

CHAPTER 7

SEMI-PRESIDENTIALISM UNDER POST-COMMUNISM

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Constitutional engineering has been an important issue in the post-communist region over the last two decades. The process of post-communist transition encouraged the proliferation of different institutional frameworks for exercising political power. Due to this continuing process of experimentation with institutional templates, the region became an important ground for studying the causes and consequences of institutional innovations in the design of political systems. An institutional configuration providing for a popularly elected president and a prime minister and cabinet responsible to the legislature, which is referred to in this volume as a semi-presidential constitutional design, became a common choice among the countries of the region.

The questions that the scholars ask about semi-presidentialism in the post-communist world are similar to those motivated by the long tradition of research on the role of formal institutions in politics. A key set of questions deals with the effects of institutions on the prospects for democratic consolidation. In this sense, the debates about the virtues and drawbacks of semi-presidentialism in the post-communist world build on older debates, most famously popularized by Linz (1990; 1994), about the merits of presidential and parliamentary systems. There has been a considerable divergence of views in these debates about the effects of constitutional choices (Mainwaring & Shugart, 1997; Reynolds, 2002; Cheibub, 2007). Somewhat similar differences characterize the discussion about how consequential the variation in post-communist institutional designs has been for explaining the diverging trajectories of transition that former communist bloc countries have experienced.

This chapter is organized as follows. First, I provide some basic information on constitutional regime types in the post-communist region, focusing on the nature

and evolution of semi-presidential regimes. Second, the chapter gives a short overview of the literature on post-communist semi-presidential regimes in relation to democratic consolidation. Third, I put forward some ideas about causal mechanisms that help to explain the patterns of correlation between the strength of presidential powers and democratic underperformance/breakdown that this literature identifies. Finally, the chapter briefly addresses the question of whether semi-presidentialism provides an equilibrium institutional solution by examining patterns of constitutional stability in semi-presidential regimes.

Constitutional choices in post-communist transition

A semi-presidential institutional framework, in its different configurations, has been a preferred constitutional choice among the countries of the former communist bloc. If one classifies the first post-communist constitutions adopted by these countries into one of the three basic democratic regime types – keeping in mind that the analytical utility of having a semi-presidential type remains much more disputed in the literature than the utility of differentiating between presidential and parliamentary types – the semi-presidential category turns out to be by far the most populated. Out of 29 former communist bloc countries only eight adopted parliamentary constitutions at the start of transition: Albania, Bosnia-Herzegovina, Federal Republic of Yugoslavia, Latvia, Czech Republic, Estonia, Hungary, and Slovakia. Another six adopted a presidential framework as their first post-communist constitutions: Azerbaijan, Belarus, Georgia, Tajikistan, Turkmenistan, and Uzbekistan. The first constitutions of the remaining fifteen countries shared the definitional attributes of semi-presidentialism. This set of countries included Armenia, Bulgaria, Croatia, Kazakhstan, Kyrgyzstan, Lithuania, Macedonia, Moldova, Mongolia, Poland, Romania, Russia, Slovenia, and Ukraine.

Over the course of the almost twenty year period since the initial constitutional choices were made, constitutional reforms altering the basic institutional set-up took place in a number of countries. These changes will be

addressed in some detail later in this chapter. What is important to note here is that the overall distribution of regime types has not changed dramatically: semi-presidential regimes remain the most frequent category among the former communist bloc countries. This endurance of semi-presidential regimes refutes the original expectations that semi-presidential constitutional choices would be short-lived, 'transitional' arrangements. It also explains the sustained scholarly interest in the topic, which has significant practical relevance for constitution- and policy-makers across the region.

It is important to note that the term 'region' is used here with many reservations. It has become increasingly problematic to speak about post-communist countries as a region. These countries are moving in radically different directions in terms of their political, economic, and social systems. This variation reflects some of underlying structural differences that preceded communist rule. The rule itself, however, could be conceptualized as a similar experimental treatment applied to a set of countries with very different types of societal legacies.

Constitutional rules could also be thought of as a sort of treatment applied to societies that faced the need to modify their political systems after the collapse of communist rule. This treatment was far from identical, especially in cases where semi-presidential constitutional arrangements were chosen. While scholars routinely point out the existence of a substantial variation inside presidential and parliamentary regime types, especially large differences in institutional configuration of semi-presidential regimes make many authors question the analytical utility of the concept of semi-presidentialism. For the concept to have any analytical purchase as a scope condition or independent variable, recognizing and summarizing this variation is essential.

There have been a number of attempts to summarize this variation using constitutional powers of presidents as a basis for classification (Metcalf, 2000; Shugart & Carey, 1992; Frye, 1997; Beliaev, 2006). Shugart and Carey's (1992) distinction between president-parliamentary and premier-presidential systems could also be considered as one of the enduring typologies of semi-presidential regimes.

The degree of presidential control over cabinet is central in their definitions of these two systems. Under the president-parliamentary system, both president and legislature have a right to dismiss cabinet unilaterally. Under the premier-presidential system, this power belongs exclusively to the legislature. The question about where the authority over cabinet survival rests is critical for the functioning of the political system. In terms of patterns of post-communist constitution making, presidents rewarded with powers of cabinet dismissal tended to be also granted strong legislative and other non-legislative powers. While not addressing the need to have a multidimensional concept of presidential powers, Shugart and Carey's typology nevertheless provides one useful proxy for distinguishing between semi-presidential regimes with constitutionally strong and weak presidents.

The initial distribution of premier-presidential and president-parliamentary regimes in the post-communist region and subsequent changes to this distribution are presented in Table 7.1 in this chapter. This Table indicates that the premier-presidential constitutional framework was chosen more frequently than the president-parliamentary one in the course of the first two decades of transition. Another important feature of this distribution is the absence of president-parliamentary regimes in Central Europe, a region that faced most favorable conditions for democratization. This feature of distribution highlights some of endogeneity problems in studying the effects of institutional choices in post-communist transition. Discerning the effects of these choices on countries' ability to democratize has been an important focus of scholarly writing on post-communist semi-presidentialism.

Democratic performance issues in the literature on post-communist semi-presidentialism

The central finding that emerges from the literature on post-communist semi-presidentialism is the negative effects for democratic performance of choosing a semi-presidential system with a constitutionally powerful president. This finding is

far from being fully articulated and unanimously supported. It is rather a common theme that appears in various writings on the topic; a proposition that is supported by various types of evidence generated by qualitative and quantitative studies. These writings could be reviewed only briefly here, without giving justice to the variety of topics and issues discussed in this literature.

Rich and detailed accounts of the democratic performance of post-communist semi-presidential regimes are contained in a large number of country case studies collected in a series of volumes edited by Elgie and Moestrup (Elgie & Moestrup, 2008a; Elgie & Moestrup, 2006; Elgie, 1999). While these studies do not easily lend themselves to making simple and crisp generalizations – much of case-based findings about institutional effects on democratic performance are context-dependent and far from being causally straightforward – they suggest the existence of a relationship between having a regime with constitutionally strong president and country's inability to consolidate democratic gains. Thus summarizing the case study evidence from the volume devoted exclusively to the post-communist semi-presidentialism, Elgie and Moestrup talk about negative effects of political systems which are described as “highly presidentialised semi-presidentialism and the balanced presidential-prime ministerial semi-presidentialism (Elgie & Moestrup, 2008b: 257).”

These studies are much more indeterminate about the effects of regimes with constitutionally weak presidents, although the above-cited chapter posits that “the parliamentary-like form of semi-presidentialism” was associated with some positive consequences. Attempts to discern institutional effects of this type of semi-presidentialism as compared to parliamentarism also face some peculiar challenges. Some scholars consider the former type of regimes to be nothing more than parliamentary regimes with a popularly elected president. In this view, the fact of popular election, in the absence of strong constitutional prerogatives, does not make much difference in presidential behavior. Tavits (2009) assembles a large body of evidence suggesting that few differences in behavior of popularly elected and indirectly elected Central European presidents could be attributed to a mode of

election. While one can argue about whether evidence collected by the author actually matches theoretical claims made, the study highlights a particularly problematic status of this type of semi-presidentialism as an analytical category.

While not directly addressing the questions of democratic performance a number of studies point to the problems with semi-presidential regimes that can have an indirect effect on democratic performance. Roper (2002) finds that those premier-presidential regimes that are considered to be “the most presidential” have the greatest level of cabinet instability. Protsyk (2005) finds little empirical support for the claim that a premier-presidential institutional setting can have a conflict-mitigating effect during the early stages of democratic consolidation.

Besides various forms of case study research there has been a number of quantitative studies trying to discern the effects of semi-presidential constitutional choice on democratic performance. These studies also contain evidence that attribute some blame for bad democratic performance to constitutionally strong presidents. These findings are rather robust; such studies routinely introduce a number of variables to control for the effects of social, economic, and structural factors that are usually given a causal primacy in various explanatory accounts of differences in post-communist democratic performance. Relying on a large cross-region dataset, Moestrup (2007) finds that semi-presidential regimes performed worse than parliamentary regimes in the former Soviet Union where presidents tend to be constitutionally strong but not in Eastern Europe where powers of presidents are much weaker. In a study that focuses only on post-communist countries, Beliaev (2006) reports that political regimes with stronger executive powers of president exhibit worse democratic performance and are less able to consolidate as democracies. The latter study also notes the lack of attention to delineating the mechanisms through which the impact of institutional choices on democratic consolidation realizes. The rest of this chapter can be seen as an attempt to discuss systematically some of such mechanisms.

Presidential leadership and democratic consolidation: linkage mechanisms

This section's focus is on examining how the variation in concentration of constitutional powers in the hands of post-communist presidents affected the dynamics of political contestation in post-communist countries. This sort of inquiry can be facilitated by providing first a brief overview of democratic record of post-communist countries. Such an overview illustrates some of the findings reported in the previous section. It also gives the reader a feel of data and a better sense of how the values of key variables used to construct the argument are distributed.

Table 7.1 below provides one possible summary of the democratic record. The Table lists cases by constitutional regime type. It also groups them by geographic region, which could be considered as one rough proxy measure of structural variables that affect countries' ability to democratize. The Table reports Freedom House's political rights scores, which are used here as an indicator of competitiveness of political regimes. For each of the cases the Table provides an average score for the period of regime duration and also indicates the direction of change in the scores over time (by subtracting the value of a score at the start of the regime from the score for the last available year). Higher scores signal worse democratic performance.

Table 7.1 here

Two key findings that are important for our discussion of the effects of semi-presidential sub-types on democratic performance emerge from this exercise. First, premier-presidential regimes did not perform worse than pure parliamentary regimes in either of the two geographic regions where both types of regimes are mainly concentrated. In Central European cases, the summary scores for premier-parliamentary and parliamentary were nearly identical, while in the Balkan cases the group of premier-presidential regimes performed significantly better than the group of parliamentary regimes. It is also highly significant that over time each of the

regimes that belonged to one of these groups either improved their democratic record or maintained the same score as it had at the time of regime inauguration.

The second finding points to a substantially worse performance of president-parliamentary regimes in comparison to both premier-presidential and parliamentary regimes. The record of presidential regimes, which are geographically concentrated in the region of Caucasus and Central Asia, is even worse than the record of president-parliamentary regimes. Many of the presidential regimes started as fully authoritarian regimes, which explains why scores for some of them did not worsen further over time. Bad performance in the case of president-parliamentary regimes cannot be primarily attributed to the effects of geographic region. Both president-parliamentary and premier-presidential regimes can be found across three out of four geographic regions specified in Table 7.1. President-parliamentary regimes did worse than premier-presidential regimes in each of the respective regions. Moreover, the democratic performance of the majority of president-parliamentary regimes became worse over time, which, as mentioned above, is not the case for either premier-presidential or parliamentary regimes.

We now discuss how exactly president-parliamentary framework affects countries' ability to democratize, which is narrowly understood here as ability to ensure competitiveness of political process. The key argument here is that endowing presidents with strong legislative and non-legislative powers under conditions of a weak system of the checks and balances leads to the proliferation of authoritarian practices. A counterfactual, which is always implicit in this type of argument, is that having a constitutionally weak president or parliamentary-type executive would have resulted in lower levels of power concentration in the hands of the executive and over the long term would have been beneficial for strengthening democracy. Two key mechanisms of how power concentration in the hands of presidents leads to the consolidation of authoritarian practices are discussed in the following pages. The first one is the presidential (ab)use of executive decrees to monopolize political power. The second one is the president's deliberate employment of strategies directed at preventing party system development. The resulting interaction of a

constitutionally strong presidency with weak parties helped to sustain and reproduce a pattern of authoritarian rule across a large number of post-communist countries.

The thesis presented here could be seen as a revision of the classical Linz argument about the perils of presidentialism (Linz, 1994). Although accepting the general premise of the argument made by Linz's critics, who state that neither of the constitutional systems is *inherently* less conducive to democratic consolidation (Mainwaring & Shugart 1997), this section argues that a strong presidency under the specific conditions of a post-communist transition had a systematic adverse effect on efforts to establish democratic rules. Linz's argument, however, is very substantially revised here in order to make it applicable to the post-communist context, which differed from the context of democratization in other parts of the world in many important respects.

While the discussion initiated by Linz focused on the presidential role in undermining the survival of already existing democratic regimes, the post-communist transition, especially in regions outside Central Europe, was all about building democratic institutions from scratch. Presidents in the Latin American context, which is the primary empirical reference point in Linz and his critics' discussion, faced opposition political parties, institutionalized legislatures, and established judiciaries. All of these institutions contributed to the emergence of varying degrees of (albeit imperfect) checks and balances on Latin American presidents. Due to a peculiar legacy of the previous regimes, the first post-communist presidents, especially in regions outside Central Europe, faced few of these constraints in their efforts to preside over the construction of new political regimes.

Executive decree authority and usurpation of political power

Constitutions in many presidential and president-parliamentary systems grant presidents the power to issue executive decrees with the force of a law. There is a

variation in the scope and limits of these powers but usually they provide presidents with the unilateral power of lawmaking. Whether these decree powers help to resolve collective action problems within the legislature or lead to power usurpation is one of the central questions in the literature on decree authority. The most comprehensive comparative study of presidential decree powers to date, the 1998 edited volume *Executive Decree Authority* comes out strongly in favor of the first interpretation (Carey and Shugart, 1998). This benign view of the role of decree powers is, however, based primarily on a review of Latin American and US experience.

Examining the presidential usage of decree powers in the post-communist context reveals less benign purposes and consequences of the use of executive decree authority. Presidents in presidential and president-parliamentary post-communist regimes relied extensively on decree powers for a variety of purposes (Haspel, Remington, & Smith, 2006; Protsyk, 2004). Addressing policy problems, which is the focus of the 1998 volume cited above, does not exhaust the range of purposes for which decree powers were used by post-communist presidents. When the term 'policy' is understood in the narrow sense of setting up rules and regulations in various areas of societal activity, public policies were not the only focus of presidential decree making. This was especially the case during the first formative years of new political regimes.

Presidential decrees were actively used for other purposes such as delineating the jurisdiction of various government institutions and agencies; establishing lines of subordination and routes of decision making in public bureaucracies attached to various branches of government; specifying appointment procedures to a very large number of government positions. Statutory provisions dealing with appointment procedures, for example, tended to give the final say in appointment matters to the presidential office either by providing presidents with the power to appoint officials single handedly or by entitling them to confirm bureaucratic appointments in cases where the nomination powers were legally reserved for other institutional actors.

Subsequent decisions on individual appointments that required presidential intervention were formalized in the form of presidential decrees.

Presidential efforts to accumulate a high level of legal control over appointments and the manner in which these appointment powers were subsequently used are especially interesting for understanding the dynamics of power usurpation in regimes with constitutionally strong presidents. This is because appointments play a critical role in linking and reinforcing formal rules of subordination with informal norms of personal loyalty. Control of appointments and, most crucially, dismissals, contributed very substantially to presidents' ability to use the government apparatus for political purposes.

The critical importance of appointment matters for the president's efforts to consolidate political power is reflected in the high share of appointment decrees in the total presidential decree output. Following the victory in the 1994 elections, Belarus' president Lukashenko, for example, focused his efforts on staffing various public and semi-public institutions with his loyalists. Out of a total of 287 decrees issued during the first six months of his presidency, 180 decrees dealt with appointment matters. A content analysis of these decrees reveals that they were used to secure the appointment of loyalists to key positions regardless of whether the president had a formal legal right to make an appointment to a given political or civil service office. Among Lukashenko's first decrees, for example, were decrees appointing the heads of state television and main government newspapers, which were positions that were clearly outside the scope of legal presidential competencies in appointment matters at the time of his election to office (Protsyk, 2008). A high share of appointments in total decree output and similar tensions over the legal control of appointment powers in Russia and Ukraine are documented in the literature as well (Protsyk 2004).

Although not policy decisions in a direct and immediate sense, appointment decrees, as well as decrees establishing government agencies or assigning policy jurisdictions, were highly instrumental in presidential efforts to amass ever more power. This accumulation of formal and informal power allowed presidents to use

the government apparatus to restrict the competitiveness of political systems. The various ways in which authority was abused and public bureaucracies compromised is well analyzed in the literature. Practices that social scientists believe are sanctioned by the presidential office include selective law enforcement, arbitrary application of administrative norms and regulations, use of state ownership as a means of exerting political influence, and the overall politicization of public bureaucracies and management of state-run enterprises (McFaul et al 2004).

The much less benign view of the effects of executive decree authority presented here rests on the realization of the ineffectiveness of systems of checks and balances developed in much of the post-communist region. Even when the institutional and political environment in which post-communist presidents found themselves is compared with what is generally considered as weak checks and balances systems in Latin America, the performance of the post-communist institutions tended to provide inferior checks on the executive. One telling illustration of this situation is the post-1993 practice of the Russian Constitutional Court to refuse considering cases where the constitutionality of presidential decrees is challenged (Protsyk 2008).

In all areas of decision-making by decree presidents generally faced little opposition from the legislature, courts, or media. The subservient position of public institutions was partly a product of the president's ability to shape the design of these institutions and their rules of operation. The very framework of the president-parliamentary constitutional design, which often provides president with powers to dissolve the legislature, undermined the ability of legislative bodies to provide effective checks on presidential behavior.

The overall weakness of checks and balances is also a product of the weakness of societal actors, first of all, political parties. Institutions designed to be part of the checks and balances system cannot perform their functions if operation of these institutions is not backed by the existence and support of organized political actors. Understanding the relationship between the president-parliamentary constitutional design and party system development is briefly addressed below.

Constitutionally strong presidents and party system underdevelopment

At the time of the initial choice of post-communist institutions, preferences for a strong presidency were combined with preferences for candidate- rather than party-oriented electoral systems. Single-member district (SMD) systems or mixed systems with a strong SMD component were a favourite choice of politicians designing electoral systems in president-parliamentary regimes. The existence of clientelistic networks inherited from the past provided the majority of incumbent politicians with the necessary resources to be successful in the SMD competition. Fully proportional electoral design proposals, which threatened to undermine these networks and deprive local powerbrokers of their key advantage, were discarded by the incumbent majorities across president-parliamentary regimes. Table 7.2 below, which lists details about the sequence of electoral systems adopted by post-communist countries, reflects this prevailing set of preferences among politicians in president-parliamentary regimes.

Table 7.2 here

As the Table shows, none of the president-parliamentary regimes started the transition under PR electoral rules for legislative elections. The same was true in the case of presidential regimes. SMD or mixed systems (with no more than 50% of PR seats) were the only types of electoral rules adopted by president-parliamentary and presidential regimes at the start of the transition. A PR electoral system, which provides a much stronger impetus for party development, was, on the other hand, a frequent choice among parliamentary and premier-presidential regimes from the very beginning of the post-communist period.

Presidents in president-parliamentary and presidential regimes found that these initial decisions to adopt SMD or mixed systems were well suited to their goals of power accumulation. Regardless of whether they participated or not in decisions about the choice of initial electoral rules, presidents opposed proposals for changing these rules. Weak party systems posed little threat to presidential dominance, which

explains presidents' preference for keeping these electoral systems in place. Although presidents tried to build their own party machines from the beginning of the 1990s, they consistently used veto threats and the legislative majorities they controlled to prevent the switch to PR systems.

The temporal dimension is important in the discussion of the evolution of presidential preferences with regards to electoral systems. As the Table indicates, PR systems or mixed systems with a high share of PR seats were introduced in the late 2000s by president-parliamentary regimes that were in place in Russia and Kazakhstan. These changes were endorsed by presidents for a number of reasons. One critical factor was that the gradual strengthening of authoritarian practices reduced over time the regime opposition's ability to compete in the political arena. By the late 2000s the Russian and Kazakh opposition was weakened to a point that it was not able to take advantage of the introduction of a PR system. Presidents' support for PR was thus a result of presidents' confidence in the ability of pro-regime political parties to fully dominate the electoral field. Under the conditions of such domination, a PR system was seen by the presidents and elites loyal to them as a way of reducing the transaction costs of doing politics.

Throughout most of the post-communist transition, however, presidents relied on SMD and mixed systems to produce weak parties, large numbers of independent MPs, and undisciplined legislatures. Presidents used selective incentives or sanctions to ensure the compliance of the majority of independents with presidents and pro-presidential parties' legislative agendas. Legislative majorities constructed in such a way provided an endorsement for presidential choices of cabinet appointments and legislative policies. Precisely because these majorities were the endorsers rather than the authors of appointment and policy decisions, legislative activity under president-parliamentarism tended to contribute little to the emancipation of political parties.

Finally, presidential efforts to undermine opposition with all available means (including political repression and violence) hurt the ability of a majority of political parties to raise money and recruit cadres for political activity. The deliberate use of

state administrative and law enforcement apparatus against the opposition sent the public a message that non-sanctioned political activities were associated with high personal risks. As a number of recent studies indicate, fears of state retribution deter political participation and, consequently, undermine parties' ability to self-organize (McMann, 2006; Schedler, 2006).

Constitutional stability under semi-presidentialism

While the level of democracy is a critically important outcome, it is not the only criterion that can be employed to judge the performance of different constitutional systems. Constitutional instability is another outcome that is of great interest to social scientists. Constitutional reforms are highly important events in themselves because they provide valuable information about the ability of different constitutional frameworks to manage political conflicts and cope with various challenges that political systems face.

This section compares the stability of semi-presidential and other types of regimes found in the post-communist region. The question is whether a semi-presidential constitutional framework proved to be as stable as other types of constitutional systems. After exploring the stability record of semi-presidential regimes, it turns to discussing some of the causes of instability, as well as some of the effects that constitutional change in semi-presidential systems had on the functioning of political systems.

Table 7.3 below lists all political regimes that were established by the adoption of the first post-communist constitution in each of the countries in the region. Unlike previous Tables, this Table does not list regimes that were subsequently formed in some of the countries. This is intended to provide a clear comparison of how the initial political regimes fared in terms of constitutional stability. The Table splits these regimes into two categories. The upper row of the Table includes those regimes that were stable, which means they did not experience constitutional modifications altering constitutional system type. The bottom row lists

“failed” regimes, which are those regimes that went through a change of constitutional system type. The Table also provides information on the democratic status of each of the cases by using different fonts for names of democratic, partially democratic, and authoritarian regimes.

Table 7.3 here

The Table reveals significant cross-regional variation in the rate of constitutional regime failures. Higher shares of political regimes were stable in Central Europe and the Caucasus/Central Asia regions than in the Balkan and Western Commonwealth of Independent States (CIS) regions. The group of Central European countries performed best in terms of constitutional stability. Only one country out of nine in this group changed its constitutional system type. The Western CIS region has the worst performance record in this respect. Three out of four countries changed their initial choice of constitutional system type.

A pattern of cross-regional variation identified in the table provides some grounds for linking constitutional stability with levels of democracy. Two geographical regions with a better record of constitutional stability - Central Europe and Caucasus/Central Asia - occupy opposite ends on the democracy continuum. In other words, the most democratic and least democratic regimes in the post-communist world experienced the smallest number of constitutional system changes. Regimes with intermediate levels of democracy, which are over-represented in two other geographic regions (Balkans and Western CIS), were found to have a higher level of constitutional instability.

Partial democracies are most likely to experience constitutional change and this finding seems to hold across different regions and constitutional system types. Among partial democracies that underwent a constitutional system change are presidential, president-parliamentary, and premier-presidential regimes. Only a group of partial democracies with a parliamentary form of government, which includes Albania and the highly idiosyncratic case of Bosnia-Herzegovina, avoided changes to the type of constitutional system.

The roots of constitutional instability of regimes with intermediate levels of democracy can be traced to a number of factors. One underlying cause appears to be linked to intra-elite bargaining that followed brief periods of high political mobilization. This mobilization was based on popular demands for further democratization and its most immediate trigger was electoral falsification. So-called “colour” democratic revolutions led to constitutional regime changes in Georgia and Ukraine. Similar events led to constitutional revisions in the case of Kyrgyzstan. These revisions, however, were inside the boundaries of what is here considered to constitute a case of president-parliamentary regime. Thus Kyrgyzstan appears in the upper rather than the bottom part of Table 7.3.

In the absence of such mobilizational events as “colour” revolutions, a slow process of democratization had a similar destabilizing effect on the set-up of a constitutional system. A combination of domestic and international pressures for further democratization could be seen as a major cause of constitutional reforms in Armenia and Croatia. In both countries, presidential dominance in the political process, which was made possible by a president-parliamentary constitutional design, was perceived as the main obstacle to achieving progress in democratic reforms. The impact that external pressures and diffusion of norms can have on countries’ choices of domestic institutions is well illustrated by these particular cases. Most accounts of the 2005 constitutional reform in Armenia, for example, agree on the critical role that pressure from the Council of Europe played in forcing the incumbent elites to undertake such a reform. In the case of Croatia, the impact of European institutions was even more comprehensive.

Another factor that explains constitutional change in partially democratic regimes is the failure of the semi-presidential framework to reconcile presidential and legislative claims of control over the executive. This was the case in Moldova, where legislators chose to abolish the institution of a popularly elected presidency following a series of clashes over distribution of power, policy, and appointment matters with the incumbent president (Roper, 2002). At the time of writing, a similar scenario may occur in Ukraine, where the recently established premier-presidential

regime is in crisis. President Yushchenko's determination to have a major say in executive matters faces increasingly radical opposition from a number of parties that control a constitutional majority of seats in the national parliament. Moldova at the time of the 2000 constitutional reform and current day Ukraine are both cases of premier-presidential regimes which grant the president only limited constitutional powers. In the absence of strong partisan support in the legislature, presidents in such types of constitutional regimes are likely to face a losing battle if they decide to challenge the legislative control of the executive. As the Moldovan case demonstrates, a change of constitutional system type might be an outcome of conflict generated by such a challenge.

Table 7.3 somewhat overestimates the degree of constitutional stability in the post-communist world. Many regimes in the Table's upper row, which lists constitutionally stable regimes, also went through waves of constitutional revisions. Although the revisions did not amount to a constitutional system change, some of them significantly modified the presidential or legislature's powers. The number in parenthesis next to each regime case is an attempt to capture a number of such revisions.

In cases when legal transformations altering a constitutional system type did take place, what were the new constitutional systems put in place to replace the old ones? Table 7.4 below provides details on these transformations. It lists all the cases reported in the bottom row of Table 7.3 and indicates how they evolved constitutionally.

Table 7.4 here

Several patterns can be discerned from the data presented in the Table. The Table highlights the already mentioned finding that partial democracies were most likely to experience a constitutional system change. There were also one case of an authoritarian regime (Yugoslavia 1992-2000) and one case of a fully democratic regime (Slovakia 1992-1999) that went through institutional transformations that constitute, by this paper's criteria, a change of constitutional system. In the case of

one of the countries, Yugoslavia, there were two changes of constitutional system type recorded.

Both presidential and semi-presidential types of partial democracies went through constitutional changes. The number of constitutional changes was higher in the case of semi-presidential regimes but this is due to the fact that a semi-presidential constitutional framework (either in president-parliamentary or premier-presidential type) was the most frequent choice of the initial constitutional framework in the group of partial democracies.

Trajectories of constitutional changes in partially democratic regimes differed across initial types of constitutional system. All three president-parliamentary systems listed in Table 7.4 went on to become premier-presidential. As discussed earlier, these are the cases where democratization pressures led to constitutional changes weakening formal presidential powers. Comparing the Freedom House scores for each of the regimes indicate that democratic performance in each of the three countries has so far been better under the new constitutional system. In the cases of Armenia and Ukraine the improvements are minimal but this is partly due to the short time period the new regimes have been in place. Modest democratic gains accumulated so far might indicate the beginning of a trend of consistently better democratic performance under the new institutional framework.

Two regimes that started as presidential were transformed into president-parliamentary regimes. The impetus for these transformations was very different in each of the countries. The increasingly undemocratic regime of president Lukashenko in Belarus pushed for constitutional changes in order to consolidate presidential dominance by increasing the president's formal powers, which were rather limited under the initial presidential constitutional framework adopted in 1994. A constitutional system change in Georgia, on the other hand, was a product of a so-called "colour" democratic revolution. The presidential powers as a result of this change were also strengthened.

Despite the different nature of events that led to the adoption of a president-parliamentary framework in Belarus and Georgia, the underlying logic of

constitutional changes was similar in both cases. Constitutional transformations reflected the preferences of politicians interested in strengthening the formal powers of the presidential office. The fact that power-seeking politicians in both cases considered president-parliamentary systems to be more appealing than the classical presidential system highlights the need to rethink our understanding of a status of presidential office in presidential and president-parliamentary systems.

Table 7.4 also reports two cases of transformation of parliamentary systems into premier-presidential systems. Both the sequence of events and motivation of political actors were different in these two cases. In the Slovakian case, a key decision to introduce popular election of the president was a product of parliamentary parties' inability to agree on an acceptable candidate. The legislature then decided to amend the constitution to transfer decision-making power on this issue back to the electorate. A similar constitutional change in Yugoslavia reflected very different political circumstances and calculations. At the time when constitutional changes were introduced, Yugoslavia was on the opposite end of the continuum of democratic performance from Slovakia. Introduction of a popularly elected presidency was a strategic move on the part of an authoritarian incumbent president to extend his term in office. A second change of the Yugoslav constitutional system, which followed fewer than three years later, took place in an already partially democratic environment and reflected party actors' preferences for having a pure parliamentary system at the federal level of a re-organized union of Serbia and Montenegro (Todosijevic, 2004).

The brief review of the dynamics of constitutional changes that was undertaken in this section of the paper indicates the heterogeneity of causes and the variety of political circumstances in which constitutional transformations took place. One important conclusion from this review is that partially democratic regimes are especially susceptible to the revision of constitutional norms. Changing the constitutional rules of the game appears to be partial democracies' frequent response to political imperatives generated by the movement to or from genuine democracy.

Another conclusion is that the deepening of the process of democratization seems to be hardly compatible with the president-parliamentary constitutional choice. The distribution of formal constitutional powers under this constitutional system type strongly favours the president and generates a great deal of discontent among other institutional actors such as legislatures and parties. This discontent is more or less successfully managed by the presidents when they face organizationally weak political parties. A process of gradual strengthening of political parties increases a potential for conflict in these regimes.

Conclusion

This chapter has given an overview of the evolution and performance of semi-presidential regimes in the post-communist world. Post-communist constitutional design experiments generated a rich and diverse experience of institutional interactions in a large number of transitional polities. This experience provides grounds for assessing how institutional frameworks affect polities' ability to democratize, to resolve political conflicts, and to maintain regime stability.

The chapter stressed the importance of conceptual differentiation among subtypes of semi-presidentialism. It argued that institutional variation leads to remarkable differences in the performance of semi-presidential regimes. Presidents' ability to restrict the competitiveness of the political regimes over which they presided proved to be highly correlated with the strength of formal legislative and non-legislative powers of presidents. A president-parliamentary constitutional design was found to be highly detrimental for the prospects of democratic consolidation and conflict resolution. Legal empowerment of presidents under this type of constitutional framework generated patterns of power relations that could hardly be compatible with a genuine democratic process. President-parliamentary regimes were found to be able to deepen democracy only by means of a transition to a premier-presidential constitutional framework.

Both president-parliamentary and premier-presidential regimes in the post-communist world face a similar core difficulty that many democratizing presidential regimes in other parts of the globe face. This difficulty is the challenge of reconciling the presidency with multipartism. The growing maturity of post-communist multi-party systems challenges popularly elected presidents in both types of semi-presidential regimes. While premier-presidential regimes have proved to be able to endure and to maintain their institutional distinctiveness in the face of such a challenge, the constitutional framework of president-parliamentary regimes does not constitute an equilibrium institutional solution for democratizing multi-party polities.

Table 7.1 Regime Type and Freedom House PR Scores by Geographic Region

Central Europe	<i>Balkans</i>	<i>Western CIS</i>	<i>Caucasus & Central Asia</i>
<u>President-Parliamentary</u>	<u>President-Parliamentary</u>	<u>President-Parliamentary</u>	<u>President-Parliamentary</u>
-	Croatia 1990-2000 ↑ 3.89	Belarus 1996-2008 ↑ 6.36	Armenia 1995-2005 ↓ 4.75
<u>Premier-Presidential</u>	<u>Premier-Presidential</u>	Russia 1993-2008 ↑ 4.57	Georgia 2004-2008 • 3.25
Bulgaria 1991-2008 ↓ 1.56	Croatia 2000-2008 • 2.00	Ukraine 1996-2004 ↑ 3.57	Kazakhstan 1993-2008 • 6.00
Lithuania 1992-2008 • 1.07	Macedonia 1991-2008 • 3.38	4.83	Kyrgyzstan 1993-2008 ↑ 5.07
Poland 1992-2008 ↓ 1.13	Serbia 2007-2008 • 3.00		4.77
Romania 1991-2008 ↓ 2.56	Yugoslavia 2000-2003 • 3.00	<u>Premier-Presidential</u>	<u>Premier-Presidential</u>
Slovakia 1999-2008 • 1.00	Slovenia 1990-2008 ↓ 1.12	Moldova 1994-2000 ↓ 2.80	Armenia 2005-2008 • 4.67
1.59	2.50	Ukraine 2004-2008 • 3.00	Mongolia 1992-2008 ↓ 2.07
<u>Presidential</u>	<u>Presidential</u>	2.90	3.37
-	-	<u>Presidential</u>	<u>Presidential</u>
<u>Parliamentarian</u>	<u>Parliamentarian</u>	Belarus 1994-1996 ↑ 5.00	Azerbaijan 1995-2008 • 6.00
Latvia 1991-2008 • 1.59	Albania 1998-2008 ↓ 3.22	<u>Parliamentarian</u>	Georgia 1995-2004 • 3.63
Slovakia 1992-1999 ↓ 2.17	Bosnia-Herzegovina 1995-2008 ↓ 4.42	Moldova 2000-2008 ↑ 2.86	Uzbekistan 1992-2008 • 7.00
Hungary 1990-2008 ↓ 1.12	Montenegro 2007-2008 • 3.00		Turkmenistan 1992-2008 • 7.00
Czech Republic 1992-2008 • 1.00	Yugoslavia 1992-2000 ↓ 5.86		Tajikistan 1994-2008 ↓ 6.15
Estonia 1992-2008 ↓ 1.33	Serbia-Montenegro 2003-2007 • 3.00		5.91
1.55	3.84		<u>Parliamentarian</u>
			-

<p>Legend: The arrows indicate whether or not the PR rating increased or decreased during the period, with a decrease being “more free” and vice versa. FH scores reported in the table are averages of annual ratings for the entire length of regime. To get a ‘pure’ FH score for a given regime, the dates used are one year into the regime and one year before it ended to avoid overlaps with other regime types. The • indicates no change. If a regime lasted less than 3 years, all scores (not just one year into it and before) were used.</p> <p>Note: Regimes with PR Scores of 1-2.5 are considered Free. 2.5-5.5 - Partially Free . 5.5-7 - Not Free .</p> <p>FH scores only used until 2007, 2008 figures not yet released</p> <p>Source: www.freedomhouse.org</p>			

Table 7.2 Regime Type and Electoral Systems

<u>Central Europe</u>	<p><u>Premier-Presidential</u> Bulgaria 1991-2008 Lithuania 1992-2008 Poland 1992-2008 <i>Romania 1991-2008</i> Slovakia 1999-2008</p> <p><u>Parliamentarian</u> Latvia 1991-2008 Slovakia 1992-1999 Hungary 1990-2008 Czech Republic 1992-2008 Estonia 1992-2008</p>	<p>(1990) Mixed x 1 round • (1994) PR x 4 rounds (1992) Mixed (50%) x 4 rounds (1991) PR x 6 rounds (1990) PR x 5 rounds (2002) PR x 2 rounds</p> <p>(1993) PR x 5 Rounds (1990) PR x 4 rounds (1990) Mixed (54%) x 5 rounds (1990) PR x 6 Rounds (1992) PR x 5 Rounds</p>
<u>Balkans</u>	<p><u>President-Parliamentary</u> Croatia 1990-2000</p> <p><u>Premier-Presidential</u> Croatia 2000-2008 <i>Macedonia 1991-2008</i> <i>Serbia 2007-2008</i> <i>Yugoslavia 2000-2003</i> Slovenia 1990-2008</p> <p><u>Parliamentarian</u> <i>Albania 1998-2008</i> <i>Bosnia-Herzegovina 1995-2008</i> <i>Montenegro 2007-2008</i> Yugoslavia 1992-2000 <i>Serbia-Montenegro 2003-2007</i></p>	<p>(1992) Mixed (43%) x 1 round • (1995) Mixed (63%) x 1 round</p> <p>(2000) PR x 3 Rounds (1990) SMD x 2 rounds • (1998) Mixed (29%) x 1 round • (2002) PR x 3 rounds (2007) PR x 1 round (2000) PR x 1 round (1990) PR x 5 rounds</p> <p>(1991) SMD x 1 • (1996) Mixed (29%) x • (1997) Mixed (26%) x 1 • (2001) Mixed (29%) x 2 (1996) PR x 4 rounds (2006) PR x 1 round (1992) PR x 2 rounds - No elections took place, Federal Parliament selected from republican parliaments.</p>

<u>Western CIS</u>	<u>President-Parliamentary</u> Belarus 1996-2008 <i>Russia 1993-2008</i> <i>Ukraine 1996-2004</i> <u>Premier-Presidential</u> <i>Moldova 1994-2000</i> <i>Ukraine 2004-2008</i> <u>Presidential</u> Belarus 1994-1996 <u>Parliamentarian</u> <i>Moldova 2000-2008</i>	(2000) SMD x 3 Rounds (1993) Mixed (50%) x 4 rounds • (2007) PR x 1 round (1994) SMD x 1 round • (1998) Mixed (50%) x 2 rounds (1994) PR x 2 rounds (2006) PR x 2 rounds (1995) SMD x 1 Round (2001) PR x 2 rounds
<u>Caucasus & Central Asia</u>	<u>President-Parliamentary</u> <i>Armenia 1995-2005</i> <i>Georgia 2004-2008</i> Kazakhstan 1993-2008 <i>Kyrgyzstan 1993-2008</i> <u>Premier-Presidential</u> <i>Armenia 2005-2008</i> <i>Mongolia 1992-2008</i> <u>Presidential</u> Azerbaijan 1995-2008 <i>Georgia 1995-2004</i> Uzbekistan 1992-2008 Turkmenistan 1992-2008 Tajikistan 1994-2008	(1995) Mixed (21%) x 1 round • (1999) Mixed (43%) x 1 round (2004) Mixed (64%) x 1 round • (2008) Mixed (50%) x 1 round (1994) Mixed (13%) x 4 rounds • (2007) Mixed (90%) (1995) SMD x 3 rounds • (2007) PR x 1 round (2003) Mixed (57%) x 1 round • (2007) Mixed (69%) x 1 round (1992) SMD x 4 rounds • (2008) SMD *Note: 2008 Electoral Code is ambiguous (1995) Mixed (20%) x 2 rounds • (2004) SMD x 1 round (1992) Mixed (64%) x 4 rounds (1995) SMD x 3 rounds (1994) SMD x 4 rounds (1995) SMD x 2 rounds • (2005) Mixed (35%)
Sources: http://www.electionguide.org/ ; Sarah Birch. "Electoral Systems and Political Transformation in Post-Communist Europe," Palgrave MacMillan 2003;		

Table 7.3 Constitutional Regime Change (Original Post-Communist Regimes Only)

	Central Europe	<i>Balkans</i>	<i>Western CIS</i>	<i>Caucasus & Central Asia</i>
Stable Regimes	<u>Premier-Presidential</u>	<u>Premier-Presidential</u>	<u>President-Parliamentary</u>	<u>President-Parliamentary</u>
	Bulgaria 1991-2008 (0)	<i>Macedonia 1991-2008 (0)</i>	<i>Russia 1993-2008 (0)</i>	Kazakhstan 1993-2008 (2)
	Lithuania 1992-2008 (0)	Slovenia 1990-2008 (0)		<i>Kyrgyzstan 1993-2008 (4)</i>
	Poland 1992-2008 (1)			
	<i>Romania 1991-2008 (1)</i>			
		<u>Parliamentarian</u>		<u>Premier-Presidential</u>
	<u>Parliamentarian</u>	<i>Albania 1998-2008 (0)</i>		Mongolia 1992-2008 (1)
	Latvia 1991-2008 (0)	<i>Bosnia-Herzegovina 1995-2008 (0)</i>		
	Hungary 1990-2008 (0)			<u>Presidential</u>
	Czech Republic 1992-2008 (1)			Azerbaijan 1995-2008 (0)
Estonia 1992-2008 (0)			Uzbekistan 1992-2008 (2)	
			Turkmenistan 1992-2008 (2)	
			Tajikistan 1994-2008 (2)	

Unstable Regimes	<u>Parliamentarian</u> Slovakia 1992-1999 (0)	<u>President-Parliamentary</u> <i>Croatia 1990-2000 (0)</i> <u>Parliamentarian</u> Yugoslavia 1992-2000 (0)	<u>President-Parliamentary</u> <i>Ukraine 1996-2004 (0)</i> <u>Premier-Presidential</u> <i>Moldova 1994-2000 (0)</i> <u>Presidential</u> <i>Belarus 1994-1996 (0)</i>	<u>President-Parliamentary</u> <i>Armenia 1995-2005(0)</i> <u>Presidential</u> <i>Georgia 1995-2004 (0)</i>
<p>Legend: Free is in plain text, based on Freedomhouse.org scores of 1-2.5 /// <i>Partially Free</i> is in italics, based on FH PR score of 2.5-5.5 /// Not Free is in bold text, based on PR 5.5-7</p> <p>(x) - Where X is the number of constitutional changes that have some effect on presidential powers (but do not lead to a change of constitutional system type).</p>				

Table 7.4 Countries with Unstable Constitutional Regimes

<u>Presidential</u>	
Georgia	<i>Presidential</i> (1995-2004) <u>3.63</u> → <i>President-Parliamentary</i> (2004-2008) <u>3.25</u>
Belarus	<i>Presidential</i> (1994-1996) <u>5.00</u> → President-Parliamentary (1996-2008) <u>6.36</u>
<u>President-Parliamentary</u>	
Armenia	<i>President-Parliamentary</i> (1995-2005) <u>4.75</u> → <i>Premier-Presidential</i> (2005-2008) <u>4.67</u>
Croatia	<i>President-Parliamentary</i> (1990-2000) <u>3.89</u> → <i>Premier-Presidential</i> (2000-2008) <u>2.00</u>
Ukraine	<i>President-Parliamentary</i> (1996-2004) <u>3.57</u> → <i>Premier-Presidential</i> (2004-2008) <u>3.00</u>
<u>Premier-Presidential</u>	
Moldova	<i>Premier-Presidential</i> (1994-2000) <u>2.80</u> → <i>Parliamentary</i> (2000-2008) <u>2.86</u>
<u>Parliamentary</u>	
Slovakia	<i>Parliamentary</i> (1992-1999) <u>2.17</u> → <i>Premier-Presidential</i> (1999-2008) <u>1.00</u>
Yugoslavia*	Parliamentary (1992-2000) <u>5.86</u> → <i>Premier-Presidential</i> (2000-2003) <u>3.00</u> → <i>Parliamentary</i> (2003-2007) <u>3.00</u>

Legend: Regimes in plain text are “free”, regimes in Italics “partially free”, and regimes in bold “not free” .

Calculations based Freedomhouse.org PR scores. Using www.freedomhouse.org scores, countries with PR scores of 1-2.5 are considered free; 2.5-5.5 are partially free; 5.5-7 are considered not free. *FH scores only used until 2007, 2008 figures not yet released*

***Note:** *Yugoslavia was called Union of Serbia and Montenegro after 2003*

Due to space limitations the annex with the list of constitutional revisions is not included here but it is available upon request from the author

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