

Nations in Transit 2009: Democracy's Dark Year

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N*ations in Transit 2009* is the 13th edition of Freedom House's comprehensive, comparative study of democratic development from Central Europe to Eurasia. It examines 29 countries, including the newest independent state in the region, Kosovo. The overarching conclusion is that 2008 was a very difficult year for democracy: scores declined for 18 of the 29 countries, and a record 8 countries are now in the "consolidated authoritarian regimes" category. Worrying trends highlighted in the previous three editions of *Nations in Transit* became even more pronounced in 2008, while positive trends lost momentum.

A number of events illustrate the intensification of these negative trends. In 2008, for the first time in the 21st century, a war erupted between two states covered in *Nations in Transit*. The so-called "August War" between Georgia and Russia served as a wake-up call for those who believed that the democratic decline observed in the region over the last few years would not have a detrimental effect on security and stability. Highly problematic elections accentuated the region's troubles. Two petro-states, Azerbaijan (which recorded the largest democratic decline in this edition of *Nations in Transit*) and the Russian Federation, held uncompetitive presidential elections in which the result was predetermined. Armenia's presidential poll was marred by lethal postelection violence. And the government in Georgia used administrative resources to seriously influence that country's hotly contested presidential and parliamentary elections. *Nations in Transit 2009* documents how journalists were once again at risk throughout the region, from Croatia to Uzbekistan, and national governments were challenged by corruption scandals, as was the case in Bulgaria; by divisive ethnic politics, as in Bosnia and Herzegovina; by parliamentary boycotts, as in Montenegro; or by infighting and outright irresponsibility among political leaders, as in Ukraine.

These events significantly shaped the following main findings of *Nations in Transit 2009*:

- The new European Union (EU) member states experienced further stagnation in carrying out reforms, and a number suffered clear setbacks. The decline in the strength and vibrancy of civil society is of particular concern.
- Authoritarianism in the non-Baltic former Soviet states continued to solidify. This year's survey rates a record eight former Soviet republics as "consolidated authoritarian regimes": Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Russia, and Uzbekistan. The divide between these states and the rest of the *Nations in Transit* region is becoming a chasm. The survey also finds a decline in democratic performance by countries where only a few years ago "color revolutions" took place, putting the promise of these revolutions at risk.
- Most countries in the Balkans held steady, while Kosovo, after gaining independence and recognition from a significant part of the international community, took over its national governance functions and showed promise in terms of reform.

Aside from Kosovo's declaration of independence and the war between Russia and Georgia, the region received little attention from the leading Western countries or the international media, which focused on other parts of the world. However, the abundance of negative trends and the paucity of positive news in 2008 call for a renewed focus on the region, especially by policymakers in the United States and the EU. The year cannot be viewed as an anomaly, for it represents the amplification of trends observed in previous years. And as the region is about to end its second decade after the fall of the Berlin Wall, much work remains to be done if visions of democracy are to be realized and the momentum of the current backsliding is to be checked and reversed.

Retreat in the New EU Member States

One of the most worrying *Nations in Transit 2009* findings involves setbacks in the new EU member states. Democracy scores have declined for seven out of ten new EU members. While the declines were modest, they indicate that these countries find it increasingly difficult to sustain the high standards they reached during the accession process. Of the new EU states, only Poland registered an improvement over the previous year. Faced with challenges such as the global economic crisis, new member states are increasingly turning to questionable governance practices. For example, the Slovakia report noted the following trends in 2008: "broadened state

interventionism in the economy and social policy, clientelism in filling government and public posts, and an increased ethnocentric element in domestic politics.”

Nations in Transit 2006 warned of the enduring problem of corruption, yet three years later, corruption continues to pose a major obstacle in most new EU member states. *Nations in Transit 2009* notes that corruption scores declined for four of these states and improved for just one. National governance in new EU member states has also shown signs of strain, as five out of ten countries received declining ratings in this area.

According to the findings for 2008, eight of the new EU member states are consolidated democracies, while Romania remained a semi-consolidated democracy and Bulgaria was downgraded to that status, largely due to its struggle with corruption. The overall findings for the new EU states indicate that “political reform fatigue” is on the verge of becoming a chronic condition. As countries such as Bulgaria, Hungary, and Latvia find themselves in the throes of a profound economic crisis, their democratic institutions may be particularly vulnerable to backsliding. This points to the need for vigilance in protecting democratic gains, and recognition that modest backsliding could turn into a more costly and systemic crisis if existing problems are not addressed.

Former Soviet States: Authoritarianism, War, and Repression

While the Russian-Georgian “August War” received the most international media coverage in the post-Soviet region in 2008, a number of other dramatic and disturbing developments took place, including

- deadly postelection violence in Armenia;
- an uncompetitive Russian presidential election in which the leading candidate refused to campaign or debate the hand-picked opposition candidates, even in a highly controlled media environment;
- deeply flawed parliamentary elections in Georgia, where the ruling party enshrined the use of administrative resources into law;
- harsh restrictions on freedom of assembly in Kyrgyzstan;
- continued infighting in the top echelons of the Ukrainian government that brought the sluggish reform process to a complete halt;
- relentless suppression of independent voices in Uzbekistan;
- and increased stifling of the opposition in Azerbaijan.

A record eight countries, all former Soviet states, ranked as consolidated authoritarian regimes in *Nations in Transit 2009*. All five Central Asian states, along with Azerbaijan, Belarus, and Russia, make up the “Authoritarian Eight,” with Kyrgyzstan and Russia entering this category for the first time since the inception of the study. There is a widening gulf between this group of eight and the rest of the countries examined.

Table 1
Average democracy scores for the eight countries with consolidated authoritarian regimes (Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan, and Uzbekistan) and the rest of the *Nations in Transit* countries, 2005–09

<i>NIT</i> Edition	2005	2006	2007	2008	2009
Authoritarian Eight	6.15	6.27	6.29	6.36	6.41
All other <i>NIT</i> countries	3.39	3.34	3.37	3.37	3.43

Turkmenistan remains the most authoritarian regime of all the countries included in the study, while Uzbekistan has narrowed its distance from the bottom ranking. According to the Uzbekistan report, “President Karimov continues to rule Uzbekistan according to his wishes. No serious domestic objections were raised to his winning an unconstitutional third term at the end of 2007, and there were no challenges to his authority in 2008.”

The trend of democratic decline in authoritarian petro-states that was highlighted in the last edition of the study continued in 2008. While Russia joined the consolidated authoritarian ranks for the first time, it was Azerbaijan that recorded the most significant decline of all the countries examined. Kazakhstan, another petro-state, has made tentative steps towards liberalization, mostly in the judicial sphere, but it nevertheless remained firmly authoritarian as it prepared to assume the OSCE chairmanship in 2010. As the Kazakhstan report points out, “The award of the OSCE chair for 2010 to Kazakhstan was a result of member states’ efforts to avoid a split within the organization and recognition of its enormous hydrocarbon potential. The absence of political pluralism and competition in the country’s legislative and institutional framework makes it extremely unlikely that Kazakhstan can offer a positive inducement to political liberalization and unleash democratic processes in preparation for assuming the OSCE chair.”

Kyrgyzstan’s slide into the consolidated authoritarian category underscores the unfulfilled promise of the “color revolutions.” Kyrgyzstan’s 2005 “Tulip Revolution,” Ukraine’s 2004–05 “Orange Revolution,” and Georgia’s 2003 “Rose Revolution” were initially believed by many observers, as well as by those countries’ citizens, to have ushered in a new era of democracy. But of the three, only Ukraine’s democracy scores have not dropped to prerevolutionary levels. In Kyrgyzstan and Georgia, presidents Kurmanbek Bakiyev and Mikheil Saakashvili, respectively, have changed

the constitutions to strengthen the executive at the expense of other branches of government, and have worked to marginalize the opposition. Ukraine's problems have been of a different nature, stemming from conflict within the country's leadership. As the Ukraine report states, "Institutional gaps and the lack of good-governance culture are complicated even more by the strong personal conflict and distrust between President Viktor Yushchenko and Prime Minister Yulia Tymoshenko." If nothing else, the experience of these three countries demonstrates that democracy is a long-term process requiring arduous work and a concerted reform effort, and that electoral breakthroughs should not be mistaken for an end goal in achieving democracy.

Table 2
Democracy scores for Georgia, Kyrgyzstan, and Ukraine, 2005–09

<i>NIT</i> Edition	2005	2006	2007	2008	2009
Georgia	4.96	4.86	4.68	4.79	4.93
Kyrgyzstan	5.64	5.68	5.68	5.93	6.04
Ukraine	4.50	4.21	4.25	4.25	4.39

The Civil Society Decline

The democracy declines in new EU members and in non-Baltic former Soviet states are of different scales and qualities. However, there is one commonality: in both subregions the decline in overall democracy scores appears linked to the weakening of civil society.

Table 3
Average civil society subscores for the new EU member states, Balkan countries, and countries of the non-Baltic former Soviet Union, 2005–09

<i>NIT</i> Edition	2005	2006	2007	2008	2009
New EU Member States	1.73	1.73	1.83	1.75	1.88
Balkan Countries	3.21	3.25	3.21	3.14	3.14
Non-Baltic Former Soviet States	4.88	4.98	4.98	5.02	5.13

In the new EU member states, 2008 featured a rise in "uncivil society" in the form of extreme nationalist groups. Hungary's far-right Hungarian Guard is one example. According to the report for the Czech Republic, "extremist groups seemed emboldened in 2008, as highlighted by attempts late in the year to attack a mostly Roma-inhabited housing estate in north Bohemia." The other issue affecting civil

society involves legal frameworks regulating associational life. The Hungary report warns that “tax regulations and other administrative requirements may threaten the sector’s long-term sustainability and development.” The Romania report gives an example of legislation detrimental to nongovernmental organizations (NGOs): “A new law forbids NGOs to have names which might entail confusion with official institutions ... the law is so ambiguous that NGOs may not use words such as ‘academic’ or ‘institute,’ which are reserved for official use only.”

Civil society played a critical role at the outset of democratic transition in the new EU member countries, and the NGO sector remains an integral part of these societies. However, restrictive legislation, undue administrative burdens, and lack of funding pose risks to their operation. Furthermore, the strains of the economic crisis heighten the danger of “uncivil society” moving into the vacated public space. The weakening of civil society in these countries may be a temporary phenomenon if governments demonstrate the will to recognize and address the problem. Nevertheless, developments in 2008 suggest that the sustainability of civil society, even in consolidated democracies, cannot be taken for granted, and that threats to the sector grow if it is not supported by national and international donors as well as favorable legal and administrative frameworks.

The challenges faced by civil society in non-Baltic former Soviet states were even more formidable. The subregion’s average score for civil society dropped for the fifth time in six years in 2008. The generally hostile attitude of authorities toward civil society is by far the greatest problem. Legislation is one of the instruments used to obstruct NGO operations. As the author of the Russia report puts it, “The state makes life difficult for the most prominent human rights NGOs, making clear that their activities are unwelcome.... The government has also used legislation against ‘extremism’ to weaken critical voices in Russia and undermine independent activism.” Using government-controlled media to stir up public opinion against NGOs is another common tactic. The Kyrgyzstan report describes a practice that is widespread in the region: “Representatives of the regime often label NGO leaders as ‘*grantoedy*’ (grant-eaters), doubting their genuine intentions to promote greater transparency in the government and civic participation.” Regrettably, international support to the beleaguered NGO sector has been sporadic in some countries. The author of the Georgia report cites a recent survey conducted by Transparency International, which finds that the Rose Revolution has “given rise to a mistaken perception among potential donors that large-scale financial support to develop civil society is no longer needed.”

Last year’s survey, *Nations in Transit 2008*, found independent media in decline in non-Baltic former Soviet states. Coupled with the civil society decline noted in *Nations in Transit 2009*, there are signs of a perilous situation for independent sources of information and for civic activism. Given the attitudes of the governments in the region, especially in the Authoritarian Eight, toward civil society and independent media, there is very little evidence that regional trends observed in recent years will be reversed in the near future, or that the chasm between the eight worst-performing countries and the others included in the survey will be closed.

Southeastern Europe: Mostly Holding Steady

Kosovo's February 2008 declaration of independence and subsequent recognition by some of its neighbors, the United States, and the majority of European Union countries was the year's central event in the Balkans. Domestic institutions that are taking over governance functions from the United Nations Mission in Kosovo (UNMIK) have shown some capacity and promise, warranting an improvement of Kosovo's democracy score.

Kosovo's declaration of independence struck sensitive chords in Serbia. However, the democracy score for Serbia remained unchanged, as was the case in Albania, Macedonia, and Montenegro. Most of Southeastern Europe is holding steady despite the complex international situation, the economic crisis, and challenging domestic circumstances (such as a four-month opposition boycott of the Montenegrin parliament), which can be seen as a positive development in an otherwise difficult year.

Democracy scores declined for two countries in Southeastern Europe: Croatia and Bosnia and Herzegovina. The murder of one journalist and the brutal attack on another had a chilling effect on Croatian media independence. In Bosnia and Herzegovina, ethnic divisions continued to dominate political life and the media.

The events of 2008 demonstrated the ongoing reform challenges facing Southeastern Europe. Institutions have shown some capacity to cope with these challenges, and time will tell whether the prospect of joining the EU will serve as an impetus for further reforms.

Faltering International Institutions

In a year that saw armed conflict return to the *Nations in Transit* region along with sweeping democracy declines on the national level, there were also disturbing developments concerning international organizations tasked with monitoring democratic progress in the area. Numerous international entities are now engaged in election observation: the European Parliament (EP), the Parliamentary Assembly of the Council Europe (PACE), the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE PA), and OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR). Recently, however, the quantity of monitoring organizations has not translated into quality or clarity of message. A number of postelection statements made by international observers appeared questionable and even misleading. In February 2008, amid widespread reports of irregularities in vote counting in the Armenian presidential election and an escalating confrontation between the authorities and the opposition, the joint international observation mission—consisting of the OSCE PA, PACE, EP, and the OSCE/ODIHR—issued a statement claiming that the “presidential election in the Republic of Armenia was administered mostly in line with OSCE and Council of Europe commitments and standards.” Even more bizarre was the statement made

by international observers from the EP, OSCE/ODIHR, and OSCE PA after the clearly uncompetitive Azerbaijan elections in October. Despite all evidence to the contrary, it found that “the elections marked considerable progress toward meeting OSCE and Council of Europe commitments and other international standards.” Much to the credit of the EU, it distanced itself from the statement of these observers and came out with harsh criticism of the election process in Azerbaijan, a sign that governments may not fully trust the institutions they set up to focus on election observation.

In another troubling development among international institutions, reforms that would increase the effectiveness of the European Court for Human Rights have stalled due to Russia’s failure to ratify Protocol 14 to the European Convention on Human Rights. Russia remains the only member state of the Council of Europe to have refused to ratify this protocol, which cannot take effect until full consensus is achieved. By withholding ratification, Russia is blocking a major improvement to the most effective legal tool for redressing human rights violations on the European continent, and is thus significantly contributing to backsliding in the region. This issue deserves much greater international attention than it has received thus far.

Given the negative regionwide trends with regard to human rights and democracy in 2008, the EU and the new U.S. administration under President Barack Obama may see the need to provide a second wind to international organizations responsible for promoting democratic standards in the region. While member states, including the countries covered in *Nations in Transit*, are responsible for meeting their commitments to the principles of international organizations such as the Council of Europe and the OSCE, it is also the responsibility of the standard-bearers of democracy, especially the United States and the EU, to ensure that these organizations are not knocked off course. The decline of international institutions will only embolden those who are seeking to perpetuate authoritarian trends. If key democratic countries lose focus, the negative changes that have persisted and intensified in the region over the last few years are certain to continue, placing the gains of the last two decades in peril.

Overview of Ratings Changes

Electoral Process

- ↓ 6 declines: Armenia, Azerbaijan, Macedonia, Georgia, Moldova, Ukraine
- ↑ 4 improvements: Albania, Belarus, the Czech Republic, Romania

Civil Society

- ↓ 11 declines: Armenia, Azerbaijan, the Czech Republic, Georgia, Hungary, Kyrgyzstan, Poland, Romania, Russia, Slovakia, Tajikistan
- ↑ 1 improvement: Belarus

Independent Media

- ↓ 8 declines: Armenia, Azerbaijan, Bosnia-Herzegovina, Bulgaria, Croatia, Kyrgyzstan, Moldova, Slovakia
- ↑ 2 improvements: Poland, Kazakhstan

National Democratic Governance

- ↓ 12 declines: Armenia, Azerbaijan, Bulgaria, Croatia, Georgia, Hungary, Kyrgyzstan, Latvia, Lithuania, Russia, Slovakia, Ukraine
- ↑ 3 improvements: Belarus, Kosovo, Poland

Local Democratic Governance

- ↓ 3 declines: Azerbaijan, Hungary, Slovakia
- ↑ 2 improvements: Kosovo, Poland

Judicial Framework and Independence

- ↓ 11 declines: Albania, Armenia, Bulgaria, the Czech Republic, Montenegro, Russia, Slovakia, Slovenia, Tajikistan, Ukraine, Uzbekistan
- ↑ 2 improvements: Kazakhstan, Poland

Corruption

- ↓ 7 declines: Azerbaijan, Bosnia-Herzegovina, Bulgaria, Hungary, Latvia, Russia, Slovenia
- ↑ 5 improvements: Armenia, Belarus, Macedonia, Montenegro, Poland

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