

The personalities of the two leaders also appear to echo the physiognomy of the two former USSR countries. These two personalities, both incarnations of post-Soviet authoritarianism, have nonetheless led their countries along completely different roads. This is evident from their respective political and electoral systems, which have little or nothing in common. And if Yushchenko's "orange revolution" has opened the way to a democracy, albeit a fragile one, Lukashenko's russophile politics too will not remain unassailable for long

## Belarus and Ukraine: so near and yet so far

POLITICS 2

by Marco Montanari

**B**elarus and Ukraine have a history of a strange electoral parallelism. Voters in both countries went to the polls in 1994 to elect their respective presidents. Alexander Lukashenko emerged the victor in Minsk, Leonid Kuchma in Kiev. These two personalities, both incarnations of post-Soviet authoritarianism, have nonetheless led their countries along completely different roads – so different that today, in 2006, Belarus and Ukraine are two countries whose political and institutional systems have little or nothing in common. Cultural and social differences in the two post-Soviet republics have had a significant influence in determining this result: Belarus is centralised and homogenous, with an evanescent national identity, whereas Ukraine is composite, politically fragmented and crossed by proud nationalist currents. The personalities of the two leaders also appear to echo the physiognomy of the two countries to some extent: while Lukashenko is the rough-hewn upstart, forthright and determined to cut every Gordian knot he came across, Kuchma – well placed in the top echelons of the most prestigious branch of the Soviet military-industrial apparatus, that of strategic missiles – preferred dissembling, behind-the-scenes games and openness to compromise.

### **Ukraine: *ex malo bonum***

Kuchma therefore bent the structure of



Ukraine's institutions in one direction and then another based on incidental convenience and needs. The country, originally equipped with a form of government inspired by the French model and a German-style electoral system – essentially the same choices as Boris Yeltsin's Russia – very soon found itself tackling a masked form of authoritarianism. After the 1999 scare – when Kuchma could only defeat the Communist Petro Symonenko by resorting to massive electoral fraud – the Ukrainian leader tried in vain to introduce a series of constitutional amendments that would have held the government and Parliament hostage to his will. In 2004, isolated internationally and overcome by extremely serious scandals, he then tried to build himself an escape route by championing the victory of his heir apparent Viktor Yanukovich and, after a dramatic tussle, obtaining a



radical constitutional reform to shift power to Parliament.

These shenanigans appear to have worked. Although the opposition won the 2004 elections, Ukraine's former leader was not called on to respond to the accusations against him, the first of these being that he instigated the murder of the journalist Georgiy Gongadze. Kuchma's desire to weaken the role of the president, combined with the extraordinary popular mobilisation of 2004, the famous "Orange Revolution", produced an undoubtedly unexpected and, in many ways, paradoxical result, which derived from attempts by the main political actors to neutralise each other.

The former president's intrigues and the populist forcing by the opposition led in fact to a new, abruptly and unexpectedly democratic and pluralist Ukraine, consecrated to a far greater extent by the parliamentary elections of 26 March than the 26 December 2004 presidential elections. For the first time, the OCSE's strict observers judged voting in Ukraine to be fair and emphasised that the legal framework, campaign, press freedom and fairness of the voting process had respected international standards in form and substance.

The 25 March 2005 electoral law was a milestone in Ukrainian laws in this regards,

\_Vibrant and pacific: this is how OCSE observers defined the recent Ukrainian electoral campaign, which also gave space to opposition parties. Photo: Viktor Janukovich

so much so that a panel of experts from the EU Council's Venice Commission together with OCSE analysts judged it "a legal framework able to guarantee [...] democratic elections" – which, in the veiled language of international organisations, translates into a promotion with full marks.

In addition, Ukrainian journalists freed themselves of the odious practice of *temnyky*, the handouts with which the executive power imposed an editorial line on State-owned media; nevertheless, president Viktor Yushchenko and his Our Ukraine party continued to be given more coverage than Yanukovich's Party of the Regions and Julia Tymoshenko's Bloc.

An even more marked progress was noted during the electoral campaign, described as "vibrant and pacific" by the observers, and during the vote: despite organisational problems, due mainly to the central electoral commission's scanty budget, there were neither the instances of intimidation that were so frequent in the past nor the scandalous manipulation of results that had taken place at all the previous elections.



This praiseworthy situation is in itself more important than the actual result of the elections: as of today there is a balance of power in Ukraine and a parliament that faithfully reflects the country's political preference. However, the doubt regarding the future comes from the fact that none of the major Ukrainian political leaders can claim any real credit for this state of things. If anything, Yanukovich, Tymoshenko and Yushchenko are required to maintain the balance of power and fair elections to ensure that Ukraine does not experience yet another institutional earthquake. In fact the country has such a plethora of political, economic and social wounds and divisions that it desperately needs political stability and national harmony.

### **Belarus: a one-way ticket to authoritarianism**

While Ukraine appears to be finally accomplishing a democratic political and institutional scenario – however fragile and exposed to multiple risks it may be – and following a tortuous and random path, Belarus on the other hand has marched towards a completely authoritarian system by following a direct path with no dissimulation.

The 1996 Belarus constitution is in fact the purest and most consistent codification of

post-Soviet authoritarianism – in its preamble with its philosophy of rights, the institutional structure it establishes and even the procedures by which it is drafted and approved.

The typical elements of Soviet constitutionalism – internationalism, the guiding role of the party and calls to the working class – faded or disappeared. However, these gaps were not filled by any “Western” element: rather, Lukashenko's chart seeks its own philosophical legitimacy by opposing the architrave of Euro-American constitutional thought – the separation of powers. The “presidential vertical”, or the concentration of powers in the hands of the Head of State, is a salient and proudly displayed feature of this constitution. It is a jump back in time to the autocrats Nicholas I and Alexander III and the *derzavnost* that had regulated the Russian Empire in the nineteenth century and that the general secretaries of the Soviet Union's Communist Party had practised without saying so. In the post-Soviet space, there were and still are many heads of State who remain faithful to this principle. Belarus, however, has made it explicit, bending the working of the executive, legislative and judicial “powers” into the unity of power, all “co-ordinated and directed” by the president. In Belarus, the president can govern unlimitedly by



decree, as presidential decrees take judicial precedence over even laws passed by Parliament.

Furthermore, there is no doubt that the constitutional machine is not the result of a constituent assembly so much as a made-to-measure document prepared by Lukashenko's jurists – and approved, needless to say, by a dubious popular referendum.

No matter that Lukashenko originally came to power democratically; that he was able to conquer every inch of power in the fight against his extremely humble background – he never knew his father – and basic studies. Appointed manager of a devastated *sovchoz* in 1987, he succeeded in transforming it into a model farm that was making profits after only two years. He became a media hero in the process, making a fresh start as a thundering nationalist MP in 1990. He championed the cause of Belarus' independence from the USSR and then led a powerful parliamentary investigation committee on corruption, rising to become a top-level star in 1993 with a bill of indictment as tough as it was generic, broadcast on television and watched by the entire nation. Assuming the attitude of a new McCarthy, Lukashenko destroyed the reputation of the then Belarus leader, the President of the Supreme Soviet Stanislas Shushkevich, and

\_Belarus (above: President Lukashenko) is growing at a sustained rate. This is one reason why there is not much room for protesters (facing page: a small group of protesters clash with the police in Minsk)

turned the national political system upside down in the two-year period from 1994 to 1995, obtaining the introduction of presidentialism and one of the very uncommon fair electoral victories of his career – with 80% of the vote in the second round of the presidential elections in July 1994 – and free rein for this Russian-type strategic choice with the 1995 referendum.

Today, Lukashenko is in a position to obtain 83% of the vote as a result of the clear and uncompromising choices made in the mid-1990s, without the support of any political party and with Yeltsin as the only external prop of his action.

Where unity of power is in force, elections, which transmit authority in a Montesquieu-inspired system, only serve to re-confirm a choice made ab origine and destined not be contested until such time as the autocrat reveals himself to be incapable of managing his power. Even today Lukashenko is assured of remaining in power until 2011, a 17-year reign that would make him comparable to Leonid Brezhnev.



Contrasto/Reuters

With such a preamble it is totally clear that the decisive step of the preliminary declarations of the OCSE observers – “the 19 March presidential elections did not respect commitments to the OCSE regarding democratic elections” – could be only right and expected.

Besides, the methodical approach Lukashenko has applied to the constitutionalising authoritarianism has been applied with equal efficiency to electoral manipula-

tion. There are no scandalously exhibited frauds, no blatant violation of vote secrecy, and no suffocating climate of tension or intimidation at polling stations. On the contrary, the Belarus electoral process is a perfect, implacable mechanism that crushes gently and strikes pre-emptively. The 2000 electoral code, of which OCSE has repeatedly requested a drastic revision, remains unchanged; the 1999 penal code on the other hand was amended in 2005 to adapt it to the new methods of protest and objection by civil society that have worked so well just over the southern border in Ukraine. Hence the NGOs were attacked before the elections; they were deregistered and subjected to police and fiscal harassment on false pretexts. At the same time, being a member of an unregistered party can cost up to two years in prison; it is a crime to criticise the government by talking to international organisations and violating the Kafkaesque norms that regulate the permission from the authorities to protest leads directly to a police lock-up and a summary trial. The electoral campaign can only be financed using the approximately €26.000 bestowed on each candidate by the central electoral commission, and space guaranteed in the state-owned media is subjected to the judgement of the censors, who can cut propaganda

### The verdict of the poisoned ballot boxes

Official results of the Ukraine parliamentary elections, 26 March 2006

- Turnout: 67.13%
- Parties with over 3% of the vote:
  - Party of the Regions: 32.12% (186 seats),
  - Julia Tymoshenko's Bloc: 22.27% (129),
  - Our Ukraine: 13.94% (81),
  - Ukrainian Socialist Party: 5.67% (33),
  - Ukrainian Communist Party: 3.66% (21)

Official results of the Belarus presidential elections, 19 March 2006

- Voters 5,501,249
- Alexander Lukashenko: 83%,
- Alexander Milinkievich: 61%,
- Sergei Gaidukevich: 3.5%,
- Alaksandar Kazulin: 2.2%

messages that are not seen as “respectful” – there is no need to explain whom they are expected to be respectful towards.

International observers, for their part, can move freely from one polling station to another, unlike national observers, who are oppressed in every possible way. However, international observers cannot move freely within a polling station: rather, they are courteously invited to take a seat on the chairs placed at the other end of the room from the president’s table where documents – lists, ballot paper, stamps, seals, etc. – are kept and that should be attentively examined. The writer has been through this experience as an OCSE observer during the 2001 presidential elections. In the few stations where a close examination of documents was allowed, moreover, no irregularities could be seen. The points outlined above make it obvious that Lukashenko has such an advantage over his rivals that he can actually afford not to commit electoral fraud. In any case, if there were a need for it the lack of transparency of the procedures in the electoral code would let him get around it easily.

Although he is not a democratic leader, Lukashenko is undoubtedly popular. There is indirect confirmation of this in the weakness of the opposition, perennially divided and incapable of mobilising the masses; in the understatement with which the Belarus leader takes on the elections and the ruthlessly professional control of public order by his police and the many-eyed KGB, still known by its old name here.

As we have said, Lukashenko’s popularity is based on the clarity of the choices made in the mid-1990s: foreign policy along Russian lines, the introduction of Russian as the second official language, the defence of the Soviet social state and safeguarding the national production capacity. Today the country is growing at sustained rates – close to 8% annually – thanks to industrial and agricultural production, while maintaining a very low level of inequality, with a Gini index coefficient of 30.4 – not as exceptional as Sweden’s 25 but much better than the U.S.’ 45, Russia’s 40 and Italy’s 362.

These figures explain why it is that in all of Minsk – a metropolis of two million inhabitants – no more than 20,000 opponents

could be found on the night of 19 March and then a few thousand and successively a few hundreds on the days that followed.

It would however be a serious error to believe this post-Soviet Leviathan unassailable. The courage of the few who stood up to the freezing temperatures, the batons and, above all the inexorable professional and social reprisals, may appear to be as desperate as that of the weavers who threw their wooden shoes into their machines. But the sum of the individual sacrifices on those freezing nights in Minsk pre-figures a democratic evolution that will hit even Belarus sooner or later. ■