

Re-Setting the Game: The Logic and Practice of Official Support for Alexei Navalny's Mayoral Run

By Julian G. Waller, Washington

Abstract

Alexei Navalny, the main opposition candidate running in the Moscow mayoral election, paradoxically received support from his Kremlin-backed opponent several times throughout the campaign. The goals and ambitions of acting mayor and candidate Sergei Sobyanin best explain this uncharacteristic promotion of an opposition politician by the authorities. The logic of Sobyanin's hesitant, yet persistent, support for Navalny's candidacy seeks to tap into legitimacy as the new basis for political agency and self-promotion. Only Navalny could deliver that legitimacy, without which Sobyanin would remain in his more subordinate role as Moscow city's apparatchik-in-chief. This reality became clear as the campaign progressed, and strongly changed the nature of its dynamic over the course of the summer. In the aftermath of the election, it remains unclear if this policy was a success.

Setting the Stage

The surprise announcement on June 4th of a snap election for the Moscow mayoralty provoked shock in some corners of the Russian political world. Since Putin appointed Sobyanin to the mayor's office in October 2010, he has been dogged by questions of legitimacy. Even in a country where elections are regularly disparaged as not-free or manipulated, Mayor Sobyanin had to deal with the constraints of being the unelected leader of the largest, wealthiest, and most educated urban conglomeration in the Russian Federation, a city that is the locus of all major anti-government protests since they began in December 2011. The mayor's increasing ambitions did not fit well with his status as an appointed bureaucrat, especially following the liberalization of the regional election law in 2012, which made it possible for governors and capital city mayors to stand for direct elections. Seeing a chance to both further his political career and stymie potential challengers emerging in the near future, Sobyanin decided to hold snap polls as an ideal way out of this predicament.

Repeated references to the riskiness of Sobyanin's "maneuver" enlivened Russian-language news sources throughout June.¹ Some observers applauded the timing of the election to coincide with a period of supposed weakness for the opposition.² Vladimir Putin's critics were in retreat, pressured by the Kremlin's retrenchment and aggressive anti-opposition actions that accompanied Putin's return to the presidency. Russia's dependent courts had opened or re-opened criminal cases

against many opposition leaders—including Navalny—while the rubber stamp parliament passed laws restricting foreign asset ownership and NGO activity. The anti-Putin opposition saw the 2016 State Duma elections as their next major opportunity, while a potential contest in the summer of 2013 seemed particularly unpromising. Ultimately, six candidates competed.

The Logic of Cooperation

One of the principle reasons for calling snap elections in 2013 instead of holding out until 2015, when Sobyanin's term officially ended, was the fear that opposition unity would be greater and that the economic situation in the country would grow much worse—a potential driver for future political destabilization. Furthermore, such snap elections could provide much-needed legitimacy to shore up Sobyanin's political position and even act as a springboard for further advancement.

The concept of legitimacy as a political tool is well known in all democratic countries and is a regular feature of political discussion in modern Russia. The Russian president relies on the votes of the population to secure his position as national leader, just as the lower house of the parliament relies on votes to legitimize its position. Even if the specific numbers were subject to some dispute and doubt, Putin's sizeable vote share in the 2012 presidential election indicated strong popular support for his return to office. The president appoints governors and senators (with regional input) so they lack the legitimacy that comes with popular election. Instead, their authority was derived from the personal relationships they cultivated in the higher levels of the Kremlin.

The return of direct elections for governors gave provincial bosses access to political legitimacy as a tool. While most regional leaders saw the elections as merely a

¹ <http://ria.ru/Analytics/20130604/941309930.html>; <http://www.kommersant.ru/doc/2204755/print>; http://www.bbc.co.uk/russian/russia/2013/06/130605_putin_sobyanin_resignation.shtml; http://www.stratagema.org/publications/politics/item_3024.html

² <http://www.interfax.ru/russia/tx.aspx?id=310702>

new test assessing how well they could work their political machines and deliver votes for the Kremlin during federal elections, Sobyanin realized the potential gains that a competitive election could provide him personally. With forecasted ratings in the 60–70 percent range and an opposition reeling from Putin's renewed repressions, there was little fear of a loss. Instead, Sobyanin felt that he could engage in a “free and fair” contest that would give him a claim to political legitimacy and boost his rank within the federal hierarchy.

Given the context of the relatively liberal and increasingly active Moscow citizenry, a win in free elections would demonstrate an ability to compete effectively with the protest movement and achieve victory on terms that no one before had been able to achieve. If successful, such an effort would defuse the protest spirit by vanquishing it in the course of real and fair elections while proving Sobyanin's mettle to the circle of Putin confidantes in the Kremlin, putting him in a position to jockey for increased authority. Potential uncertainty in the 2018 presidential elections continues to loom over the Kremlin clans, and the possible collapse of the Medvedev government encourages elite-level maneuverings to gain the best position. Arguably, holding free elections in which there was little chance of losing could potentially strengthen Sobyanin's position within these intra-elite struggles by adding the factor of his position as a truly legitimate political actor.

From the start, Sobyanin stressed his desire to hold the freest and fairest elections in the history of the city.³ He pushed to ensure that observers would see the elections as competitive. In June he published a “Memorandum on Honest Elections” that sounded surprisingly similar to the long-held electoral demands of the opposition, focusing on improving competition and reforming the vote-count process through more automated counting.⁴ Speaking in regard to helping opposition candidates overcome registration hurdles (discussed in greater detail below), one pundit said that much of the acting mayor's campaign was “not PR for Sobyanin as a candidate, but PR for the legitimacy of the elections.”⁵ Sobyanin saw no point in running an election that did not increase his legitimacy, while a voting exercise that led to citizen apathy or opposition protests would necessarily hurt his reputation.

The goal of seeking legitimacy created a logic by which the perception of competitive, free, and fair elections became a necessity for the authorities. Based on the political situation in early June, it seemed reasonable to

expect that the ballot in September would be fairly safe. Oligarch Mikhail Prokhorov's need to dispose of his assets before the elections and the on-going criminal proceedings against Navalny suggested that the two credible opponents would be excluded from this competition. Unable to unload his property, Prokhorov dropped out quickly, but Sobyanin's logic proved to have a drive of its own. The remainder of the field was dominated by second or third-tier party candidates from the Communist, Liberal Democratic, and Just Russia parties, while Sergei Mitrokhin represented Yabloko.

Only the inconvenient and brash liberal-nationalist opposition blogger Navalny held any credibility among the field of non-barred candidates. Deputy Head of the Presidential Administration Vyatcheslav Volodin specifically stated that using Navalny's presence to increase competitiveness was a policy with support from the federal center, and emphasized that a run by Navalny would be beneficial for the new political system.⁶ Calmed by assurances from pro-Kremlin political managers who claimed that Navalny would only get 2–3 percent of the vote, Navalny's candidacy became a key ingredient for the success of Sobyanin's quest for political legitimacy.⁷ Without Navalny, there was no one who could conceivably be seen as a legitimate challenger in the eyes of the protest movement. The second-rate unknowns put forth by the other parties only furthered this perception of a non-competitive, grey, and foreordained result—the opposite of a legitimacy-granting election.

Over the course of a single month, the logic of legitimacy forced a move from simply requiring a freer and more competitive electoral process to one specifically requiring Navalny's participation for the adjective “competitive” to have an imprimatur of reality. That however, was not all. In fact, in order for Navalny to be part of the campaign, he needed to be given the freedom to campaign. A decade's worth of practice in harassment, obfuscation, and repression against those who did not play by the rules of the tightly-controlled political game had to be thrown out, and a blatantly anti-systemic politician had to be given the space and the freedom to run an aggressive campaign. The remaining two months before the election illustrated this tension and the new political dynamic it required. Sobyanin's initially relatively small risk of holding snap elections turned into an unprecedented political opening, at least in Moscow, as the authorities were committed to allowing their self-declared foe to compete.

3 <http://www.aif.ru/politics/news/414522>

4 <http://www.newsru.com/russia/27jun2013/karousel.html>

5 <http://www.kommersant.ru/doc/2225932>

6 http://www.gazeta.ru/politics/2013/07/09_a_5419993.shtml

7 <http://en.novayagazeta.ru/politics/58969.html>

Forms of Cooperation

From the *de facto* start of the electoral campaign in early June to the balloting on September 8th, Navalny found an uncommon ally in City Hall. Although this help was hardly total or full-throated, it nevertheless appeared every time Navalny found himself with a potential barrier to participation. Sobyanin ordered local deputies to sign off on his initial registration as a candidate. Breaking with typical Russian practice, the city electoral commission registered Navalny to compete without raising any technical problems. The authorities sustained their commitment to Navalny's participation when they dramatically released him from jail, pending appeal, the day after he received a five-year term in the *Kirovles* criminal case, thereby allowing him to continue his campaign. Finally, City Hall's surprising acceptance of pro-Navalny rallies and voter-meetings rounded out the notable support the liberal opposition received from Sobyanin's administration over the course of the election.

The first hurdle to Navalny's candidacy for the mayoralty was the so-called *municipal filter*, a mechanism of the new and "liberalized" electoral code adopted in the wake of the 2011 protests. That code returned directly elected governors to Russian politics for the first time since 2004, and set the scene for the Moscow campaign in the first place. In an effort to limit who could compete in the elections, the authorities imposed the municipal filter to prevent candidates with no representation or friends in the provincial legislatures and local councils from being allowed to run. Given the low level of political competition over the last decade, this requirement made it hard for non-United Russia or Kremlin-backed candidates to get on the ballot, and nearly impossible for those who represented actual opposition parties.

The problem of finding the 110 necessary municipal deputy signatures (each one from a different district) to be included on the ballot became a problem for all candidates save Sobyanin—even Communist Ivan Mel'nikov needed help from pro-government deputies.⁸ For Navalny's campaign this reality was particularly acute, and it was soon evident that it would be simply impossible to find enough friendly deputies to fill the list. The Council of Municipal Deputies treated Navalny with scorn and invited him to appear only alongside two spoiler candidates to make his pitch for their support. Navalny Campaign Manager Leonid Volkov recounted that even the signatures that had been gathered were beginning to fall away as rumors of personal calls from Mayor Sobyanin's chief of staff Anastasia Rakova with the exhortation "not one vote for Navalny!" became pervasive.⁹

⁸ <http://www.vedomosti.ru/politics/news/14256691/filtr-tonkoj-ochistki>

⁹ <http://lenta.ru/articles/2013/07/23/volkov/>

The savior of the hour turned out to be Sobyanin himself. As Volkov said, when it became clear that the Navalny campaign would not pass the municipal threshold, in the last days before the registration deadline, the mayor's office offered a full set of 110 signatures.¹⁰ After Navalny refused to accept the offer for the complete set of signatures, fearing a PR disaster by allowing it to be said that the opposition campaign gained *all* of its signatures from United Russia deputies, a compromise deal allowed Navalny's campaign to take exactly the number that it needed.¹¹ Ultimately, Navalny received 49 signatures from pro-government deputies in addition to the 85 already gathered, thus allowing him to pass the barrier.¹²

Even with Sobyanin's help with the municipal deputies, signs in other areas pointed in a much more typical direction. Days before the Moscow City Electoral Commission (MCEC) accepted Navalny's documents, the federal-level commission refused his party official registration.¹³ And, as Navalny left the MCEC and greeted a large crowd of supporters, he was arrested again. The authorities later claimed that they had not arrested Navalny, but had merely detained him for a "talk" to explain the minor violations of public order that had occurred.¹⁴ This inauspicious start did not lead to further setbacks in the registration process; instead the paperwork moved forward without a hitch—a remarkable degree of non-interference on the part of the authorities. The police storming of a private pro-Navalny office (the so-called "Brothers of Navalny") accompanied by Just Russia candidate Nikolai Levichev created a media sensation, but never turned into a seriously threatening act.¹⁵ Idle talk by election officials about possibly removing Navalny from the ballot in late August due to campaign irregularities also went nowhere.¹⁶

When the *Kirovles* case reached its dramatic conclusion in late July with a 5-year prison sentence and immediate incarceration for Navalny, several thousand people turned out to protest in front of the Kremlin, leading to a surprise release pending a delayed appeal process. Although the candidate himself insisted that it was the dangerously large and unsanctioned demonstration in Moscow¹⁷ that ensured his release, that hypothesis seems unlikely. Instead, Navalny probably was saved

¹⁰ <http://www.rg.ru/2013/06/25/sobyanin-site.html>

¹¹ <http://lenta.ru/articles/2013/07/23/volkov/>; <http://lenta.ru/articles/2013/07/09/navalny/>

¹² <http://lenta.ru/news/2013/07/09/signatures/>

¹³ <http://lenta.ru/news/2013/07/05/alliance/>

¹⁴ <http://www.mk.ru/politics/article/2013/07/10/882295-navalnyiy-sdal-podpisi-popal-v-avtozak-i-pogulyal-po-moskve-kak-eto-byilo.html>

¹⁵ <http://www.mk.ru/politics/article/2013/08/14/899596-kto-sdal-bratev-navalnogo-soratnikam-levicheva.html>

¹⁶ <http://www.echo.msk.ru/news/1141120-echo.html>

¹⁷ <http://www.kommersant.ru/doc/2238604>

by a guardian angel operating at the highest levels in the Kremlin.¹⁸ Most shockingly, he was granted his freedom and the appeal process was delayed until *after* the September 8th elections.

Finally, the Moscow authorities helped Navalny by not unleashing the police to disrupt his numerous voter-meetings and rallies. For the entire campaign period, the candidate greeted voters several times a day in large gatherings outside of metro stations and set up nearly 200 “cubes” inscribed with his campaign platform throughout the city. A half-hearted attempt to halt a larger-than-expected rally on August 24th came to nothing, and the bungled “talk” with Navalny by the police that followed merely affirmed the unusually light touch with which they handled the candidate.¹⁹ A major “rally-concert” on September 6th, the eve of the election, was allowed to proceed, and a post-election protest rally was conducted without problem on the 9th.²⁰ A further rally to protest the election was even duly called for the 14th, a continuation of the new, liberal rally policy that became a hallmark of Sobyanin’s policy.²¹

Hundreds of Navalny volunteers fanned across Moscow to hand out election materials, including to passengers riding in the metro. The police intervened in only a small number of cases. Attempts to sabotage campaigning—not accepting a rally petition for August and a potential criminal probe for defacing city monuments with Navalny campaign material that surfaced on September 3rd—were minor exceptions and did not lead to any serious consequences. Repeated “talks” with the candidate by police were handled clumsily and never slowed the campaign.

About the Author

Julian G. Waller is a Ph.D student in Political Science at The George Washington University. His research interests include political parties, elections, and the formal institutions of hybrid regimes in the post-Soviet space.

Prospects for Cooperation

The authorities’ cooperation with Navalny took a variety of forms over the course of the summer election campaign and with increasing liberality as the logic of Sobyanin’s goals became clear. Legitimacy required competition, competition required Navalny’s participation, and Navalny’s participation required liberalization and cooperation. This conscious help on the part of the authorities to ensure the opposition was believably represented at the ballot box cannot be overemphasized. From registration and simple non-interference to actually providing repeated public space for opposition discourses, this election campaign has featured patterns of electoral contestation that have not been seen in Russian politics for many years. The personal goals of Sobyanin were met, but in doing so the regime had to allow unprecedented competition and truly dynamic politics.

The fact that Sobyanin barely exceeded the 50 percent mark raises a number of questions about the immediate political future for Russia. Sobyanin narrowly avoided a runoff and so formally met the requirements to claim victory, though Navalny has refused to recognize this claim and instead asserts that Sobyanin cheated to win the necessary votes. Since Sobyanin’s result is not close to the numbers of the more traditional and authoritarian falsifiers that populate the country’s politics—has Sobyanin actually achieved his apotheosis to a higher status within the Kremlin elite? And to what degree can we see this summer’s events as the opening of a democratic Pandora’s Box after which there is no return, or will business as usual in Russian politics resume with a vengeance?

18 http://slon.ru/russia/5_versiy_pochemu_navalnyy_na_svo_bode-968360.xhtml; <http://newtimes.ru/articles/detail/69405/>; http://tvtrain.ru/articles/pjat_ver-sij_aresta_i_osvobozhdenija_alekseja_navalnogo-348871/;

19 http://news.liga.net/news/world/892466-v_rossii_zaderzhali_naval_nogo_uveli_v_avtozak_pryamo_so_stseny.htm#

20 http://ria.ru/Moscow_elections_Navalny/20130903/960498697.html; <http://lenta.ru/news/2013/09/09/navalny/>

21 http://ria.ru/Moscow_elections_2013/20130910/962252555.html