

Dmitry Medvedev's Party Reform

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Abstract

The reform of Russia's political party system is the only protest demand that the Russian authorities have granted. But, while the opportunity to form new political parties is a real accomplishment in the battle for Russian democracy, the authorities designed the new law to strengthen their own hand in the political field.

Only Party Reform Survives

Then-President Dmitry Medvedev proposed several political reforms in his annual presidential address to the Federal Assembly delivered on December 22, 2011. In addition to reinstating direct governors' elections and reforming the electoral system, Medvedev proposed to ease significantly the conditions for registering parties and regulating their participation in elections. It is a widely held view that the entire package of reforms was the authorities' response to the demands of the protest movement that greatly expanded following the publication of the December 4 State Duma election results. In fact, the first demonstration, which took place on Bolotnaya Square on December 10, 2011, called for the registration of opposition parties. Now, it is clear that this demand was the only one that the authorities carried out in a relatively complete form. This article will evaluate the motivations for the reform and its likely consequences.

The Russian authorities deny any connection between the political reforms and the demands of the protest movement. While contradicting the facts, this assertion is characteristic for Vladimir Putin, who seeks to show that he never makes a decision under pressure from other political actors, and especially the opposition. Several of Medvedev's proposals underwent significant modification in the course of becoming legislation: the proposal about reforming the electoral system was changed to the point where it became meaningless, while the law on the governors' elections was adopted in a completely emasculated form.

But these problems did not affect the party reform. The key passage of this reform—reducing the demand for the number of members from 50,000 to 500 in order for a party to register—became part of the new law “On political parties.” Also adopted was Medvedev's idea that registered parties could participate in elections without collecting signatures. During the course of the Duma debate, members of the existing parliamentary parties, including the pro-Kremlin United Russia and the three opposition parties, advocated raising the minimum number of members required for registration. However, the Kremlin held firm and pushed through the reform in its initial form. This consistency demonstrates that the authorities had a serious interest in making sure that the reform was adopted in the way that they had proposed it.

A History of Russian Parties

In order to evaluate the Kremlin's motivations, it is necessary to examine the history of post-Soviet Russian party building. In the 1990s, all public organizations whose charters expressed a desire to participate in the elections had the right to do so. Although there were some attempts to limit the number of parties, they did not meet with success. The country's electoral arena was overloaded with numerous political vehicles, designed to service the ambitions of one or another politician, but with no hope of survival. Although there were many reasons for the extreme fragmentation and instability of the Russian party system, conventional wisdom held that one of these reasons was the ease of setting up a party. Therefore, it was not surprising that all parties represented in the Duma supported the adoption of the 2001 law “On political parties,” and many analysts approved it.

The 2001 law defined a legal concept that declared the political party to be an organizational type that was different from all other forms of non-commercial associations. The law required 10,000 members for a party to register and stipulated that there had to be regional organizations of a legally-defined size in at least half of the Russian regions. Additionally, the law included a detailed description of the registration procedure for political parties and included several requirements for their organizational structure and program positions (including forbidding the creation of parties on the basis of ethnic, class, professional, and religious bases as well as parties that could be considered “extremist.”)

More than 40 parties were created in accordance with this law. Even then some parties were refused registration, but in general the application of the law did not limit party registration. The situation changed radically in 2005, when a new version of the law was adopted. According to the new requirements, parties had to have a minimum of 50,000 members. Even the previous barrier of 10,000 members would have been impossibly high for the majority of parties if the registering bodies had monitored party membership. However, until 2005, such monitoring did not take place. The adoption of the new law was accompanied by a cardinal change in implementation practice: by the end of 2006 the registering body had to carry out a thorough check of party

membership in accordance with the provisions of the law. As a result, the number of parties began to shrink rapidly. By January 2006, it fell to 35; after the completion of the audit, it fell by an additional 50 percent. And by 2009, there were only seven parties. Among the remaining parties was a new entrant “Right Cause,” though it was created on the base of three parties that had existed earlier. During that period, practice showed that creating a new party in Russia was impossible.

The 2007–2011 Party System

The linchpin of the party system in Russia from 2007 to 2011 was the “party of power” United Russia, which served as an electoral and legislative instrument for the executive branch. Typically, this party won 55–65 percent of the vote in elections and took 65–75 percent of the seats in regional legislative elections. The remaining seats were divided among the opposition parties—the Communist Party of the Russian Federation (KPRF), the Liberal-Democratic Party of Russia (LDPR), and Just Russia. The remaining three parties—Yabloko, Patriots of Russia, and Right Cause—participated in the elections episodically and generally did not win any seats. The main reason for the weakness of the opposition parties was that their electoral bases were extremely narrow and they were not able to appeal to a wider electorate.

The archaic Communist rhetoric of the KPRF and the eccentric personal style of LDPR leader Vladimir Zhirinovskiy were sufficient to mobilize the electoral bases of these parties, but did not attract a majority of the voters. Additionally, the actual opposition character of both of these parties was doubtful and such concerns about political independence cast a particular shadow over Just Russia, whose leader Sergei Mironov remained loyal to Putin. The institutional framework in which the opposition parties existed undermined their ability to conduct effective electoral campaigns. In conditions in which each of these parties could be removed from participating in the elections, and simply disbanded, their leaders had to behave with extreme caution. Such considerations made the opposition electoral campaigns timid, lacking in content, and deprived of any links to the voters’ real interests.

Decline of the Old System

The first signs that this party system had stopped fulfilling its purposes began to appear in the regional elections of spring 2010. United Russia’s vote share gradually began to fall, though it rarely dropped below 50 percent. In general, the authorities ignored these alarm bells. The only attempt to react took place in summer 2011 when billionaire Mikhail Prokhorov received permission to head the Right Cause party. The Kremlin incumbents assumed that under Prokhorov’s leadership this party would attract

support from well-off urban residents who were alienated from United Russia’s official ideology without creating a serious threat to the electoral chances of the party of power. However, when Prokhorov demonstrated some independence in choosing the names on his party list, the authorities removed him from the party leadership.

As a result, the 2011 campaign proceeded similarly to the regional campaigns: there was no debate between the parties that could interest the critically-minded voter and a surfeit of positive information about the activities of United Russia and its leaders, intended not so much to win voter support for United Russia, but to convince the voters of the inevitability of its victory. Apparently, the authorities assumed that many voters who were inclined to support the opposition would simply stay home and others, convinced that they had no alternative, would vote for United Russia. However, events turned out differently.

United Russia’s relatively poor showing in the 2011 Duma elections was in part the consequence of Alexei Navalny’s Internet activities: first popularizing the slogan “United Russia is the party of swindlers and thieves,” and then calling on voters to support any party but United Russia. This appeal traveled far beyond the Internet and heavily influenced the behavior of voters. As a result, United Russia won 49.5 percent of the official vote count. Moreover, the numerous falsifications in the elections stimulated the beginning of a massive protest movement, which caused some confusion among the authorities.

Ultimately the main lesson they drew was that they could no longer count on United Russia to win a simple majority of the votes. Even falsifications could not achieve this outcome and, in any case, such abuses aroused considerable anger among some parts of the citizenry. However, they also concluded that it was possible to maintain a majority in Russia’s federal and regional legislatures, including the Duma, by changing the electoral rules, and particularly the electoral system.

Securing Victory in the Future

One possible solution to the problem was replacing the pure party list elections by restoring the mixed electoral system that had existed in Russia until 2007. Already in 2010–2011, United Russia had managed to maintain a majority in the legislatures of several regions with the support of legislators elected in single-mandate districts. However, such a move, which Medvedev had discussed even before the December elections, threatened to undermine the party discipline of the United Russia faction in the parliament. Indeed, legislators elected from single-member districts—even if they had been nominated by United Russia—won their own electoral base upon their election and therefore earned some degree of autonomy from the party, which could serve as a basis for indepen-

dent behavior in the legislature. Thus, even though it might maintain a legislative majority with the restoration of a mixed system, United Russia would no longer serve as a reliable legislative support for the executive branch.

Medvedev's address to the Federal Assembly also proposed the adoption of Augusto Pinochet's Chilean "binomial model" in which the two top finishers in each of the two-member districts are elected to the parliament if the first-runner's share of the vote is less than two times larger than the second-runner's. If the margin of the top-runner's victory is greater than this, he takes both seats. According to my count, a Russian version of the binomial system would have allowed United Russia to maintain a significant majority in the Duma even with limited voter support. However, the distribution of seats would differ so greatly from the vote spread that it would create political tensions in and of itself. Therefore, in the bill on electoral reform, which has already been approved in its first reading in the Duma, the previous electoral system remains in place—fully proportional with closed party lists in one national district and a 5 percent threshold for entry into the Duma. Despite the promised reforms, the authorities could only make small cosmetic changes in the system, such as proposing to lower the threshold for entering the Duma from 7 to 5 percent.

Of course, the electoral system can still be changed in the course of further amendments to the bill and no one can block additional changes closer to the next Duma elections, which are scheduled for 2016. However, this institutional choice is important for understanding the logic of the authorities in conducting the party reform. Under such a system, United Russia could receive a simple majority of seats with the support of a relative majority of the voters (say 35%) if other parties that cross the threshold receive even fewer votes, say 34%, and the remaining votes are "wasted" on parties that received less than 5%. Understandably, there should be many such votes (31% in the present example) and that means that there should be a significant number of weak parties in the electoral arena. It therefore does not make sense to block their creation.

The new system does not require the authorities to register genuine opposition organizations headed by popular leaders. Even though it reduced the minimum membership requirement to 500, the law "On political parties" in its new form preserved numerous opportunities for removing parties that present a potential threat to the incumbent authorities. Formally, these tools are of a technical character. The registering body can find that the founding congress of the party took place in violation of the legally-defined procedures, that the regional branches do not exist in the proper form, or that the program or

charter documents do not meet the law's requirements. And since Russian legal practice has demonstrated that it is possible to find such violations with any party, it is easy to see that the new law opens opportunities to register mainly the parties that the authorities want to register.

In the 1990s and in the beginning of the past decade, registering parties was one of the quickest growing branches of the Russian political consulting business. A significant number of the parties registered were so-called "spoilers," that is parties that participated in the elections not to win, but to take a small share of votes from other parties. Now this industry is reviving. As of May 18, 2012, Russians had created 167 organizational committees for various parties. The best evidence that many of these parties are being created on a commercial basis is the fact that eight of them are headed by the same shadowy individual, Oleg Balakirev.

It is clear, however, that not all of the new parties are spoilers. The registration of the Republican Party of Russia, led by Vladimir Ryzhkov, has been restored and this party can serve as a base for launching the legal activity of one of the many extra-systemic parties, the Party of Popular Freedom (PARNAS). One former PARNAS leader, Vladimir Milov, has set up his own party, Democratic Choice. The moderate nationalists plan to found the National Democratic Party, and several leftist politicians are working to set up the Russian United Labor Front. There likely will be several other serious attempts to establish new parties. The main danger is that many politicians may inadvertently overestimate their ability to win votes and, through their party-building initiatives, involuntarily support the authorities, who are betting on increased fragmentation in the party system.

The restoration of free political associations, even in a partial and inconsistent form, is a significant achievement in the battle for democracy in Russia. But it is necessary to understand that by itself this reform is driven by a desire among the authorities to create a more effective shell for Russian authoritarianism, and is not aimed at dismantling it. Moreover, an important part of the authorities' strategy is a desire to coopt up and coming opposition politicians, especially among the younger generation, and ensnare them in the system of authoritarian institutions, thereby distracting them from joining the protest movement. In doing so, the authorities have preserved a wide range of possibilities for isolating and marginalizing those politicians who are not prepared to compromise on issues of principle. Thus, Medvedev's party reform opens new opportunities for the opposition, but simultaneously is fraught with new and serious challenges for it.

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