



2011 Duma Elections: **Choosing in the Absence of Choice**

By Oleg Buklemishev

Cover photo: Hundreds of people turned out in Moscow's Pushkin Square on June 26, 2011 to protest the government's refusal to register People's Freedom Party (adaptation of photo at eng.kasyanov.ru)

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Elections to the lower chamber of the Russian Parliament, the State Duma will be held on December 4, 2011. The Russian Duma is 450-member strong and is elected through a purely proportional ballot. After the elections of 2007 four political parties are represented in the Duma: United Russia (315 deputies), Communist party (57), Zhirinovskiy's Liberal Democrats (40) and Just Russia (38).

Due to the change of the Constitution, initiated by President Medvedev in 2008, the State Duma will this year, for the first time, be elected for five years. For the second and last time, in order to get full representation in the Duma, the political parties will need to overcome the highest voting threshold in Europe (except Turkey) of 7%. Though, a party will have one seat in the Duma if it gets 5- 6% of the votes and two seats if it gets from 6-7% of the votes.

Russian society: Real and artificial concerns

It goes without saying that elected politicians must address the needs and concerns of their electorate. This almost universal rule does not currently hold in Russia. On the contrary, Kremlin prefers its own agenda to be in the spotlight and tries to impose it on the public. As federal elections approach, a quest starts for flashy themes which will attract (or rather distract) people's attention and represent the actions of the Russian authorities in a desired manner. In addition, Russian media, especially the state-owned TV, will stress these issues and make them heard and seen around-the-clock. In 1999 the dominant theme of the campaign turned out to be the Chechen war, in 2003 it was "domestication of oligarchs" (accompanied by Khodorkovsky's arrest and prosecution), and four years later the preferred theme was the so-called "national projects" - increase in financing of several economic and social spheres (e.g. agriculture and higher education), which turned out to be inconsistent, chaotic and inefficient.

Whether the themes chosen by the Kremlin overlap with the real concerns of the majority of Russians (See Table 1) or not, the main debate in the course of the campaign is usually structured along these lines. This approach totally excludes certain important topics from public domain and most receive only one-sided coverage.

Thus, the matters troubling the Russian society and their absolute and relative ratings have been more or less stable for almost a decade. Not surprisingly, social and economic issues were and continue to be central for most Russians. It might seem a bit of a mystery that despite some economic advances over the recent years, public mood concerning this type of problems has hardly improved. This might be explained by the widespread understanding that the economic progress is not stable since it has been in fact achieved mainly due to the changeable oil price bonanza.

The Crisis of 2008-2009 has become just a reminder of this fact. While

Table 1. Real concerns by the Russians. Problems that are considered by the respondents to be most acute for the Russian society (multiple choices possible)

	2005	2006	2007	2008	2009	2010	2011
1. Inflation	71	70	64	82	76	72	73
2. Poverty, impoverishment of the majority	53	51	52	45	56	51	52
3. Growth of unemployment	39	34	30	25	51	38	41
4. Bad state of the economy, economic crisis	33	29	28	29	38	36	32
5. Corruption, bribery	24	25	27	27	28	33	27
6. Income and property inequality	27	30	32	35	30	29	27
7. Crisis of the morals and culture	22	24	28	26	26	28	26
8. Drug addiction of many people	29	29	25	29	25	32	25
9. Environmental crisis	17	24	22	23	18	31	25
10. Non-affordability of medical treatment	29	31	32	31	27	26	24
11. Increased criminality	29	29	28	27	22	21	21
12. Non-affordability of education	27	28	26	26	16	20	18
13. Domination and lawlessness of bureaucrats	9	10	9	10	13	18	14
14. Inflow of migrants	7	10	9	12	11	11	12
15. Terrorist threat	15	10	6	4	5	10	12
16. Weak state	11	11	9	9	9	13	10
17. Nationalism, ethnic strife	4	10	7	5	5	6	9
18. Rudeness, cruelty of police	6	8	9	9	12	12	7
19. Terrorism in the Northern Caucuses	7	4	4	2	9	8	7
20. Injustice in the courts	5	6	8	7	7	9	6
21. Wages and pensions' arrears	4	5	3	4	6	5	6
22. Limitations of civil freedoms	2	2	1	2	3	4	4
23. Expansion of AIDS	6	5	8	7	6	6	3
24. Conflicts between the branches of power	3	2	2	2	4	3	3
Other	1	1	2	3	2	2	2
No answer	1	1	3	1	1	1	3

Source: Levada Center, August 2011

having been assured that Russia is a safe haven in the volatile world, Russians have faced a surge of unemployment, double-digit reduction of industrial production and investment, devaluation of the ruble by almost a third and a deterioration of real incomes. Due to the crisis the federal budget slipped into deficit and the government had to spend a significant part of its reserves accumulated over several years. In some branches of industry pre-crisis levels of production and investment are still not reached as of today.

The imposed change of focus can be illustrated by the following example:

It was often stated during recent years that issues of immigration and possible ethnic strife were close to the heart of Russians and became decisive in forming their electoral preferences. The table above shows that this was never the case and still is not. It turns out that these issues are positioned much lower on the agenda of the typical Russian than corruption and lawlessness, which are almost absent from the official pre-electoral discourse (14th and 17th places versus 5th and 13th respectively).

Table 2. Ratio of *negative to positive* assessments of the recent changes in selected spheres

	2009	2011
Morals and culture	44%:16%	63%:12%
Education, health and housing services	47%:23%	61%:14%
Ability to get a good job and wage	48%:19%	59%:14%
Social security	35%:29%	53%:15%
Security and legal protection	32%:23%	51%:14%
Government and law enforcement	28%:20%	45%:13%
Standards of living of most people	36%:32%	47%:20%

Source: Levada Center, October 2011

In addition, contrary to the widespread belief, Russians do not trust propaganda when assessing both the situation and the real change. For instance, the majority of Russians conclude that by now the situation in the country has worsened compared to 2009 in the midst of the crisis (see Table 2).

However, how come that such a rationally thinking people keep on voting for the existing authorities and their political proxies. This paradox is easily resolved, since voting Russians usually complain that they have no decent alternative.

How could this happen?

Kremlin's party politics: Narrowing the bottleneck

In the aftermath of the Russian national tragedy in Beslan in September 2004 (a three-day hostage-taking of over 1,100 people, including almost 800 school children, which ended in the unprepared anti-terrorist operation causing 380 deaths) President Putin initiated, and handled under the slogan of anti-terrorist fight, a profound transformation of the political system in Russia. It, inter alia, included the conversion of federal and regional elections from mixed majoritarian/proportional to a purely proportional system. This became the main and far-reaching alteration. In fact, according to the amendments of the legislation (first and foremost to the electoral law) the right to nominate candidates for legislative bodies of state power (federal and regional Dumas), as well as candidates for elective public office at the federal and increasingly at the regional level, has been reserved only for political parties (with a privileged status of the parties represented in Parliament).

Boosting the role of political parties might well be reasonable and democracy-oriented as a policy target. However, to this end such a policy must be accompanied by encouragement of political self-determina-

tion by the citizens and promotion of creation of political parties and their activities.

In reality, Russian authorities have been doing just the opposite. New cumbersome conditions for political parties to keep or obtain state registration (which is necessary to participate in elections) were introduced in the Political Parties Act of 2001, which after 2004 has been changed 21 times. The major amendments included the highest in Europe obligatory minimum party membership of 50.000 people and minimum 500 members in each regional party branch represented in no less than a half of the subjects of federation (currently 83). Recent “liberalization” of this rule by reduction of the thresholds to 45.000 and 450 respectively is difficult to interpret in any other way but as a mockery.

Table 3. Registered Russian political parties

	Founded	Origin	Membership (thousands)	Ideology	Duma seats, %	Leader
United Russia	2001	Merger of three parties	2073	Social conservatism	70	V.Putin
Communist Party	1993	Self-determination of communists in Russia	155	Communism	12,7	G.Zyuganov
Liberal Democrats	1991	First opposition party in the USSR	200	Nationalism	8,9	V.Zhirinovskiy
Just Russia	2006	Merger of three parties	414	Social democracy	8,4	S.Mironov
Yabloko	1993	Transformation of electoral block	57	Social liberalism	0	S.Mitrokhin
Right Cause	2008	Merger of three parties	>45	Liberal conservatism	0	A.Dunaev
Russian Patriots	2002	Merger of several parties	85	Patriotism, social democracy	0	G.Semigin

Dissolution of opposition party – RPR

The Republican Party of Russia (RPR) was created in November 1990 and registered as a party by the Ministry of Justice of Russia in August 2002.

In December 2005 an extraordinary general conference of RPR decided to create several regional branches to meet the requirements of the new Political Parties Act. RPR requested the Ministry of Justice to amend the corresponding information in the State Register of legal entities. The Ministry refused to do this, arguing that RPR had not proven that the conference had been held in accordance with the law and with its own articles of association.

Then the Ministry of Justice conducted an inspection of RPR's activities and requested the Supreme Court of the Russian Federation to dissolve the party, claiming that in breach of the law it had fewer than 50,000 members and fewer than 45 regional branches with more than 500 members. The Supreme Court ordered RPR's dissolution in March 2007. The party appealed (unsuccessfully) claiming that the court had refused to admit evidence submitted, namely documents confirming the number of party member. RPR also stated that the Ministry of Justice's inspection had been arbitrary as domestic law did not establish any formal procedure for undertaking such an action.

On April 12, 2011 the European Court of Human Rights (ECHR) determined that the dissolution of the opposition party RPR in 2007 was unjustified and violated Article 11 of the European Convention on Human Rights and Fundamental Freedoms (“The exercise of these [freedom of assembly] rights is not subject to any restrictions except those provided for by law and necessary in a democratic society in the interests of national security and public order, the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others”). The Russian Government's arguments were deemed unconvincing.

The Republican Party will now apply to the Supreme Court demanding restoration of its registration. Numerous analysts believe that this fact was the reason for a recent discussion in Parliament of a draft law allowing Russia to block ECHR's decisions.

On this technical basis a campaign started, in effect aimed at eradicating unwanted political actors and preventing their future emergence. Apart from the political parties established by the ruling group itself all the other parties were forced to pledge an informal “loyalty oath” to the authorities. Moreover, this oath needs to be constantly renewed as parties depend on the authorities in all the fundamental aspects of their life, including finance, registration of the election lists, access to TV and outdoor advertising at federal and regional levels. Far from being independent bodies, the parties have become just vehicles to channel political influence.

Those parties which declined to play by these rules were deprived of their registration. This happened among others to the Republican Party of Russia.

It is no coincidence that during recent years not a single new party has been registered in Russia. Attempts to launch new political parties are facing uphill

Reasoning to refuse party registration

Registration of various parties was refused by the authorities with the following explanations having nothing in common with the requirements of Article 11 of the European Convention on Human Rights and Fundamental Freedoms:

- absence of passport data of the applicants (“Great Russia”);
- extended period between the founding congress and the submission of documents, overpaid registration fee (“Way of Truth and Unity”);
- contradictions in the address of one of the party representatives, overpaid registration fee, missed signature on one of the submission lists, extremist-like looking emblem (ROT FRONT);
- absence of signatures on some of the protocols of regional meetings, other mistakes and inaccuracies in the documents (“Motherland-Common Sense”);
- criminal name of the party (Pirate Party);
- ineligible party members, mistakes and inaccuracies in the documents, contradictions in the articles of association (several parties).

People's Freedom Party

People's Freedom Party "For Russia without Lawlessness and Corruption" (PARNAS) was founded in December 2010 as a coalition of several liberal organizations to participate in Duma elections of 2011 and presidential elections of 2012. After conducting regional conferences in 47 regions of Russia and confirming that the party membership is more than 45,000, the documents to register the party were submitted to the Ministry of Justice. Nevertheless on June 22, 2011 the Ministry of Justice refused registration of the party referring to:

- *ineligible members and*
- *contradictions in the articles of association.*

Answering the question about non-registration of PARNAS, President Medvedev recommended the party to renew the application and to make the required changes in the documents. In other words, according to him, the Party should start the process of registration from the very beginning – with new founding congress, regional conferences, etc. – but with no chance to take part in the federal elections of 2011-2012.

Co-Chairmen of the Party Mikhail Kasyanov, Boris Nemtsov and Vladimir Ryzhkov appealed in the district court which reconfirmed the Ministry's decision. PARNAS is now waiting for Moscow City Court hearings.

Parnas's Congress in September 2011 confirmed that despite the decision of the authorities the Party will continue its political work.

struggle when trying to rent halls, hold general supporter meetings and street rallies. Access to media and publishing activities are limited for these political groups. No single case of consulting or other organizational assistance from central or regional authorities to promote creation of new political parties has been reported.

As a result of the deliberate campaign by the Russian authorities, the number of political parties, i.e. actors with access to elections, was reduced from 32 to just 7 (see Table 3). In his 2009 annual address to the Federal Assembly (The Parliament) President Medvedev summarized this policy in the following way: “Political parties, operating now in the country [i.e., the seven registered ones], have stood the test of time. . . Their programs reflect the full spectrum of political views existing in our society” (however, in September 2011 the official polling agency FOM found that 71% of Russians could not claim that there is a party they can consider theirs!).

In this light it should not come as a surprise that lately registration of at least nine different political parties have been refused by the authorities: “Great Russia” (2007), “People for Democracy and Justice” (2008), “Way of Truth and Unity” (twice, 2010), “ROT FRONT” (at least 5 times, 2010-2011), “The Other Russia” (2011), “Party of Business” (2011), Pirate Party (2011), “Motherland-Common Sense” (2011), People’s Freedom Party (2011).

Subsequently some of the parties that have been denied registration have appealed to the court. However, in all cases the judges sided with the Government. After passing all the necessary stages of legal proceedings in Russia several claimants have filed applications to the European Court of Human Rights but these appeals are so far still pending. Thus, all the members and supporters of these parties have to pass by the elections in terms of both active and passive suffrage. In other words, they cannot vote for their political party and without joining other party lists cannot run in elections at the federal and increasingly at the regional level.

At the same time individuals unaffiliated with any registered party, willing to compete in the majoritarian districts at regional or municipal elections (where these districts still remain) face an increase in the number of required signatures to be registered as a candidate. In addition the option of posting cash collateral has been cancelled. The requirement for a presidential candidate, not representing a political

party in Parliament, to be registered has quadrupled – i.e. 2 million signatures (!). A number that makes this exercise near to impossible.

Moreover, even when opposition candidates collect the necessary quantity of signatures, electoral commissions regularly deem these invalid and the courts usually do not disagree. Thus, the institute of signatures' collection has become a complementary barrier to enter the electoral process.

The 1990 Copenhagen Document of the Conference on Security and Co-operation in Europe (CSCE/OSCE), of which Russia is part, requires that - under a genuine democratic process - political parties reflecting different political views should be able to freely register and get unimpeded access to campaigning and media. As a general rule, unless free access to the elections for individuals and political groups and genuine political competition are ensured, elections cannot be considered free and fair.

Persistent non-registration of political parties seriously limits the exercise of political rights of millions of Russian citizens and contradicts international obligations of the Russian Federation concerning the principles of democratic elections. The Russian authorities' refusal to register parties seeking state registration is an early key indication that parliamentary elections are not free and fair and, therefore, that their results cannot be accepted as truly legitimate.

Russian opposition and Duma elections

The chairman of the Russian Duma, Boris Gryzlov, once observed that the Duma is not a place for discussions. Keeping in mind the diminished role of the Parliament, especially in the sphere of economic and social policy (during recent years the budget is not discussed in any detail and, as a rule, is finally approved in its initial version submitted

by the government), inaccessibility of elections for opposition and likely falsifications, a simple question might appear quite relevant: “Do these elections matter at all?”.

The answer to this question, however, is yes. Duma elections at any point in time represent an important step in the political process. It will set a stage for further developments, including Putin’s announced investiture to the presidential position after elections March 4, 2012.

But having been forbidden to register their political parties, Russian oppositional forces have very few workable tactical options at this stage.

First of all, they might try to be involved in elections through inclusion in the electoral lists of one or another registered party.

Joining other parties’ lists is not forbidden and moreover often officially advertised as the way for provision of passive electoral rights under pure proportional election system. However, electoral coalition building between the official and non-system opposition forces is discouraged by the authorities and the registered political parties are scared to use this tactics. They are generally not interested in outsiders’ inclusion into their lists on an individual basis preferring instead to reward their own membership.

And even when parties do agree to such incorporation, it happens strictly on their terms usually leaving non-party participants little chance for success. Furthermore, more than once a popular unaffiliated politician’s inclusion in a party election list has effectively been vetoed by the Kremlin and parties had to reverse their earlier decisions (the latest publicized cases were the ousting of Eugene Roizman from the Right Cause party list and Alexander Donskoy from Yabloko’s list). Thus hurdles to entre official politics through registered parties are prohibitively high.

Table 4. Russians about the fairness of the forthcoming elections

29%	believe that elections will be honest
50%	expect manipulations and fraud (62% of them - in favor of the United Russia)
53%	expect dirty ballot
53%	believe that political struggle at the elections is an imitation as everything has been preset
60%	assert that elections in fact will be just a fight of bureaucratic clans

Source: Levada Center, August-September 2011

What is actually left for the opposition is to resort to one or another form of political protest. Therefore several rallies and other similar events already took place and some others are scheduled to take place prior to or on the electionday, December 4.

Concerning the voting itself, the following main tactical options of protest are now being discussed by the opposition:

- official application to the authorities to suspend citizen's voting right;
- boycott of elections;
- taking and keeping the absentee ballot;
- voting against all the parties on the ballot (making the ballot paper void);
- voting for any party but the United Russia.

In fact, despite intense internal debate, these forms of protest do not differ too much. Some people believe that trying to bring down the United Russia's results will be beneficial for the overall political environment while others do not see any advantage in supporting communists or na-

tionalists. Some call to abstain from taking part in a farce while others stress that the institute of election and the voting right are important as such and need to be sustained. Some still see a connection between the votes actually cast and the results which will be announced while others believe in widespread falsifications (see Table 3).

The fact that OSCE/ODIHR's professional observers again faced an uphill struggle when agreeing with the Russian Election Commission on the technical parameters of their mission (such as the size of the long-term monitoring mission and the date of the beginning of observation) also speaks for itself in that regard. In order not to skip monitoring of the Duma elections altogether, like in 2007, this time ODIHR had to reduce the number of its observers on the ground as the Russian Election Commission insisted on this concession.

While being sure of the non-free and unfair character of the elections, Russian opposition will undertake concentrated efforts in the sphere of monitoring, to spot and expose cases of electoral fraud.

Table 5. Current electoral ratings

Political Party	% of votes	% of seats
United Russia	51	56
Communist Party	20	22
Liberal Democrats (Zhirinovskiy)	14	14,9
Just Russia	7	7,1
Yabloko	4	0
Right Cause	1	0
Russian Patriots	1	0

Source: Levada Center, November 2011

Beyond Elections-2011

However, the main result that ultimately matter in regards to the upcoming elections is not the distribution of votes and seats between the parties (see Table 4) but rather the public sentiment it will leave in the Russian society.

It is not a secret that previous Duma elections of 1999, 2003 and 2007, preceding presidential ones by only three months, served in fact as an early referendum of the authorities' overall legitimacy. As anecdotal evidence: a popular Soviet-time model of conflict resolution re-emerged recently. A local community urges the authorities to resolve a pressing problem otherwise threatening with collective boycott of the voting process. Certainly, this kind of threat will not be credible for most democratic governments. In other words, people have all the reasons to believe that the authorities, like during Soviet time, need elections just for the sake of it, and not as a way to reveal public preferences and change power on this basis.

Particularly striking is the fact that the growing Russian middle class, which nowadays is getting a dominant role in many public processes, is in fact deprived of political representation. As time passes educated people increasingly tend to seek answers to their everyday problems in the sphere of politics. Hence continuous lip service by the authorities about the importance of middle class and several attempts to imitate its certain sub-sections' involvement are non-coincidental. But in the absence of the real politics this ersatz still remains an ersatz.

The key and novel thing with the elections December 4, 2011 is that the whole administration in Russia faces the risk of becoming illegitimate in the eyes of millions of people. The announced swap of the positions between the current President and the Prime Minister significantly contributed to this perception.

Legitimacy might not count when everything goes smoothly but be-

comes a very important feature if serious problems appear. Given increased chances that in the coming years Russia will face these – whether in social, economic or political sphere – it could be that next Duma elections will be held earlier than 2016 and will be conducted on much different terms. Unfortunately, this is just a best-case scenario and the much worse non-constitutional and even violent alternatives should be also seriously taken into account at this point. It makes the issue of well thought-out and bold reaction – both domestic and international – to the events of December 4, 2011 even more important.

Moscow in November 2011

ABOUT the AUTHOR

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was born in Moscow. In 1991 he graduated from the Economics Faculty of Moscow State University.

1991-1997 Oleg Buklemishev worked as research fellow in academic institutions and private think-tanks. He got a PhD in Economics in 1994.

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In 2004-2005 Oleg Buklemishev was Senior Advisor to the Morgan Stanley bank, Moscow.

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The Jarl Hjalmarson Foundation

was founded in 1994. The Foundation is promoting development and European co-operation/integration on the basis of freedom, democracy and market economy. This goal is achieved by activities such as lectures and seminars intended for political parties and organisations promoting the development of democracy.

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