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Autocracy and Democracy in the European CIS

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1. Introduction

Although transition from authoritarian rule often has been conceptualized as an emergence of a poorly specified "uncertain something else"¹, both scientific and political communities have seen democracy as the focal point of regime developments in the early years of the breakdown of socialism. This was the case in Francis Fukuyama's famous essay on the "end of history".² But also specialists with a more thorough knowledge of the post-socialist area Soviet Union and its rudiments used the term democracy to characterize the evolving regime.³ Together with the widespread optimism about implementing a market economy of the period, it is fair to say that the Western model of capitalist representative democracy was the most plausible reference when inquiring into the future of regimes with a Soviet background.

Developments in real, existing post-socialism took a different path, however. Whereas the countries of Central Europe took big steps towards Western integration both politically and economically, Russia and the other countries of the Community of Independent States (CIS) indeed developed into something else besides dictatorship or democracy. Conceptually, most regimes of the CIS after some years of transition had to be classified into the "gray zone"⁴ between autocratic and democratic regimes.

The examination of these CIS regimes did not lead to the construction of completely new regime types. Rather, the strategy taken consisted in specifying subtypes. Variants of autocracy with differing degrees of pluralism and partially granted political rights were presented by Juan Linz.⁵ More importantly, different subtypes of democracy were identified. David Collier and Steven Levitsky found several hundred forms of "democracy with adjectives",⁶ the most prominent ones among them being "delegative" or "illiberal" democracies.⁷ The pivot of Collier/Levitsky was the return to the "Root Concept" of electoral democracy, which went back to the model of elite concurrence as laid out by Joseph Schumpeter⁸ and Anthony Downs.⁹ Although, on the one hand, the existence of the electoral regime in this concept is seen as the watershed between democratic and non-democratic regimes, "diminished subtypes"¹⁰ of democracy, on the other hand, could still be characterized by the partial damage of the same electoral regime. As in the usage of all concepts, the construction of ideal types did not mean that the classi-

fication of existing regimes sometimes tended to rely on pointed interpretations in order to fulfill ideal type criteria.

The concept of "defective democracy", as laid out by Wolfgang Merkel and several collaborators,¹¹ is congruent with that view. Their concept is an attempt to fix possible variations of subtype democracies. One major insight of the concept consists in emphasizing the central position of the constitutional state for liberal democracy. In a strategy similar to that of Robert Dahl in relating ideas of democracy to its existing institutions,¹² the group identified three dimensions of democracy: (1) the vertical dimension of power legitimation and power control, (2) the (horizontal) dimension of the liberal constitutional state, and (3) the dimension of agenda control. From there, they developed five partial regimes of democracy, all of which need to function in order to identify a liberal democracy: (a) the electoral regime and (b) the public space belong to the vertical dimension, (c) political rights and (d) horizontal checks and balances belong to the horizontal dimension, and (e) the actual transfer of power to those elected constitutes the dimension of agenda control.¹³

The task of this text is to enquire into the usefulness of this concept of defective democracy for the post-Soviet area by using the example of the European CIS. At first glance, three countries qualify for the "gray sphere": Moldova, Russia, and Ukraine. Because of the factual separation of Transnistria, the area on the left bank of the river Dnyestr, the Moldovan regime is influenced by an external variable that does not exist in the neighboring Slavonic countries. That makes Moldova difficult to compare to the other European CIS cases.

On the other hand, despite its autocratic character, Belarus shares many elements of governance culture with its Eastern neighbors, Russia and Ukraine. All three countries, albeit to different extents, are characterized by electoral fraud, mass media coercion, weak constitutional states, party systems, as well as weak horizontal control systems. Therefore, a comparison of these three countries will be employed throughout the text. In the first comparison of the following study, the character of the regimes of the post-Soviet area will be briefly discussed. In the second, the three regimes of Belarus, Russia, and Ukraine will be analyzed with regard to potential defects. The result of this section is that two partial regimes are similarly defective in all three countries: the sphere of political rights and the horizontal dimension of checks and balances. Similarities also exist with respect to the electoral regime, although Russia and Ukraine have not reached the point where they no longer fulfill the criteria found under the root concept of electoral democracy. The last section provides a summary and some tentative conclusions.

2 The State of Democracy in the CIS

The reasons for the conceptualization and implementation of *Perestroika* and *Glasnost* in the late 1980s were manifold. Besides the economic crisis of the Soviet system and the sclerotic symptoms of the political regime, the growing independency of subnational regions played an important role in accelerating the decline of the Soviet Union.¹⁴ Whereas the Soviet system had been able to manage interethnic conflict rather well, the political elites of the fifteen Soviet republics pushed for independence from the centre in Moscow soon after Mikhail Gorbachev announced his plans for restructuring almost all layers of the USSR.

Consequently, initiatives for liberalization of the Soviet Union came to a large extent from the republics, where local party leaders tried to emancipate the republic leaderships from Moscow rule. A landmark in this process was the election to the Congress of People's Deputies, which took part in March 1989. In many republics, oppositional forces did not only run against the autocratic elements of the USSR, but also against Russian hegemony within the state. In several republics, a considerable number of party officials were unexpectedly rejected on these grounds.¹⁵ The next steps were elections for parliaments – usually called High (Verkhovny) Soviets – on the level of the republics. The astonishing defeats of the Communist Party in Lithuania and, to a lesser extent, in the two other Baltic republics, were undoubtedly seen as the first steps in the direction of democracy. In the other European USSR republics, as well as in the Caucasus, the high competition of these elections bore strong elements of liberalization. In contrast to this, there was much less competition in Central Asia, which at that time had already led to wellfounded assumptions about the differing paths of transition within the USSR.¹⁶

During the 1990s, four different subregions evolved on the territory of the former Soviet Union:

- The Baltic States, which had regained independence after the August 1991 revolt, quickly took steps towards integration into Western European structures. The liberalization and democratization of the political regime were followed by the process of consolidation.¹⁷ Apart from doubts about the inclusion of the Russian minorities in Estonia and Latvia,¹⁸ the classification of the Baltic states as consolidated democracies seems beyond question.¹⁹
- In Central Asia, the conditions for forming political identities as foundations for national states were scarce from the very beginning of liberalization. The borders of the republics in the 1920s had only partly been drawn according to existing ethnic, linguistic, or cultural borders.²⁰ Because of the absence of alternative legitimate institutions, traditional leaders from the formerly Communist clans were strongly favoured in (re)gaining power. The regimes should be classified as truly post-socialist with elements of sultanism.²¹
- In the Caucasus, clannish structures succeeded as well. In contrast to Central Asia, nationalism became a major element of clan organization in the post-Soviet period. This had already been suggested by the Azerbajdzhan-Armenian conflict on Nagorny Karabakh and the election of ultra-nationalist Swiad Gamzachurdia in Georgia in the late 1980s. Both developments had much to do with the short periods of independence in all three Caucasian states after World War I.²² Therefore, the regimes of this subregion today combine nationalist and sultanist elements.
- The four European countries of the CIS – Belarus, Moldova, Russia, and Ukraine – were seen for a long time as special cases of the Central European transition to democracy and liberal market economy. Only in 1996, the European Bank for Reconstruction and Development stated in its Transition Report that it had become increasingly challenging to describe and to judge the region as a whole.²³ Later, Russia seemed both economically and politically a bit more advanced than Moldova and Ukraine, whereas Belarus, after 1996, reversed transition and returned to autocratic rule (see below).

Within these regimes, elements of democracy and autocracy vary to a considerable extent. Azerbaijan, Belarus, Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan,

and Uzbekistan can clearly be rated as autocratic regimes. Although both parliamentary and presidential elections exist in all of these countries, the "electoral regime", with its elements of inclusiveness, fair competition, and effectiveness of the vote²⁴ does not function in democratic terms. This judgment is shared by Freedom House, which lists none of the states as one of the world's 121 electoral democracies in 2003 (see table 1).²⁵

Table 1: Democracy and Autocracy in CIS States

		Ø 1992-1996	Ø 1997-2002	Freedom House Rating	Regime Type
<i>Central Asia</i>	<i>Kazakhstan</i>	5.3	5.5	Not Free	Autocratic Regime
	<i>Kyrgyz Republic</i>	3.1	5.0	Not Free	Autocratic Regime
	<i>Tajikistan</i>	6.8	6.0	Not Free	Autocratic Regime
	<i>Turkmenistan</i>	6.6	7.0	Not Free	Autocratic Regime
	<i>Uzbekistan</i>	6.7	6.5	Not Free	Autocratic Regime
<i>Caucasus</i>	<i>Armenia</i>	3.8	4.1	Partly Free	Defective Democracy
	<i>Azerbaijan</i>	5.7	6.0	Not Free	Autocratic Regime
	<i>Georgia</i>	4.6	3.7	Partly Free	Defective Democracy
<i>European CIS</i>	<i>Belarus</i>	4.6	6.0	Not Free	Autocratic Regime
	<i>Moldova</i>	4.3	3.1	Partly Free	Defective Democracy
	<i>Russia</i>	3.5	4.4	Partly Free	Defective Democracy
	<i>Ukraine</i>	3.5	3.8	Partly Free	Defective Democracy

Source: Freedom House, <http://www.freedomhouse.org/research/freeworld/FHSCORES.xls> (November 20, 2003); calculations by author.

Whereas most non-European CIS countries are thus listed as autocracies, the political regimes of Armenia and Georgia bear some democratic elements. In both countries, parliamentary elections have been conducted more or less in accordance with OSCE commitments. The Georgian parliamentary elections of 1999 were even judged "free and fair". However, the presidential elections in both countries were hardly in compliance with what is either free or fair. The political atmosphere was charged by intimidation and heavy bias in favor of the incumbents, Robert Kocharyan in Armenia and Eduard Shevardnadze in Georgia. In Armenia on the occasion of the presidential election, 200 opposition supporters were arrested during the second round. Also in Georgia, OSCE observers saw violations in the presidential elections of 2000 and in the parliamentary elections of November 2003. In fact, all too obvious cheating in the latter elections led to the ouster of president Shevardnadze one day after the final – but falsified – election results had been confirmed by the Central Electoral Commission of Georgia. Moreover, in both countries, political rights and civil liberties are limited with respect to the freedom of press and the independence of the judiciary.²⁶

These examples show that a ranking of being "partly free" cannot easily be equated with electoral democracy, even if Freedom House does so in the case of some CIS states. In any case, there exists a line beyond which the conduction of elections should not longer be linked with the notion of democracy. Obviously, in the above named Caucasian

countries, the partial opening of competition to incumbent presidents and the less problematic conduct of less important elections were responsible for the fulfillment of minimal democratic requirements. As will be outlined below, similar arguments can easily be found for Russia and Ukraine, the two biggest states of the European CIS.

When relating these findings to the conceptual outline of "defective democracy", it becomes clear that, in the CIS in general, democracy is endangered at its very heart, the electoral regime. In the case of the CIS, political participation, civic liberties, and effective government – all elements used to differentiate between different types of defective democracy – have to be analyzed, and indeed with the caveat in mind that the competitive foundation of democracy, as outlined by Schumpeter,²⁷ may be seriously damaged. These arguments will now be looked at for the cases of Belarus, Russia, and Ukraine.

3 Elements of Defective Democracy in the European CIS

3.1 Belarus

Whereas, in many other regions of the Soviet Union, the national regime elites tried to use perestroika for the purpose of liberalization at the level of the republics, the leadership of the Belarusian SSR did everything to keep opposition forces down. The popular front *Adradzhen'ne* in 1989 had to be founded in Lithuanian Vilnius, never gaining the same power as in other republics, e.g. in the Baltic States or in Georgia. The declaration of sovereignty was steered from Moscow and contained clear signals of remaining within the USSR.²⁸

Therefore, liberalization in fact only started after the Moscow August revolt in 1991. Stanislau Shushkevich, the new president of the High Council, together with Ukraine's Leonid Kravchuk and Boris Yeltsin in December 1991, took the historic decision, on Belarusian soil, to dissolve the Soviet Union. However, in Belarus itself, this led to a delegitimization of parliament, in which the Communist party had gained 86 percent of the seats in March 1990. The uncoupling of the Russian economy was seen as a major reason for the social crisis that hit the country in 1992. Thus, the split from Russia and the Soviet Union further delegitimized the country's leadership.

By then, however, the nature of political conflicts had completely changed in Belarus. Right after the fall of the Soviet Union, nation building had been the major goal of most political elites. Economic crisis, but also quarrels around the introduction of Belarusian as first state language and conflicts concerning the political evaluation of the authoritarian past showed that many elites and much of the population were not ready to break completely with the Soviet past. Prime minister Kebich tried to reintegrate with Russia economically and thus ran into opposition with the president of the parliament Shushkevich, who severely tried to defend Belarusian sovereignty and neutrality.²⁹

In this polarized political climate, the introduction of a Belarusian presidency took place. The first elections to this office were held in 1994 and are today seen as a high point of Belarusian democracy.³⁰ The election winner Aleksandr Lukashenka had run as an anti-corruption and anti-establishment candidate, but soon became the main figure to reintroduce authoritarian practices. After his election, the formerly political conflict between different parts of the parliament turned into an institutional one. In November

1994, Lukashenka, with a decree to appoint and dismiss local leaders, openly disregarded the constitution for the first time.

The parliamentary elections of 1995 were the major turning point in the development of democracy in Belarus. In these election, which took place in May 1995, only about 140 of 260 parliamentary seats could be filled because of low voter turnout. The result was that neither the old nor the new parliament held any considerable legitimacy vis-à-vis the president, who at the same time had won referenda held simultaneously with the parliamentary elections. Arguments were held that the president had received support as a person, whereas parliament as a whole had been rejected as an institution. In any case, Lukashenka decided to push for a presidential government system, and after a “war of referenda” finally succeeded in a last referendum in November 1996. The 110 parliamentarians who had shown loyalty to Lukashenka retained seats in the Chamber of Representatives of the new parliament, the constitutional court was silenced and regrouped around the new constitution, and opposition forces were persecuted.³¹

Belarus seems to be a clear case of the „breakdown” of an electoral democratic regime.³² After a period of liberalization, the process of democratization halted, thus opening the field for a political actor to take over power. Arguably, the character of the autocratic regime is relatively liberal. This can be seen in various dimensions. Firstly, not all oppositionist politicians become prosecuted. Former Prime Minister Michail Chyhir was arrested in 1999, and the former president of the Central Electoral Commission, Viktor Hanchar, may have even been killed. However, other main figures of the opposition movement, such as Anatoly Lebedko from the *United Civic Party* or former Head of State Stanislau Shushkevich, continue to act more or less openly.

Secondly, the control over information has become much more difficult since the end of the Soviet period. Oppositionist forces are present on the Internet, while Russian and other media reach the Belarusian public. Though security forces frequently hinder their work, the Russian first TV channel, ORT, has yet to have been eliminated from Belarusian air. Thirdly, an internationalization of Belarusian society is taking place, despite its repressive domestic political regime. Currently, there are more than 500 partnerships among groups from civil society between Belarus and Germany. Also, Belarusian students are able to study abroad in considerable numbers.³³ Finally, the internal structure of the Belarusian opposition movement has to be at least partly blamed for its incapacity to design successful election structures. The Serbian parliamentary elections of December 2000 have clearly shown that united oppositionist forces may very well be able to break through the walls of an authoritarian regime. So far, however, in all elections since 1996, the opposition has remained unable to combine forces.³⁴

To sum up: Belarus is no electoral or defective democracy but an autocratic regime. This classification is based, among other reasons, on the severe damages of the electoral regime. Candidates who are not in line with regime mentality are severely hindered in the registration process and during their electoral campaigns. There are strong elements of manipulation on mass media. At the same time, however, and in some tension with Collier/Levitsky's and Merkel's model of a "root concept", there seems to be more liberalism in the partial regime of political participation. Although severe restrictions apply in the electoral regime, the organization of oppositionist political groups is not completely impossible. Oppositionist forces are allowed to present themselves in the international scene; the flow of ideas via (foreign) mass media and international student and faculty exchange is not severely suppressed.

3.2 *Russia*

Throughout the Soviet period, the possibilities of liberalizing the regime were especially scarce in the Russian Socialist Federal Soviet Republic (RSFSR). The republic did not dispose of its own institutions. Not even a Russian suborganisation of the Communist Party of the Soviet Union existed. Throughout the Brezhnev period, three dissident groups had formed:³⁵ opponents to Marxist-Leninist ideas, nationalist Stalinists, and non-Marxist nationalists. Whereas, in most other Soviet republics, ideological dissidents and nationalists were able to unite against the Muscovite center, the Russian nationalists had the problem of simultaneously challenging the Great Russian Union, which the USSR in its early years had succeeded in completing after century-long struggles. The anti-reform opposition among Russian nationalists must be interpreted in that perspective to this very day.³⁶ (XXX What is wrong with that? Timm XXX)

Because Russian institutions were missing, all attempts to open the regime were delegated at the Unionist level. The latent conflict between changing regime character and changing regime borders remained. When the CPSU had lost its leading role in the constitution and the new institution of a Soviet Union president had been introduced, the Union began to burst at the seams. A new Union treaty, which had been negotiated in 1991, was considered insufficient by the republics, but served as enough of a pretext for conservative forces to try a putsch in August 1991. Meanwhile, parallel power structures in Russia had been established in May 1990, when the High Soviet had elected Boris Yeltsin for president of the largest Union republic. Yeltsin used the power vacuum left after the failed revolt in 1991 to dissolve the USSR.

The new Russian Federation started with an ambitious programme of economic reform that was soon to produce disastrous results. Communist and nationalist forces, which had severely objected to the dissolution of the Soviet Union, formed a strict opposition in the High Soviet. Yeltsin tried to include these actors by instigating the radicalist liberal Prime Minister Igor Gaydar against the more conservative Viktor Chernomyrdin. However, the polarization within the system remained strong. After struggling for a new constitution in the first months of 1993, Yeltsin, in a non-constitutional act, dissolved parliament and decreed elections within a new constitutional framework for December 12, 1993.

As a result of the institutional impasse of the first two years of the Second Russian Republic, the presidency became the central institution of that constitution. In modification of Duverger's semi-presidentialism, the regime was characterized as "super-presidentialist".³⁷ This aimed at the vertical distribution of power, as well. Article 80.3 contains the Small Catechism of the constitution: "The President determines the basic aspects of interior and exterior policy". Parliament is only able to become a counterweight given a stable two-thirds majority against the president in the lower chamber, the State Duma.³⁸

Russian parliamentary forces are far from that majority, however. Since 1993, Communist and Centrist parties and groups have been able to acquire rather stable minorities of about 25 to 40 per cent of the deputies. The rest of the seats went to liberal or nationalist forces. Since 1999, a majority of deputies supports President Putin's policies on a day-to-day basis, ideological or programmatic links between the according Duma factions being rather weak.³⁹ In the State Duma elected in December 2003, pro-president deputies hold a large majority.⁴⁰

By 1996, elections had become crucial to the new regime. The very first elections in 1993 and the referendum on the constitution had been marred by intransparency and accusations of falsification.⁴¹ During the parliamentary elections of 1995, the fight of the Kremlin against Moscow mayor Yuri Luzhkov and former foreign minister Evgeny Primakov was far from fair.

The weakness of the electoral regime became completely clear in 1996. The presidential elections of 1996 became the primary model of a new technique of post-Soviet election-mandering. By using mass media intimidation, administrative resources, support from major domestic economic actors, and international fears about the return of Communist forces to power, Yeltsin managed to get reelected without taking recourse to all too open violations of the election procedure itself.⁴² Yeltsin's success could be assured, despite the fact that he suffered from a heart attack between the two election rounds by including another popular politician, Aleksandr Lebed', in his team. So severe was Yeltsin's physical condition that, during his inauguration, he was hardly able to remain standing. Still, political power had been retained in the institution of the presidency and secured the survival of the super-presidential regime beyond the first electoral turning-point.

In the Fall of 1999, Yeltsin assigned the leader of the domestic secret service, Vladimir Putin, as successor of his ally, Prime Minister Sergey Stepashin. From the first, Putin was presented as the potential successor of Yeltsin. With backing from the Kremlin, Putin orchestrated the relaunching of the second war against Chechnya and thus gained exceptionally high public support. With his program of reestablishing Russia as a global power, regaining partial state control over the economy, and bringing security forces back to the highest levels of political power, Putin also paid credit to Centrist, Conservative, and Communist forces in the Duma. After March 2000, when Putin had been elected in the first round of the Presidential elections, the system therefore looked quite different from the Yeltsin period in its latter days.

Whereas Yeltsin had tolerated opposition and decentralization, Putin "turned to the principle of subordination, hierarchical submission, quelling opposition, control over alternative ways of thinking of the elite, centralization of the Federation[,] and the strengthening of its unitarian character".⁴³ In translation into the partial regimes of Merkel et al.,⁴⁴ this means that several partial regimes embedding the electoral regime were at least partially damaged: The public sphere was trimmed by closing down TV stations that had belonged to "oligarchs" not willing to acknowledge Putin's leading role in politics and society. Political rights are certainly not granted in Chechnya. In general, many sectors of civil society have seen a deterioration of their working conditions in recent years.⁴⁵ Horizontal checks and balances have been reduced, although, in part, this could be ascribed to skillful political management of the Kremlin. Whereas the introduction of presidential representatives in seven federal districts is a clear case of cutting back decentralization, the organization of a Kremlin-friendly majority in parliament is indicative of programmatic synchronization, not of an institutional restriction of oppositionist forces. Altogether, because of the partially democratic character of the electoral regime, Russia should be classified as a defective democracy. However, the sum of defects in various partial regimes hints at the possibility of Russia being another case of breakdown in the future.

3.3 Ukraine

Together with Boris Yeltsin, Leonid Kravchuk, who had been responsible for ideology in the Central Committee of the Communist Party of Ukraine, was one of the most important people involved in the processes leading to the dissolution of the USSR in late 1991. The elections to the National High Soviet in March 1990 had still been won by the Communist Party with about threefourths of the mandates. The national movement, in the form of the Popular Movement for the Independence of Ukraine (Ruch), was stronger than in Belarus or Russia, but at the same time did not have the same amount of power there as it did in Georgia or in the Baltic States. The Communist Party of Ukraine tried to bridge the gap between the opposing forces.⁴⁶ This bridge consisted in Kravchuk's programme to achieve regime continuity despite the goal of independence from the USSR. He was elected president on the same day the Ukrainian population voted for independence with an overwhelming majority of 90 percent.⁴⁷

As in Ukraine's neighboring countries, the president was confronted with a fragmented parliament, which at the same time was united in its hostility towards the president. Up to the present day, factions may be classified under five different groupings: Communists and Socialists, Leftist Centrists and Social Democrats, Centrists, Rightist Centrists, and Nationalists.⁴⁸ Even within those factions, the volatility remains extremely high.⁴⁹ Additionally, the parliamentary elections of 1994 had showed that the legitimacy of the system was very weak. Electoral participation was so low that even nine months after the elections, 45 seats remained vacant.

Since the presidency in Ukraine enjoys less power than in Russia, this had major impacts on public policy. Along with the new constitution, which was established by a referendum in 1996, the president received extraordinary powers to conduct economic policies for three years. Additionally, newly elected president Kuchma was able to use the veto power, which could be overruled by the parliament with a twothirds majority only. Whereas the Russian "super-president" was able, at least in some way, to overcome the political stalemate, the Ukrainian president was caught in an almost complete impasse of the system.

Obviously, one major reason for the immobility of the system is institutional. The regime is not well prepared for dealing with situations of cohabitation. The key reason for this impasse, however, needs to be seen in the political and ethnic separation of the country. Whereas the eastern side of the country and the Crimean peninsula are mostly inhabited by ethnic Russians with strong links to their motherland, the western parts of the state are ethnically Ukrainian. Both ethnicities exhibit strong socio-cultural ruptures regarding the Communist past, the value of the nation, and other questions of identity. Therefore, nation-building is one of the most crucial themes in Ukraine.⁵⁰ Politically, the theoretically demanded consociational regime for segmented societies⁵¹ is exactly what caused a problematic standstill in social and economic policy throughout the first years of transition.

Of the partial regimes of democracy, the electoral in Ukraine is rather similar to the Russian one. It has been endangered, on the one hand, by the President Kuchma's agenda of keeping Communists and related post-Soviet forces at bay, and, on the other, by different financial-economic clans from different regions of the country. The presidential elections of 1999 followed the 1996 Russian example and consequently drew negative commentary from election observers. Parliamentary elections have not been as seriously marred, but still were far from being declared "free and fair".⁵²

With regard to the other partial regimes, similarities can be discerned in comparison to both northern neighbors. The openness of the public sphere is severely limited by political and economic coercion directed against independent newspapers; all major TV sta-

tions are signed on a pro-Kuchma line. Violent deaths of journalists are linked to their anti-establishment coverage. Political rights are not systematically violated. However, reports on inefficiency on the part of the state administration and the judiciary frequently lead to problematic situations. Former deputy Prime Minister Yulya Tymoshenko was arrested on questionable grounds, and the prosecutor-general harassed one of the judges who had later ordered her release.⁵³

Horizontal checks and balances are weak as well. During the first year of the existence of the new basic law, president Kuchma violated the constitution no less than 200 times.⁵⁴ In more general terms, the case of Ukraine shows that the usefulness of horizontal checks and balances in young democracies can be interpreted in two ways. On the one hand, the absence of balancing elements in a system may well lead to the semi-autocratic behavior of the president. On the other hand, checks and balances in political terms may easily lead to impasse-situations, which is hardly desirable during the transition process.

3.4 Comparative summary

Altogether, the three East European CIS regimes bear strong similarities, despite the fact that while Belarus must be qualified as an autocratic regime, Russia and Ukraine pass as minimal democracies. All three countries have defects in the electoral regime, the public arena, the regime of civic freedoms, and in their vertical power structure. In the terminology of the Heidelberg model, Russia and Ukraine are diminished electoral democracies with illiberal and delegative elements. Belarus is a non-democracy with strong parallels to Russia and Ukraine.

The main difference between Belarus and its eastern neighbors consists in the shaping of the electoral regime. In Belarus, the electoral process is completely steered from the top, which makes it, by definition, an autocracy. In Russia and Ukraine, the authorities have managed to maintain the façade that elections occur without manipulation. However, the prerogatives of peripheral institutions, such as media freedom, administrative neutrality, and judicial impartiality, exist much more convincingly on paper than in reality. Therefore, the democratic functioning of the electoral regime is also diminished in these two countries.

The cause for damages to the electoral regime is the same in all three countries. When potential turning points come near in the form of presidential elections, it is not only the person in power that has to fear a loss of influence. Rather, given the strong vertical structure of the governmental system, it is the whole regime that is in danger. Expectations become uncertain, political and economic investments may prove to be misdirected. Where so much is at stake, democratic norms surrounding the electoral process are, in all three countries, not internalized to the extent that incumbents are forced to adhere to the imperative of free and fair competition.

Parallels among Russia, Ukraine, and Belarus are to be found beyond the electoral regime. All three dispose of a damaged partial regime of political rights. The freedom of information is limited. Politicians from various opposition camps have fallen victim to fatal attacks. Activists from civil society have been arrested when voicing their opposition on security matters. The constitutional state is limited due to corruption and lack of neutrality. In short, the regimes bear strong elements of illiberalism.

Also, the democratic dimension of horizontal control is overburdened. In a comparative perspective, the presidents of all three systems are exceptionally strong.⁵⁵ Still, all three

presidents found it necessary to exert power beyond the limits set by the constitution. System reaction varied among the three countries: Belarus went straight on to autocratic rule, Russia to super-presidentialism, and Ukraine remained in an institutional impasse. In Belarus and Russia, the overweight of the president clearly points into the direction of delegative power distribution. The Ukrainian case is somewhat different, although Ukraine has been described as a delegative democracy as well.⁵⁶ Besides undoubtedly existing elements of power delegation to the president, Ukraine is simultaneously characterized by a parliament which, because of political fragmentation and polarization, must refrain from exerting its potential influence.

4 On the Causes of Democratic Defects in the European CIS

A variety of reasons for the failure of democratic transition have been presented in the introductory chapter of this volume. In the final section of this study, I shall inquire into the validity of these assumed reasons with regards to the three countries under consideration. My hypothesis is that there are different reasons responsible for the undermining of the different partial regimes.

Partial Regime A – Electoral Regime: The weakness of the electoral regime in the three post-Soviet countries has its root in the former regime type, in connection with socio-economic factors. The way accession to power is institutionalized in CIS countries astonishingly resembles Soviet practices. As long as post-socialist or liberal opposition forces do not get close to acquiring majorities at the polls, elite recruitment is bureaucratic and protectionist. Actors with a regional or a sectional power basis become included on executive terms, be it into the presidential apparatus or into governments.

The Soviet regime, despite its rhetorical exercises in collective decision-making, was a strongly vertical entity. However, it was not monolithic. Elements of pluralism had been discovered long before Perestroika.⁵⁷ Pluralism was not organized openly, but consisted in non-organized and latent interest coalitions within the state apparatus.⁵⁸ Therefore, elite culture in post-Soviet countries historically goes back to a mode of governance that is not based on open competition, but rather on arcane strategies of acquiring power. Actors are potentially able to run for high offices, but only once they have gone through the executive apparatus. Once they have achieved this, they will have learned enough to know that loyalty to the top is by far the most promising way to stay in the competition until the next presidential elections come near. Not democratic competition, but loyalty to the president is the only game in town.

One of the main problems of the first years after the downfall of socialism was the negative policy results inherent to a system of governance in which "winners" in the political sphere also became "winners" in economic terms.⁵⁹ Elites of all ranks arguably cared less about general welfare than about enriching themselves. The rise of inequality in Russia and Ukraine were among the highest within the CIS between 1987/88 and 1993/95.⁶⁰ In view of socio-structural data, this was no surprise. After the end of socialism, the starting positions for old elites were especially favorable. This can be deduced from the low values of power dispersion Tatu Vanhanen found in the European CIS states.⁶¹

Therefore, the merits of opening the Soviet system are ambivalent. Allowing for competition on the political market, as was tried in the first years after the end of the Soviet

Union, went along with serious side effects for policy-making and society as a whole. Returning to more vertical power arrangements turned out to be the most likely strategy. Table 3 accordingly lists regime legacy and socio-economic factors as main reasons for the damage of the electoral regime in the European CIS states.

Table 3: Reasons for defects of partial regimes of democracy in the European CIS

<i>Factors supporting democratic defects</i>	<i>Damaged partial regime in the European CIS</i>
Regime past legacy: <ul style="list-style-type: none"> • Communist regime • Confrontative regime change Socio-economic factors: <ul style="list-style-type: none"> • Economic crisis • Unequal distribution of power resources 	A: Electoral regime
Regime past legacy: <ul style="list-style-type: none"> • Communist regime • confrontative regime change Socio-cultural factors: <ul style="list-style-type: none"> • "Dark side" of Civil Society • Identity Crisis in nation-building • Societal fragmentation 	B: Political Rights
Socio-economic factors: <ul style="list-style-type: none"> • Economic crisis • Unequal distribution of power resources Socio-cultural factors: <ul style="list-style-type: none"> • "Dark side" of Civil Society • Identity Crisis in nation-building • Societal fragmentation Regime past legacy: <ul style="list-style-type: none"> • Post-totalitarian regime • Confrontative regime change International context: <ul style="list-style-type: none"> • Threat perception • Exposure to external shocks 	D: Horizontal accountability

Partial Regime B – Political Rights: When looking at the damages of the partial regime of political rights, both elements of regime legacy and socio-cultural factors should mainly be taken into account. If the outputs and outcomes of the opened regime were largely interpreted to be inferior to those of the ancient régime, reclosing the system was accomplished by measures restricting competition. In Russia and Ukraine, this was done by systematically cutting down power resources for groups not belonging to the recruitment networks of the executives. In Russia, it were the so called "oligarchs" with strongholds in the financial and media sectors, which were perceived as a potential threat to the incumbents.⁶² In Ukraine, the fight started off between several regionally attached industrial groups from Kiev, Dnipropetrovsk, and Donetsk.⁶³ In that sense, the political rights of potential competitors were trimmed due to the bad experiences the new-old elites had made with regard to transforming the mode of recruiting leadership.

Arguably, in the dimension of political rights socio-cultural factors played an even more decisive role. Democratic transition also got stuck because some of the forces potentially competing for political power had other aims than continuing that transition. In the first line, the romanticists of the Soviet regime around the Communist parties have to be named. Rhetorically, they frequently link the new leaderships to criminals and liquidators of their own people. For example, a majority of Russian deputies accused Boris Yeltsin of “genocide to the Russian people” in 1999.⁶⁴ Societal fragmentation between the elderly and rural groups of the population on the one side and the more mobile young in the cities on the other side plays a major role for polarization on the political scene. Basically, this is a socio-economic argument. However, it has a strong socio-cultural dimension due to the conflicting network systems of “old” and “new” groups and their links into “old” and “new” elites. On socio-economic grounds, both Ukraine and Russia have developed segmented cleavages driving the societies apart.

Additionally, the Ukrainian case is burdened by the separation between the Russian east and the Ukrainian west. That adds a socio-cultural dimension to the conflicts between the various groups in Ukraine. Crimea is an area frequently claimed by Russian politicians and by ethnic Russian on the peninsula itself.

Partial Regime D – Horizontal accountability: Whereas few explanative clusters cause the deficits in the electoral and in the political rights regime, the reasons for the weakness of the horizontal control dimension are manifold. As the examples of both Russia and Ukraine show, the socio-economic crisis made presidents ask for special powers they never were ready to return to the parliaments. Yeltsin changed the constitution altogether. Kuchma, who was not able to do so, chose to employ a constant institutional crisis in order to prevent parliament from realizing its will. The reasons for keeping potential competitors down are also of socio-cultural nature because several segments of society dispose of elite groups aiming for different regime models. The conflicts about the finality of the system – liberal, steered (Putin), or socialist (Communist Parties) democracy – lead to the establishment of crash barriers to competition by whichever group in power. The measures employed can easily be taken from the regime memory of post-Soviet bureaucracy. Therefore, also the regime legacy plays a role. Finally, the international context plays a role at least in the Ukrainian case. The country is heavily dependent on Russian energy export, which makes the political conflicts between the groups rooting in the Russian east and the Ukrainian west even more difficult.

Altogether, it is hardly surprising that only small minorities of 20 percent in Ukraine, 17 percent in Belarus and 8 percent in Russia are at least partially content with the state of democracy in their country.⁶⁵ In public culture, both notion and idea of democracy are associated with a decline in living conditions and ineffective power struggles. Whenever the strictly vertical regime structure was loosened – in Belarus until Lukashenka, in Russia until Putin, in Ukraine in a way until today – the existing frictions in society were reflected in deadlocks in the political sphere. This makes it rather improbable that the defective democracies of Russia and Ukraine will return to more liberal and less delegative government practices in the short term.

As the analysis of the partial regimes has shown, similarities between the two countries and Belarus have grown in the last years. Rather, the question should be posed to what extent “diminishments” of the root concept of electoral democracy may be accepted until the term “autocracy” is appropriate. Lately, even Freedomhouse gave up its policy of keeping Russia (and Ukraine with it) out of the range of the sphere of systems that are declared “not free”. In the Survey of Media Independence of 2003, Russia and Ukraine are listed in the column “no free media” with nine other CIS countries. The

only country with a rating of partially free media was Georgia. The ouster of president Eduard Shevardnadze by the means of building up public pressure did certainly not help much in encouraging Vladimir Putin or Leonid Kuchma to strengthen the competitive elements of the electoral regime.

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³ Stephen White, Graeme Gill and Darrell Slider: *The Politics of Transition. Shaping a Post-Soviet Future* (Cambridge: Cambridge University Press, 1993), p. 212.

⁴ Petra Bendel, Aurel Croissant and Friedbert Rüb (eds.): *Hybride Regime. Zur Konzeption und Empirie demokratischer Grauzonen* (Opladen: Leske + Budrich, 2001) (im Erscheinen)

⁵ Juan Linz: 'Autoritäre Regime', in Dieter Nohlen (ed.): *Politikwissenschaft 1. Pipers Wörterbuch zur Politik* (München: Piper, 1989), pp. 62-65.

⁶ David Collier und Steven Levitsky: 'Democracy With Adjectives. Conceptual Innovation in Comparative Research', *World Politics*, vol. 49, no. 3, pp. 430-451.

⁷ Guillermo O'Donnell: 'Delegative Democracy', *Journal of Democracy*, vol. 5, no. 1(1994), p. 55-69. Fareed Zakaria: 'The Rise of Illiberal Democracy' *Foreign Affairs*, vol. 76, no. 6, pp. 22-43.

⁸ Joseph A. Schumpeter: *Kapitalismus, Sozialismus und Demokratie* (München: Leo Lehnen Verlag, 1950)

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- ¹⁷ Guillermo A. O'Donnell, Phillippe C. Schmitter and Laurence Whitehead (eds.): *Transitions from Authoritarian Rule. Comparative Perspectives*, (Baltimore: Johns Hopkins University Press, 1986).
- ¹⁸ See Juan Linz and Alfred Stepan: *Problems of Democratic Transition and Consolidation* (Baltimore/London: Johns Hopkins University Press, 1996), chapter XXX. Aurel: In unserer UB ist das Buch dummerweise geklaut – kannst Du bitte die Seitenzahlen für das Kapitel über die baltischen Staaten einfügen ??? Sonst: streichen! XXX. See also Wolfgang Merkel, Hans-Jürgen Puhle, Aurel Croissant et. al.: *Defekte Demokratie. Band 1: Theorie* (Opladen: Leske + Budrich, 2003), p. 174
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- ²¹ For the notion of sultanism, again see Juan Linz: 'Autoritäre Regime', in Dieter Nohlen (ed.): *Politikwissenschaft 1. Pipers Wörterbuch zur Politik*. (München: Piper, 1989).
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- ²⁹ *Ibid.*, pp. 99-100
- ³⁰ See Heinrich Linus Förster *Von der Diktatur zur Demokratie - und zurück? Eine Auseinandersetzung mit der Problematik der Systemtransformation am Beispiel der ehemaligen Sowjetrepublik Belarussland*. (Hamburg, Verlag Dr. Kovac, 1998).
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- ³⁴ See Jan Maksymiuk: *Shadow Elections in Belarus* (RFE/RL-Newsline, 21.5.1999), and Jan Maksymiuk: *Belarus's Exercise in Simulated Democracy* (RFE/RL-Newsline, 13.10.2000)
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- ³⁷ Stephen Holmes: 'Superpresidentialism and its Problems', *East European Constitutional Review*, no. 2/4 und 3/1 (fall 1993 / winter 1994), pp. 123-126.
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