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**ON SEVERAL INSTITUTIONAL ASPECTS OF PRE-
REVOLUTIONARY DEMOCRATIZATION PROCESS IN POST-
SOVIET STATES (CASES OF ARMENIA AND UKRAINE)**

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The paper aims to examine the institutional environment in post-soviet states before and after the revolutionary processes that triggered democratization, particularly in Armenia and Ukraine. The particular institutions that were examined are the following: the electoral system, the form of governance. The paper outlines the constitutional manipulations in both countries, that set the ground for the political and institutional crisis. The paper also describes the common features that preceded political and civic action.

Keywords: institutional environment, post-Soviet states, Armenia, Ukraine, revolution, electoral system.

After the collapse of the USSR, the Soviet republics along with the socio-political issues inherited Soviet institutions. Institutions are the key concept of this paper, in order to understand the notion of institutions I will apply to Douglas North's broad definition which is "Institutions are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction. In consequence they structure incentives in human exchange, whether political, social, or economic. Institutional change shapes the way societies evolve through time and hence is the key to understanding historical change" [1]. In some cases, for Soviet republics publicly declared aim of democratization has stagnated in the transitional stage. This process was described as follows "in some countries democratic consolidation is already completed, democratic institutions and procedures are rooted, in other countries same institutions and procedures are combined with non-democratic, authoritarian ones, in others democratic procedures are used as facades to cover new brands of autocratic regimes" [2].

Michael McFaul, describing the transition of a post-communist country from the "ancient regime" to a democratic one, outlines opposing non-cooperative relations of their actors. McFaul pictures three scenarios of democratization of communist regimes, which are also applicable to the modern political processes and movements in the post-Soviet dimension. The first one is when "the mode of transition that most frequently produced democracy was an imbalance of power in favor of the democratic challengers to the ancien regime. Revolutionary movements from below—not elites from above—toppled communist regimes and created new democratic institutions. A second mode of transition is when the distribution of power favors the rulers of the ancien regime, a configuration that results in autocracy. In a third mode of regime change, when the distribution of power

was more equally divided, the range of outcomes in the post-communist world has been wider than liberal democracy. These strategic situations have produced pacted transitions leading to partial democracy, or protracted and oftentimes violent confrontations leading to either partial democracy or partial dictatorship” [3]. The latter is a regime that many nowadays describe as hybrid. This can be projected onto the whole course of Armenia’s and Ukraine’s history. In spite of the fact, that the process of independence and communist regime toppling in Armenia from grassroots, its democratization was very slow and proceeded towards democracy with little steps, and finally found it in hybrid state. While at the same time has gone through various regime changes and fluctuations. The aforementioned is concisely illustrated in McFaul’s chart which refers to the period of gaining independence [4, p. 220]. Attempting to foresee the democratic achievements of the Post-Soviet states Karl Terry Lynn and Philippe Schmitter stress the importance of “defining borders” [5] in the process of democratization. In other words, similar Soviet-designed institutions have been immanently transforming under various internal and geopolitical impulses they received, that shaped institutions and institutional environment of the post-Soviet states uniquely. Arguably, the democratic achievements of Ukraine in the mid-2000s compared to Armenia, are the fruit of having peaceful borders, appealing geopolitical situation in the frame of global economic development. However, currently it is true to say that both countries find themselves in a state of partial democracy, but are making a strong bid for sustainable democracy. Though it is important, to note that while Ukraine has rich experience in that sphere, it is a very unfamiliar situation for Armenia.

In and of itself, both the Ukrainian Maidan and Armenian Velvet Revolution within a frame of neo-institutional paradigm should be considered as a critical juncture, the results and desirable outcome of which should set path dependency for the future developments of the institutional environment. The modification and democratic consolidation of legal-political institutions are imperative for preventing a democratic downturn. To mitigate the rigour there is a need to clarify that path dependency is not a completely deterministic destiny rather “path dependence has to mean, if it is to mean anything, that once a country or region has started down a track, the costs of reversal are very high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice. Perhaps the better metaphor is a tree, rather than a path. From the same trunk, there are many different branches and smaller branches. Although it is possible to turn around or to clamber from one to the other – and essential if the chosen branch dies – the branch on which a climber begins is the one she tends to follow” [6].

Thus, in the context of democratization both the Maidan and Velvet Revolution became catalyzers, the articulated demands of which had to shape the upcoming institutional characteristics.

While speaking about institutions in an abstract way there is also a need to specify the scope of observing institutions. Both Ukraine’s and Armenia’s

electoral institutions are significant in the public discourse. In two countries the constitution guarantees that “people shall exercise their power through free elections, referenda” [7] and “expression of the will of the people is exercised through elections, referendum and other forms of direct democracy” [8] as in every liberal democracy. However, in semi-democratic regimes elections are considered as a periodically held, formal procedure, the aim of which is to satisfy the political demands of the internal and external actors of incumbent regimes. “The distinction between electoral democracy and electoral authoritarianism builds upon the common affirmation that democracy requires elections, but not just any kind of elections” [9]. This interim state is, on one hand, the result of the lack of capacity for the regime to seize the authoritarian power, on the other hand, potency of pro-democratic powers not to allow democratic regress. In this situation, elections carry out a very important function by redistributing the political power, values and resources. This type of regimes in professional literature is called electoralistic. In the context of electoral institution, the purpose of revolutions is to eliminate the electoralism, increase the value of elections and overcome the legitimacy crisis.

Before assessing and analyzing the impact of the electoral system of Armenia and Ukraine, it is important to evaluate the similarities and differences, causal relations of the political systems of Armenia and Ukraine, their elements, the political culture, as well as proper revolutions.

With the constitutional changes of 2015, Armenia transferred from a mixed system of governance into a parliamentary system. The constitutional changes in public discourse were accompanied by the apology that “parliamentarism is the main highway to democratization. [10] Nonetheless, according to an opposing opinion, which was stated in the OSCE/ODIHR report suggesting that “the amendments were designed for the incumbent President and ruling party to retain power” [11], the time has shown, the advocates of that suggestion were not completely wrong. For more illustrative demonstration it is proper to apply Zaznaev’s modified index [12] based on Krouwel’s model [13]. As a result, from the indexation of 10 variables: a) presidential elections; b) holder of executive power; c) appointment of prime minister; d) appointment of other members of government; e) forming of new government; f) resolution of no confidence; g) legislative initiative; h) president veto; i) parliament dissolution; j) compatibility of deputy mandate for the political system of Armenia in 2005 and 2015 years of constitutional changes, we get the following. In 2005 both parliamentary and presidential indexes equaled 5, which means that we have here a balance of parliamentary and presidential power typical for mixed systems. In 2015 with the constitutional changes, the presidential index plunges to 1.5 while the parliamentary index logically rises to 8.5. These numbers clearly illustrate the shift of power to the parliament and its dominant role in today’s political system of Armenia.

The instance of Ukraine is quite peculiar. In Ukraine the constitutional changes were made for resolving ad hoc political issues. The 2004

constitutional changes that were aimed at limiting the presidential power and its handover to the parliament were deemed unconstitutional since several procedural misconducts were made during their approval. And then a decision was made to adapt all the legal acts to the 1996 constitution [14]. In the special opinions of two of Ukraine's Constitutional Court's members it is stated that the Constitutional Court only assumed the right to assess the 2004 constitutional amendments, but had no right to change the system of government [15] [16].

This curious case, that implied the cancellation of six years' operating constitutional rule and the extension of president Yanukovich's power. This statement finds place in Venice Commission's report: "It also considers highly unusual that far-reaching constitutional amendments, including the change of the political system of the country - from a parliamentary system to a parliamentary-presidential one - are declared unconstitutional by a decision of the Constitutional Court after a period of 6 years" [17].

During the political crisis of 2014, the 2010's decision was revised and Ukraine returned to the constitution of 2004 [18]. In this way an attempt was made to retrieve president Yanukovich's jurisdiction, which he had seized in 2010.

Without going through the details and evaluating the tug of war of power, it is important to measure the current index of the governmental system. By the application of the same model, we get 6.5 for the presidential index, and consequently 3.5 for the parliamentary index. This indicates that in spite of the fact that neither the president nor the parliament are dominant, the president has bigger influence in a relatively balanced system.

It is crucial to note that while according to the Freedom House's reports Armenia belonged to the partially free category, Ukraine after the Orange Revolution has steadily advanced into the list of free countries since 2006 [19]. Even though the 2010 presidential elections "met most OSCE commitments and other international standards for democratic elections and consolidated progress achieved since 2004. The process was transparent and offered voters a genuine choice between candidates representing diverse political views", and the only exemption was regarded "existing election law,... ,constitutes a step backward compared to previous legislation" [20], in 2011 [21] Freedom House indicated regress of freedoms and returned Ukraine to the category of partially free countries, where it still is. It is interesting that though one year after the 2004-2005 Orange Revolution Ukraine managed to considerably increase its democratic standarts, after the Euromaidan democratic process either stagnated or advanced very slowly. This comes as a result of various factors, the most remarkable of which would be the external dimension, Crimea, Donetsk-Lugansk issues, as well as the electoral system.

Considering the two proper revolutions there is a need to distinguish some superficial and fundamental causes and their supporting factors. In case of the Velvet Revolution, it was president Serzh Sarkisian's breach of promise of not bidding Prime Minister's position, and in the case of Maidan,

it was Viktor Yanukovich's refusal to sign the promised and long-anticipated Association Agreement with the EU. In fact the two revolutions are the result of the alienation of the public from the public power and deep political deprivation, the bases of which were the political speculations of the constitution. This, nonetheless, does not imply that constitutional manipulations completely and solely determined the revolutions. But generalizing, we can state that revolutions become possible when political deprivations, predetermined by the dysfunctionality of institutions such as the electoral institution, parliament, etc., are accompanied by the existence of effective formats of materialization and formalization of the deprivation.

Attempting to evaluate the presence and the level of comparability of such formats in Ukraine and Armenia it is worth noting that those formats derive from the extent of the civil society's development and civic engagement.

For a proper substantialization we will adhere to S. Msryan's and D. Manukyan's quantitative research on civic engagement's degree in EU Eastern Partnership countries [22].

In that article, civic engagement is divided into three categories: electoral turnout, engagement in protest activities and engagement via civic organizations, which are divided into factors: vote in elections: local level and vote in elections: national level for electoral turnout; active/inactive membership: labor union, active/inactive membership: political party, active/inactive membership: environmental organization, active/inactive membership: humanitarian or charitable organization, active/inactive membership: consumer organization, active/inactive membership: self-help group, mutual aid group for engagement via civic organizations and political action recently done: signing a petition, political action recently done: joining in boycotts, political action recently done: attending peaceful demonstrations, political action recently done: joining strikes, political action recently done: any other act of protest for engagement in protest activities. By measuring all the components Msryan and Manukyan conclude that the civic engagement level is equal in Armenia and Ukraine with a score of 1.019 and 1.024 out of 1.5 respectively. For comparison, third-placed Georgia scored 0.97. There are mainly identical numbers in the electoral turnout, more or less comparable in protest activities and entirely different for engagement via civic organizations: Armenia's indicators in that variable are low, while Ukraine's are high. By summing up, we can reaffirm that the forms and formats of consolidating exist in the Armenian and Ukrainian institutional environment to a relatively high extent [23, p. 94].

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**ՇԵՏՆՈՐՀՐԴԱՅԻՆ ԵՐԿՐՆԵՐԻ ՄԻՆՉ ՀԵՂԱՓՈՒՍԱԿԱՆ
ԺՈՂՈՎՐԴԱՎԱՐԱՑՄԱՆ ԳՈՐԾԸՆԹԱՑՆԵՐԻ ՈՐՈՇ
ԻՆՍՏԻՏՈՒՏԻՈՆԱԼ ԱՍՊԵԿՏՆԵՐԻ ՄԱՍԻՆ
(ՀԱՅԱՍՏԱՆԻ ԵՎ ՈՒԿՐԱԻՆԱՅԻ ՕՐԻՆԱԿՈՎ)**

ՏԻԳՐԱՆ ՄՈՒՂՆԵՑՅԱՆ

Հայաստանի Հանրապետության պետական կառավարման ակադեմիա

Հոդվածում ուսումնասիրվել է ինստիտուցիոնալ միջավայրը հեղափոխությունից առաջ և հետո Հայաստանում և Ուկրաինայում, որոնք հանգեցրել են ժողովրդավարացման գործընթացների: Մասնավորապես դիտարկվում են կառավարման, ընտրական համակարգերը, քաղաքացիական ներգրավվածությունը: Հոդվածում անդրադարձ է կատարվում նաև սահմանադրական փոփոխություններին, որոնք հանգեցրել են քաղաքական ճգնաժամերի:

Բանալի բառեր. ինստիտուցիոնալ միջավայր, հետխորհրդային երկրներ, Հայաստան, Ուկրաինա, ընտրական համակարգ:

**О НЕКОТОРЫХ ИНСТИТУЦИОНАЛЬНЫХ АСПЕКТАХ
ДОРЕВОЛЮЦИОННЫХ ПРОЦЕССОВ ДЕМОКРАТИЗАЦИИ В
ПОСТСОВЕТСКИХ СТРАНАХ (ПРИМЕР АРМЕНИИ И УКРАИНЫ)**

ТИГРАН МУГНЕЦЯН

Академия государственного управления Республики Армения

В статье исследуется институциональная среда до и после революций в Армении и в Украине, с которых начался процесс демократизации. В частности, рассматриваются избирательные системы, форма правления и степень гражданской вовлеченности. В работе также задета тема конституциональных изменений, которые стали причиной институционального и политического кризиса.

Ключевые слова: институциональная среда, постсоветские страны, Армения, Украина, избирательная система.

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