

Democracy after Communism

Research Paper 96/47

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This paper is an attempt to assess the extent to which democratic institutions have taken root in some of the states which formed part of the communist world until the upheavals of 1989-91. It would be impossible in a short paper to examine all of the post-communist democracies, so a reasonably representative sample has been selected. These are the Russian Federation, Poland, Hungary, Ukraine and Georgia.

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"Like buildings thrown up at high speed under 'socialism', the hastily constructed mechanisms of the young Russian democracy are still very flimsy and are easily destroyed by earthquakes."¹

I What is democracy?

There are many definitions of democracy and it can take a variety of institutional forms. Certain common elements can be identified in what we think of as "western democracies", but it is arguable whether or not it is reasonable to assume that all democracies should ultimately conform to western models. Should we expect the post-communist states, some of which are very remote from the broadly shared political culture and historical experience of Western Europe, to develop Western-European-style political institutions or is it conceivable that they might discover alternative forms of democracy? Even within Western Europe, there is one democratic state, Switzerland, with institutions and traditions very different to most of its neighbours.

It may be easier to define democracy in a negative sense. For example, in an ideal democratic system no minority group would have privileged access to political power by reason of wealth, or ethnicity or clan allegiance. This may be a difficult ideal to attain even in a long established democracy, but other positive factors are more readily attainable. In a democracy, those who are responsible for military forces are not able to use military power for direct political purposes, as in a military dictatorship. In a democracy political legitimacy has to be renewed at regular intervals: there are no "presidents for life". In a democracy the media are not prevented from reporting the words and actions of opposition politicians; those politicians and their followers are not imprisoned or exiled.²

Since the point at issue is whether or not democracy is becoming firmly established in the former communist states, it is not enough to examine constitutions or election results in a static way. In the growing academic literature on democratic transitions there is considerable emphasis on the concept of "consolidation". The holding of a first democratic election does not necessarily mean that a state has become firmly democratic.

There are differing views on the importance of political parties in the process of democratic consolidation. There are examples of well-established democracies where the party system

¹ Otto Latsis, "Godovshchina svobody i polgoda pozora" [The anniversary of freedom and half a year of shame], *Izvestiya*, 9 June 1995

² The negative approach is adopted by, among others, Giovanni Sartori who writes: "Instead of speaking of *values*, let us speak of *harms*...Liberal constitutionalism aims to ensure that no one can be harmed by the coercive instruments of politics without due process and in violation of *habeas corpus*..." - "How far can free government travel?", *Journal of Democracy*, July 1995

is relatively weak (eg the USA, Switzerland), but the consensus seems to be that the existence of a range of political parties is a significant factor in enabling states to make the transition from dictatorship (including communist party dictatorship) to democracy.³ Opinions differ as to the optimum number of political parties.

The following set of criteria for measuring the extent to which a democracy has been established and consolidated is derived from a range of academic studies of the subject and is necessarily restricted to tests which can be relatively easily applied. The criteria could be regarded as milestones on the road to a consolidated democracy, but they need not necessarily occur in the listed order. If most of the "milestones" have been passed, some may be delayed indefinitely. For example, it is conceivable that the alternation of parties in power might not happen for many years, if the electorate repeatedly renewed the mandate of the first party to take power in a democratic way.

- 1 *civil wars or insurgencies have either ceased, or are contained within marginal areas of the state*
- 2 *there is a broad consensus within the state about its territorial limits*
- 3 *the constitution has been replaced or amended to provide for workable⁴ democratic institutions and mechanisms*
- 4 *a workable electoral system has been adopted for the first democratic elections*
- 5 *first free democratic elections have been held*
- 6 *there is agreement on an electoral system for the longer term*
- 7 *a political party system has developed (more than one party, not too many) which enables the electorate to make clear choices*
- 8 *parties or movements opposed in principle to the constitution or political system do not enjoy a significant degree of public support*
- 9 *major political parties are organised at regional or constituency level (ie not only in the capital city and in parliament)*

³ "There is scholarly agreement that among the political institutions that must be developed to assure the successful consolidation of a healthy democracy is a strong, competitive party system", Terry D Clark, "The Lithuanian Political Party System: a Case Study of Democratic Consolidation", *EEPS*, Vol 9, No 1 Winter 1995, 42.

⁴ Both here and in the next milestone, "workable" is taken to mean that the mechanisms adopted are practical in the circumstances, rather than satisfying abstract ideals, and that they are sufficient to bring broadly representative movements and individuals into a legislature which can take decisions and ensure that they are implemented.

10 decisions on important issues are made or confirmed in parliament after open debate (ie the parliament does not merely "rubber-stamp" executive decrees)

11 free elections are held for a second time

12 a smooth and peaceful transfer of power takes place following elections

Should a certain level of participation in elections also be a test of democracy? Democracy tends to fail if the level of participation in elections is very low (eg below 50%) because the legitimacy of the elected institutions is placed in doubt, but it is difficult to insist on any minimum level of participation. Democracies can and do operate with widely varying degrees of electoral participation. The key factor may be the attitude of those who do not vote. If they are merely apathetic, then democracy can survive without them; if they abstain because they are actively hostile to the existing political system, or because they support parties or movements which are refusing to take part in the elections, the consequences may be much more serious. The question can therefore be studied under milestone 8, above.

Some of the negative tests referred to above are also covered by these milestones. Nos 5 and 11 imply that there can be no domination of the political system by a minority group and, coupled with No 10 are incompatible with military dictatorship. Freedom of speech and of political reporting are more difficult to measure systematically and have not been included, for that reason, in these milestones.

II The Russian Federation

The Russian Federation is the largest of the 15 successor states to the Soviet Union and has been internationally recognised as a separate state since the end of 1991. It is a multi-ethnic state in which ethnic Russians account for approximately 82% of the population of 147m. It is significantly smaller in territory than the Russian Empire as it existed until 1914.

Since the late 1980s political debate has been carried on in almost complete freedom in public meetings and in the printed media, but the broadcast media have continued to project a mainly favourable image of the government and the presidency. There has been a growing tendency for investigative journalists and independent-minded politicians to face intimidation by powerful vested interests, including the military and some private business and criminal organisations. There are continuing doubts about the extent to which the armed forces and security ministers are genuinely under democratic control. Despite some misgivings on the part of other member states, Russia was admitted to the Council of Europe early in 1996.

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1 civil wars or insurgencies have either ceased, or are contained within marginal areas of the state

The violent conflict in Chechnya continues and there is an unresolved inter-ethnic conflict in the neighbouring region of Ingushetia. These are marginal areas in relation to the whole Russian Federation, but the intensity of the Chechnya conflict in particular means that it has profound implications for the whole state. As of March 1996 there appears to be no prospect of the conflict being resolved or of the central authorities developing any coherent strategy towards the North Caucasus. It is estimated that the conflict has already cost 30-40,000 lives since December 1994.⁵

2 there is a broad consensus within the state about its territorial limits

There is a broad consensus of support among the ethnic Russian majority for the boundaries inherited from the Russian Republic of the Soviet Union, but this is challenged by two sets of beliefs held by significant numbers of political activists and intellectuals. One minority view is that the Soviet Union should be restored as a multi-national state, or that it has never legally ceased to exist. The other view holds that there should be a Russian state which more closely corresponds to the geographical distribution of Russian speakers. The concept varies in detail and can mean that certain areas of dense Russian settlement currently outside the Russian Federation should be incorporated (eg the Crimea, parts of eastern Ukraine and northern Kazakhstan), or that areas of predominantly non-Russian population (eg Chechnya) should be allowed to leave the Russian Federation, or both.⁶

At present neither point of view commands an electoral or parliamentary majority, but neither are the new boundaries of the Russian state so firmly entrenched that they could not be called into question in the future.

3 the constitution has been replaced or amended to provide for workable democratic institutions and mechanisms

An entirely new constitution was adopted in December 1993 by referendum. Under the new constitution the Supreme Soviet is replaced by a bicameral Federal Assembly, consisting of the State Duma (lower chamber) and the Federation Council (upper chamber). There is some doubt as to whether the constitution was genuinely approved by more than 50% of the electorate, but all major political forces have consented to work within it and, despite some

⁵ Archie Brown, "A Choice of Evils", *The Guardian*, 29 March 1996. See also Library research papers 95/4, 95/41 and 95/128 on the unfolding of the Chechnya conflict and its implications for the region and for Russian politics.

⁶ See, for example, Alexander Solzhenitsyn's ideas about the redefinition of the Russian state and the discussion in Paul Kolstoe, *Russians in the Former Soviet Republics*, 1995, p301

ambiguities and legal challenges on particular aspects (eg the composition of the Federation Council) there has been no major political confrontation over constitutional issues since 1993.

4 a workable electoral system has been adopted for the first democratic elections

5 first free democratic elections have been held

11 free elections are held for a second time

Parliamentary elections were held in December 1993 and December 1995. A presidential election for the Russian Federation was held in June 1990, before the dissolution of the Soviet Union. The first presidential election for the Russian Federation as a separate state and under the new constitution is due in June 1996.

The election system used for the parliamentary elections combines proportional representation (party lists and a 5% threshold) and simple majority⁷ in single-member constituencies, with half of the seats (225) in the lower house allocated by the first method and the other half by the second. The system has proved workable on both occasions. It survived electoral boycotts in Chechnya and Tatarstan in 1993 and there do not appear to have been significant distortions caused by manipulation of the voting or the count.

6 there is agreement on an electoral system for the longer term

There seems to be a broad political consensus in favour of retaining the present method of electing the lower house (the State Duma). The upper house (the Federation Council) was directly elected for two years from December 1993, but in late 1995 the lower house and the president jointly overcame the upper house veto on a new law determining the composition of the Federation Council. This abolishes direct election and provides for the chamber to consist of the elected head of administration of each region, together with the chairman of the regional legislatures. The Federation Council has now begun to operate on this basis, but it is not yet clear whether the arrangement will prove durable.

Lidiya Shevtsova comments in *Izvestiya* on the aftermath of the December 1995 elections:

When analysing the recent electoral upheavals the most important thing is not the superficial manifestations - neither the personalities elected, nor the new correlation of forces in parliament - but the fact that the elections took place and on time. This fact reflects the process by which the Russian ruling class is formed, its anxiety to establish clear rules of the game and to secure for itself a new legitimacy, because the legitimacy it acquired after the events of 1993 was insufficient... In this sense the Duma elections became an important step forward in completing the construction of

⁷ ie "first-past-the-post"

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the Russian system of power. For the process to be brought to a conclusion presidential elections also have to be held on schedule.⁸

Whether or not there may be further changes in detail to the electoral law, Graeme Herd has pointed out a significant milestone already passed: "the elections on 17 December 1995 represent the first time in Russian history that a Parliament has been elected according to rules set by its predecessor".⁹

7 a political party system has developed (more than one party, not too many) which enables the electorate to make clear choices

The use of the 5% threshold for the PR half of the State Duma has tended to discourage the proliferation of political parties that has been seen, for example, in Poland and Georgia. In 1993 8 parties and blocs surmounted the threshold; in 1995 only 4 did, but another 4 were "near misses" with between 4% and 5% of the vote. Of the four successful parties in 1995, three had also been successful in 1993 (the Communists, Liberal Democrats and Yabloko), while the fourth was a new bloc (Our Home is Russia) created in 1995. Together with the four "near-misses" these parties represented a reasonably representative spread of political choices for the electorate.

Nonetheless, the correspondence to a western-style party system may be deceptive. The 225 deputies elected to the simple majority half of the State Duma came from a wider spread of parties and blocs and included a substantial bloc (77) of independents. It has been argued that the decision to award half of the parliamentary seats by single-member simple majority election makes the political system "permeable" to independents and undermines the development of the party system: "By allowing powerful local elites the option to run unattached, this system denied parties the preferential treatment they need to thrive in the initial years of electoral competition in post-communist states".¹⁰

8 parties or movements opposed in principle to the constitution or political system do not enjoy a significant degree of public support

In the immediate aftermath of the dissolution of the Soviet Union at the end of 1991 there were still significant political forces which did not accept this as an accomplished fact. In particular some diehards from the Communist Party of the Soviet Union (CPSU) struggled to keep the organisation intact. Perhaps more significant was the fact that the Soviet armed

⁸ Lidiya Shevtsova, "Kogo vyberet Rossiya letom 1996 goda: politika ili politicheskuyu sistemu?" [What will Russia choose in the summer of 1996: a politician or a political system?], *Izvestiya*, 22 December 1995

⁹ Graeme Herd, "A first for democracy, but where next?", *The World Today*, February 1996, 40.

¹⁰ Robert G Moser, "The impact of the electoral system on post-communist party development: the case of the 1993 Russian parliamentary elections", *Electoral Studies*, Vol 14, No 4, December 1995, 379.

forces and their equipment, including nuclear weapon systems, were still deployed across the successor states and had to accept a dramatic physical and mental reorganisation.

In the event most politicians adapted rapidly to the new reality and focused on the political life of the Russian Federation, but the constitutional arrangements inherited from the Soviet Union soon led to apparently insoluble conflicts between the president and the Supreme Soviet. These conflicts ended in bloodshed when the Supreme Soviet defied President Yeltsin's attempt to dissolve it in the autumn of 1993.

In the run up to the election of December 1993 President Yeltsin banned some of the most militant opposition groups involved in the autumn confrontation from electoral registration, but this did not prevent voters from supporting an extremist nationalist party. Indeed it had the unintentional effect of consolidating the nationalist opposition vote around Vladimir Zhirinovskiy's LDP.¹¹

After the 1993 election and the adoption of the new constitution, almost the whole of the "opposition" found it expedient to work from a base inside the Duma and to use the constitution, rather than to oppose the new constitutional order from outside. Much the same occurred in 1995. The Communist Party is committed to an eventual amendment of the constitution in order to restore "a normal system" (ie something more akin to the old system of Soviets, without an executive presidency), but is content to accept the present constitution for a transitional period.¹² There continue to be militant political organisations which do not operate within the constitution, but these do not seem to have any widespread public support.

9 major political parties are organised at regional or constituency level (ie not only in the capital city and in parliament)

The Communist Party of the RF is reputed to have a strong regional organisation based on what remains of the old CPSU membership. The LDP also has built up a relatively strong organisation and has a number of strongholds in the more remote regions. The Our Home is Russia bloc tends to make use of its strong presence among the administrative elite and is sometimes accused of misusing its access to governmental structures. The various "democratic" parties and factions have not succeeded in creating national organisations.¹³ Generally, the larger parties have tried to organise for the purposes of elections, sometimes hiring agents to do the leg work, eg collecting signatures, but, apart from the communists, none seems to have a reliable structure between elections.

¹¹ Moser, 383

¹² *BBC Summary of World Broadcasts*, SU/2521/ B/5

¹³ A Golovkov, "Rossiiskii politicheskii teatr: bez massovki net solistov" [The Russian political stage: no soloists without crowd scenes], *Izvestiya*, 2 March 1996, p2.

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10 decisions on important issues are made or confirmed in parliament after open debate (ie the parliament does not merely "rubber-stamp" executive decrees)

This has been generally true. The 1993-95 State Duma and Federation Council made decisions on a considerable body of legislation and on budgetary matters after full and often acrimonious debate. If the two chambers rarely defied the executive on the most important matters, such as over Chechnya, this was mainly because the executive was broadly in tune with the parliamentary mood. By comparison with earlier periods, the Yeltsin administration of 1993-95 generally backed away from moves which it knew would be unpopular with the parliamentary majority.

One of the principal weaknesses of parliamentary government has been that decisions made or endorsed by parliament have often not been implemented, or only partially implemented by the executive and follow-up mechanisms are weak. Even budgetary decisions debated at great length in Duma plenary and committee sessions appear to have been subject to arbitrary changes later.

12 a smooth and peaceful transfer of power takes place following elections

The most powerful figure in the Russian political system and the source of most executive power is the president and there has as yet been no transfer of power since Boris Yeltsin was elected to the newly-created Russian presidency in June 1990. It remains to be seen whether or not a transfer of power will be necessitated by the June 1996 presidential election and whether or not any such transfer will be smooth and peaceful.

Under the Russian constitution as it has developed since 1990, the prime minister, as head of government, represents a centre of power somewhat separate from the presidency. Broadly speaking, the prime minister co-ordinates economic policy, whereas foreign, defence and security policy are co-ordinated by the president and his staff through the security council. A change of prime minister does, therefore, represent a limited transfer of power. The replacement of Yegor Gaidar by Viktor Chernomyrdin in late 1992 did lead to widespread changes of ministerial personnel and of policy emphasis. It was carried out entirely smoothly, not as a result of elections, but by a decision of the president, as a means of bringing the government more closely into line with the predominantly conservative mood of the majority in the Supreme Soviet. The decision was confirmed by the Supreme Soviet before its abolition. There has been no change of prime minister, as yet, since the adoption of the new constitution in 1993.

III Poland

The Polish state was founded in the tenth century AD, but the boundaries have fluctuated greatly and for long periods Poland disappeared from the map as an independent state. The modern state emerged from the Russian Empire in 1918. After a further period of Russian and German occupation in 1939-44 its boundaries were shifted to the west by the outcome of the Second World War. From the immediate post-war period until the late 1980s Poland was under Soviet communist political and military control. The population is around 38m.

Since the late 1980s there has been full freedom of speech and there is lively political debate in all branches of the media. The oppressive security services of the communist period have been dismantled, but a legacy of suspicion about some prominent figures in public life has affected the political process, leading to the resignation of a prime minister in January 1996. Poland joined the Council of Europe in 1991 and aims to apply its human rights standards. It is also a candidate to join the European Union and NATO. In 1996 Poland is expected to become the first post-communist state in which economic output exceeds that recorded under the former centrally-planned system.¹⁴

1 civil wars or insurgencies have either ceased, or are contained within marginal areas of the state

There have been no civil wars or insurgencies in Poland since the conclusion of the Second World War.

2 there is a broad consensus within the state about its territorial limits

There is a very wide acceptance of the post-war boundaries, despite the loss of some territory of historic Polish settlement in the east to the Soviet Union in 1945. The areas in question now form parts of the independent states of Lithuania, Belarus and Ukraine and have been contested between neighbouring states since medieval times. While there is some lingering nostalgia concerning the Polish claim to these territories, most Poles recognise that Poland gained a large area of traditional German settlement in 1945 and could not now contest the peace settlement without bringing this into doubt.

3 the constitution has been replaced or amended to provide for workable democratic institutions and mechanisms

The constitution introduced in 1952 under communism was substantially amended in 1989, 1990 and 1992, but has not been replaced in its entirety. The package of amendments introduced in 1992 are known as the "Small Constitution", in contrast to the "Large Constitution" which would result from complete re-writing. A completely new constitution

¹⁴ Projection by the European Bank for Reconstruction and Development, *The Guardian*, 2 April 1996.

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is still intended in the longer term, and the new President Kwasniewski has expressed hopes that a draft which has been in the hands of a parliamentary commission for several years will be completed during 1996. However, some commentators have seen positive advantages for Poland in the piece-meal approach which has prevented the political process becoming bogged down in arguments about ideal constitutional principles. The existing arrangements seem to be sufficient to sustain a working democracy, albeit with some tensions between presidential and parliamentary democracy.

4 a workable electoral system has been adopted for the first democratic elections

5 first free democratic elections have been held

Poland was the first of the post-communist states to hold free elections on 4 June 1989, but these were carried out under a "round table" compromise arrangement which continued to reserve a majority of seats in the lower house of parliament (the Sejm) for the communist party and allied organisations, while allowing free elections to the Senate and to a minority of seats in the Sejm. The arrangement proved workable in the sense that it allowed a peaceful transition and a period of power-sharing between representatives of the old regime (notably President Jaruzelski) and those of the democratic Solidarity movement, which won almost all of the freely contested seats in the 1989 election.

The first fully free elections to the presidency took place in 1990 and these were followed by free elections to the legislature in October 1991.

6 there is agreement on an electoral system for the longer term

The 1991 parliamentary elections resulted in a highly fragmented Sejm. As a result a 5% threshold for parties and an 8% threshold for electoral alliances were introduced for the 1993 elections (other than for parties representing national minorities) and seem likely to be retained.

7 a political party system has developed (more than one party, not too many) which enables the electorate to make clear choices

The 1991 parliamentary election, in which seats were allocated proportionately without regard to a minimum threshold, resulted in 29 political parties being represented in the Sejm, 10 of them with 11 or more seats. This led to a period of unstable coalition government with three different prime ministers in less than 2 years. It can be argued that the fragmentation and instability were not merely reflections of a dysfunctional electoral system, but corresponded

to the state of Polish society at a time of rapid socio-economic change and political-cultural confusion following the collapse of the communist system.¹⁵

The number of significant parties entering the next parliamentary elections in September 1993 remained high, but the newly introduced 5% and 8% thresholds (see 6 above) persuaded some political forces to present a more united front and others, which did not realise the need for this in time, failed to surmount the threshold and win seats.¹⁶ The result was that 35% of the total votes cast were "wasted" on parties which failed to pass the threshold, but the composition of the new Sejm made the process of forming a government (and an opposition) much clearer. The two main left-of-centre parties together had a clear majority in each chamber and were able to form a coalition which has endured, albeit with two changes of prime minister, based on 303 seats in the 460-seat Sejm. The centre and right parties were less successful at translating their total share of the vote into parliamentary seats because there were more of them and several fell below the 5% threshold.¹⁷

There have already been some signs that the centre and right parties will be less fragmented at the next election due in 1997. The Democratic Union, which won 10.6% and 74 seats in 1993 has subsequently merged with the Liberal Democratic Congress (4% and no seats in 1993) to form the Freedom Union.

8 parties or movements opposed in principle to the constitution or political system do not enjoy a significant degree of public support

None of the major parties stands outside the present constitutional arrangements. The Confederation for an Independent Poland is fiercely nationalist and conservative in orientation and has been associated from time to time with direct-action protests such as sit-ins, but seems unlikely to grow into a major extra-parliamentary movement. It won 5.8% of the popular vote and 22 seats in 1993.

9 major political parties are organised at regional or constituency level (ie not only in the capital city and in parliament)

This is true of the (formerly communist) Democratic Left Alliance and the Polish Peasant Party, but less so of the parties of right and centre, none of which has inherited the organisational apparatus of Solidarity.

¹⁵ G Pridham & T Vanhanen (eds), *Democratisation in Eastern Europe: Domestic and international perspectives*, 1994, 182.

¹⁶ Hubert Tworzecki, "The Polish parliamentary elections of 1993", *Electoral Studies*, June 1994, p180.

¹⁷ A Catholic alliance failed to surmount the 8% threshold for alliances, polling 6.4%, which would have earned it about 25 seats in the Sejm had it been registered as a single party.

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10 decisions on important issues are made or confirmed in parliament after open debate (ie the parliament does not merely "rubber-stamp" executive decrees)

As president from 1990-95 Lech Walesa insisted on exercising his constitutional responsibilities for foreign and defence policy, for example by personally appointing the relevant ministers, even when faced with a hostile majority in the Sejm after 1993, but few decisions of real substance could be made without the consent of the parliamentary majority.

11 free elections are held for a second time

Free elections to both the legislature and the presidency have now been held - in 1993 and 1995 respectively.

12 a smooth and peaceful transfer of power takes place following elections

A complete change of coalition government (from centre-right to left) took place following the 1993 parliamentary elections and the presidency changed hands (again from right to left) at the end of 1995 following elections. On both occasions the transfers were smooth and peaceful.

IV Ukraine

Ukraine is a republic of 52m people in east-central Europe. Its principal city, Kiev, was the original cradle of the East Slavic Christian civilisation which later gave rise to Russia, Ukraine and Belarus. Following the decline of the Kievan principality, Ukraine formed part of the Lithuanian and Polish Empires. From 1654 onwards the Ukrainian lands were progressively absorbed into the Russian Empire. A Ukrainian nationalist movement grew in influence during the nineteenth century and briefly held power during the confusion of 1917-18. In the communist period the Ukrainian Republic was one of the constituent parts of the USSR, nominally sovereign and with a separate seat in the United Nations, but actually under the complete control of the Communist Party and the KGB. In the post-war period the Ukrainian republic acquired territory and population from pre-war Poland (Galicia) and from the Russian Republic (the Crimea). In December 1991 its people voted for full sovereignty and Ukraine became independent within the borders inherited from the Soviet Union.

Ukraine joined the Council of Europe in 1995 and measures are being taken to comply with Council of Europe standards on human rights, but in this, as in much else, implementation often runs behind enactment. There is much greater freedom of political comment than in the past, especially in the printed media, but most people are preoccupied with maintaining a

reasonable standard of living against the background of severe economic decline and dislocation.

1 civil wars or insurgencies have either ceased, or are contained within marginal areas of the state

There have been no civil wars or insurgencies on Ukrainian territory since independence, but there have been some tense confrontations between the central government and the separatist movement in the Crimea.

2 there is a broad consensus within the state about its territorial limits

There are predominantly ethnic Russian communities concentrated in the cities of Eastern Ukraine and in the Crimea which contain many people who would prefer to be citizens either of a restored Soviet Union, or of the Russian Federation, if the boundaries were to be changed. The strength of this body of opinion has varied according to the degree of encouragement offered by politicians in Moscow at different times. The present resurgence of the Communist Party in the Russian Federation, the vote by the Russian Duma on x March to reverse the dissolution of the Soviet Union and the possibility of a Communist victory in the Russian presidential election may encourage these communities to seek a future outside the Ukrainian republic.

3 the constitution has been replaced or amended to provide for workable democratic institutions and mechanisms

The constitution in force is still that of 1978, with ad hoc amendments adopted piecemeal in 1991 and subsequently, including the creation of an executive presidency. The Supreme Soviet (the legislature) was renamed Supreme Council (Ukrainian *Rada*) following independence. Efforts have been under way since 1990 to agree a new constitution, but the completion of this process has been repeatedly postponed. In June 1995 a provisional constitutional agreement between the president and the Supreme Council was adopted. This did not have the two-thirds majority required for constitutional laws, but paved the way for the adoption of a permanent constitution either by two-third majority or by referendum during 1996.¹⁸ A new draft constitution was submitted to the Supreme Council on 20 March 1996. In introducing the new draft the parliamentary speaker, Oleksandr Moroz, commented that the constitution had been drawn up in the circumstances of the absence of a clear political structure in society and a socio-economic crisis.¹⁹

¹⁸ *Report on the Application by Ukraine for membership of the Council of Europe*, Council of Europe Document 7370, 7 September 1995, pp10-11.

¹⁹ *BBC Summary of World Broadcasts*, SU/2567 D/1

4,5 *a workable electoral system has been adopted for the first democratic elections and first free democratic elections have been held*

In common with most of the other constituent republics of the Soviet Union, Ukraine held elections to its Supreme Soviet in the spring of 1990 on the basis of the Gorbachev reforms which allowed for a much greater element of freedom in the nomination and election of deputies than hitherto. However, the system still heavily favoured candidates supported by the communist party establishment. Pro-democracy and nationalist candidates were particularly successful in the Western Ukraine, but remained in the minority.

The first parliamentary elections after independence were held in several rounds during 1994. Several rounds were needed because the electoral law adopted in November 1993 retained most of the features of the Soviet electoral system used in 1990, ie deputies were to be elected in 450 single-mandate constituencies and had to obtain more than 50% of the vote on a turnout of more than 50%. If, at the first attempt, no candidate received 50% of the vote, then there would be a run-off between the top two, but voters would also have the option of crossing out both names. If no candidate was elected in the run-off, then the whole procedure would begin again with a new set of candidates.

In the event there were on average 16 candidates for each constituency²⁰; only 49 candidates were elected outright at the first attempt in March 1994 and a further 287 in run-offs in April 1994. This left 114 seats vacant. In a few cases this was attributable to low turn-out, but it was mainly due to voters crossing out both names in the run-off, so that neither received more than 50%. There were widespread reports of irregularities in the voting and counting procedures.²¹ Further elections were held in July and August 1994 and these brought the number of deputies elected up to 395 out of 450.²² Following a further round in November 1994, the total had reached 407 in early 1995, with 43 seats still vacant.²³

Given these results it is clear that the electoral system was seriously flawed. The constituency system had been retained in preference to proportional representation on the grounds that the party system was insufficiently developed and voters should be given the chance to choose between people known in the locality, but the repeated failure to elect a deputy in some areas suggests that this did not work. On the other hand the system did tend to favour candidates proposed by "labour collectives" (163 of those elected as of autumn 1994) and in many cases these were the chairmen or other senior office-holders of the enterprise.

²⁰ Information from Serhij Odarych, "The phenomenon of the party system under condition of non-party elections in Ukraine", *Ukrayinska Perspektyva*, No 1, 1995, p3.

²¹ Sarah Birch, "The Ukrainian Parliamentary and Presidential Elections of 1994", *Electoral Studies*, March 1995, p96.

²² *A Directory of Members of the Ukrainian Parliament elected March-August 1994*, BBC Monitoring, August 1994.

²³ Council of Europe Document 7398, p2, para7.

Two presidential elections have been held in Ukraine, in December 1991 and June-July 1994. On the latter occasion there were seven candidates, representing a wide range of views, but no nationalist, since the nationalist Rukh movement had decided to support the incumbent, Leonid Kravchuk.²⁴ In the first round of the 1994 election, on a 70% turnout, Kravchuk won 37.7% of the vote, compared to 31.3% for his principal opponent, Leonid Kuchma, who was standing on a platform of closer economic ties with Russia. In the run-off, on a 71.7% turnout, Kuchma won with 52.1% of the vote. In contrast with the parliamentary elections the presidential election did therefore present the electorate with a clear democratic choice, and this was little sign of malpractice. However, the election did reveal a deep polarisation of political attitudes between eastern and western Ukraine.²⁵

6 there is agreement on an electoral system for the longer term

The next parliamentary elections are not due until 1998. A new electoral law, providing for a mixed simple majority/proportional system, was submitted to the Supreme Council in July 1995 and has yet to be adopted²⁶, but the general principle of a mixed system has been written into the draft constitution now under consideration. It may well prove difficult to agree on the proportions of deputies to be elected by each principle in the longer term.

7 a political party system has developed (more than one party, not too many) which enables the electorate to make clear choices

There were 32 political parties registered for the 1994 parliamentary elections and 28 parties put forward candidates, but they were responsible for nominating only 11% of the candidates.²⁷ When the total number of deputies elected, after several rounds of voting during 1994, had reached 394, only 182 of them were formally affiliated with parties.²⁸

Since that time a few more vacant seats have been filled and some changes to party membership have taken place, but the largest parties represented in the Supreme Council are still the Communists (approximately 95 seats), People's Movement of Ukraine (Rukh) (20 seats), the Peasants' or Agrarian Party (21) and the Socialist Party (15). A further 11 parties hold less than 10 seats each. These range from extreme nationalists to Christian Democrats and Social Democrats. Within the Supreme Council there are a number of factions formed since the elections which bring together independents and members of various parties in other

²⁴ In the 1991 election the Rukh leader Chornovil had obtained only 23% of the vote and there was little chance of this being improved on in 1994.

²⁵ Birch, work cited, 96-9.

²⁶ Council of Europe Document 7370, addendum, "Clarification from the Ukrainian authorities on the points requested by the Council of Europe", 7 September 1995, p13.

²⁷ Birch, p94.

²⁸ S Odarych et al, "The Verkhovna Rada of Ukraine: paradigms and paradoxes,, special issue of *Ukrayinska Perspektyva*, 1995, No.1, Appendix 1.

combinations. These include "Unity", "Centre" (exclusively consisting of independents), the "Inter-regional group", "Reforms" and "Statehood".²⁹

There has been considerable debate within Ukraine about party development and how it relates to the political culture and electoral system. While the status of the Communist Party of Ukraine is still to be determined, following its banning in 1991, it clearly overshadows other parties in terms of organisation and this fact distorts attitudes towards political parties in general. While the Communists and the more extreme nationalists appear to offer the electorate distinct choices, the wide range of possible intermediate attitudes and loyalties are not currently articulated by the party system.

8 parties or movements opposed in principle to the constitution or political system do not enjoy a significant degree of public support

The radical nationalist wing of Ukrainian politics is divided into several rival factions, some of which are fascist or neo-fascist in orientation. Of the latter, some, such as the Ukrainian National Assembly, do have small numbers of deputies in the Supreme Council, while others, such as the National Fascist Party, exist only outside parliament. None at present seems to have sufficient popular following to destabilise the political system. On the communist wing there is some support for re-integration with Russia, but for the present this is contained within the constitutional order.

9 major political parties are organised at regional or constituency level (ie not only in the capital city and in parliament)

As noted above, party organisation is generally weak. Rukh is well organised in the Lviv region of western Ukraine and there is strong trade union activity shading into political organisation in some of the industrial regions such as the Donbass. With the exception of the Communist Party there is very little permanent party organisation at constituency level.

10 decisions on important issues are made or confirmed in parliament after open debate (ie the parliament does not merely "rubber-stamp" executive decrees)

This has been broadly true in Ukraine. A number of highly significant decisions have been taken by the Supreme Council after extensive debate and in forms determined by the Council rather than by the Executive. These include decisions on privatisation, on the ratification of the Non-Proliferation Treaty and the Lisbon Protocol (which together determined Ukraine's permanent rejection of nuclear weapons), on Ukraine's status within the CIS, on the constitution and on the status of the Crimea.

²⁹ *ibid*, pp22-8.

11 free elections are held for a second time

The next parliamentary elections are due in 1998.

12 a smooth and peaceful transfer of power takes place following elections

There was a peaceful handover from President Kravchuk to President Kuchma in 1994, but given the indeterminate political composition of the Supreme Council and the lack of direct links between executive and parliamentary majority, it is not clear that this represented a definite change of course in response to elections.

V Hungary³⁰

The medieval kingdom of Hungary can be said to date from the Magyar invasion of the Middle Danube basin in the ninth century A.D. By 1568, the territory of Hungary had been divided between the Habsburgs and the Ottoman Empire. The Austrian Habsburgs replaced the Ottoman rulers of Hungary in the 17th century and in 1867 the dual monarchy of Austria-Hungary was established. The modern state of Hungary emerged from the fall of the Austro-Hungarian Empire in 1918 when Hungary was dismembered. Parts of pre-1918 Hungary went to Romania, Czechoslovakia, Yugoslavia, Austria, Poland and Italy. Hungary obtained some additional territory when Czechoslovakia was partitioned in 1938 and 1939 and it allied itself with Germany during the Second World War in an attempt to regain lost territory. The Paris Peace Treaty of 1947 reaffirmed Hungary's 1920 frontiers, however. From the end of the Second World War until the late 1980s Hungary was under Soviet communist political and military control. After the uprising of 1956, under the leadership of János Kádár, Hungary introduced more liberal policies in the economic and cultural spheres, with the result that Hungary became the most tolerant of the Soviet bloc nations of Eastern Europe. The population is around ten million.

Since the late 1980s freedoms of speech and assembly have been respected and there are no prisoners of conscience. There is effective minority rights legislation and a free press. The military is under civilian control and has shown no signs of seeking to act independently, nor to intervene in political affairs. Hungary joined the Council of Europe in 1990 and is a candidate to join the EU.

³⁰ This section by Fiona Watson.

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1 civil wars or insurgencies have either ceased, or are contained within marginal areas of the state

There have been no civil wars in Hungary since the end of the Second World War and no insurgencies since the popular uprising of 1956 against Communist domination, which was suppressed by Soviet troops that had been stationed in Hungary since 1947.

2 there is a broad consensus within the state about its territorial limits

Hungary is the Eastern European country with the highest percentage of its ethnic population living outside its borders, due to the dismemberment of the Austro-Hungarian Empire after the First World War. Under the terms of the 1920 Peace Treaty of Trianon and the 1947 Paris Peace Treaty, about one third of ethnic Hungarians remained outside Hungary, the majority in Romania, but also in the former Yugoslavia (Vojvodina) and Slovakia. Regional relations have been tense due to suspicions of irredentism³¹ on the part of Hungary, despite affirmation that Hungary respects the provisions of the Helsinki Final Act of 1975, which rejects the changing of frontiers by force. Within the framework of the European Stability Pact of March 1995, Hungary signed a bilateral treaty with Slovakia which, *inter alia*, confirms the delineation of the border between the two countries. A similar treaty with Romania is still stalled over minority rights for the Hungarians living mainly in Transylvania, which had been part of the Austro-Hungarian empire until 1918.

3 the constitution has been replaced or amended to provide for workable democratic institutions and mechanisms

The Soviet-style constitution introduced under communism in 1949, which had already been modified slightly in 1971 during the reform years of the former communist leadership, was fundamentally amended in October 1989 following round-table negotiations between government and opposition parties. The amended constitution provided for the incorporation of a multi-party system, the establishment of a constitutional court, a new electoral law and the replacement of the Presidential Council with the post of President of the Republic. The Hungarian Parliament made slight modifications to the constitution in the summer of 1990 and since then the Constitutional Court has continuously added to an 'invisible constitution' through its decisions.³²

In May 1995 the ruling Hungarian Socialist Party succeeded in reaching a compromise with the opposition parties on agreeing a timetable for drafting a new constitution. Under the agreement, the new constitution was to be drafted by a parliamentary committee, headed by

³¹ ie the advocacy of restoration to a country of territory once belonging to it.

³² "Hungary: The Politics of Transition", *The Journal of Communist Studies and Transition Politics*, Volume 10, No. 3, September 1994.

the Speaker, which was to propose principles for the constitution by 31 December 1995 and draft the constitution within nine months of the principles being approved.³³ The first reading on the proposed amendments to the constitution and to the parliamentary rules necessary for drafting a new constitution took place on 30 May 1995 and the speakers in the debate stressed that the modifications would allow the opposition to play a real part in creating a new constitution.³⁴ In January 1996 the Hungarian Justice Minister said that the new constitution could be passed by the end of the year.

4 *a workable electoral system has been adopted for the first democratic elections*

5 *first free democratic elections have been held*

The Hungarian electoral system which emerged from the round-table negotiations in 1989 was a complex compromise of proportional representation and simple majority, as a result of diverse wishes to revert to a list system, to have strong elements of localised accountability and to achieve stable majorities. The new electoral law combined elements of the French, West German and Austrian electoral systems. Of the 386 MPs, 176 are elected in individual constituencies, 152 are elected from regional party lists organised on the basis of 20 regions³⁵ and the remaining 58 are drawn from national party lists. As a result, there are two distinct bases of representation in the Hungarian Parliament. The electoral law initially set a 4% threshold for parliamentary representation.

Hungary's first free multi-party parliamentary elections were held on 25 March and 8 April 1990. A referendum in July 1990 determined that the Hungarian Parliament would elect the President and the presidential election was held in August 1990. The opposition round-table was keen to have parliamentary elections before the presidential election. It was concerned to avoid the Polish pattern of change and thought that the dismantling of the old system would not be complete if a president with a communist past became head of state at an early date.³⁶

6 *there is agreement on an electoral system for the longer term*

Hungary's complicated electoral system contains a number of provisions designed to curtail fragmentation, since it has an inherent 'filtering system' whereby only the parties which have a chance of overcoming the threshold are able to set a national list. The electoral law has proved to be successful, efficient and largely accepted.³⁷ It has, as a result, remained basically unchanged, except for minor alterations such as a change in the parliamentary threshold from

³³ *BBC Summary of World Broadcasts*, 6 May 1995.

³⁴ *BBC Summary of World Broadcasts*, 1 June 1995.

³⁵ This number also includes a variable number of deputies elected with reapportioned votes from the national lists.

³⁶ *ibid.*, p. 49.

³⁷ Attila Ágh and Sándor Kurtán (Eds), *Democratization and Europeanization in Hungary: The First Parliament (1990-1994)*, Hungarian Centre for Democracy Studies, 1995.

four to five per cent and granting Hungarian citizens living abroad the right to vote. The constitutional law committee and electoral committee have examined the method of presidential election. The ruling Hungarian Socialist Party would prefer to switch to a French-style, directly elected executive president, although it has stressed that this issue should be settled in the process of drafting the new constitution.

7 *a political party system has developed (more than one party, not too many) which enables the electorate to make clear choices*

As a result of the 4% (now 5%) threshold, only six large parties were represented in the Hungarian Parliament which resulted from the first multi-party elections, thus avoiding the chaos of fragmentation seen elsewhere in central and eastern Europe. In numerical terms, Hungary had a less fragmented party system and a much older configuration of government and opposition in 1992 than other post-communist countries in the region.³⁸ Hungary has been seen by some as a relative success in creating a durable party system. As one author has argued about the Hungarian case: "Unlike the neighbouring former communist countries, the transition from Communist dictatorship to a pluralist parliamentary democracy had been gradual and in line with Gorbachevian injunctions to central European communist parties and had been deftly managed from above by party reformers over the 1987-90 period. As a result, though the reformers had not been able to retain power, they had emerged with a much more favourable reputation than elsewhere and a more stable and durable party system had been established at the first attempt. By and large, the party system had survived intact and almost uniquely in this region, the resulting three party coalition...lasted for the full four year term."³⁹ To some extent, Hungary is seen as having skipped the umbrella movement stage and having gone straight to a viable party system, evidenced by the revival of traditional parties such as the Smallholders.⁴⁰

By spring 1994, however, there were representatives of some 20 parties in parliament.⁴¹ It has been argued that this fragmentation of the party system over the four years of the first democratically elected post-communist parliament has been a constraint on the development of democratic politics in Hungary.⁴² The parliamentary elections in May 1994 went some way to calming this concern, however, since the electorate returned the same six main parties, demonstrating a degree of continuity and stability in the political system. Indeed, several commentators believe that the party system has not become over-fragmented, since public support for the major parties was even more concentrated than in 1990 and the revived or

³⁸ Geoffrey Pridham and Paul G. Lewis (eds), *Stabilising Fragile Democracies: comparing new party systems in southern and eastern Europe*, Routledge, 1996.

³⁹ John Fitzmaurice, 'The Hungarian Election of May 1994', *Electoral Studies*, Vol. 14, No. 1, March 1995, p. 77.

⁴⁰ *ibid.*

⁴¹ Around 50 MPs had left or been expelled from their original parties and at least another 25 MPs were replaced because of death or resignations and many new parties had been formed.

⁴² "Hungary: The Politics of Transition", *The Journal of Communist Studies and Transition Politics*, Volume 10, No. 3, September 1994.

newly organized parties received only marginal public support. In general, the view is taken that there is relatively low party fragmentation in the Hungarian political system and that it seems to be diminishing more and more.⁴³ In addition, the increased turnout for the 1994 elections has been seen as adding to the legitimacy of the Hungarian party system.

8 parties or movements opposed in principle to the constitution or political system do not enjoy a significant degree of public support

None of the main parties stands outside the present constitutional arrangements. In both the 1990 and 1994 parliamentary elections, extreme nationalist parties polled only a small number of votes and were left without parliamentary representation.

9 major political parties are organised at regional or constituency level (ie not only in the capital city and in parliament)

This is true of all major political parties, assisted by the Hungarian electoral system being based on single-member constituencies and regional lists.

10 decisions on important issues are made or confirmed in parliament after open debate (ie the parliament does not merely "rubber-stamp" executive decrees)

During the round-table negotiations in 1989 the opposition parties managed to secure a role in the scrutiny of new legislation and laws were no longer imposed without first achieving broad consent. During the round-table negotiations, a range of laws were accepted as falling in a category requiring a two-thirds majority in order for them to be changed. Thus, even before the first multi-party elections, a substantial role was accorded to the opposition. Although the first post-communist coalition led by the Hungarian Democratic Forum reduced the number of laws requiring a two-thirds majority, at the same time they guaranteed the legal powers of the opposition in matters concerning highly important laws and parliamentary decisions. In the Hungarian parliament, MPs are also allowed to initiate bills on virtually any topic.

During the first parliament there was concern, however, about the powers of the President of the Republic and the Constitutional Court to restrict the powers of the legislature. During the first parliament the President used his constitutional veto on six occasions and the Constitutional Court cancelled individual sections from several laws, which were deemed important by the governing coalition since they affected the laws on compensation, justice and

⁴³ *Democratization and Europeanization in Hungary: The First Parliament (1990-1994)*, edited by Attila Ágh and Sándor Kurtán, Hungarian Centre for Democracy Studies, 1995.

the statute of limitation.⁴⁴ Together, the power of the President and the Constitutional Court were seen to restrict the power of the majority in parliament.

11 free elections are held for a second time

Free parliamentary elections were held for the second time in Hungary in May 1994. These confirmed the trend, already evident in Lithuania, Poland and Slovakia, towards a revival of the post-communist parties, based on the reform wing of the old communist parties throughout the region.⁴⁵ The Hungarian Socialist Party, which managed to capitalize on the electorate's feeling of disenchantment with the economic hardship accompanying the transition to a market economy, almost tripled its vote. The incumbent president, Arpad Goncz was re-elected by the Hungarian parliament in the summer of 1995.

12 a smooth and peaceful transfer of power takes place following elections

Following the 1994 elections there was a smooth and peaceful transfer of power from the outgoing Hungarian Democratic Forum coalition to the Hungarian Socialist Party, which, although it had an absolute parliamentary majority, decided to form a coalition with the Alliance of Free Democrats (AFD). There was continuity of power in the form of the presidency when Arpad Goncz was re-elected in July 1995.

VI Georgia

Georgia is a republic of 5.5m people, situated in the Caucasus between the Russian Federation, Turkey, the Black Sea and Azerbaijan. It has an ancient language and culture and was an independent kingdom in the middle ages, but it formed part of the Russian Empire from 1801 to 1918 and was a constituent republic of the Soviet Union from 1921 to 1991.

Georgia has suffered extreme economic and political dislocation in the period since independence as well as the physical effects of civil wars and disturbances. According to the European Bank for Reconstruction and Development, output in 1995 was only 17% of the 1989 level.⁴⁶ The upheavals of the recent past have naturally affected Georgia's construction of democratic institutions. There is a legacy of violence and confusion which will be difficult to overcome. A number of prominent people await trial on accusations of corruption and of complicity in assassinations and assassination attempts.

⁴⁴ *ibid.*

⁴⁵ *Electoral Studies*, Vol. 14, No. 1, March 1995.

⁴⁶ *The Guardian*, 2 April 1996

1 civil wars or insurgencies have either ceased, or are contained within marginal areas of the state

There was a brief civil war in late 1991/early 1992 which resulted in the overthrow of President Zviad Gamsakhurdia who had been elected in May 1991. Clashes between his armed supporters and those supporting the successor regime continued in Western Georgia for several months. After a spell of exile in Chechnya, Gamsakhurdia returned to Western Georgia, but died in unclear circumstances in January 1994. As far as the majority Georgian population, the capital city of Tbilisi and the core national territory are concerned, political violence has been confined since 1993 to occasional assassinations and attempted assassinations (including the bomb attack on Eduard Shevardnadze on 29 August 1995) and sporadic clashes between members of the Mkhedrioni (an unofficial militia) and government forces.

Conflicts involving minority ethnic groups with separatist ambitions erupted into two separate regional wars in South Ossetia (also known as Tskhinvali region) in 1991-2 and Abkhazia in 1992-3. Cease-fires are in force in both cases, but the two territories remain mainly in separatist hands. While both areas are on the Georgian borders, neither can be described as marginal in terms of the Georgian state since South Ossetia is close to central Georgia while Abkhazia includes much of the Black Sea coast and spans the road and rail links to Russia. The influence of the central administration over a third region, Adjara, is also tenuous.

The question of how to restore the national integrity of the state has continuously preoccupied Georgian politicians and has tended to dominate electoral politics.

2 there is a broad consensus within the state about its territorial limits

The great majority of Georgians regard this issue as definitely settled on the basis of the republican boundaries inherited from the Soviet Union. The separatist forces in Abkhazia (by no means all ethnic Abkhazians) have tried to establish a state which would either be fully independent or associated with the Russian Federation to the north, but have not succeeded in obtaining recognition, even from the Russian Federation, where there has been considerable political and (unofficial) military support for Abkhazia. There were increasing signs during 1995 that the separatist leadership would settle for a confederation with Georgia (which is unacceptable to most Georgians) or even for a guaranteed autonomous status within a federal Georgia, provided that the vexed question of displaced persons could be resolved. Around 200,000 ethnic Georgians fled from Abkhazia in 1992-3 and their return under a peace settlement, an essential Georgian demand, would not only threaten the separatists' electoral base, but could also lead to violent retribution.

There is a similar conflict over the status of South Ossetia/Tskhinvali region which in the Soviet period formed the autonomous republic of South Ossetia. The Ossete people seem to aspire to a high degree of autonomy from Georgia and have established a *de facto* union with North Ossetia which is an autonomous republic of the Russian Federation to the north. There is little prospect of them gaining *de jure* recognition, even from Russia, following the conflict over nearby Chechnya. Most Georgians regard South Ossetia/Tskhinvali as part of historic Georgia and are reluctant to grant any special territorial rights to the Ossete people who are regarded as relatively recent arrivals in the region.

However, the new Georgian constitution adopted in 1995 does provide for the possibility that Georgia may become a federal state in which the distinctive regions with mainly non-Georgian populations would have a special status.

3 the constitution has been replaced or amended to provide for workable democratic institutions and mechanisms

Zviad Gamsakhurdia came to power under the old Soviet republican constitution with ad hoc amendments and restored Georgian independence by means of a referendum in March 1991. Following his overthrow, the new Military Council symbolically restored the 1921 constitution, but again had to make ad hoc amendments.⁴⁷ A completely new constitution providing for a presidential and parliamentary democracy was adopted by the outgoing Georgian Parliament in August 1995 and signed into law ahead of the November 1995 elections.

4,5 a workable electoral system has been adopted for the first democratic elections and first free democratic elections have been held

There have been four presidential and/or parliamentary elections since the collapse of communism in Georgia - in October 1990 (parliamentary), May 1991 (presidential), October 1992 (both, but the presidency took the form of the directly-elected chairmanship of parliament) and November 1995 (both). The election laws were different in each case, the most complex being the system devised for the 1992 parliamentary election when 84 deputies were elected on a simple majority system from districts, 150 from two different lists in a 10-constituency proportional representation system and the chairman directly elected in a separate contest.⁴⁸ For the 1995 election the PR system was simplified to a single list, with a 5% threshold and the whole country treated as a single constituency electing 150 deputies; 85 seats were allocated on a simple majority system, but provision was made for previous MPs to continue in place in ten seats, mainly in Abkhazia, where elections could not be held. The

⁴⁷ Lincoln Allison, Alexander Kukhianidze & Malkhaz Matsaberidze, "The Georgian Election of 1992", *Electoral Studies*, 1993:2, June 1993, 175

⁴⁸ Allison et al, 175-6

main defect of this system was that, with 53 parties contesting the parliamentary election (cf 36 in 1992), only 3 managed to surmount the 5% threshold and many votes were therefore "wasted".

All of the elections appear to have been generally free and fair, despite local irregularities and fairly consistent bias in media coverage towards those in power in the run-up to polling day. In each of the "presidential" elections the electorate has been offered a narrower choice than in the parliamentary elections and on each occasion the favourite has won by a substantial majority: 87% for Gamsakhurdia in 1991 against five other candidates, 96% for Shevardnadze in 1992 with no other candidate, 73% for Shevardnadze in 1995 against four other candidates. These very wide margins of victory may have been somewhat artificially produced, but seem to have accorded with majority opinion at the time. The circumstances of the overthrow of Gamsakhurdia in 1992, less than a year after his overwhelming victory in the election, were far from democratic, but did also reflect a rapid disillusionment with his presidency on the part of many Georgians.⁴⁹

6 there is agreement on an electoral system for the longer term

The details of the electoral system may well be changed again in the future, but the principle of combining the simple majority and proportional systems and giving greater weight to the latter seems now to be well established, is enshrined in article 49 of the new constitution and probably suits a country where there are many displaced people and regions where elections cannot be held. Rural Georgia is currently over-represented in the simple majority seats because of wide discrepancies in the size of constituencies and this could be subject to future revision. A reduction in the number of parties contesting elections could make the system more stable in the future - as it is, a party which received 23% of the popular vote has won complete dominance of parliament. The electoral system could also be subject to further change in the event of Georgia moving to a federal system with an upper chamber, as foreshadowed in the 1995 constitution.

7 a political party system has developed (more than one party, not too many) which enables the electorate to make clear choices

Georgia has clearly not yet arrived at this point since 53 parties and blocs contested the November 1995 election. In the event only three were allocated seats from the PR lists as having received more than 5% of the popular vote and another three missed this threshold fairly narrowly, receiving 4-5%. This outcome may encourage politicians to organise themselves into a smaller number of competing parties for the next election, but the list system continues to act as an incentive to individual politicians to head the list of a small party, rather than to come well down the list of a big one, despite the obvious fact that there

⁴⁹ See Allison, 175, 177 and Ghia Nodia, "Georgia's Identity Crisis", *Journal of Democracy*, January 1995, 112.

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is never going to be room for more than 5-6 successful parties in a system with a 5% threshold. A related incentive is the fact that the publicity and fixed free television time associated with a party competing for the PR seats may sometimes help its leaders to win first-past-the-post seats in their strongholds, even while the party falls well below 5% in the national vote.

8 parties or movements opposed in principle to the constitution or political system do not enjoy a significant degree of public support

Before the adoption of the new constitution in the autumn of 1995 some of the opposition groups which took a critical view of Eduard Shevardnadze's accommodation with Russia and his agreement in principle to accept Russian military bases on Georgian soil in return for a settlement of the Abkhazia conflict set up a "National Assembly" which they hoped would carry a greater legitimacy than the national parliament. This may have been in conscious imitation of the various assemblies set up in the Baltic states in 1990-91 by nationalist parties. In the event, this initiative was not pursued, most of the opposition accepted the new draft constitution in its final version and the parties most closely associated with the National Assembly were notably unsuccessful at the ensuing elections.

In November 1995 no significant political group boycotted the election completely, other than the Abkhazian and Ossetian separatists. Some groups supporting the policies of the late president Zviad Gamsakhurdia (hence "Zviadists") did refuse to participate, but two Zviadist factions did put up candidates and one of them, the "Bloc for the 21st century", narrowly missed the 5% threshold. However, it was widely rumoured in Georgia in the immediate aftermath of the election that the Zviadists had actually performed significantly better and should have received some seats in the new parliament. Whether or not this was true, the fact that it was widely believed (and not only by the Zviadists themselves) may encourage a significant minority of Georgians, especially in the west of the country, to persist in regarding the new constitution and parliament as illegitimate and this could become a source of instability in the future.

9 major political parties are organised at regional or constituency level (ie not only in the capital city and in parliament)

Two of the three parties which passed the 5% threshold at the 1995 election, ie the Citizens' Union and the National Democratic Party, seem to have at least a rudimentary organisation in most parts of Georgia, while the third, the Revivalist Union, is tightly organised in Adzharia, but not elsewhere. Otherwise several parties have pockets of organised supporters in particular localities (for example, the Traditionalists in Gori and other towns of central Georgia), but organisation is generally very weak outside Tbilisi.

10 decisions on important issues are made or confirmed in parliament after open debate (ie the parliament does not merely "rubber-stamp" executive decrees)

Under the 1995 constitution the Georgian parliament exercises legislative power, determines the basic direction of domestic and foreign policy and exercises general control over the executive authorities "within the bounds of its competence" (article 48). However, ministers are responsible to the directly-elected president (article 79) and the president has a general power to issue orders and enactments "on the basis of the Constitution and law" (article 73j).

During 1992-95 relatively little major economic and social legislation was passed by the parliament and key areas of public life are either unregulated or else are subject to executive decision-making with little parliamentary control. However, some important decisions, such as the adoption of the new constitution, were taken by parliament after long, full and open debate.

11 free elections are held for a second time

See 4,5 above.

12 a smooth and peaceful transfer of power takes place following elections

This has not yet occurred in Georgia. There has so far been only one transfer of executive power since independence and this took place in early 1992 in circumstances of violent political struggle - the outcome being only retrospectively legitimised by new elections.

VII Conclusions

The cases examined in this paper cover by no means all the variations experienced by the post-communist states in the 1990s, but illustrate some of the problems encountered in the more and less consolidated democracies.

One of the most decisive factors in influencing the quality and robustness of democracy has been the extent to which the societies in question have been at peace or in the throes of violent conflicts. At one extreme there has been little opportunity for democracy to flourish in Bosnia, Tajikistan or Azerbaijan in the same way as Poland, Hungary or Slovenia. On the whole, the more a state is still subject to conflict, the less likely it is to have settled into democratic ways. Conflict has been a major factor in limiting democracy, for example, in Georgia and it continues to pose a threat to the future of democracy in the Russian Federation. It may be argued that, conversely, the less democratic states are more prone to

violent conflicts for this reason. For example, the conflict in and around Chechnya has escalated in response to the decisions and actions of bodies in Moscow such as the Security Council and the military command, which are largely outside of democratic control. However, most of the acute ethnic conflicts in the post-communist states have long histories and were merely pushed below the surface under the communist system: for the democratic successors to communism they are seen as an unwelcome legacy of the past.

Clearly the chances for democracy are greater where a broad consensus exists within the state as to its proper territorial limits, because otherwise every political debate becomes entangled in issues of national definition. This continues to be a potential source of weakness for the Russian Federation where one political camp accuses another of having connived in the demise of the "greater Russia" which was the Soviet Union and where nostalgia for the Soviet political and geographical space is being cultivated as an issue in the presidential elections.

In each of the countries examined here the replacement of the communist-era constitution has been regarded as a major symbolic issue and the adoption of a wholly new constitution (not yet achieved in Poland, or Ukraine) has been regarded as a defining moment for democracy. In practice, however, important ad hoc modifications were made to the old constitutional texts as part of the transition to democracy and in several cases the ad hoc changes proved reasonably durable and effective. It has been more difficult to find mechanisms for the peaceful and constructive resolution of constitutional disputes and this problem may not be solved merely by adopting new texts.

The first free elections at the end of the communist era have, in most, cases taken place on a rather ad hoc basis and without the benefit of a carefully considered electoral law. In the case of Poland in 1989 a pragmatic compromise allowed the electorate to express itself through free elections to the Senate, while allowing the communist party to retain the presidency and a guaranteed block of seats in the Sejm for a transitional period. While distinctly flawed from the point of view of constitutional democracy, this arrangement certainly helped to bring about a peaceful transfer of power. In Russia and Georgia, the parliamentary elections of 1990 were also flawed, but this did not prevent the emergence of broadly representative parliaments in both countries.

It has proved more difficult to agree on an electoral system for subsequent elections and for the longer term. None of the states examined here has opted for a purely constituency-based system. One (Poland) opted for a purely proportional list system; the others have adopted hybrid systems combining constituency and proportional systems in varying ratios. In each case the decision has naturally depended on perceived advantages for various political forces in the different systems. There is no doubt that the choice of electoral system can influence greatly the composition of the legislature. Constituency based systems have generally been seen as favouring candidates with local patronage and this has often meant candidates linked

to the old communist-era establishment (known in Russia as the *nomenklatura*). Such candidates now rarely associate themselves with the communist successor parties and often sit in Parliament as independents or representatives of regional associations. By contrast, the list system is generally favoured by all of those who have thrown themselves into the new party politics. For most political parties local organisation is difficult and expensive and attention tends to focus on a small number of prominent leaders who have regular access to the national media. Once established, the balance between the two electoral principles is difficult to change and hybrid systems are likely to persist for the foreseeable future.

As a consequence, it may be some time before the post-communist democracies develop strong political party systems. While there is no reason why post-communist states should necessarily aspire to developing a two or three party system, there has been a general tendency towards having a much larger number of parties than the electoral and parliamentary system can reasonably contain. To some extent this is a reaction to the monopoly previously held by the communist parties. It can also be a circular problem: the weaker parties become, the stronger the temptation to break away and found new ones. Attempts to merge parties often founder on the ambitions of rival leadership groups. Both of these tendencies are illustrated, for example, by the behaviour of the democratic reformist parties in Russia and Poland and their apparent inability to form a united front at recent elections. While the list system, especially when coupled with a 5% threshold, might be expected to encourage the formation of larger and more viable parties, the constituency system tends to encourage local interests over national party interests and provides a corps of deputies who are effectively independent of the party leaderships, whether or not they formally take on a party membership.⁵⁰

To a large extent the fragmentation of political parties reflects the fragmentation of society at large and yet, as the authors of a recent study of democratization in Eastern Europe conclude, too accurate a reflection of society's divisions may result in parliaments which cannot sustain an effective government in power:

A major requirement of the emerging liberal democracy is the achievement of a balance between a party system that reflects the divisions and conflicts in post-communist society (one, moreover, which is particularly complex and fluid) and the formation of governments with effective powers derived from and sustained by a reasonably representative parliament.⁵¹

⁵⁰ There may be other possible reasons for the failure of 5% thresholds to concentrate party activity: unreliable or corrupt opinion polls tend to persuade the leaders of small parties that they do have a chance of surmounting the threshold; and the availability of an alternative route to the legislature via single-mandate constituencies encourages small parties and their leaders to compete separately, even when they know that their chances under proportional representation are slim.

⁵¹ chapter by Lewis, Lomax and Wightman, in G Pridham & T Vanhanen (eds), *Democratization in Eastern Europe domestic and international perspectives*, 1994, 185.

On the whole there have been few cases of major political forces either boycotting elections in the post-communist states or being prevented from taking part. After the dramatic events of October 1993 some leading Russian politicians were barred from standing in the December 1993 elections, but this did not prevent others of similar communist or nationalist persuasion being elected. In the five countries examined here there have been no cases of powerful political forces being systematically excluded from the democratic process. This is not to say that political parties represented in parliaments are necessarily wedded to moderate behaviour and the rule of law: the strongest and most organised parties are often those which bring together unreconstructed communists or extreme nationalists, who are not drawn to tolerant, pluralist politics. Despite many attempts to launch popular conservative (christian democrat), liberal or social democratic parties, such parties as there are of this nature tend to be weak and faction-riven.

The role of parliaments in the post-communist transition has altered over time. In the early days of the transition, when communist authority was beginning to crumble, the regimes tried to shore up their legitimacy by giving the existing legislatures more freedom to question and criticise. Mikhail Gorbachev led the way in allowing the electorate a degree of choice which had previously been completely absent in communist elections. As a result, newly elected parliaments soon began to claim much more freedom than had been intended and called into question the whole system of military and political controls which artificially sustained the Soviet Union and its alliance with the communist-controlled states of East-Central Europe. In claiming or reclaiming their sovereignty the "Supreme Soviets" of the Soviet republics destroyed the communist system and put themselves at the centre of the new order. In almost every successor republic of the former Soviet Union effective authority shifted temporarily to the chairman of the legislature. For a variety of reasons, including a stronger sense of continuity with the pre-communist period, this did not happen in the non-Soviet former communist states, but in most of these there was also a rapid transition to government based on the approval of the parliamentary majority.

In the post-Soviet states there has latterly been a strong move towards directly-elected executive presidencies and this has inevitably led to a move away from the centrality of the legislature in the political system, but parliaments have continued to have a significant role in giving a legitimate platform to opposition parties between elections and compensating them for their failure to win executive power. Ulrike Liebert has noted:

... Parliament has to incorporate in one way or another a factual compromise between the preferences of right and left, of workers and capitalists and other economic power groups if the democratic system is to survive and stabilise. Parliament does so by providing opportunities for instrumental or at least symbolic participation, infra-structural and material resources and public prestige to all political parties with parliamentary representation and indirectly to those socio-economic groups which these parties organise... Those forces especially which are excluded temporarily or

permanently from government may thus find some compensation. By this means, parliament may motivate certain extreme groups to moderate too radical claims.⁵²

Clearly this compensation for defeated parties is most likely to be accepted either when the opposition retains hope of returning to power, or at least to a share in coalition government, at a relatively early date, or when, by its nature, a political party which is based perhaps on a minority ethnic or religious group, is reconciled to permanent opposition and seeks to maximise its political influence through parliamentary work. The occasional moves by opposition parties to set up alternative parliaments with a different national or local claim to legitimacy, as in Georgia during the summer of 1995, can be seen as evidence of a potentially dangerous alienation from the formal democratic system.

Most of the post-communist constitutions entrench some fundamental laws by requiring that they can only be amended by special procedures, including two-thirds majorities in the legislature. As long as "constitutional" laws are not so amended, the legislature remains subject to the interpretative decisions of a constitutional or supreme court, and to this extent parliamentary sovereignty is curbed.⁵³ Whatever the constitutional model adopted, however, it should still be the case that the most significant political and economic decisions are either taken in the parliament, or else subjected to parliamentary approval before they become irreversible. This is not something which can be analyzed in an easy systematic way. Broadly speaking, it has been true in Poland, Ukraine and Hungary, but in Russia and Georgia there has been a greater tendency for important decisions to be taken within the presidential structure without reference to Parliament. President Yeltsin's decision to conduct full-scale military operations in Chechnya in 1994 and President Shevardnadze's decision to accept Russian military assistance in 1993 may be cited as examples.

Perhaps the most stringent test of a democratic system is its ability to cope with an election result which points to a change of administration, whether this be of government based on parliamentary majority, of executive president, or a combination of both of these. If this hurdle can be overcome and a smooth transfer of power takes place, without attempts to manipulate the election results or manufacture a state of emergency and with the political force which has been defeated at the polls accepting a new role as part of the constitutional opposition, then democracy can be said to have taken root. In several post-communist states peaceful transfers of power have now taken place. In most cases, including Poland, Hungary, Bulgaria and Lithuania, it is the reformed communist parties and their allies which have returned to government for the time being and the various liberal, reformist or nationalist parties and coalitions which have returned to opposition. In the former Soviet Union (apart from the Baltic states) the picture is more confused: some presidents have lost elections and have handed over their seals of office to political opponents, but without a clear-cut shift in

⁵² U Liebert & M Cotta (eds), *Parliament and democratic consolidation in Southern Europe* (1990), 16.

⁵³ See, for example, the section on Hungary under heading 10.

the parliamentary majority (eg Ukraine, Belarus); in others there have been significant shifts in the political character of the parliamentary majority at elections, but continuity, so far, in the presidency (Russia, Georgia since 1993); there have also been instances of power changing hands amid violent systemic upheavals without elections (Georgia before 1993, Azerbaijan). In several instances strong executive presidents who came to power, or were in power at the time of the communist collapse, have remained in office at the head of national unity movements and have been re-elected without apparent difficulty (Romania, Uzbekistan, Kazakhstan).

There has been much speculation among political scientists as to the factors which, in the longer term, are likely to determine the durability of democracy in particular states. A correlation with the level of economic development has been claimed, and also with parliamentary, as opposed to presidential democracy.⁵⁴ There may also be a correlation with the quality and duration of pre-communist democratic experience, a factor which would tend to give East-Central Europe a stronger basis for future democracy than the former Soviet Union.⁵⁵

For the moment, democracy is likely to endure in the post-communist states, albeit in imperfect form, for as long as the electorate continues to support political parties and presidential candidates committed to democracy. Nowhere does there appear to be much likelihood of a military coup and in most cases leaders who attempted to cancel elections and declare a personal dictatorship would be risking a strong, and possibly violent, public backlash, not to mention loss of international trade and credits. The greater danger might be that disillusioned or apathetic electorates might tolerate or encourage a drift back towards authoritarian government. For the moment, this does not seem to be happening in most of the post-communist countries. Levels of participation in elections have generally remained high and, although some former communist parties, in most cases now renamed, have won back a measure of popular support, they have done so on a platform favouring higher levels of social protection, rather than on an appeal to restore the old communist political system. Richard Rose has argued on the basis of survey evidence that the voters of Central and Eastern Europe may be disillusioned and disappointed with the economic situation in the post-communist phase, but most of them do not regard the old political regime as having been better. While 37% in a survey across Eastern Europe definitely preferred democracy and 43% were either sceptical or passive in their attitudes towards all political systems, only 18% actually favoured the former system over the present one.⁵⁶

⁵⁴ Axel Hadenius, "The Duration of Democracy: Institutional vs Socio-economic factors", in David Beetham (ed), *Defining and measuring democracy*, 1994, 79-83.

⁵⁵ However, Mauricio Cotta finds that there has been little genuine continuity between the party political systems in existence before the communist period and those which have developed subsequently. The communist period was too long and the repression of civil society too severe for much of the pre-communist political culture to have survived - "Building party systems after the dictatorship", in G Pridham & T Vanhanen (eds), *Democratization in Eastern Europe: Domestic and international perspectives*, 1994.

⁵⁶ Richard Rose, *What is the Chance for Democracy in Central and Eastern Europe?*, Studies in Public Policy 236, University of Strathclyde, 1994

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