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# DEMOCRACY DELAYED: OBSTACLES IN POLITICAL TRANSITION

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# DEMOCRACY DELAYED: OBSTACLES IN POLITICAL TRANSITION

IN 2011, POPULAR MOVEMENTS HAVE LED TO THE DOWNFALL OF AUTOCRATS IN TUNISIA AND EGYPT AND LEADERS OF OTHER COUNTRIES IN THE REGION ARE FACING SERIOUS POLITICAL CHALLENGES THAT COULD YET CAUSE THE REGIMES TO COLLAPSE OR BRING ABOUT SUBSTANTIAL POLITICAL REFORM. AMONG THE VARIOUS CHANGES DEMANDED BY POPULAR MOVEMENTS ACROSS THE REGION, ONE HAS STOOD OUT ABOVE ALL OTHERS - A GREATER SAY FOR CITIZENS IN THE RUNNING OF THEIR COUNTRIES.

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## INTRODUCTION

Paul O'Grady and Lucia Najšlová<sup>1</sup>

Prior to the Arab Spring, the last period to experience such great political events was when communism collapsed in Central Europe and the Soviet Union between 1989 and 1991. This change presented an opportunity for each of the countries to introduce new political systems and build democratic state institutions. While the history, culture and context of Central and Eastern Europe is different to North Africa and the Middle East the European experience of political transition can still offer important insights into the nature of the challenges the Arab countries are likely to face.

Central European states were largely successful in establishing democratic rule. Others, particularly the former Soviet states, quickly slid back into authoritarianism. However, proving the inherent fragility of autocratic rule, from 2003 to 2010 popular protests led to the ouster of political leaders in four ex-Soviet states. This gave their citizens a second opportunity to politically transform their societies.

This collection of articles, compiled by Democracy Reporting International (DRI) and Prague-based Institute for European Policy EUROPEUM, responds to requests made by some Arab reformers to deepen their knowledge of how political change in Eastern Europe unfolded. Rather than focussing on the successful transitions, it presents case studies which recall the difficulties, pitfalls and political missteps which jeopardised these countries' transitions and even caused some of them to fail. It complements a report issued earlier in 2011 by DRI and the Portuguese Institute for International Relations which examined 'successful' transitions to democracy in Europe from the 1970s until 1991.<sup>2</sup>

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<sup>2</sup> In English and Arabic: <http://www.democracy-reporting.org/publications/country-reports/egypt/report-april-2011.html>

The collection examines transitions in seven countries, of which three focus on events during the ‘first wave’ of transition from 1991 to 1996 (Albania, Azerbaijan and Belarus) and four explore ‘second wave’ transitions which occurred between 2003 and 2010 (Georgia, Kyrgyzstan, Moldova and Ukraine).

The unseating of entrenched regimes through popular protest or system collapse occurs relatively rarely. Where it does, citizens are often not well-prepared to meet the long-term challenges which follow. The reasons for a transition to stall or fail are rarely straightforward and in the East European context were consequences of both ‘institutional’ and non-structural (so called ‘soft’) factors.

## INSTITUTIONAL FACTORS

One general conclusion from the East European experience is that democratic state building needs to be the overarching and continual priority. Often the opening of the political space is not used to quickly establish the necessary institutional framework for a democratic state to grow. Frequently, the political class expends too much energy jockeying for position or seeks to consolidate their new found power in ways that serve their own interests. In many cases, this creates a situation where state power is not well apportioned between the executive, legislature and judiciary, and other state institutions are constructed in such a way that over time they are too weak to assert their independence.

After a revolution, the first task is usually to decide the composition of the interim-governing authorities. In cases where it is not possible or desirable to hold elections immediately, the legitimacy of the governing authority can be challenged, particularly where its composition or actions do not reflect post-revolutionary society’s mood or it does not move quickly enough to address citizens’ main demands. Decisions on the holding of elections and the re-writing of constitutions are usually taken hastily during the first months of a transition, but are of long-term importance. Agreement on these issues is particularly difficult where there is no popular consensus on fundamental issues such as the future orientation of the state.

The interim government usually needs to quickly decide if and when elections will be held, and more importantly which bodies/institutions should be elected. This may require the revision of laws and the establishment or re-composition of state bodies e.g. an election commission. After gaining independence in 1991 Belarus did not hold fresh parliamentary elections until 1996, meaning that the ‘old Soviet guard’ never left office and that the reformists were unable to translate their popular support into parliamentary representation.

Of crucial importance, the interim authorities will also have to consider what type of constitutional change is necessary and what arrangements will be used to put this into effect, including questions such as ‘should the constitution be amended or an entirely new one adopted, and if so by whom?’. Belarus and Azerbaijan did not adopt new constitutions until 1994 and 1995 (respectively); by which time both countries had reverted to authoritarian rule, meaning that the autocrats wrote the new rules.

Deciding the best balance of power between the state institutions is difficult – even in countries which are not undergoing a rapid political change. Granting too much power to a new President can lead to the re-emergence of authoritarian rule but diffusing power between different centres can paralyse decision making and cause a transition to stall. In 2004 in the midst of its political crisis, Ukraine adopted constitutional reforms which scaled back the role of the future President. In Georgia, constitutional amendments to strengthen the powers of its new reform-minded President were adopted only one month after his election. In both countries, the changes were adopted hastily by the parliaments without proper multi-stakeholder consultation. In Ukraine, the result was political paralysis because in the context of a powerful government and a fragmented parliament, the President was too weak to rule effectively. In Georgia, the strong presidential powers and an overly acquiescent parliament (due to a sizeable government majority) meant that there were insufficient checks and balances leading to a lack of government accountability.

Sometimes it has been almost impossible to agree on the most appropriate separation of state power. In Kyrgyzstan, following the 2005 Tulip Revolution, the issue of whether the country would be a parliamentary or presidential republic led to a confrontation that lasted for several years and contributed to the ouster of the new President in 2010.

While reform of the electoral system has not necessarily been a key factor in ensuring the durability of the wider democratic reform process, a move to a proportional representation system has generally facilitated party formation and more equitable representation of political forces – both of which are necessary to avoid an over concentration of power. However, as parliamentary elections in Albania (1996), Georgia (2004) and Kyrgyzstan (2010) show, the integrity of an electoral process will not automatically improve following the demise of an authoritarian regime. Electoral practices require scrutiny over several electoral cycles to better ensure they become robust.

All the states covered in this collection emerged from authoritarian rule in which the sole party and the state were almost inseparable. While the psychological effects of this legacy took time to overcome, the sole ‘state-party’ was frequently replaced by the formation of a myriad of political parties and movements which often struggled to create functioning coalitions and reach compromise on key decisions – particularly in the new context of ‘bottom-up’ rather than ‘top-down’ decision making.

## CONTEXTUAL AND ‘SOFT’ FACTORS

The case studies included in this collection show that, in addition to ‘institutional’ issues such as the scope of constitutional reform and timing and system of elections, a number of ‘contextual’ factors such as ongoing armed conflict, a country’s specific political culture, economic hardship and corruption and ‘soft’ factors such as inadequate public consultation, and the marginalisation of civic society organisations were also responsible for slowing down or delaying democratic transitions.

A major roadblock in several political transitions arose from the lack of political unity, be it in opposition camps, governing coalitions or society at large. Belarus and Kyrgyzstan do not appear to have ever had a sufficient pro-reform majority to form a government. Ukraine and Moldova managed to achieve this, and reformists were able to form ruling coalitions but struggled to agree policies and priorities and allowed personal rivalries to divide them. In Georgia, while there was a stable pro-reform majority, and a number of positive changes were introduced, the government did not engage in a nationwide dialogue and like its predecessors, began to suppress dissent and adopt authoritarian manners.

The lack of attention given to creating a broad social consensus on the national development path has in some countries significantly hindered the consolidation of democracy, freedom and socio-economic progress. Indeed, in many of the countries, a genuine, structured and regular multi-stakeholder dialogue has been almost non-existent. While non-state actors endured considerable infringements upon freedom of association and expression, new governments rarely viewed them as capable and credible partners who should take part in creating and implementing the reforms and building the new state and only occasionally made use of their knowledge and expertise. Nevertheless, the governments of Ukraine and Moldova have recently embarked on a structured dialogue with the political opposition, local and regional governments, civil society, the business community and media via platforms called *National Conventions*.

Most of the countries studied in this collection experienced severe economic problems before and during their transition periods. Partly as a consequence of the lack of public consultation, economic downturns were sometimes highly significant in slowing down, stalling or reversing political transitions. As incomes fell, people in some countries yearned for a return to the relative stability and certainty of the past. However, experience shows that relative prosperity, or at least the government's ability to satisfy basic economic needs, is not a sure ticket to democratisation. Indeed, the reason the current regime in Belarus enjoys some genuine support despite its authoritarianism is because of the perception that its economy is healthy and/or peoples' basic needs are largely satisfied.<sup>3</sup>

Experience in a number of the countries studied in this volume, particularly Azerbaijan, demonstrates that corruption can seriously diminish public trust in democratic transformation. The problem does not exist solely among representatives of 'the establishment' and elite groups who profit from formal and informal crony networks, but is rather a consequence of the weakness of the state to provide basic services. In this situation, the majority of citizens find that using patron-client relations or bribery is a more reliable way to receive services than relying on formal entitlement based on formal rules. Countries such as Georgia that have embarked on anti-corruption programmes have seen benefits of this process.

Internal armed conflicts have negatively affected political transition and in the case of Azerbaijan caused the fall of the pro-reform government and the return of the communist-era political elite. In Georgia, the dispute over the breakaway territory of South Ossetia led to a brief war with Russia, enabling the government to play the national unity card and to divert attention from its lack of progress on the reform agenda.

Lastly, external actors have played a variety of roles – be they political, financial or inspirational. In the post-communist countries of Eastern Europe, Central Asia and Western Balkans, the major external players have been the European Union, Russia and the United States. The policies of the US and the EU were aimed at encouraging democratic reform, supporting non-state actors, and providing expertise. However, their role was sometimes counterproductive e.g. in Albania where from 1992 to 1997 the government wrongly interpreted US and EU support as a green light to pass new measures without consulting the opposition or civil society. In contrast, the Russian Federation, which has maintained close relations with at least part of the authoritarian political and economic elite in the reviewed countries, appears to have been driven by a wish to retain or expand the 'sphere of Russian interest'. It has championed pragmatism over principle, providing little if any positive contribution to the establishment of democratic governance.

## OUTCOMES

To varying degrees none of the seven countries have met popular expectations and most have not introduced deep and sustainable democratic changes. In Azerbaijan and Belarus, reform stalled at an early stage and authoritarian regimes returned and quickly cemented their grip on power. In Georgia, Ukraine and Kyrgyzstan, protests in 2003, 2004 and 2005 presented second opportunities to transition to democracy. However, in Georgia there are serious concerns about a concentration of power in the presidency and a heavy-handed state apparatus. In 2010, disillusioned Ukrainians elected the candidate of the pre-revolution power as the country's President. Kyrgyzstan's post-revolutionary President returned to authoritarian rule but was ousted in 2010.

Albania mismanaged its transition from 1991 to 1996 and its failure to properly reform its security sector meant that it was unable to respond when mass civil disorder engulfed the country in 1997. Since then, it has introduced some important and substantive reforms, but its polarised political culture has meant that important policy questions are decided unilaterally and overall progress has been relatively slow.

In Moldova, the transition that started in 2009 has not yielded quick results: reforms have been slowed down by rivalries within the ruling coalition, the inability to elect a President and the failure to approve constitutional amendments. However, it is too early to tell whether Moldova's transition will deliver long term benefits.

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<sup>3</sup> However from 1999 to 2010 cumulative economic growth in Belarus (256%) is actually lower than Poland, Ukraine, Russia and the three Baltic states.

# SECURITY SECTOR REFORM IN ALBANIA: CHALLENGES AND FAILURES SINCE THE COLLAPSE OF COMMUNISM

Mariola Qesaraku and Besnik Baka<sup>4</sup>

After World War II, Albania became a communist dictatorship based largely on Stalinist ideas. The period 1989-92 saw the collapse of all communist regimes in Central and South West Europe, including Albania. Albania's first multi-party elections were held in March 1991. The 1992 elections, which are generally considered as Albania's first genuine electoral process, were decisively won by the opposition Democratic Party (DP). Albania's political transition from a near totalitarian regime to a multi-party democracy proved to be a major challenge, with the mid-1990s being particularly chaotic.

The period 1992–1997 is considered as Albania's first wave of democracy in which major political, economic and social reforms were successfully introduced. At the start of Albania's democratic transition the country possessed very weak state institutions. The new political elite lacked experience of effective state administration and ultimately proved incapable of establishing effective and efficient new structures. Polarised relations between the main parties made it hard to find consensus on the shape the reforms should take. By 1993, partly as a result of the absence of effective checks and balances, the new regime became increasingly authoritarian. The elections of 1996 saw the Democratic Party engage in various forms of electoral malpractice.

The advent of democracy in Albania necessitated the transformation of the security sector and civil-military relations. However, politicised and partisan reforms weakened efforts to democratise and professionalise the security sector. The weaknesses of the security sector became obvious in January 1997 when fraudulent pyramid investment schemes collapsed and the country descended into anarchy. In the period after 1997 serious security sector reforms were successfully introduced, but often at a slow pace.

## INTRODUCTION

After World War II, Albania became a communist dictatorship based largely on Stalinist ideas. The period 1989-92 saw the collapse of all communist regimes in Central and South

West Europe, including Albania. Starting in the late 1980s the country became less 'isolationist' in its foreign relations and by 1990 had begun to integrate itself into the system of international organisations. The year 1990 also witnessed many demonstrations demanding democratic reform, and the Albanian Party of Labour (APL, formerly the Communist Party of Albania) began to introduce reforms to liberalise the economy, abrogate repressive legislation and allow the creation of political parties.

Albania's first multi-party elections were held in March 1991. Although the APL (afterwards renamed the Socialist Party, SP) won a parliamentary majority, the newly formed opposition Democratic Party (DP) polled well. In April 1991, Parliament introduced an interim basic law, known as the "Law on Main Constitutional Provisions", to replace the 1976 Constitution and appointed a commission to draft a new constitution. New elections were set for March 1992. These elections, which are generally considered as Albania's first genuine electoral process, were decisively won by the DP. Albania's political transition from a near totalitarian regime to multi-party democracy proved to be a major challenge, with the mid-1990s being particularly chaotic.

This paper explores these challenges and focuses on security sector reform, which in Albania evolved in two main phases. The first generation of reforms concentrated on reforming the main security sector institutions, approving new legislation and establishing a chain of responsibility. The second generation reforms focused on establishing effective structures for the democratic governance and oversight of the security sector.

## 1991-1997: THE FIRST WAVE OF THE TRANSITION

During the communist era power rested solely with the top echelons of the Communist Party. Consequently, at the start of Albania's democratic transition the country possessed very weak state institutions. The new political elite lacked experience of effective state administration and ultimately proved incapable of establishing effective and efficient new structures. While drafts of a new constitution were discussed, the interim basic law remained in force until 1998 when Albania's current constitution was adopted.<sup>5</sup>

In the 20 years since the collapse of communism, political power has alternated between the DP and the SP.<sup>6</sup> Political parties were the most important actors during the first decade of the transition. However, there was no tradition of separation of state from party and the absence of strong and independent state institutions meant parties faced few checks on their exercise of power when in government. Polarised relations

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<sup>5</sup> In October 1994, a draft constitution was presented to Parliament but it failed to secure the required two-thirds majority. President Berisha decided to put the draft to a national referendum, which was defeated with 54% voting against adoption.

<sup>6</sup> Since 1991, political power has alternated between the DP (between 1992 and 1997, and 2005 to date) and the SP (between 1997 and 2005).



between the main parties made it hard to find consensus on the shape the reforms should take.

The period 1992-1997 is considered as Albania's first wave of democracy in which major political, economic and social reforms were successfully introduced. Due to the large majority of seats in Parliament, and the weakness of the SP in the period immediately after the 1992 elections, the DP was able to set the reform agenda unilaterally. The DP consciously excluded the SP from the reform process and regarded the party as an extension of the Labour Party and its communist predecessors.

Between 1992 and 1993, the DP set about holding the leaders of the former regime to account, and a number of senior figures were prosecuted, including the former President, Ramiz Alia, and the leader of the SP and former Prime Minister, Fatos Nano. However, by 1993, partly as a result of the absence of effective checks and balances, the new regime became increasingly authoritarian. Measures it introduced included restricting the space for political opposition, censoring the media, interfering with judicial powers, and using excessive force in combating crime.<sup>7</sup>

Albania's third multi-party elections, which took place in May and June 1996, were a hugely significant event in Albania's transition. In a bid to retain political power, the DP engaged in various forms of electoral malpractice prompting virtually all other parties to withdraw their candidates.

## SECURITY SECTOR REFORM (SSR)

The advent of democracy in Albania necessitated the transformation of the security sector and civil-military relations in general. However, despite the collapse of communism the military and key security institutions such as the police and intelligence services remained heavily dependent on the governing political elites. Institution-building was in general done in a way which has allowed the political forces in power to control the institutions, including in the security sector, by bringing in their own personnel and carrying out massive purges. Politicised and partisan reforms weakened efforts to democratise and professionalise the security sector. In this framework the reforms were featured by frequent changes of policies and strategies, and lacked realistic plans to manage resources.

## SSR DURING THE FIRST WAVE OF THE TRANSITION

During the first wave of the transition, security sector reform (SSR) focused on the establishment of new institutions, new structures, and chains of responsibility. However, it was highly politicised. The DP attempted to purge former communists from state institutions and removed most security personnel from their positions. Those who replaced them had little experience of their new roles but were considered by the DP as being loyal to

the party. This approach had direct and negative consequences for the functioning and performance of the security services. The security services were then, to a large extent, used against the DP's political opposition, pressuring those who publicly criticised the government. This approach undermined reforms aimed at transforming the security sector into strong, neutral institutions of state, and meant that many citizens did not regard them as credible.

The weaknesses of the security sector became obvious in January 1997 when thousands of citizens lost their savings in fraudulent pyramid investment schemes and the country descended into anarchy. In 1996, the International Monetary Fund had warned the Albanian government of the dangers of these schemes and had urged it to close them down. However, with elections fast approaching the government disregarded the warning. The pyramidal schemes collapsed in January 1997 and public discontent developed into social anarchy when citizens raided military bases, seized weapons and took control of the main cities. State authority collapsed and as the security services were unable to restore order, a multi-national military force was deployed. New elections were held in June and July 1997, which resulted in a decisive victory for the SP.

## SSR DURING THE SECOND WAVE OF THE TRANSITION

The period after 1997 can be considered as the second wave of Albania's transition. When it returned to power in July 1997, the major challenges for the SP-led government included normalising social and economic order, restoring the rule of law and trust in public institutions, and proceeding with reforms in the framework of NATO and European Union (EU) integration processes. In the period 1997-2000, the DP-led opposition decided not to cooperate with the government. Consequently, many important decisions were necessarily taken unilaterally, e.g. the opposition chose not to participate in the constitution drafting process and boycotted consultations on the draft.

The second wave of the transition saw the introduction of major security sector reforms, culminating in Albania's accession to NATO in April 2009. The early part of this period saw the adoption of the main legal texts reforming the security sector. However, repeating the tactics of the DP in the period 1992-1993, the SP removed staff from their posts, and replaced them with many of those who had been dismissed during the first wave of the transition, especially in police and intelligence services, causing discontent and harsh criticism by the opposition.

Other major political milestones and events in the period included: the approval of a new constitution (in October 1998), the consolidation of the rule of law, responding to the Kosovo crisis, and advancing negotiations with the EU on Albania's eventual accession.

<sup>7</sup> Human Rights Watch World Report. 1993. "Albania", available at: <http://www.hrw.org/reports/1993/WR93/Hsw-01.htm>

## ROLE OF THE INTERNATIONAL COMMUNITY IN SSR

The international community has been very important in sustaining and promoting SSR reform, notably the US (particularly during the 1990s) and the EU. The wars in Yugoslavia shaped and enhanced cooperative relations as Albania became a strategic partner for US and NATO interventions in the Balkans. Needing a reliable ally, the US unreservedly supported the governing party and became the second largest donor after Italy in providing economic, political and military aid.<sup>8</sup> However, the US and EU policy of promoting strong government in Albania sent a wrong signal to the DP-led government (1992–1997) as it embarked on introducing reforms without consultation.

The Kosovo war and Albania's involvement in NATO peacekeeping operations also helped accelerate SSR; during the NATO operations in Kosovo, Albania was the first country in the Western Balkans to be provided with a NATO Membership Action Plan (MAP). The MAP together with the Stabilization and Association Process (SAP) set the agenda for SSR reforms and Albania's eventual integration in the Euro-Atlantic structure.

Financial assistance and supervision provided by the US and EU was crucial to the success of the SSR programme. However, in the period after 1997, US and EU support to SSR was more structured and conditional than previously. They also served as a mediator between the main political parties, thereby helping to reduce political tensions. However, international support has been criticised for ignoring local needs; e.g. during the process of drafting legislation or setting priorities, they did not sufficiently take into account the needs and capacities of the country thus making the implementation process difficult.<sup>9</sup>

## REFORM OF THE DEFENCE SECTOR

Until the collapse of communism, the military was used internally to defend the totalitarian regime against any challenges. It functioned under the total control of the Communist Party. This severely eroded professionalism and any sense of military corporate identity.<sup>10</sup>

During the early years of the transition the government's plans were developed with the intention of retaining structures and preserving security sector staff positions, especially of the extensive military officers' corps, despite the fact that the sector was far too large.<sup>11</sup> Nevertheless, during the 1990s the number of military personnel was reduced and restructuring did occur, resulting in the complete or partial closure of garrisons and relocation of units. Between 1992 and 2004, more than

17,000 officers and military personnel were released from service, of which 9,500 were released between 1992 and 1995. The cutbacks significantly lessened the attraction of a military career among young people.<sup>12</sup> A major shortcoming of the reform was that reintegration programmes for ex-military were never introduced and moreover, ex-military personnel received no support from the state.<sup>13</sup>

Despite support from NATO, progress to decommission and destroy the excessive amounts of weapons and munitions built up during the Cold War period was slow. Consequently, when Albania descended into anarchy in early 1997, many weapons fell into the hands of civilians. This turned what might have remained civil unrest into a state of emergency, prolonged the crisis and delayed the recovery of state institutions. After the 1997 events, a new programme to destroy the weapons stockpile was introduced. However, this also proceeded at a fairly slow pace which indirectly led to a major loss of life when a weapons dump exploded in March 2008.<sup>14</sup> The catastrophe highlighted corruption in military institutions as well as the lack of civil control and poor oversight of the defence sector.<sup>15</sup>

## REFORMING THE POLICE AND INTELLIGENT SERVICES: FROM STATE TO COMMUNITY ORIENTED

Under the totalitarian regime the intelligence and police services were used to control society through fear. While the reform of the intelligence service and the police was shaped by the legacies of communism, no major reform initiatives were introduced in the early 1990s.

In the first wave of the transition, the services operated under strong political influence. Until 1998, the police were considered as being a branch of the military, and reforms did not bring far reaching results. Very often whichever party in opposition has accused the ruling party of using police and intelligence services against political opponents. Not surprisingly the harshest criticism has been directed towards intelligence services, while the police have also been criticised for exerting pressure during elections and use of excessive force against opposition supporters in demonstrations.

The concept that police, intelligence and the military were all 'armed forces' created serious problems during the 1997 events, e.g. when the army was placed under the command of the intelligence service which proceeded to direct army operations to suppress the insurrection in the south of Albania.

8 Abrahams, F. 1997. *Albania: Foreign Policy in Focus*, Vol. 2 (33).

9 Ryan, B. 2009. "The EU's Emergent Security – First Agenda: Securing Albania and Montenegro". *Security Dialogue* 40:311.

10 Caparini, M. 2004. *Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans*, DCAF.

11 Katsirdakis, G. 2002. "Defense Reform and NATO." In *Post-Cold War Defence Reform*, edited by Gyarmati Istvan and Theodor Winkler, 189-204. Washington: Brassey's Inc.

12 Caparini, M. 2004. *Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans*, 2004, DCAF.

13 Pietz, T. 2005. *Defense Reform and Conversion in Albania, Macedonia and Croatia*. DCAF & BICC.

14 An explosion occurred in Gërdec, 15 km from Albania's capital, Tirana. Twenty-six civilians were killed, hundreds injured, and thousands of dwellings were destroyed. See Ymeri. Erjona, *Gazeta Observer*, 21.03.2008, [http://www.tiranaobserver.com.al/al/index.php?option=com\\_content&task=view&id=4026&Itemid=30](http://www.tiranaobserver.com.al/al/index.php?option=com_content&task=view&id=4026&Itemid=30)

15 Schmitt, E. 2008. "American Envoy Is Linked to Arms Deal Cover-Up." *New York Times*, 24 June 2008, available at: <http://www.nytimes.com/2008/06/24/washington/24arms.html?fta=y>

## STORY OF A FAILURE: THE PATH TO DYNASTIC NEOPATRIMONIALISM IN AZERBAIJAN

Samuel Lussac<sup>18</sup>

Azerbaijan, a former Soviet Republic in the South Caucasus regained independence on 18 October 1991. One month previously, the leader of the Soviet Republic, Ayaz Mutalibov, was re-elected President of Azerbaijan in a single-candidate election. Setbacks in the conflict over Azerbaijan's separatist region of Nagorno-Karabakh generated popular protests which in March 1992 led to Mutalibov's resignation and the assumption of power by the Popular Front which had first emerged during the perestroika era. The Popular Front secured its grip on power and in June 1992 its leader, Abulfaz Elchibey, became Azerbaijan's first and only democratically elected President. However, the regime's legitimacy was undermined by military failures, a poor economic situation and high levels of corruption, an autocratic style, and failure to win support from key regional powers. The re-emergence of Heydar Aliyev as Azerbaijan's political leader in June 1993 halted democratic momentum and led to the establishment of neopatrimonialism and dynastic political succession. On his death in 2003, Heydar Aliyev was succeeded by his son Ilham.

### INTRODUCTION

The fall of the Berlin Wall in 1989 and the collapse of the Soviet Union in 1991 raised hopes that Eastern Europe could look forward to a democratic future. The transition to market economy and political liberalism has however been a failure across the post-Soviet space. In 1997, Heydar Aliyev, independent Azerbaijan's third President stated "Some people think we should be able to establish democracy in a short time, but that's impossible. Azerbaijan is a young nation and democracy is a new concept. [...] Democracy is not an apple you buy at the market and bring back home." However, Azerbaijan has yet to make significant strides towards democratic rule and has de facto replaced Soviet oppression with 'dynastic authoritarianism'.

This paper focuses on the period March 1992 and June 1993 when, following popular protests, the Soviet-era leaders who had retained their political position after independence, stepped down and handed power to the Popular Front, thereby opening a window of 'democratic opportunity'.

This created a dangerous precedent,<sup>16</sup> and the actions of the services during this period negatively affected the reputation of these institutions among citizens. The police service disintegrated during the crisis and its reformation on more effective lines became a government priority in the period immediately after the 1997 election. The 1998 Constitution provided that the intelligence service and police were placed under a civil authority. SHIK (National Intelligence Service) was reformed as the SHISH (Albanian Intelligence Service) in 1998 and restructured in the period thereafter.

The first major step in the reform of the police service was the establishment of the Multinational Advisory Police Element (MAPE) by the Western European Union. MAPE's mandate to train Albanian police and assist in maintaining public order lasted until 2001. Police reforms aimed at strengthening its democratic values, introducing community policing and overcoming the confidence gap between citizens and police.<sup>17</sup> Nonetheless, repeating the pattern of other security sector reforms, implementation has proceeded slowly. The size of the police needs further reduction to make it more efficient and to allow more resources to be allocated to improve working conditions and raise salaries. The selection, quality and training of police, including in areas such as respect for human rights, has also proved problematic and still needs to be improved.

### CONCLUSIONS

The legacy of communism played an important role in framing governments' approach to SSR in Albania. The authoritarian tendencies of the government during the early transition to democracy, the polarised political environment, a lack of cooperation, consultation and agreement on the main reforms, all served to make a complicated process even more difficult. In the early years, changes were introduced to meet the short-term needs of the new rulers, in particular to strengthen their grip on power and marginalise the former regime. There was a lack of clear vision on what reforms ought to achieve in the long term and a failure to clearly identify potential obstacles and difficulties to implement policy.

In general reforms have been initiated and supported only by the party which is in power while the opposition of the day was either ignored or refused to enter dialogue on the reform. The alternation of political power between the SP and the DP and their propensity to appoint loyalists to senior positions in the services, set back implementation of the reforms.

<sup>16</sup> These units acted as police and military units, creating confusion and conflict between institutions. See: Nazarko, M. 2003. "Civilian and Democratic Control of the Armed Forces." In *Defence and security sector governance and reform in South Eastern Europe: Insights and Perspectives*. Vol. 1, edited by Jan Trapan and Philip Fluri, 43-56. Belgrade: Centre for Civil and Military Relations.

<sup>17</sup> Yusufi, I. 2003. *Security Sector Reform in South East Europe*. Gostivar: Centre for policy studies.

<sup>18</sup> The author is a PhD candidate at Centre Emile Durkheim, Sciences Po Bordeaux.

## WAR, CORRUPTION, AND CONSTITUTIONAL LEGITIMISM

The armed conflict between ethnic-Armenian separatists and ethnic-Azeris over the status of Nagorno-Karabakh began in 1988 and Soviet peacekeepers were deployed to maintain order. The conflict escalated with the disintegration of the Soviet Union in late 1991. Subsequent military defeats, notably those in early 1992, led to popular protests against Azerbaijan's political leaders, largely the same persons who ruled during the communist period. In March 1992, in a bloodless and largely peaceful popular coup, President Mutalibov resigned. In May, the Popular Front defeated an attempt by Mutalibov loyalists to return to power and established itself as the government of Azerbaijan. While ostensibly about military failures, the uprising of March-May 1992 also demonstrated a desire by Azeris to close the Soviet chapter. In June 1992, Abulfaz Elchibey was elected President in what is generally considered as a credible if hastily arranged process. Abulfaz Elchibey remains Azerbaijan's only leader who espoused democratic reform and was elected in a credible process, but over the next 12 months he and the Popular Front were unable to overcome four key challenges as a result of which the regime was ousted in June 1993.

Firstly, while Elchibey believed that Mutalibov's main fault had been his frequent circumvention of the 1978 Soviet Constitution, he did not attempt to draft a new one because he believed that, despite its shortcomings, the country needed to focus all its energy on the military campaign and consolidating the gains of democratic political forces.<sup>19</sup> Elchibey's decision to appoint rather than elect a new legislature also reflects his 'legitimist' views. Despite its democratic intentions, the incapacity of the Popular Front to distance itself from autocratic habits lessened the likelihood of a successful transition to democracy.

Secondly, despite a successful counter-offensive in June 1992, the Popular Front was unable to reverse the military situation in Nagorno-Karabakh. The military successes had relied on Azeri warlords who controlled their own private armies. When these commanders left the front lines, Azerbaijan's regular army was too weak to resist the Armenian forces. Once again, Azerbaijan lost territory and the public started to protest against new military failures. The existence of non-state controlled military units also presented a serious challenge to the Popular Front government. In June 2003 the prominent paramilitary leader Surat Huseynov fomented a coup in the city of Ganja, and defeated the Presidential Guard. Ultimately, this led to the collapse of the Popular Front government.

Thirdly, the Karabakh war caused an economy already weakened by the fall of the Soviet Union to collapse. Already in Soviet times, Azerbaijan was known as one of the most corrupted republics within the USSR. The 'war-economy' increased the already high levels of corruption. In turn corruption undermined efforts to stabilise the country and achieve economic growth.

Fourthly, Elchibey failed to secure the support of key regional powers, notably Russia and Turkey. While Europe and the United States welcomed Azerbaijan's nascent democratic transition, Ankara and Moscow had concerns about the Popular Front's foreign policy. In particular, Elchibey's nationalistic stance antagonised Russia, while Turkey feared it could destabilise the whole region. These two hegemonic powers were willing to secure their grip on the South Caucasus and Elchibey's erratic foreign policy prevented them to do so. Thus Azerbaijan's new leader had lost the support of its two key traditional allies.

The threat of a coup by paramilitary warlords, economic collapse, and military setbacks in the Nagorno-Karabakh war opened the door for Heydar Aliyev to return to power. Previously, Aliyev had held senior positions in Azerbaijan including head of Azerbaijan's KGB and First Secretary of the Central Committee of the Azerbaijani Communist Party, as well as former deputy Prime Minister of the USSR. In 1993, Aliyev was President of the Parliament of Nakhchivan, an Azeri enclave located between Armenia and Turkey. He carried the image of stability and strong leadership and, as a last resort to the crisis, Elchibey invited Aliyev to mediate with the paramilitary warlords. After Elchibey fled, many of Elchibey's supporters in the legislature elected Aliyev as the chairman of the National Assembly, thus giving him de facto presidential powers. In August 1993, Elchibey was formally removed as President, and in October Aliyev became President with official results giving him 99% of the vote with a 97% voter turnout.

Aliyev had two main political options. He could either seek to develop the democratic reforms started by his predecessor or seek to replicate the autocratic methods which successfully served him in the 1970s. Despite employing a vocabulary of democracy, Aliyev secured his powerbase by establishing a neopatrimonial regime that relied on clan and elite linkages, and returning to an autocratic style of government, which as a corollary, ended the democratic momentum built up between 1991 and 1993.

## WEAK INSTITUTIONS AND STRONG INFORMAL NETWORKS

Two characteristics have underpinned Aliyev's era: strong informal networks and weak state institutions. From June to October 1993, as "Chairman of the National Assembly of the Republic of Azerbaijan and Reinvigorator of the Extraordinary Powers of President of the Republic", Aliyev oversaw the National Assembly relinquish many of its powers. Under the Popular Front, the body was supposed to be the heart of the newly democratic Azerbaijan, but by simply rubber-stamping Heydar Aliyev's policies, it sealed its own fate. Once Aliyev had engineered his election as President, Aliyev distributed ministerial and parliamentary positions among clans and elites to retain their support and enable them to establish their own corruption networks. He also secured his control of the Interior, Defence and Intelligence ministries. Failed military coups in October 1994 and March 1995 prompted him to introduce additional measures to weaken the armed forces.

The Constitution of 1995, drafted by Heydar Aliyev and adopted by referendum, is the outcome of the necessity to reward the clans and elites that helped Aliyev to become President.

<sup>19</sup> The 1978 Constitution barred candidates over the age of 65 from contesting presidential elections, thus preventing Heydar Aliyev, a significant political rival, from contesting the June 1992 election.

It concentrates political decision-making in the hands of the President, and weakens the government's and Parliament's roles. Ministerial portfolios were attributed not according to competencies but according to personal interests. Using state resources, any elite was able to secure and manage its patronage network, raising benefits not for the state but for itself and its followers. This policy hampered any effective state building and led to the construction of a 'neopatrimonial state'.

The oil and gas windfall of the late 1990s strengthened the elites' position. Because of weak state institutions, little effort was made to ensure sustainable exploitation of oil resources to bring long-term benefits to ordinary Azeris. Instead, the elites rather used the oil money to enrich themselves and fuel their patronage networks e.g. by allocating social funds to meet the demands of their clients or to dampen dissatisfaction. Enjoying such resources, the ruling power lost any incentive to improve legislation, governance or to ensure long-term economic growth. Social spending became the main interest of this oil bonanza, weakening the diversification of the economy.

Heydar Aliyev's re-emergence at the centre of the political scene marked the beginning of the end of Azerbaijan's democratic transition. The war with Armenia, which continued until 1994, and the economic collapse dampened democratic enthusiasm which arose from Elchibey's election and diverted citizens' attention away from the need for political reform. The establishment of a neopatrimonial regime aimed at satisfying oligarchic elites ensured the regime's survival and helped prevent any more coups. A return to autocracy kept reformists in check. Once the revenues from the oil bonanza began flowing into the state budget, it was already too late to change a deeply rooted neopatrimonial regime.

## MISSED OPPORTUNITIES

With the benefit of hindsight, it is possible to identify a number of key errors made by Elchibey's government.

Firstly, as the state was unable to cope with the autonomous politico-military actors operating within its borders, Elchibey ought to have accelerated institution building, including measures to reform and strengthen the army. The reliance on paramilitary leaders meant that he was at the mercy of their actions and ambitions, a situation which ultimately led to his ouster.

Secondly, he should have made a decisive break with Azerbaijan's autocratic traditions, and set a timetable for drafting a new constitution based on democratic norms and organising parliamentary elections. This would have strengthened the legitimacy of the Popular Front regime, which evaporated after the military failures of early 1993.

Thirdly, Elchibey ought to have recognised the need to avoid antagonising Azerbaijan's powerful neighbours. While Ankara generally supported the Popular Front's emphasis on its Turkic identity, its bad relations with Russia led Moscow to support the Popular Front's main rivals and a return of Heydar Aliyev to power in June 1993.

Fourthly, Elchibey should have signed oil agreements as

soon as they were ready in the spring of 1993. This would have brought much needed funds to the collapsed economy and early hope for a brighter future. Changing the format of the oil negotiations at the last minute delayed the signing of the agreements and raised serious concerns in the international corporate world.

## CONCLUSIONS

The failure of the political transition in Azerbaijan is largely a matter of the Popular Front's loss of legitimacy. Paradoxically, Heydar Aliyev, a well-known authoritarian leader, appeared to many Azerbaijanis as more legitimate than Abulfaz Elchibey, a democratically elected President. The Popular Front's main failures were refusing to draft a new constitution until a later date; an over reliance on the Popular Front's own supporters and Elchibey's failure to build wide support across Azerbaijani society, notably from the elites, and its ad hoc and erratic foreign policy, which alienated Russia, and caused Turkey and the United States to have reservations over their support to the regime.

Despite his authoritarian style and reliance on neopatrimonialism, Heydar Aliyev managed to legitimize his rule, both inside and outside the country. Thanks in part to the availability of oil revenues, he then allocated funds to ensure that patronage networks could provide for people's needs, thereby cementing his and the elites' positions.

However, the reliance on neopatrimonial networks rather than strong state institutions is a dangerous path. While such a system can be successful in the short term, in the long run it only increases inflation, institutionalises corruption, and misallocates resources thereby hampering the development of other sectors of the economy. Over time, this can jeopardise the survival of the regime and the stability of the state.

# TRANSITION IN BELARUS: BETWEEN SOVIET TOTALITARIANISM AND NEO-SOVIET AUTHORITARIANISM

Andrei Yahorau<sup>20</sup>

Belarus gained its independence in 1991 as the USSR began its final collapse. There was no clear consensus on the country's future political system and geopolitical orientation. The communist old guard remained the majority in Parliament, but the pro-democracy and nationalist groups were active and vocal and offered a political alternative to command-led politics. However, Belarus experienced a series of systemic crises, which for various reasons it struggled to resolve.

During late 1991 and 1992, the pro-democracy nationalist group of MPs secured a number of political victories including nominating the Speaker of Parliament, who served as nominal head of State. However, power and government crises were not resolved and pro-democrats were unable to force new elections or push through reforms in Parliament at the point they held political momentum. By 1994, the conservative neo-communist group of MPs had regained the initiative and was able to force through adoption of a new constitution, which at its core established strong presidential powers.

In 1994, an economic crisis began to emerge, which was so deep that it caused a 'way of life' crisis for ordinary Belarusians. Belarus' first presidential election took place the same year and the populist MP, Aleksander Lukashenko, secured a decisive electoral victory with an anti-corruption and neo-Soviet political programme. He moved quickly to place state institutions under his control before parliamentary elections were held in 1995. He and his autocratic regime have maintained their grip on power ever since.

## INTRODUCTION

The decomposition and subsequent disintegration of the Soviet Union between 1989 and 1991 raised in the newly independent countries fundamental questions as to their geopolitical orientation and choice of political system. The answers to these questions conditioned the transitions through which the 15 post-Soviet states passed. While the countries of Central Europe and the Baltic states (Lithuania, Latvia, and Estonia) had by the late 1990s managed to establish fairly stable democratic institutions, other former-Soviet states had generated a plethora of political regimes: from unstable quasi-democracies to stable but authoritarian regimes. The second category includes the Republic of Belarus, where after a short period of unstable democracy, its first President, Alexander Lukashenko, who was elected in 1994, began to establish an autocratic state.

This paper examines the events during the early years of its independence (1990–1996). It seeks to answer the question why Belarus did not follow the path taken by its Baltic neighbours and how the authoritarian regime has now existed for more than 16 years.

## THE BEGINNING: UNEXPECTED INDEPENDENCE

At the time Michael Gorbachev introduced *perestroika*, Belarus was one of the most economically developed republics of the Soviet Union.<sup>21</sup> Its strong economy together with other factors including its compact territory, relatively small population size<sup>22</sup> and largely homogeneous national structure<sup>23</sup> created a good transformation potential. Nevertheless, in the late 1980s, Belarus' communist party elite and *nomenklatura* were highly loyal to the central Moscow administration, and ordinary citizens who were not suffering as a result of economic hardships or internal conflict were mostly supportive of the Soviet status quo. Indeed, during the only referendum held in the USSR, 82.7% of Belarusians supported the preservation of the Soviet Union.<sup>24</sup> For the majority of its citizens, Belarus' independence in August 1991 was an unwished for by-product of USSR's dissolution, rather than a result of their conscious efforts.

## NORMATIVE REMARKS: SYSTEMIC CRISIS

The theory of 'systemic crisis' describes well the transformation processes through which the post-Soviet region went and explains why in some states, such as Belarus, authoritarian regimes were able to re-establish themselves. By 1991, the Soviet republics were to varying degrees already in systemic crisis.

A visual representation of the Belarusian systemic crisis has five consecutive processes or crisis waves: ideology crisis, power crisis, government crisis, economic crisis, and crisis of a way of life. Each of the crisis waves (from the ideology crisis to the crisis of a way of life) starts at the point of beginning of transformation, then develops and reaches its culmination at one point, and then decreases. Put differently, the dominating crisis wave of the moment raises a fundamental question in the political sphere, which is either resolved in due course, or loses resonance in the public's and policy makers' consciousness as it is replaced by the next crisis wave. But while the crisis wave loses resonance it may not disappear altogether (See Picture 1).

21 Belarus ranked in the top three Soviet republics in terms of its modernisation and industrial development, percentage of employment in the industrial sector, trade turnover and GDP volumes.

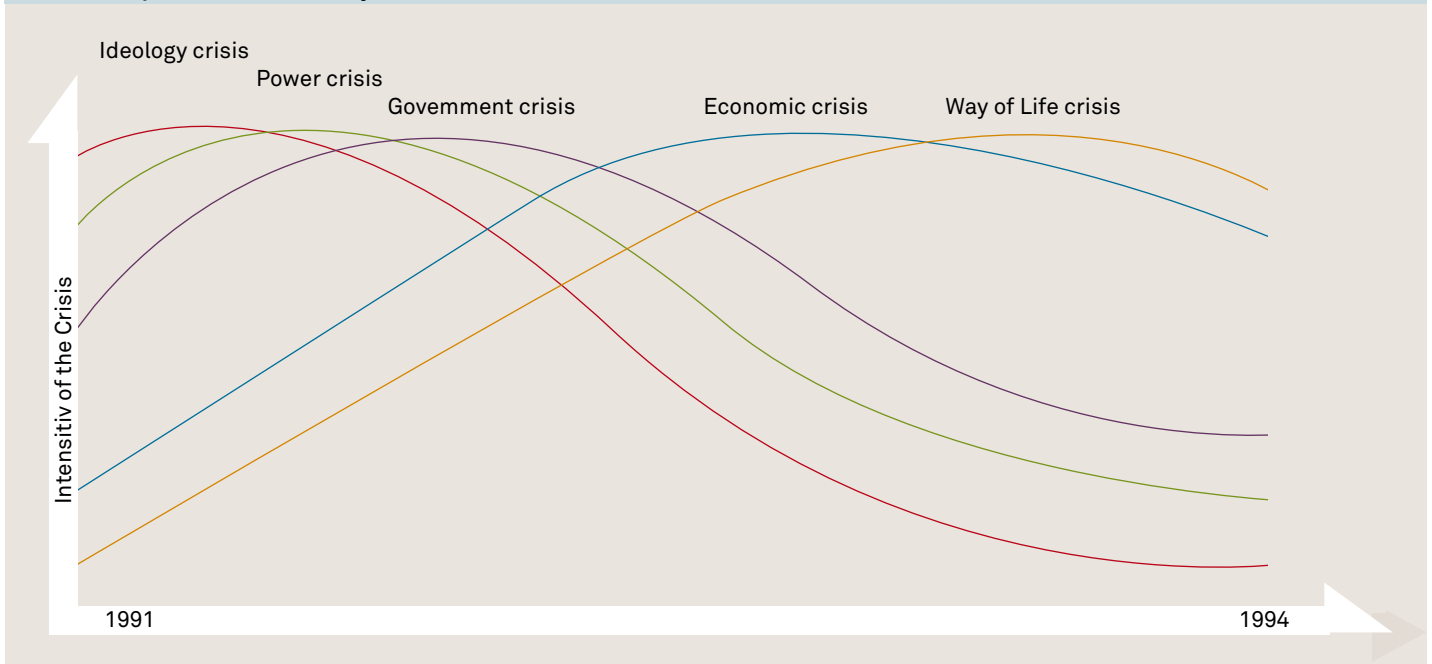
22 The population of Belarus is approximately 10 million.

23 Some 89% are Belarusians.

24 The referendum was held on 17 March 1991.

20 The author is based at the Center for European Transformation in Minsk.

Picture 1: Representation of the systemic crisis in Belarus



The post-Soviet countries which best managed to cope with the continual crisis waves more quickly formed stable state institutions, which in turn helped them establish a more or less democratic form of government. In the countries where the crises were not resolved in due time, they began to superimpose on each other which ultimately opened the door to decisive but authoritarian rule, thereby closing the possibility of a transition to democracy – at least in the short to medium term. This situation arose in Belarus.

#### IDEOLOGY CRISIS: THE ABSENCE OF PUBLIC CONSENT

The Belarusian Declaration of State Sovereignty was adopted on 27 July 1990, but Belarus acquired real independence only after the disintegration of the USSR in December 1991. The first choices Belarusians had to make were whether to retain socialism and its Eastern-looking orientation or undertake market reforms and orientate itself to the Western democracies. The peak of the ideological crisis coincided with the attempted coup in the USSR in August 1991.

While for all Belarus' western and northern neighbours (Poland and the Baltic States), the European Union and democracy were natural historical choices, for many Belarusians the main geo-political reference point was still the space of the former USSR. Indeed, the formation of the Commonwealth of Independent States (CIS), created from the wreckage of the USSR in December 1991, was welcomed by the government of Belarus and many citizens as a partial restoration of the Soviet Union. The newly independent country declared its neutrality towards the East and the West. In practice this meant the country was side-stepping the pressing question and de facto the political elites were unable to fully resolve this question throughout the period 1991–1994.

There are a number of reasons why Belarus struggled to resolve its ideological crisis. Firstly, in 1991, Belarus was one

of the most developed and prosperous Soviet republics of the USSR and it did not suffer as sharp a decrease in its standard of living as the other Soviet republics. Secondly, pro-reformists were largely drawn from Belarus' nationalist movement. While national movements (often termed 'Popular Fronts') did play important roles in the political transformations in the western part of the Soviet Union by linking the issues of independence and national revival with the issues of anti-communism and democracy, in Belarus national sentiment was too weak to provide the necessary impetus for democracy building processes.<sup>25</sup> Thirdly, intellectual elites had no clear and coherent plans to develop Belarus as an independent country. Between 1989 and 1990, discussions centred on variant models for Belarus' economic autonomy within the bounds of the USSR and did not touch on the type of institutional and economic reforms necessary for Belarus to function as a viable independent country.

Ideological uncertainty and the lack of political and public consensus meant that Belarus hesitated to build strong and democratic state institutions, adopt constitutional and legal reforms, restructure its economy (e.g. introduce market and currency reforms), remove the communist old guard from political positions, and reform the security and intelligence services. Debates on constitutional reform and whether to establish a parliamentary or presidential republic only began in 1993, at which time Belarus was in the middle of a crisis of power. Thus, decisions on constructing the new state were discussed less in ideological terms but more in the context of the power struggle between the former Soviet *nomenklatura*, led by Prime Minister Vyacheslav Kebich, and the pro-democratic faction in Parliament, led by the Speaker, Stanislau Šuškievich.

<sup>25</sup> In many post-Soviet states, Popular Fronts were virtually synonymous with pro-democracy movements.

## FROM POWER CRISIS TO GOVERNMENT CRISIS: NOMENKLATURA VS. DEMOCRATS

The unresolved ideology crisis fed into the next crisis to hit Belarus: the power crisis. The central issue became who should take responsibility for guiding the country along the path chosen by the nation. The uncertainty over Belarus' ideological and geopolitical orientations had not resulted in changes in the composition of the ruling elite. Unlike other post-communist states where unity governments had been formed pending multi-party elections, in Belarus the former *nomenklatura* had remained at the helm of the executive branch.<sup>26</sup> Between 1990 and 1992, the Belarusian Parliament became the centre of the power struggle.

During 1990, all republics held elections to their supreme Soviets (parliaments). Some republics allowed non-communist candidates and in five republics nationalist and/or democratic movements gained a majority of seats,<sup>27</sup> and in others, while not winning the elections, they polled relatively well.<sup>28</sup> In Belarus, non-communist candidates won only 14% of the seats. While the faction of the Belarusian People's Front (BPF) consisted of only 36 members, it was the most active independent parliamentary faction and it managed to initiate a number of significant changes concerning the sovereignty of the state, and changes to the name of the state, its symbols, and the state language. To an extent these successes stemmed from a temporal disorientation of the communists after the failure of the revanchist putsch in Moscow in August 1991. The fear that this event could strengthen the anti-communist movement led the parliamentary majority and government to make concessions to the pro-democracy bloc. The activity of the Belarusian Communist party was temporarily suspended and in late September, supported by the BPF faction, Stanistaŭ Šuškievič, was appointed as parliamentary speaker and thus became the nominal head of the state.

However, the key questions of the power crisis were not resolved. Attempts by the BPF faction in 1992 to initiate a referendum on holding new parliamentary elections were thwarted by the communist parliamentary majority despite the fact that they had gathered sufficient signatures to force a vote. Amidst mass protests in 1992, the leader of the BPF, Zenon Pozdnyak, passed up Prime Minister Vyacheslav Kebich's offer to resign and allow the opposition to head the government.

The democratic movement's main failings were its inability to resolve the ideology crisis, concentrating too much on issues of secondary importance such as the symbols of the state. The decision to pass up the opportunity to head the government appears a major mistake as it meant they had no power outside their parliamentary minority to try to establish independent state institutions or draft legislation to reform the political and economic environment. In hindsight, the failure to capitalize on

the momentum the pro-democracy camp enjoyed from August 1991 to late 1992 to force new elections which could have led to the ouster of the communist old guard party and the industrial *nomenklatura* meant that a major opportunity to build a democratic state was irretrievably lost.

The communist old guard, with its Soviet management mentality, was not interested in reforming state institutions or creating a government system based on a separation of powers, and had little interest in resolving the crisis of government. Despite resistance from the pro-democracy opposition, in March 1994 the communist dominated Parliament approved a new constitution. While the provisions of the 1994 Constitution were not undemocratic, it provided the President with strong executive powers, rather than a parliamentary republic, as advocated by the pro-democracy deputies. This was potentially hazardous for democracy, given the numerical weakness of the pro-democracy camp in the existing Parliament. The scheduling of the presidential election in August 1994 one year before the next parliamentary elections allowed the President to prepare for any future struggle with the new Parliament.

## ECONOMIC AND WAY OF LIFE CRISIS: AN UNCONTROLLED DISINTEGRATION

The absence of radical reform meant that Belarus avoided a transformational shock for some time. However, the old communist command-and-control methods were still applied in administration and economic management. New market processes were developing spontaneously and chaotically and in many respects were beyond the government's control, although the failure to introduce economic reforms did not help. Belarus could not isolate itself from the economic downturn experienced across the post-Soviet area and a gradually growing economic crisis reached its peak in 1994-1995. The crisis caused a sharp downturn and in 1995, about 80% of the population had an income below the minimal consumer budget and nearly 40% were below the poverty line.<sup>29</sup> The economic crisis led to a 'way of life' crisis.<sup>30</sup> Traditionally, most Belarusians were politically and economically passive. They experienced significant declines in their consumption levels and the quality of public services, which in turn negatively affected culture, family relations and, in general, daily life. Daily survival became the imperative and many citizens associated a market economy with their impoverishment. Belarusians were not well prepared for a market economy and more importantly, they did not want it.

Corruption was already present in Belarus during the Soviet era, but the economic and political instability created favourable conditions for growth, particularly in the executive branch. However, people perceived that all of Belarus' government institutions were corrupted. Because the government constantly asserted that these institutions were 'democratic', the public began to equate 'democracy' as synonymous with 'corruption'. Alexander Lukashenko was at the time head of Parliament's

26 In fact, parliamentary elections did not occur until 1995, after independent Belarus had elected its first and only President.

27 Latvia, Estonia, Moldova and Georgia. In Lithuania, independent candidates were backed by nationalists.

28 For example in Armenia, Russia and to a lesser extent in Ukraine.

29 Belarus: retrospect and perspective: national report on human development, UNDP BYE/96/004. 1999

30 A way of life crisis is where citizens are unable to continue with their habitual patterns of life.



Anti-Corruption Committee, and as a presidential candidate in the 1994 elections, he benefited the most when the fight against corruption in government became a major campaign issue.

### THE AUTHORITARIAN ANSWER TO THE CRISIS OF A WAY OF LIFE

By the mid-1990s, the crisis processes in Belarus had merged and become immense. However, the governing elites refused to introduce reforms necessary to manage a way out of the situation, resulting in uncontrolled disintegration. The most pressing issue was how to halt and reverse the rapidly collapsing standard of living. Society yearned for the return of certainty and security. Alexander Lukashenko provided a model and populist rhetoric with which the people could easily identify – Soviet revanchism and restoration of the ‘vertical’ (top-down) approach to state management.<sup>31</sup> This programme was backed by a majority of Belarusians and he was elected President; an office which he has inhabited ever since.

The population preferred a return to the ‘paternalistic state’, with its unwritten contract that citizens forego their political rights in exchange for guaranteed living standards. The democratic opposition including the BPF, the United Democratic Party, social-democratic parties with their programme based on national self-consciousness, slogans of freedom and democracy, were not able to offer credible solutions to citizens’ immediate needs. Between 1994 and 1996, Alexander Lukashenko, backed by his strong electoral support, moved to control all levers of state power, suppress all opposition to his rule and introduce a neo-Soviet style of statecraft. While opposition to his rule persists, his regime has yet to meet a serious political challenge.

## GEORGIA’S POLITICAL EXPERIENCE AFTER THE ROSE REVOLUTION: ACHIEVEMENTS AND FAILURES

George Tarkhan-Mouravi<sup>32</sup>

Georgia became independent from the already disintegrating Soviet Union in 1991. The early years of independence were marked by civil conflicts in two break-away regions, political instability and economic decline. By the mid-1990s Georgia had begun to stabilise. The ruling party of the time enjoyed reasonable levels of public support and the opposition was weak and divided. However, by 2000 popular discontent was rising as people’s hopes remained unfulfilled and in the next few years the ruling party began to split.

Georgia’s Rose Revolution of November 2003 was seen as a great success for people’s power. Naturally, expectations for the period after the revolution were high, but eight years on, opinion on overall success is divided. Certainly some of the fruit borne by the revolution produced lasting achievements, but much turned sour. This paper examines to what extent the frustration and disillusionment of some, or satisfaction of others, is justified and highlights lessons that could be learned from Georgia’s experience.

### POPULAR REVOLT AGAINST ‘STAGNATION’

In November 2003, a wave of public protest rose against the stealing of the parliamentary elections that overwhelmed the political establishment. Electoral fraud was however just the trigger for the revolution. Its causes – people’s deep dissatisfaction with their prolonged poverty and semi-authoritarian leadership – were much more fundamental. People wanted reform and change but the election results – which did not reflect their will – would mean a prolongation of President Shevardnadze’s style of governance based on political intrigue and balancing elites, and an economic policy which had led to stagnation, corruption, and inefficiency.

However, such frustrations – found in many transitional societies – might not have led to the success of the opposition, were it not for other factors. Georgian ‘authoritarianism’ was soft in comparison with most of its neighbours and allowed the existence of a relatively free media, as well as civil and political activism. This situation arose partly from a strong dependency on Western assistance and support, but also related to Georgia’s specific political culture, values and history, in particular the memory (or myth) that ‘people’s power’ had already managed to topple previous regimes. Shevardnadze was by that time a ‘lame duck’ President. But with his term soon to expire there was no obvious and popular successor. The weak and disorganised government which was reliant on the political and financial support of the West was wary of using force against its people. In any event, the army – which was trained and equipped by

31 His electoral programme utilized the slogans “stop corruption”, “launch factories” and vowed to continue the policy of Soviet industrialization.

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the USA, would not get involved and the police was reluctant to apply extreme measures in the light of the upcoming change of presidency.

Eduard Shevardnadze, independent Georgia's Head of State since 1992, resigned on 23 November 2003. In early January 2004, Mikheil Saakashvili, leader of the United National Movement, won a huge majority in the hastily arranged presidential election.

## FIXING THE CONSTITUTION

In early February 2004, the Parliament approved amendments to Georgia's Constitution.<sup>33</sup> The changes strengthened the role of the cabinet of ministers and introduced a separation of powers between the new position of Prime Minister and the President. While the changes were presented as creating a parliamentary-presidential system, in fact they concentrated all powers in the hands of a super-presidency, while the system of checks and balances was weakened, particularly as regards the Parliament and the already fragile judiciary.

At the time it was argued that the President required strong powers during a period of political transition, in particular to move forward quickly with introducing needed reforms. The President could now directly appoint the Ministers of Interior and Defence, and overrule the Parliament, when appointing the Prime Minister and the government. He could also dismiss the government and dissolve the Parliament, while the latter lost the right to dismiss the Prime Minister in a no-confidence vote. However, it was not just the content of the constitutional amendments which raised questions but the disturbing manner in which they were rushed through the Parliament elected in the flawed November process, within two weeks of Saakashvili taking office. There was no opportunity for either public input, review, or any real debate in the media or with civil society. In retrospect, it seems that the constitutional amendments and other structural changes in fact consolidated the power in the hands of the new ruling elite, particularly the President, rather than developing pluralistic democracy. Inevitably this led to even less direct participation in political life by civic groups, suppression of the opposition, a closed system of decision-making, voluntarism, and eventually plunged Georgia into a series of crises.

## THE NEW GOVERNMENT ENJOYS TRUST

The cabinet of ministers, headed by Prime Minister Zurab Zhvania, was unveiled in mid-February after the approval of the constitutional changes. Initially the young and energetic new leadership enjoyed overwhelming public trust and support and possessed a strong mandate to reform the country. It was able

to recruit from the pool of new Western-educated professionals and competent civic organisations and it received strong support from democratic states around the world.

The new government pledged to establish the rule of law, restore Georgia's sovereignty over the country's whole territory, liberalise the economy, and boost the country's democratic credentials. In full control of both the executive and the legislature, it launched a series of radical reforms, on the one hand liberalising Georgian economy and reinforcing Georgia's pro-Western orientation, on the other hand strengthening the vertical axis and centralisation of power.

In March, new elections were held for the 150 parliamentary seats allocated by proportional representation. While election fraud was the spark for the Rose Revolution, paradoxically the government decided not to hold new elections in most of the 75 single-mandate districts, even in those in which these elections were just as rigged. While the March election gave the United National Movement (UNM) and its political allies a comfortable majority this decision blurred both the composition of the Parliament and its overall legitimacy. Importantly, while international observers found that the March 2004 elections were more democratic than previous contests, they also served as early warning that electoral malpractice was still occurring – this time favouring the new ruling bloc.

## SUCCESSSES AND SETBACKS

Some results of the speedily implemented reforms were spectacular: radical reduction of low-level corruption, including the overnight abolishment of notoriously corrupt traffic police with much more efficient patrol units; dramatic improvement of fiscal discipline, followed by impressive economic growth, boosted further by rocketing direct foreign investment; withdrawal of Russia's military bases; and quick resolution of the energy shortage problem which had caused regular blackouts since Georgia won independence. In a show of strength, Saakashvili moved quickly in a risky undertaking to re-impose authority over the Autonomous Republic of Ajara, where its authoritarian leader, Aslan Abashidze, had in recent years run the territory with little reference to the national government.

While the new Georgia was hailed by international leaders as a 'beacon of democracy', its achievements have to an extent been counter-balanced by errors, flaws and setbacks. Some of these policy blunders have had far-reaching effects. Other negative developments were not directly related to specific events but rather stemmed from dubious policies, an ill-considered general approach, historical legacies, Georgia's political culture, and the personal traits of individual leaders.

In November 2007, the government brutally suppressed peaceful anti-government protests and police raided independent media, actions which called into question the political leadership's democratic credentials. This, however, was not the last case when the government would apply disproportionate force to put down protests, with the most recent incident occurring in June 2011.

Saakashvili's unpredictable leadership style has at times caused alarm outside Georgia's borders. His most obvious

<sup>33</sup> According to an opinion of the Council of Europe's Venice Commission of 15 March 2004, the changes were "far reaching and significant since they amount to a change in the system of government" but were not "fully coherent", and it considered that "considerable further discussion and the refinement of the amendments before their adoption would be advisable" (Opinion of the Venice Commission on the draft amendments to the Constitution of Georgia, CDL-AD(2004)008).

mistake was the dangerous and ultimately futile attempts to regain control of South Ossetia, one of Georgia's secessionist regions.<sup>34</sup> His use of force to achieve this objective led, in August 2008, to war with Russia. The conflict, which caused loss of life and territory, most probably could have been avoided, or at least its catastrophic results mitigated, with more balanced and thoughtful policies. Nevertheless, while it is clear that grave mistakes were made by the Georgian government, these cannot justify Russia's invasion and bombardment of Georgian settlements.<sup>35</sup>

## DEMOCRACY VS. STATE-BUILDING

One of the more questionable aspects of the post-revolutionary reform process was to make state-building and centralisation of power the top priority and regarding the consolidation of democracy as a more peripheral goal. This led to neglecting the need to protect human rights,<sup>36</sup> a lack of respect for political pluralism, notably attempts to marginalise opposition - which weakened the already fragile system of checks and balances and local self-government, consolidating state control over electronic media,<sup>37</sup> and growing mutual mistrust between the government and significant segments of the population. While the economy has grown significantly, poverty and unemployment levels have not been reduced and the gap between rich and poor has widened.

Georgia's leaders have built a state structure which appears democratic. However, behind the facade the system runs on 'competitive authoritarianism' with weak institutions, reliance on a single political force, a judiciary whose independence is fragile with consequent weaknesses in the rule of law, and a pseudo-liberal economy with inadequate protection of property and labour rights as well as informal pressure on businesses and businessmen that restrict their actions.

Although some deficiencies of the political and economic process in Georgia became visible early on, Western leaders continued to praise the government, ignoring early harbingers of future problems. The lack of conditionality by Western donors against a backdrop of democratic shortcomings can in part be blamed for the over-confidence of the elites and their unwillingness to compromise. Nevertheless, Georgians must take their fair share of responsibility, particularly as many civic leaders became MPs or were appointed as office holders in state bodies.

The new government did not manage to achieve stability and Georgia is today as volatile as in its recent past. The sizeable Russian military presence on large parts of its territory and the loss of control over Abkhazia and South Ossetia has weakened the state. While the government's popularity and legitimacy is drastically lower, the political opposition remains in disarray. Prospects for the Georgian economy remain unclear, and there is a fundamental degree of unpredictability about the internal political situation ahead of the forthcoming elections, the security situation and the risk of another invasion. The emergence of a genuinely pluralistic political system based on mutual respect and co-operation between the government and opposition on fundamental issues, effective institutional checks and balances against the misuse of power, public participation and a peaceful rotation of power – all appear as unlikely as ever.

## WILTED ROSES AND ENSUING LESSONS

Some of Georgia's mistakes in the post-revolution period could have been avoided. The most important lesson is that in peacetime, democratisation, minority and human rights should never be sacrificed to state-building and consolidation of power by new leaders. For a country in transition, introducing effective checks and balances, division of powers, the rule of law including an independent judiciary, genuine elections, and strong, functional democratic institutions, are all essential. While good legislation is also very important, no progress on reform will be made without the political commitment to implement it effectively.

For political pluralism, democratic freedom and independent media to grow strong, they must be protected effectively. Consultation of fundamental issues such as major constitutional change must be subject to public consultation and not the preserve of the political elite. Moreover, sufficient time must be set aside to have an informed and public debate. Finally, long-term value-based planning, meritocracy in personnel appointments, poverty reduction, strengthening the middle class, and guaranteeing property rights and economic freedom should be an essential part of governmental policies.

Where these principles are neglected, as in Georgia, one should not be surprised to encounter gradual erosion of early achievements, state capture, resurgent corruption, single party dominance, the politics of personality not political programme, and instability risks caused by unaccountable leadership.

*Post script:* In October 2010, the Georgian Parliament adopted amendments to the Constitution that have changed the system of governance, passing much of the executive power to the Prime Minister's office. However, it should be noted that these changes will take effect only after the presidential elections of 2013, when the incumbent President is no longer allowed to run for office. These changes added additional factors of unpredictability to an already fuzzy political future of the country.

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<sup>34</sup> In Soviet times, South Ossetia was an autonomous region of Georgia. In 1991, it unilaterally proclaimed independence. After the Russian-Georgian war of 2008, it is recognized as a sovereign state only by the Russian Federation, Venezuela, Nicaragua and Nauru. Other states continue to recognise it as part of Georgia, albeit under occupation by Russian forces.

<sup>35</sup> In March 2010, a smaller but characteristic misstep - for which the government was blamed - concerned an irresponsible hoax TV report that the Russian Army had invaded Georgian territory, causing mass panic and anger.

<sup>36</sup> As documented by a number of watchdog organisations, including Human Rights Watch and Amnesty International.

<sup>37</sup> With the exception of two TV stations with relatively limited coverage, the electronic media - the ownership of which is not altogether clear - are pro-governmental. The takeover of popular Imedi TV in 2008, through challenging the ownership rights after the death of its previous owner, Badri Patarkatsishvili, is particularly illustrative.

## UKRAINE'S ORANGE REVOLUTION: A MISSED OPPORTUNITY?

Jan Piekto<sup>38</sup>

In December 1991, Ukraine's independence was backed by more than 90% of citizens. Subsequently, Leonid Kravchuk was elected as independent Ukraine's first President. In 1994, amid hyperinflation and claims of economic mismanagement, he was defeated by Leonid Kuchma, who also went on to win the 1999 presidential election. Kravchuk had attempted to strengthen Ukraine's identity as an independent nation, while Kuchma adopted a multi-vector policy and built closer relations with Russia. Since gaining independence Ukraine had struggled to build democratic and accountable state institutions. Kuchma's second term was mired in corruption scandals and rights abuses. As the 2004 presidential elections approached, a growing dissatisfaction existed among Ukrainians.

The two main presidential candidates in the 2004 election were: Viktor Yushchenko, the 'opposition candidate' and Viktor Yanukovich, the 'establishment candidate'. Prior to the election it was not clear which candidate enjoyed greater support. Despite state pressure directed against his campaign, Yushchenko managed to secure a narrow lead after the first round but insufficient votes to win outright. In the second round electoral fraud materially affected the outcome but the election commission declared Yanukovich the winner. Massive protests and a political crisis ensued and in a landmark decision the Supreme Court ordered the second round to be repeated. This was won by Yushchenko, who became independent Ukraine's third President.

The revolution created high expectations that Ukraine would break with semi-authoritarian and oligarchic rule and start to construct a genuinely democratic state. However, constitutional changes introduced in the midst of the electoral crisis and an unstable and fractious Parliament made effective government difficult. This was compounded by deep political divisions among its new leaders, an energy crisis partly engineered by Russia, economic slowdown and corruption scandals. In a reversal of fortune, the 2010 presidential election was won by Viktor Yanukovich.

### REVOLUTION AND CHANGE

The two main presidential candidates in the 2004 election were: Viktor Yushchenko and Viktor Yanukovich. Yanukovich was incumbent Prime Minister and benefited from support from the state, including President Kuchma, business oligarchs as well as his nominating party, the Party of Regions and the parliamentary majority led by the 'For United Ukraine' bloc. Yushchenko, a former Prime Minister and leader of the parliamentary opposition, was supported by the 'Our Ukraine' bloc and the 'Yulia Tymoshenko' bloc (BYuT), which together

formed the 'Peoples' Power' coalition.<sup>39</sup> After the first election round, the Socialists, led by Oleksandr Moroz, also backed Yushchenko in exchange for his agreement to constitutionally weaken the presidential function.

Ostensibly, the spark for the Orange Revolution<sup>40</sup> was electoral fraud which took place during the 21 November second round.<sup>41</sup> However, popular resentments had been building for some time, and civic groups anticipating that electoral fraud would occur had already decided on a counter strategy. The revolution also highlighted Ukraine's pre-existing historical and cultural division. Yushchenko was backed by voters in western and partly central Ukraine who have a stronger national consciousness and are generally pro-European. Yanukovich's electorate was concentrated in the south and east; areas where Russian is more commonly spoken and where citizens are more attached to Ukraine's Soviet past.

The protests, which started in Kyiv and were financially supported by some oligarchs and small-medium businesses, spread to other cities, particularly in western Ukraine.<sup>42</sup> From 22 November, demonstrations took place daily and were attended by hundreds of thousands of people. Yanukovich supporters, who had chosen blue as their colour, organised counter demonstrations, even transporting people from the east to Kyiv. Importantly, while the atmosphere was tense, there were no clashes between the rival groups.

High level figures including Aleksander Kwasniewski (President of Poland), Valdas Adamkus (President of Lithuania), Javier Solana, (EU High Representative for Foreign Affairs), Jan Kubis (Secretary General of the OSCE) and Borys Gryzlov (Chairman of Russian Duma) were all active in mediating a solution to the crisis.

The scale of the protest put the state authorities in an extremely difficult position. Those with the legal authority to order the dispersal of protesters were unwilling to do so fearing it would lead to bloodshed. They didn't want to bear a responsibility for such a scenario. Nevertheless, in late November the situation almost became catastrophic when Ministry of Interior troops received a mobilization order and movement of army units was reported. Finally they were forced to stand down when top army commanders and the intelligence services decided to take the side of the Orange opposition.<sup>43</sup>

On 3 December, the Supreme Court took the issue out of the political realm when it ordered that the second round be repeated on 26 December. As for the preceding two rounds, international and Ukrainian observers closely monitored the

39 Both blocs were also coalitions of smaller political groupings.

40 So named after the opposition had adopted the colour as its symbol.

41 Election proceedings were questioned by several domestic and foreign election monitoring institutions. The OSCE/ODIHR statement on the process sets out a number of clear violations and found that the elections did not meet a considerable number of international election standards. The statement can be accessed at: <http://www.osce.org/odihr/elections/ukraine/16566>

42 Some city councils in the Western Ukraine passed resolutions on not accepting the officially announced results.

43 This paragraph was amended on 3 November at the author's request.

38 The author is the director of Polish-Ukrainian cooperation foundation PAUCI.

poll. On 10 January 2005, the Central Election Commission officially declared that Yushchenko had won the repeat election with a margin of almost 8%.

## INHERITING A CONSTITUTIONAL BOOBY-TRAP

As part of the political negotiations which led to the repeating of the second round, Yushchenko agreed to support constitutional reforms and on 8 December 1994, the Parliament approved a law to amend the Constitution, although the changes did not come into effect until 2005. Essentially, the changes created a hybrid parliamentary-presidential-cabinet system. Its main features include that:

- MPs elected in the name of a party must join its parliamentary faction or lose their seat;
- A formal coalition of parliamentary factions is established with the power to nominate the Prime Minister and propose candidatures for the membership of the Cabinet;<sup>44</sup>
- The formal accountability of the Cabinet to the President, coupled with a reliance on the part of the Prime Minister to majority support in Parliament ;
- Parallel rights of legislative initiative for the Cabinet and the President, while permitting the President to issue mandatory decrees;
- A direct role for the President in nominating defence and foreign ministers, although these ministers can be dismissed by the Parliament;

The Council of Europe's Venice Commission warned that overlapping competencies in "a number of provisions [...] might lead to unnecessary political conflicts and thus undermine the necessary strengthening of the rule of law in the country". While the objective of introducing the amendments was laudable, namely to ensure the accountability of the President and to rebalance the role with that of other state institutions, the Venice Commission concluded that "[i]n general, the constitutional amendments, as adopted, do not yet fully allow to attain the aim of the constitutional reform of establishing a balanced and functional system of government" (emphasis added).

In the next five years, the amended constitutional framework, particularly in the context of no bloc having a decisive political majority, made effective government even more difficult.

## FRACTIOUS FACTIONS: POWER STRUGGLE NOT REFORM

The prerequisites for a democratic transition appeared to be in place, namely: the formation and consolidation of political groups/parties, the emergence of political leaders, political consensus between opposite groups, wide public support and the holding of a genuine election. However, President Yushchenko inherited a Parliament that was elected in 2002.

Its composition was fragmented and included a large number of independent candidates; partly a consequence of the use of a mixed 'PR-list / single mandate district' system, and reflecting that at the time of the elections, party formation and coalescence had yet to be finalised.

Nevertheless, on 24 January, a new coalition government was formed with strong parliamentary backing for the new Prime Minister, Yulia Tymoshenko. Expectations in the pro-democracy camp that the government would begin the reform and democratisation process were high. However, instead of embarking on the reforms Ukrainians wanted, citizens watched, with growing frustration, the emergence of a protracted and bitter power struggle within the 'Orange' camp. While the opposition had rallied around Viktor Yushchenko as presidential candidate, essentially Ukraine had two new leaders – President Yushchenko and Prime Minister Tymoshenko. Their rivalry made it extremely hard to reach consensus on legislative priorities and steps to decentralise decision making, replace the post-Soviet social infrastructure, and curb the power of industrial oligarchs and their role in politics. Ultimately it proved to be mutually destructive for both Tymoshenko and Yushchenko.

In September 2005, a number of cabinet ministers resigned and President Yushchenko dismissed Prime Minister Tymoshenko. In the subsequent elections, held under a full PR-list system in March 2006, results showed that the BYuT had become far more popular than 'Our Ukraine'. However, even together the two factions lacked enough votes to form a majority. Coalition negotiations were difficult and ultimately collapsed when following a disagreement over the nominee for the Speaker's position, the Socialist Party switched allegiance to the Party of Regions. This allowed Viktor Yanukovich to return as Prime Minister in early August.

In April 2007, President Yushchenko issued a decree dissolving Parliament which triggered a political crisis. Elections were eventually held in September. They resulted in a further decline in the vote for 'Our Ukraine' but a significant rise in support for BYuT. Importantly, together both were able to form a slim parliamentary majority, and on 18 December, Yulia Tymoshenko was re-appointed as Prime Minister. However, further disagreements between BYuT and 'Our Ukraine' led to the 2008 political crisis when the latter pulled out of the coalition, with President Yushchenko threatening to dissolve the Parliament unless a new parliamentary majority was formed. At one point it appeared that BYuT may form a 'grand coalition' with the Party of Regions. However, eventually BYuT and 'Our Ukraine' were able to form a coalition with the bloc of Volodymyr Lytvyn, the Speaker of Parliament, and the elections, initially scheduled for early December 2008, were postponed indefinitely.

## EFFECT OF THE CRISES: DISAPPOINTMENT, FATIGUE AND DISENGAGEMENT

From late 2005, Ukraine appeared to be in the midst of a constant power crisis. Ordinary Ukrainians lost interest in politics and patience with a political class which appeared more interested in its own self-serving agenda than delivering stability and prosperity. Moreover, due to the energy crises and world economic downturn, most citizens were concerned mostly with their deteriorating living conditions. The well-developed civil

44 Although the Parliament approves the composition of the government nominated by the Prime Minister.

society sector stagnated and was unable or unwilling to act as an effective check against government inaction.

For Central European countries, the prospect of EU membership worked to speed up reform. However, due to objections from some long-standing EU member states, and misgivings about possible Kremlin reaction, the EU did not enter into serious discussions with Ukraine over membership. Importantly, there was no consensus among the main political groups in Ukraine, and corruption, stagnation and the ever-present political crisis resulted in 'Ukrainian fatigue' in the West. Conversely, the apparent reluctance of Western Europe to embrace Ukraine caused frustration and 'EU fatigue' developed. This gave ammunition to supporters of the 'pragmatic' approach of the Party of Regions, and contributed to Yanukovich's rise to power.

Russia still plays an important role in events in Ukraine. Given the interwoven history and culture of the two countries, Moscow has found it hard to accept Ukrainian independence and sovereign decision making. Its policy appears to be aimed at keeping Ukraine dependent and subordinated to Russian political goals. Yushchenko's policy of Ukrainian membership of NATO contributed to deepening deterioration of Ukrainian-Russian relations.<sup>45</sup> Moscow used the transit of Russian gas to EU through Ukrainian territory, and Ukrainian dependence on Russian supply as a political tool – first accusing Kyiv of stealing gas and in the winter of 2009 cutting off supplies to Ukraine.

## 2010: BACK TO THE FUTURE

The coalition continued until the presidential election of 2010, in which in a reversal of fortune, Viktor Yanukovich was elected as independent Ukraine's fourth President. He won because voters believed he would bring order and stability, and because the 'Orange' camp had difficulty in mobilising its vote partly due to apathy and disappointment.

At the time of the presidential election in 2004, Yanukovich was perceived as a puppet of the Kremlin. However, in 2011, the context in Ukraine is not the same as in 2004. After the revolution, democracy did grow deeper roots. Political space opened up and the people learned how to use their new found freedoms. Russia has continued in the opposite direction, further strengthening central power and limiting individual rights and freedoms. The oligarchic groups which surround Yanukovich represent different interests, but few are interested in being subordinate to Moscow.

However, following in Kuchma's footsteps, Yanukovich has continued that tradition of bureaucratic administration based on centralised power and relying on Ukraine's business oligarchs. Restrictions on the freedom of speech are increasing and the prosecution of Yulia Tymoshenko, who remains Yanukovich's

main political rival, is seen by many as politically motivated. Recently, Ukraine slipped from being assessed as 'a free country' to 'partly free country' on the Freedom House index.

In October 2010, the Constitutional Court annulled the amendments adopted in December 2004, a decision which de jure gives Yanukovich stronger powers than Yushchenko to govern the country.<sup>46</sup>

## CONCLUSIONS

The political division in the 'Orange' camp was destructive and made it hard to find consensus for much needed wide-ranging reform. Part of the blame can also be put on the immaturity of the Ukrainian political elite, the corrupted, oligarchic structure of Parliament, pre-existing national disagreement over Ukraine's orientation, and a post-Soviet mentality. However, the period 2004-2010 was not without achievement.

Unlike new presidents in some other post-Soviet republics, Viktor Yushchenko did not drift towards authoritarian rule (although he twice dissolved the Parliament to overcome power crises). During his term free media blossomed and civil society functioned without restriction. The election system was reformed and overall election processes became more credible. Ukraine became a member of the World Trade Organization (WTO) which has anchored Kyiv in the global economic order. The middle class became larger and stronger and elements of a free market economy began to emerge, thereby starting a challenge to the politically influential oligarchs. Nevertheless, the 'Orange' factions did not manage to combat corruption or reform the country's economy. This meant that when the global economic crisis struck, Ukraine was ill-prepared to deal with the downturn. However, overall history will probably conclude that much more could have been achieved.

Importantly, the Orange Revolution confirmed that the majority of Ukrainians want their leaders to build a democratic state. Having achieved on one occasion what many thought was impossible, Ukrainians came of age. The main legacy of the revolution may be that because it happened once, it could happen again if the political elites do not become more accountable to their citizens.

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45 President Yushchenko's efforts to join NATO failed because of strong resistance in Berlin and Paris. The NATO summit of April 2008 rejected the Ukrainian and Georgian Membership Action Plan (MAP) applications and the subsequent war in Georgia removed the issue of eastward NATO expansion from the agenda.

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46 There was a six-year delay between the case being filed and the Court making its ruling – a fact sharply criticised by the Council of Europe.

# LEARNING FROM TRANSITIONS: THE CASE OF KYRGYZSTAN

Jana Kobzová<sup>47</sup>

The Central Asian Republic of Kyrgyzstan gained independence when the Soviet Union collapsed in late 1991. For most of the 1990s, Kyrgyzstan was viewed as the most likely state of post-Soviet Central Asia to develop a democratic form of government and market economy, despite the fact that after the flawed elections in 1995, the regime began to rule in a 'soft' authoritarian manner. Expectations were raised again in 2005 after the ouster of President Askar Akayev – who had been President since 1991 – and his succession by Kurmanbek Bakiyev, following a popular uprising known as the Tulip Revolution. Six years on, these expectations have yet to be met. Bakiyev was himself ousted in 2010 following a violent unrest in Bishkek, Kyrgyzstan's capital. In recent times, interethnic tensions and poverty have risen to dangerous levels. Increasingly more observers warn that Kyrgyzstan is a 'faltering state'.

Negligence in the economic sphere has certainly contributed to Kyrgyzstan's situation becoming critical. However, this article focuses mainly on the political factors, in particular the failure to open the political space to genuine competition for power when the opportunities arose. This antagonised the competing potential political allies, brought about a political stalemate in 2007 and allowed President Bakiyev to accumulate even more power than his predecessor, ultimately reversing one of the main achievements of the 2005 Tulip Revolution.

## STATE COLLAPSE AND AFTERWARDS

In 1991, Askar Akayev, the incumbent President of the Kyrgyz Soviet Socialist Republic, was elected as the first President of independent Kyrgyzstan. He was re-elected in 1995 and 2000 although the OSCE claimed that election irregularities had occurred.<sup>48</sup> Between 1991 and 1995, Akayev, together with Kazakhstan's Nursultan Nazarbayev, were the only Presidents of the former Soviet Republics in Central Asia to adopt broadly reformist policies. But while liberalising the economy – first with the support of the Supreme Soviet and later the Parliament – Akayev also cemented his authority, using referendums in 1994, 1996, 1998 and 2003 to limit the powers of the Parliament, which at times had opposed the concentration of power in the President's hands.

Akayev's economic reforms did not raise citizens out of widespread poverty and rampant corruption further hindered economic progress. As the economic challenges mounted, Akayev gradually restored authoritarianism, co-opted elites,

repressed opponents and sought to control key media outlets.<sup>49</sup> The 2003 constitutional amendments turned the country into a presidential republic and left the judiciary and the legislature without sufficient instruments to check presidential powers. The opposition, which remained fragmented and was composed mainly of former government officials who had fallen out with Akayev, possessed neither broad membership nor had significant public support.

The economic situation worsened from 2000 to 2005 and protests against the government became more frequent. In the parliamentary elections in February 2005, many popular candidates failed to win seats in a process described by the OSCE as 'more competitive but still falling short of the OSCE standards'.<sup>50</sup> Protests sparked by the manipulation of the elections first spread across southern regions and a few days later reached Bishkek. The protests, which at times turned violent and later became known as the Tulip Revolution, prompted Akayev to flee to Russia whereupon he was succeeded by the former Prime Minister Kurmanbek Bakiyev, leader of the main opposition force, the People's Movement of Kyrgyzstan (PMK).<sup>51</sup> Importantly, Akayev relinquished power relatively easily: the public protests were much smaller than those in Georgia (2003) and Ukraine (2004). The International Crisis Group commented that the 2005 events in Kyrgyzstan were "in some ways, [...] less a revolution than a process of state collapse".<sup>52</sup>

After Akayev's ouster, expectations that Kyrgyzstan could transition to democracy became more realistic. However, for a variety of reasons this was not to be. When the opposition took over what remained of the state institutions it faced the new challenge of restoring political stability and the old challenge of creating economic growth. It was ill-equipped for both tasks. Unlike Georgia or Ukraine, it lacked the traditional engines of change: large urban population, a strong civil society, and a national-level student movement. Most of those who protested against Akayev came from rural areas, and were either related to or depended on the losing candidates' patronage. The semi-organised political opposition to Akayev consisted mainly of elites who lacked grassroots support and who co-operated with each other often only for purely tactical reasons. Importantly, most politicians were linked with patronage networks in either the southern or the northern regions, which further contributed to the political polarisation.<sup>53</sup> This significantly handicapped their ability to govern.

49 One of Akayev's most vocal critics, former Vice President Feliks Kulov, was arrested on trumped-up corruption charges in 2001.

50 OSCE/ODIHR Election Observation Mission – Final Report, 20 May 2005. Available at: <http://www.osce.org/odihr/elections/kyrgyzstan/14835>

51 The PMK was established in the run-up to the February 2005 parliamentary elections.

52 Kyrgyzstan: After the revolution, International Crisis Group, 4 May 2005. Available at: <http://www.crisisgroup.org/en/regions/asia/central-asia/kyrgyzstan/097-kyrgyzstan-after-the-revolution.aspx>

53 For more on the role of regionalism and clans in Kyrgyzstan, see Kathleen Collins, *Clan politics and regime transitions in Central Asia*, Cambridge University Press 2006.

47 The author is Wider Europe Programme Coordinator at the European Council on Foreign Relations.

48 See for example: OSCE/ODIHR Election Observation Mission – Final Report, 16 January 2001. Available at: <http://www.osce.org/odihr/elections/kyrgyzstan/15802>

The new leaders promised to open up political space and allow genuine political competition. The new government had a number of important choices to make. It could suspend the Constitution and set in place measures to replace it, or try to work with the existing framework and perhaps introduce amendments at a later date. Similarly, it could dissolve the Parliament – which was elected in dubious circumstances – or recognise the legislature and try to work together with it. In both cases it chose the second options. This approach helped the new regime gain backing from some of Akayev's former supporters, enabling it to form a majority in the new Parliament and ensure Bakiyev had enough votes to be elected as Prime Minister and acting President.

To buttress its legitimacy and hold on power, the presidential election, originally scheduled for October 2005, was moved forward to July. Bakiyev, a native of the southern Osh region, took nearly 90% of the vote. However, prior to the election he concluded a political deal with his strongest potential rival candidate, Feliks Kulov, who came from the northern Chu region whereby Kulov would become Prime Minister after the election.

Transforming Kyrgyzstan from a presidential into a parliamentary republic (or at least a hybrid presidential-parliamentary system of government) was seen by many – including initially by Bakiyev – as a pre-requisite step for the development of democracy in Kyrgyzstan. Kyrgyzstan lacks strong civil society organisations, and their absence from the scene in the run-up to and during the Tulip Revolution was noticeable. The under-development of this sector meant that debates about the future form of government took place between the Parliament and the President, with minimal involvement of citizens groups. No effort was made to explain the arguments in favour of the competing models to ordinary citizens, who consequently struggled to form opinions on the proposed changes. Notwithstanding a number of small protests from 2005 to 2010, the general public had almost no influence on the government.

The veneer of political unity quickly began to diminish as disagreements arose over whether and how to amend the Constitution. The Parliament, looking to gain more powers, demanded a faster pace of constitutional reforms. On the other hand, Bakiyev, who in the meantime had appointed many of his relatives to key government positions, became increasingly opposed to a parliamentary republic. He used his powers to appoint regional governors, which provided him with an additional support base across the country. This was also important because under the then valid Constitution, deputies were elected in single-mandate constituencies. This gave Bakiyev important leverage in his dealings with the Parliament, because in order to be elected, aspiring parliamentary candidates would, likely as not, require support from or at least not to be obstructed by the regional governors.

Instead of trying to forge a genuine consensus across the political spectrum about the format and the timing of constitutional reforms, the President used his right to dissolve the Parliament to intimidate deputies in order to prevent them from adoption of the amendments he had himself earlier promised. While in November 2006 the Parliament did adopt constitutional amendments which limited presidential powers, they were not published and thus did not come into force because Bakiyev argued that the changes could only apply after the next presidential election, due in 2010.

Under threat of parliamentary dissolution, in late December 2006, the President had garnered support from enough deputies to re-amend the Constitution and restore some of his powers, including the right to appoint the Prime Minister and regional governors. Bakiyev's manoeuvres not only ran contrary to the government's declared objective to democratise Kyrgyzstan but they also alienated some of Bakiyev's closest allies and powerful political figures. In the spring of 2006, Omurbek Tekebayev resigned as the Speaker of Parliament and formed an opposition movement 'For Reforms'. In December 2006, Feliks Kulov resigned as Prime Minister and in early 2007 established the United Front bloc, which called for Bakiyev's dismissal.

The President's reliance on ad-hoc support of individual MPs was not sustainable as a long-term tactic. Bakiyev exploited the political stalemate, which continued throughout the first half of 2007, and divisions among the opposition to prepare the ground for further consolidation of his power. While the opposition had organised several anti-government protests during this period, it had failed to join forces in a coordinated manner inside and outside Parliament due to their political rivalries.

The Constitutional Court, whose judges had been nominated by President Akayev, was supportive towards Bakiyev. In September 2007, it ruled that both the November and December 2006 constitutional amendments were invalid, thereby opening the door for fresh constitutional changes. A few days later, Bakiyev proposed changes which reintroduced a strong presidential system. While the Council of Europe's Venice Commission issued several opinions on drafts of constitutional amendments, these were largely ignored by the authorities.<sup>54</sup> A hastily arranged referendum was organised, and on 21 October, Bakiyev's amendments and a new election law were approved – although Kyrgyz election observers expressed serious concerns over the transparency and fairness of the vote. Immediately after the referendum Bakiyev dissolved Parliament and called new elections for 16 December.

Some of the changes introduced by the Law on Elections could to an extent democratise Kyrgyzstan's political system as envisaged by those who supported the Tulip Revolution e.g. encouraging the formation of political parties and the change to an election system based on proportional representation.

54 Preliminary comments on three drafts for a revised constitution of the Kyrgyz Republic, Venice Commission. Available at: <http://www.venice.coe.int/docs/2006/CDL%282006%29066-e.pdf>



However, in practice the President used these ‘positive’ legislative changes as a counterbalance to the concentration of power in presidential hands introduced by the constitutional changes. Moreover, he timed the introduction of the changes and the elections to re-assert his control over the state and to use administrative resources to boost the pro-presidential party; the opposition had less than two months to prepare for the elections.

One less positive change introduced to the election law was the requirement that to be eligible to be represented in Parliament, a party must win the support of 0.5% in each of the country’s seven administrative regions as well as in the cities of Bishkek and Osh.<sup>55</sup> However, the law did not stipulate whether the 0.5% should be counted against the number of registered voters in each respective region or nationwide. The Central Electoral Commission interpreted the provision in a way that a political party had to win the support of 0.5% of *all* registered voters registered nationwide in each of the country’s seven administrative regions, thus limiting the chances of those political parties which do not enjoy cross-regional support (which was the case of most of the opposition parties).<sup>56</sup>

## LAST MINUTE REGISTRATION

The President and his supporters benefited the most from the changes: a new pro-presidential party *Ak Zhol* was registered only few days before the referendum, whose only political programme and electoral agenda was to support Bakiyev. The party largely drew its members from the ranks of state and regional administration officials, who were either appointed by the President or linked to his patronage networks. Thanks to its cross-regional presence, *Ak Zhol* had no difficulty with establishing a nation-wide structure and overcoming the 0.5% threshold in all regions. The December parliamentary elections – which were heavily criticised by international observers,<sup>57</sup> helped consolidate Bakiyev’s hold on power as *Ak Zhol* won 71 seats out of 90 in the newly-formed Parliament. The opposition Social Democrats won just 11 seats and the Communists won 8 seats. According to official results, the parties of Feliks Kulov and Omurbek Tekebayev did not secure enough votes to be represented in Parliament.

The elections were the last major step in Bakiyev’s consolidation of power. The October 2007 constitutional changes re-conferred the President with strong powers, and the obedient Parliament that emerged after the December elections

rendered one of the few remaining institutional checks on the President’s powers irrelevant. In little more than two years, Bakiyev had managed to accumulate even more power than his predecessor, thereby putting an end to hopes for Kyrgyzstan’s democratisation during his presidential tenure. In retrospect, the 2005 Tulip Revolution appears to have been mainly about a change of personalities in the top leadership positions, not a systemic change. The period 2005-2010 saw few meaningful reforms and if anything the country’s divisions were deepened.

However, Bakiyev’s concentration on securing his power rather than addressing the needs of the country was to be his undoing. The further deterioration of economic situation greatly contributed to Bakiyev’s ouster in 2010. In 2011, the country is preparing for yet another presidential election that will take place in October – with some of the well-known personalities such as Omurbek Tekebayev and Almazbek Atambayev (Prime Minister in 2007) as front-running candidates. While since 2010, the country is formally a parliamentary democracy rather than a presidential system, it is too early to say whether the presidential elections will be the final milestone in Kyrgyzstan’s transition to democracy or simply a trigger for another round of political crisis.

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55 The OSCE final report on the pre-term elections criticised the provision, stating that “[...] the rules for allocation of parliamentary seats compromise the objective of proportional representation.” The OSCE final report is available at: <http://www.osce.org/odihr/elections/kyrgyzstan/31607>

56 An appeal was filed with the Supreme Court (also controlled by Bakiyev). While the court’s opinion clearly stated that the threshold should have been calculated against the number of registered voters in each respective region, not nationwide, it was only issued on 18 December, two days after election day. The OSCE/ODIHR criticised the events because it created uncertainty.

57 See for example statements of the OSCE on 17 December (available at: <http://www.osce.org/node/49320>) or the preliminary statement on the elections issued by the European Network of Election-Monitoring Organisations (available at: <http://www.enemo.eu/press/ENEMO%20Preliminary%20Statement%20Kyrgyzstan%20ENG.pdf>)

## MOLDOVA: A STABLE PRO-REFORM COALITION IS A PRECONDITION FOR SUCCESS

Elena Gnedina<sup>58</sup>

Moldova became an independent state after the collapse of the Soviet Union in 1991. Since then, despite being plagued by secessionist conflict and suffering endemic poverty, Moldova has enjoyed a generally high level of political pluralism. In sharp contrast with most other post-Soviet states, different political forces came to power through generally peaceful and credible elections.

However, from 2001, the country witnessed some backsliding into authoritarianism under Moldova's communist government. In a bid to monopolise power, President Vladimir Voronin restricted the media and clamped down on the opposition. Many citizens considered the results of the April 2009 elections to be fraudulent and staged protests in Chisinau, Moldova's capital, which were violently dispersed by the police. Lacking only one vote in the Parliament, the Communist Party did not manage to elect a President, and new parliamentary elections were held in July 2009. These resulted in a victory for the four main parties of the reformist opposition, the Alliance for European Integration (AEI)<sup>59</sup>, which together were able to form a parliamentary majority. However, two years after the communists lost power, the Alliance still lacks the parliamentary majority necessary to elect a new President.

Although there is still much optimism, the Alliance has struggled to maintain unity and launch deep and irreversible reforms. If no solution to the political deadlock is found, progress will continue to be slow, with the risk that Moldova will remain a politically and economically backward state.

### TOO MANY ELECTIONS, TOO FEW REFORMS

In September 2009, the acting President, Mihai Ghimpu, appointed Vladimir Filat as Prime Minister and the new cabinet was unveiled. With the new democratic forces in power Moldova looked poised to change. The new government proclaimed the course for European integration and promised to launch political and economic reform. One of the important first tasks of the new administration was to fill the vacant post of President.

Moldova is a parliamentary republic and the President is indirectly elected by the Parliament. To be elected, he/she requires the backing of three-fifths of the 101 members of Parliament (61 votes). Failure to elect the President leads to the dissolution of the Parliament and new elections.

Since July 2009, AEI has lacked sufficient votes in Parliament to elect a new President and no agreement on a compromise candidate could be reached. In an attempt to resolve the resulting political crisis, in September 2010, the government held a constitutional referendum to approve its plan to introduce direct elections for the President. However, this failed to gain the required level of voter turnout and the government was obliged to call early elections, which were held in November 2010. While in the November 2010 elections the Alliance increased the number of its MPs, it still lacked enough votes to elect the President. Local elections were held in June 2011.

That the parties of the governing coalition fought elections separately has driven up intra-coalition competition and diverted their attention and resources away from much needed structural reforms.

Upon coming to power the government presented an ambitious and highly acclaimed program 'Rethink Moldova', which identified five main priorities comprising 'European integration, economic recovery, deepening the rule of law, administrative and fiscal decentralisation and reunification of the country'.<sup>60</sup> Moldova is without doubt more democratic than during the 2000s. The media is freer and much more vibrant, civil society is more influential, the opposition operates without hindrance, genuine elections are held, all of which is in stark contrast to life under communist rule. Greater pluralism has led to an open and substantive public debate on domestic problems, while both the media and the opposition hold the government's actions under close scrutiny.

Nevertheless, Moldova's current political reality has yet to catch up with popular expectations and the recent European Commission progress report maintained that "more sustained efforts are needed to fight corruption, to reform the judiciary, prosecution and police, and to implement certain human rights commitments."<sup>61</sup> Except for some *ad hoc* liberalisation and competent economic policy, virtually no reforms have been adopted and implemented which would make Moldova's transition irreversible. Police and justice sector reforms, both of which are vitally important, are cases in point. With the exception of the minister, the Interior ministry is still run by the same personnel who oversaw the brutal crackdown on demonstrators in April 2009. Corrupt judiciary opposes rather than helps the government's plans to improve the rule of law. The fight against corruption has yet to start and many citizens believe that bureaucrats in government agencies continue to

60 Government of Moldova, *Rethink Moldova: Priorities for Medium Term Development*, Chisinau, 24 March 2010, p. 1, available at: <http://www.gov.md/download.php?file=cHVibGljL3B1YmxpY2F0aW9ucy8yNzc0NDQ3X2VuX3JldGhpbmtfbW9sZG92LnBkZg%3D%3D>

61 European Commission, *Implementation of the European Neighbourhood Policy in 2010: Country Report on Moldova*. Joint Staff Working Paper COM(2011) 303, Brussels, 2001, p. 2

58 The author is a PhD student at Queen's University in Belfast.

59 The Alliance consisted of The Liberal Party, Liberal-Democratic Party, Democratic Party and *Moldova Noastra*.

use their offices for personal enrichment.<sup>62</sup> Border management reforms that would decrease illegal immigration and smuggling of goods are only slowly being implemented thus delaying visa liberalisation with the EU. Due to vested interests in the Moldovan government, it took two years for the EU and Moldova to start air transport liberalisation that would have made the sector more economically efficient and travel more accessible to ordinary citizens. As a result of these failings, the first signs of popular disaffection have already started to show.

## RIVALRY IN GOVERNMENT

While the failure to elect the President and the ensuing political deadlock has contributed to the difficulty in introducing structural reforms, the often cut-throat competition between the coalition parties is also an important causal factor.<sup>63</sup> The fight for portfolios and limelight is intense. Fighting corruption and patronage is difficult, as partisan allegiances are hard to break, and might threaten the coalition itself. Many corrupt businessmen that worked under the protection of the previous government allied themselves to the new government and continue to prosper as before by influencing corrupt bureaucrats and judges. Alarming inefficiencies exist in the state bureaucracy, with scarce resources unwisely spent to settle scores among the new power elite with one government insider tweeting: 'Too many people in the AEI want to do politics, very few – reforms'<sup>64</sup>

Given the frequency of elections and the slowness of the reform process, the government has done well to raise its share of the vote from 2009 to 2011. But to retain popular support in the longer term, it has to deliver tangible improvements. Indeed, it would be politically risky to start instituting what may be 'painful' structural reforms if it has to face an election every year. The unity of the coalition is also vital. Unless each partner stands behind the government's policies including its unpopular (but beneficial) decisions, the reform agenda will not have a solid footing. Naturally it is better to build unity in government around a common vision; in its absence, functional cooperation on the basis of shared interests and clear procedural rules may suffice.

Since 2009, support for some Alliance parties has increased while the Communist Party's support has eroded. Nevertheless, the communists remain the second most popular

party.<sup>65</sup> Unsurprisingly, the opposition seizes every opportunity to play up the divisions between the coalition partners. If divisions in the coalition become so great that it struggles to govern effectively, voters may turn to the less democratic but more organised opposition. Against the backdrop of political deadlock, a transfer of power back to the Communist Party cannot be ruled out. Such a prospect became a real possibility when, shortly after the November 2010 elections, the Communist and the Democratic parties launched coalition negotiations.

While it is still too early to tell whether the transition in Moldova will be successful or not, extreme divisions in the government ranks could precipitate a political crisis that risks undermining the trust of the Moldovan population in democracy as a whole.

## LESSONS: A STABLE PRO-REFORM COALITION IS CRUCIAL

While the context of a country's transition is specific, the experience of each can provide lessons for others. Political and economic transformation can be a painful experience for citizens and will inevitably lead to some disaffection in society. Above all else, Moldova's experience shows the importance of achieving stability in coalition government. There will always be incentives for parties or politicians to defect from the government and resort to populism to maximise their electoral support. Because government instability carries a great cost not only to the country, but also politicians' political futures, agreement on the fundamental objectives and concerted action on their fulfilment is essential for democratic forces to avoid this scenario.

In a volatile political period a government's popularity may diminish quickly. To retain as much support as possible, it ought to identify some 'quick wins' in addition to elaborating plans for its longer term and possibly painful structural reforms, and start implementing them without delay. While the latter will hopefully create the basis for the country's successful transition, the former can help to slow down the loss of popular support as structural reforms begin to take effect.

In Moldova, rivalry between the governing parties has been detrimental to the efficiency of state institutions and domestic transition as a whole. Effective communication between the various ministries, state agencies and political parties is essential for the government in charge of structural reforms. It may be advisable that not only a central coordination body but also a greater number of coordination committees are established on lower inter-ministerial, sector, and expert levels. However, the government should avoid the situation where excessive coordination negatively affects its ability

62 In 2008, Moldova was ranked by Transparency International in 109th place on its Corruption Perceptions Index. In 2009, the year in which the AEI came to power, Moldova had risen to 89th place, but fell back to 105th in 2010 ([www.transparency.org](http://www.transparency.org)). In a May 2011 opinion poll, 66% of respondents thought that corruption had either increased or remained the same, while only 10% said that the situation improved. According to the same poll, 76% do not trust the Parliament, with 74% lacking trust in the government and 68% lacking trust in the President and the judiciary. See Institutul de Politici Publici, *Barometrul de Opinie Publica*, Chisinau, Mai 2011, available at : <http://www.ipp.md/libview.php?l=ro&idc=156&id=565&parent=0>.

63 Olga Shumilo-Tapiola, *The EU and Moldova: Can Both Partners Get "More for More"?* Carnegie Endowment for International Peace Commentary, Brussels, 16 June 2011, available at: <http://carnegieeurope.eu/publications/?fa=44654>

64 See <http://twitter.com/#!/nicupopescu>, 6 June 2011.

65 In the 2011 local elections, the Liberal Democratic Party received 31.09% of votes, followed by the communists (29.79%), the Democratic Party (22.02%), and the Liberal Party (6.99%). But in Chisinau, the Liberal Party's mayoral candidate won 50.6% against 49.4% for the Communist Party candidate. Despite an overall slippage in its support, the communists have preserved a strong influence in some areas and have retained a robust party organisation. They have significant potential for mobilisation – especially if current political instability continues.

to take decisions and tackle issues in a timely manner. In all circumstances coalition partners should avoid taking essential decisions without prior consultation with all coalition partners, as has happened all too often in Moldova.

It is also important to bring in highly qualified non-partisan individuals to key government positions. While to an extent the government did give some young, Western-educated and reform-oriented Moldovans such posts, too many appointments were made based on appointees' partisan affiliation rather than their professional qualifications. Engaging technocrats not only brings in much-needed expertise but can also serve to diffuse tensions within a coalition, as their advice is usually seen as less prone to political self-interest. The appointment of dishonest or divisive figures compromises government unity and ultimately costs popular appeal.

The government was relatively successful in launching and sustaining broad consultation with civil society, partly because many reformist politicians trace their roots to civic organisations. Maintaining and developing this link can serve to raise the public's confidence in government policies. Indeed, a government may appoint well-qualified civic leaders to public office, but this can in the short term damage the functioning of civil society organisations.

## CONCLUSIONS

Although Moldova is undoubtedly more open and democratic, and its economic record is steadily improving, the government has not managed to adopt and implement major structural reforms, considerably raise Moldovans' standard of living, and ultimately make democratic transition irreversible. This is largely due to political rivalry within the government, which in part has intensified due to the constitutional need to hold frequent elections because of Parliament's protracted disagreements over the election of the next President. The fight against corruption, police and justice sector reforms, and negotiations with the EU on a free trade area and visa and air transport liberalisation should be priorities for the current government.

Moldova is far from being the only European country where coalition relations have been volatile and where the government was as a result ineffective. Latvia, Romania, Poland, Belgium, and Czech Republic have all been prone to this type of government instability. However, most of these countries are well-functioning democracies. In transition countries, government instability compounded by weaknesses in the institutional architecture has an obvious negative impact on the reform agenda and could precipitate a political and economic crisis. Government stability is therefore fundamental for governments to govern effectively and make progress on reforms without which no democratic government would retain power for too long.



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