

END NOTE

THE REIGN OF THE CIS 'LIFERS'

By Taras Kuzio

Almost 12 years after the demise of the Soviet Union, five of the 12 CIS states are still ruled by the man who was already president at the time his country gained its independence. In almost all of the others, the present ruling elites are composed primarily of former high-ranking communists who ditched their party affiliation in 1991-1992 and adopted a centrist position. National democrats came to power in Armenia in 1990, even before the collapse of the USSR. They governed for a brief period in Moldova (1990-93) and Azerbaijan (in 1992-1993), but have largely remained in opposition in other CIS states during most of the period since 1992.

Postcommunist centrist elites feel a sense of proprietary rights over the territory they control and believe that only they have a right to govern. Accordingly, those leaders seek to legitimize themselves by portraying themselves as guardians of stability, holding back a return to power by either the communists, on the one hand, or "nationalists" (i.e. national democrats), on the other.

At least in Central Asia and Belarus, and to a lesser degree in Azerbaijan, the opposition is not treated as a legitimate group from whom a new president could be elected. Opposition parties are therefore either stripped of legality either by a passage of legislation setting impossible conditions they must meet in order to reregister (as was the case over the past year in Kazakhstan), or de-legitimized through a political discourse that defines them as "radicals," "extremists," and bent on instigating "instability," as the Kyrgyz authorities are currently engaged in doing. Therefore, over the past 12 years, those entrenched elites have rewritten constitutions and falsified elections in order to preserve their hold on power.

The simplest way of extending the tenure of the incumbent president is to amend the constitution and then argue that his second presidential term is actually his first because the country's post-Soviet constitution was adopted after the first term began. This argument was used by Russian President Boris Yeltsin (first elected in 1990, constitution adopted in 1993) and has been touted by pro-presidential forces in Ukraine (first elected in 1994, constitution adopted in 1996) and by Belarusian President Alyaksandr Lukashenka (first elected in 1994, revised constitution adopted in 1996).

Azerbaijani President Heidar Aliev has used the same line. He similarly argued that as he was first elected in 1993, but the

current constitution was adopted two years after that, he is entitled to seek a third term in the ballot scheduled for October.

Such referendums have extended the term in office of the presidents of Turkmenistan (1994), Uzbekistan (1995), and Kazakhstan (1999). Turkmen President Saparmurat Niyazov subsequently secured for himself the option of remaining in power for life. In Tajikistan, voters were called on in June to endorse as a package some 50 constitutional amendments, the most important of which enables incumbent President Imomali Rakhmonov to run for two further consecutive seven-year terms.

An alternative, or additional method of holding on to power is electoral fraud. Since 1995, the OSCE has criticized fraud of various degrees of blatancy in parliamentary and presidential elections in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan, and Ukraine.

In Ukraine, however, President Leonid Kuchma faces a legal dilemma as he comes to the end of his second consecutive five-year term and is barred by the current constitution from seeking a third term. While Kuchma would probably like to resort to the "Yeltsin model" and transfer power to his handpicked "successor," doing this is proving impossible because of the political crisis that has developed since the "Kuchmagate" scandal erupted in November 2000.

Sources in the Ukrainian presidential administration privately confirm that no candidate acceptable to competing oligarchic clans has been found and therefore the strategy was to extend Kuchma's term in office. This was being promoted by pro-presidential forces through "political reforms," which sought to hold all elections in one year (i.e. postponing the 2004 presidential elections to the 2006 parliamentary elections and thereby extending Kuchma's term by two years).

Kuchma threatened to hold a referendum if parliament continued to be unable to change the constitution in line with these "political reforms," which requires more votes than pro-presidential factions possess.

Another option under discussion for which Kuchma may obtain support from the left is to transform Ukraine into a parliamentary republic in which two-thirds of the parliament elects the president. A similar model was adopted in Moldova in 2000-01.

In addition to the presumption of the "right to retain power" referred to above, there is a second cogent reason why postcommunist elites are reluctant to risk ceding power. Being no longer in power in CIS states means not only going into opposition, but also the possibility of facing charges of corruption and, worse still, revenge by former political opponents who now constitute the new leadership. Due to the close connection between business and the executive branch, if the executive loses power, business empires built up over the last decade by the president, his family, and oligarchic allies could be quickly lost. A pact is often made whereby oligarchs will be left alone provided they redirect their loyalties to the chosen "successor." The recent clampdown on the oil major Yukos in Russia can be attributed to the company's chief executive, Mikhail Khodorkovskii, violating this unwritten agreement and openly expressing support for the opposition.

In a bid to insure themselves against legal proceedings and protect the fortunes accumulated by their families and close associates, the presidents of both Kazakhstan and Kyrgyzstan have introduced in their respective parliaments bills -- which deputies duly passed -- guaranteeing them and their immediate families lifelong immunity from prosecution. Putin granted the same immunity to Yeltsin.

Taras Kuzio is a resident fellow at the Centre for Russian and East European Studies, University of Toronto.