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War now, elections later

Western allies are urging Ukraine to hold presidential elections. But President Zelenskyy has rejected such demands – for good reasons

On Monday evening, Ukraine's President Volodymyr Zelenskyy drew a preliminary line in a debate, which, over the past few weeks, had reached a climax. Zelenskyy's political opponents from his predecessor Petro Poroshenko's camp had announced that, according to their sources, the Presidential Office had commenced preparing the orderly holding of the presidential elections in March 2024. Zelenskyy himself responded by firmly rejecting these elections, arguing that martial law precluded them from being held. This was not the right time for elections, and speculating over them was dangerous, the Ukrainian president stated in his daily evening address.

In Ukraine, the issue of holding elections during the war is extremely unpopular. According to the latest survey by the Kyiv International Institute of Sociology, 81 per cent of the Ukrainians are against it. While there are also surveys on this issue that have yielded somewhat lower figures, there is generally no doubt that the overall opinion on this topic is clear. Even so, there are reasons why Zelenskyy did consider elections.

International pressure and domestic considerations

One of these is international pressure. Only a few countries, such as Austria, which is not supporting Ukraine militarily, have spoken out *officially* in favour of holding elections; most supporting countries stress that the issue is a domestic affair concerning Kyiv with which one must not directly interfere. *Unofficially*, however, the topic was indeed raised, for example early in October, when the EU foreign affairs ministers met in the Ukrainian capital. There, fears were voiced that cancelling elections would shed a bad light on Ukraine in comparison to Russia's President Vladimir Putin, who seeks to be re-elected for a fifth term in the course of a highly controversial election procedure. Some EU capitals also pondered the question of whether Zelenskyy and the members of

parliament would forfeit legitimacy without elections.

However, the domestic policy perspective also played a role in the considerations made in Kyiv. While Zelenskyy had clearly announced in the past months that he no longer wanted to run for the office of president after the war, as long as it lasted, as the supreme commander of the Ukrainian army, he would have had no choice but to once again stand for election. Although the Ukrainians' faith in Zelenskyy somewhat lessened since the full-scale Russian invasion in February 2022, his victory would have been a mere formality. To some members of the government, it would therefore be a lucrative idea to get a mandate for another five years now — they have hardly any prospects for a future in politics once Zelenskyy is no longer in office.

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From a legal point of view, the situation is complicated. Election legislation forbids holding any type of election as long as martial law is in force. However, the Constitution – which may not be amended in wartime – is not so unambiguous. It merely implies that the lifetime of Parliament is automatically extended in wartime. So, *de facto*, it prescribes an indirect ban on parliamentary elections, which should have regularly taken place in October 2023. However, the president is not referred to in this respect, so that some jurists argue that Parliament could amend election legislation and thus enable presidential elections - Zelenskyy's party holds the majority of seats there. Critics reject this, maintaining that such action would in all circumstances result in going to the Constitutional Court.

One difficult question would be how polling could be organised in a country where about a fifth of the territory is occupied, in which roughly a million people are conscripts and at war, and in which there are millions of refugees and internally displaced persons. There could possibly be options. Balloting over several days would at least raise the opportunities for soldiers to cast their vote. Security and refugee issues could be resolved via electronic balloting. With its successful government services application 'Diia', Ukraine has a more or less

data-secure digital infrastructure, which would also be feasible for elections. It would, however, be impossible for people to cast their vote in the occupied zones.

Little competition

But, ultimately, it is neither legal nor technical difficulties that have caused the majority of Ukrainians to be opposed to elections and because of which Zelenskyy has decided against them. For in the present circumstances, any balloting would effectively have been little more than a mock election. Moreover, it would have been overwhelmingly voluntarily ignored by the opposition, since standing for election in competition with the current supreme commander in the war against Russia would have been perceived negatively even by major Zelenskyy sceptics. In addition, proper election campaigns driven by competition would hardly have been possible - and, nevertheless, election campaigns would have provided additional potential to split society. After 20 difficult months in this major war, people are already having to accept the fact that active combat will probably go on at least as long again, in any case.

Elections would really only be desirable after fighting has ceased altogether

Not opting for elections in the present situation is therefore the right decision and, in principle, without any alternative. However, it does not mean that this state of affairs is there to stay for the foreseeable and distant future. Should the situation on the front consolidate and turn into low-intensity warfare, like the Donbas war prior to February 2022, it could well be the case that public opinion would swing to the other direction and the decision be reconsidered.

Basically, however, elections would really only be desirable after fighting has ceased altogether. Because then, all the cards will be reshuffled in Ukrainian politics. It can be assumed that neither today's presidential party, at least in its current form, nor the absolute majority of today's parliamentary opposition will survive until then. There will be a new political elite, consisting partly of figures currently directly occupied with the war and therefore out of the question as election candidates: of some generals as well as governors or civil activists and fundraisers.



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