Ferrara, Federico, Erik S. Herron, and Misa Nishikawa. (2005). *Mixed Electoral Systems: Contamination and its Consequences*. New York, Palgrave Macmillan.
- Frye, Timothy, Joel Hellman, et al. (2000). *Database on Political Institutions in the Post-Communist World*, Ohio State University.
- Halligan, John, Robert Krause, et al. (1988). "Constituency Service among Sub-National Legislators in Australia and Canada." *Legislative Studies Quarterly* 13(1): 49-63.
- Hazan, Reuven Y. (1997). "Executive-Legislative Relations in an Era of Accelerated Reform: Reshaping Government in Israel." *Legislative Studies Quarterly* 22(3): 329-350.
- Heitshusen, Valerie, Garry Young, et al. (2005). "Electoral Context and MP Constituency Focus in Australia, Canada, Ireland, New Zealand, and the United Kingdom." *American Journal of Political Science* 49(1): 32-45.
- Herron, Erik S. (2002). "Causes and Consequences of Fluid Faction Membership in Ukraine." *Europe-Asia Studies* 54(4): 625-639.
- Herron, Erik S. and Nazar Boyko (2009). "Ask and You Shall Receive? Legislator Requests and Representation in Ukraine's Verkhovna Rada." Midwest Political Science Association Conference. Chicago, Illinois.
- Ishiyama, John T. and Ryan Kennedy (2001). "Superpresidentialism and Political Party Development in Russia, Ukraine, Armenia and Kyrgyzstan." *Europe-Asia Studies* 53(8): 1177-1191.
- James, Martin O. (2002). *Congressional Oversight*. New York, Nova Science Publishers.
- Johannes, John R. (1983). "Political Culture & Congressional Constituency Service." *Polity* 15(4): 555-572.
- King, Anthony (1976). "Modes of Executive-Legislative Relations: Great Britain, France, and West Germany." *Legislative Studies Quarterly* 1(1): 11-36.

- King, Gary (1991). "Constituency Service and Incumbency Advantage." *British Journal of Political Science* 21(1): 119-128.
- Kuzio, Taras, Ed. (2009). *Democratic Revolution in Ukraine: From Kuchmagate to Orange Revolution*. New York, Routledge.
- Maestas, Cherie (2003). "The Incentive to Listen: Progressive Ambition, Resources, and Opinion Monitoring among State Legislators." *The Journal of Politics* 65(2): 439-456.
- Mayhew, David R. (1974). *Congress: The Electoral Connection*. New Haven, Yale University Press.
- Müller, Wolfgang C. (1993). "Executive-Legislative Relations in Austria: 1945-1992." *Legislative Studies Quarterly* 18(4): 467-494.
- Neto, Octavio Amorim and Kaare Strøm (2006). "Breaking the Parliamentary Chain of Delegation: Presidents and Non-Partisan Cabinet Members in European Democracies." *British Journal of Political Science* 36(4): 619-643.
- Parker, Glenn R. (1989). "Looking Beyond Reelection: Revising Assumptions about the Factors Motivating Congressional Behavior." *Public Choice* 63(3): 237-252.
- Peterson, Paul E. and Jay P. Greene (1994). "Why Executive-Legislative Conflict in the United States is Dwindling." *British Journal of Political Science* 24(1): 33-55.
- Richardson, Lilliard E., Jr. and Patricia K. Freeman (1995). "Gender Differences in Constituency Service among State Legislators." *Political Research Quarterly* 48(1): 169-179.
- Rockman, Bert A. (1984). "Legislative-Executive Relations and Legislative Oversight." *Legislative Studies Quarterly* 9(3): 387-440.
- Serra, George and David Moon (1994). "Casework, Issue Positions, and Voting in Congressional Elections: A District Analysis." *The Journal of Politics* 56(1): 200-213.
- Thames, Frank C. (2007). "Searching for the Electoral Connection: Parliamentary Party Switching In the Ukrainian Rada, 1998-2002." *Legislative Studies Quarterly* 32: 223-256.
- Tucker, Joshua A. (2007). "Enough! Electoral Fraud, Collective Action Problems, and the 'Second Wave' of Post-Communist Democratic Revolutions." *Perspectives on Politics* 5(3): 537-553.
- Whitmore, Sarah (2004). *State-Building in Ukraine: The Ukrainian Parliament, 1990-2003*. New York, Routledge Curzon.