

# Will Democratization Survive Freedom in the Ex-USSR?

Peter Juviler

Democracy in Robert Dahl's useful definition is popular rule exercised through widely shared opportunities for participation and consent.<sup>1</sup> Six or seven of the fifteen successor states in the ex-USSR have evolved into "protodemocracies," and are still newly emerging models of post-Communist democracy: Russia, Ukraine, the Baltic countries, Armenia, and Kyrgyzstan. Rule of law, firm legitimation, or in some cases full equality for minorities have not sufficiently developed. But these republics meet a basic requirement of democracy--they recruit their top leaders, so far, through fair competitive elections, essentially open to all the population and they have working legislatures.<sup>2</sup> Yet, nothing is lasting; nothing is for sure.

## Democracy in Postsovetia

All the states continue in various versions of ongoing, or arrested democratization; none of them is a stable democracy yet. Juan Linz, a specialist on democratization, warns that a democracy "cannot be considered fully established" until it produces constitutional rule of law to limit and allot governmental powers and defines and establishes the protection of citizens' rights.<sup>3</sup> This has yet to happen in Postsovetia. Among democracies with equal rights for people, only Iceland and the UK have functioned without written constitutions, and they happen to be among the world's longest-developing parliamentary democracies.

The Gorbachev regime in the USSR failed to sustain its democratization, let alone rule of law. It ushered in relative freedom as a means to help revitalize an economically ailing system. Failing as a reformist system and unable to head off ethnic and regional separatism, Gorbachev's regime lost legitimacy, was crippled by the failed August coup, and then finally disappeared on December 25, 1991. Will democratization in the successor states survive freedom any more than the Union

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did? To survive and maintain freedom and democracy, the transition must develop legitimate representative institutions and rule of law. Will the fifteen post-Soviet successor states want to bring about such a transition? Whether they *can* is another question.

### **Predicting**

Only a handful of commentators predicted the end of Soviet totalitarianism.<sup>4</sup> None of my long-time Soviet acquaintances, ranging from high-ranking legal consultants and government officials, to the alleged coup co-conspirator, Anatoly Lukyanov, predicted the democratization or collapse of communism, especially after the repression of the 1968 Prague Spring.

We can make the task of prediction worse by idealizing democracy. Unless standards are set unreasonably high, it pays to remember that democracy is complex and vulnerable to all sorts of abuses and flaws in the processes of consent, articulation, and the protection of rights under the rule of law. It is, as Winston Churchill said, the worst form of government except for all the others.

A third reason for caution is not only democratization's complexity, but its variety. The lack of central authority in the loose Commonwealth of Independent States (CIS) fosters diversity among the eleven states in tradition, democratization, leadership, the intensity and forms of ethnic and territorial conflict, and inter-state relations. Yet, all fifteen successor states share an experience of rapid political decompression, complicated by economic crisis, aroused ethnic identity, and the vagaries of getting and using outside support.

### **Decompression**

"There can be no doubt," wrote Alexis de Tocqueville in *Democracy in America*, "that the moment when political rights are granted to a people who have till then been deprived of them is a time of crisis, a crisis that is necessary but always dangerous." Tocqueville's insight applies particularly to the political decompression in the USSR. The swiftness and totality of Soviet communism's lunges both away from democracy in 1917-1921 and in 1928-1932, and toward democracy and disintegration in 1985-1991, brought on severe cases of the political "bends."

The collapse of the system and empire leaves the states' political

structures in various stages of building beyond the caretaker institutions which were adapted by the old soviets (Party-dominated government councils). The institutions lack firm legitimacy--they still rest too much on the substance of policy outcomes and not yet enough on the processes of democracy. This is understandable given the newness of democracy and the crushing issues of economic reform, as well as the unresolved issues of majority rule versus ethnic minority rights.

In all of the former Soviet states, no matter what their state of democracy, there is not yet the rule of law to protect rights and limit government. Legislative-executive conflicts flare up especially in the more open polities. Political parties are still maturing from sects into broad-based programmatic conduits between the public and the government. Old bureaucracies administer new reforms, just as the Bolsheviks, to their chagrin, found it necessary to use Tsarist bureaucrats.

It takes time for people to learn how to balance conflict against toleration and consensus. I have just received from Elena Lukasheva, head of the Human Rights Sector in the Russian Institute of State and Law, an impassioned warning against anarchy, mob rule, and the lack of democratic values and experience. The public is frustrated and is once again asked to pay for its leaders' mistakes in the new democracy:

Democracy within our new government is burdened with the same traits as is the public: intolerance, egotism, populism and intransigence towards any opposition. It is understandable, since those in power now were molded by the totalitarian system, and the task of remolding the personality and backing away from the totalitarian thinking patterns is formidable.<sup>5</sup>

This picture seems a long way from the ideals of rights and democracy which were proclaimed in Russia's new Declaration of the Rights and Freedoms of the Person and the Citizen. Modeled on the Universal Declaration of Human Rights, it affirms "human rights and freedoms, individual honor and dignity as the supreme value of society and the state."<sup>6</sup> The Declaration, passed in November 1991, was recently adopted as an amendment to the existing Russian Constitution.<sup>7</sup> It states in Article 1 that: "internationally recognized international norms of human rights have priority over laws of the RSFSR and are a direct source of rights and obligations of citizens of the RSFSR." This stunning commitment was reiterated by Foreign Minister Kozyrev.<sup>8</sup> For it to be fulfilled, there must be courts and a legal profession which

measure up to making Russia a rights-protective regime.<sup>9</sup>

### **The Economy**

First though, the leadership has to make reforms which at least seem to begin to work for the people. "What does democracy depend on?" Over and over again, Russians respond "the economy" as did the jurist, Vladimir Kartashkin. "Half the people are below the poverty line," he added.<sup>10</sup> Democratization and economic reform may be seen as mutually interdependent partners in change.<sup>11</sup> "The fate of democracy will be determined to a great extent on the economic front," says Foreign Minister Kozyrev.<sup>12</sup>

Zbigniew Brzezinski and others have emphasized the importance of good economic judgment if Russian democracy is not to fragment into regional states, or turn into an inward looking or imperialist authoritarian, post-democratic state. "The West should not be dogmatic in its advice," says Brzezinski (but the IMF tends to be thus). A mixed state-private economy "may be stabler and a more socially constructive solution, and a preferable alternative to foreign takeover, and a backlash of xenophobia." Whatever the outcome, stable democracy for Russia (as for other successor states) appears to be decades away, unless there are economic miracles. That is bad news both for Eurasian and global security.<sup>13</sup>

### **The Ethnic Dimension**

This dimension is very much economic as well. President Yeltsin has a federal treaty with 29 of the 31 ethnic autonomous regions in Russia, but they have yet to be fleshed out with real accords over control of the gold, diamonds, oil, gas and other mineral riches in regions like Yakutia, Buryatia and Tiumen. Tatarstan and Chechen-Ingushetia have declared independence and want to negotiate separate treaties "between equals" with Moscow.

The economic bends of decompression aggravate inter-state and inter-ethnic conflict. In one year, March 1991-1992, areas afflicted with ethnic tension and conflict, according to *Moscow News*, more than doubled from 76 to 180. Of the territorial and ethnic disputes, most were peaceful: 40% limited to statements, 40% to nonviolent mass protests, 20% or about 36, violent. In the Trans-Dniester region (Moldova), Nagorno-Karabakh and South Ossetia, this meant waging

war. Over 15 conflicts concern the rights of deported nationalities.<sup>14</sup>

In the Baltic republics, the 8% Polish minority of Lithuania has protested against the suspension of two regional councils as allegedly coup-supporting and separatist. Polish-Lithuanian deputies, with whom I spoke last fall, felt betrayed by the takeover and the irregularities in it; they had supported Lithuanian independence. But, Deputy Romouldas Ozolas, head of the Commission on Affairs of East Lithuania, explained the irregularities as part of the process of restoring the Lithuanian state as thus: "We must first restore the state as it was under the law, and then relate to citizens according to standards of human rights." This is an example of a majority-ruled democracy which impinges on minority rights, but in a generally positive setting of toleration for minority cultural life.

The same question of majority rule/minority rights applies to citizenship laws in Estonia and Latvia, where there are relatively small majorities of Estonians (62%) and Latvians (just over 50%). As a result of Soviet policies of immigration into those republics, those policies have prompted ethnic and economic self-defense in the form of citizenship laws. The laws differentiate through residence requirements, between pre-occupation inhabitants (and their descendants), and immigrants during Soviet occupations (and their descendants).

Kyrgyzstan, the most democratic Central Asian state, contends with tensions among Muslims, especially between Kyrgyz and Uzbeks. One is impressed by the bearing and insights of representatives of the Kyrgyz Parliament with whom one meets, and by their apparent willingness to cooperate with their Uzbek neighbors to keep the peace.<sup>15</sup> Again, economics is key. However, scarcities of jobs and housing heighten inter-communal tensions and cast a shadow over the efforts of President Akayev's government to keep young democracy going in Kyrgyzstan.

### **The New Diplomacy**

The new diplomacy of the successor states confronts a tangle of economic, territorial, and military questions as well as questions regarding the treatment of minorities between successor states. The Cold War triad of issues is resurrected: arms control, human rights and regional conflict, only now in the context of new nationalism and the collapse of the Soviet empire.

The war between Armenia and Azerbaijan over Nagorno-Karabakh is especially urgent due to present or potential causes of conflict which

may create further setbacks in human rights and security. Armenia was at once inspiring, but also troubling to the visitor. It was inspiring to watch the determined inhabitants withstand a crippling blockade or to witness the voting during the independence referendum on September 21, 1991 which was later accompanied by two days of dancing in the streets. Troubling were the Azerbaijani railroad and natural gas blockades and the personal tales of refugees. Hundreds and thousands of Armenians and Azerbaijanis fled after the start of hostilities in 1988 in Nagorno-Karabakh. Thousands more were brutalized and deported to Armenia from there. The Armenians then retaliated with brutality of their own.

Other tense issues have emerged from the ashes of communism such as: the ownership of the former Soviet fleet; control of the former Soviet armed forces and nuclear weapons; tensions over borders and spheres of influence. One example is the anxieties generated by Lithuanian President Vytautas Landsbergis. He has expressed concern over Soviet troops in Kaliningrad (which is a part of Russia but is separated by Lithuania) and made a suggestion that Lithuania join a multilateral consultation on the question of the future of the region.

But the distrust of Lithuania's intentions can hardly match that of Russia's. Russia, though, is not Serbia; ultra-nationalists are still a small minority, including the greater-Soviet expansionist Vladimir Zhirinovskiy. Vice-President Rutskoi leads the charge to regain the Crimea by annulling Khrushchev's 1954 gift of the Crimea to Ukraine and by supporting separatist Russians in Moldova. Russia and Ukraine lost valuable time and friendship disputing the ownership of the Black Sea Fleet and the control of nuclear missiles. Their squabbles create security threats and distract attention away from opportunities for cooperation in a positive sense, rather than a zero sum game. Another problem is that Ukraine has its own internal problems (with potential international resonance) regarding the question of how much autonomy to allow Hungarians and Romanians in western Ukraine, annexed after World War II.

### **The Factor of Foreign Support**

Attempting to create market economies without self-destructing is the real underlying challenge. The support for Russia's government is imperiled by the absence of rapidly materializing "social justice" and well being. The trouble, Kozyrev concedes, is that unlike the Marshall

Plan, "assistance is not support for people 'returning' to a normal economy based on common sense. Russians do not know such an economy."<sup>16</sup> Kozyrev's moderate optimism, as well as that expressed by St. Petersburg Mayor Anatoly Sobchak who spoke in New York on April 30, 1992, rests on the presumption of greatly expanding economic relations with the developed, market democracies.

## **Conclusions**

Democratization's uneven and bumpy course in the post-Soviet successor states calls into question many ideas about "the end of history" and the victory of "liberal democracy." The transition from Soviet communism to democratization begins a new chapter. It is a unique chapter because of the speed and scope in which it destroyed nascent democracy after the October Revolution, and how it is now restoring itself during the predominantly non-violent revolution of perestroika.

Will democratization survive freedom? *Can* democracy do it might be a more felicitous phrasing. Opinions about Russia's readiness for democracy and about its people's present suitability for it range from deep gloom to conditional optimism. Nothing "will" be for sure. It has to be made to happen. Nothing belies the difficulties of democratization, but nothing proves it impossible over a considerable period of time.

The check list of conditions for democratization is formidable:

- creation of procedural legitimacy for democratic institutions
- development of broad based and strong parties
- resolution of executive-legislative power struggles under new constitutions
- instituting rule of law to protect rights (which is already recognized as central)
- highest possible encouragement and support for the twin necessities of democratization and development of a market economy with a human face
- a peaceful and united leadership such as the one shown by President Kravchuk of Ukraine (so far as a multi-ethnic nation is concerned)
- creation of a new spectrum of autonomous social classes associated with the new economy
- the reduction rather than an increase of ethnic conflict

For the sake of democracy and security, as well as out of pragmatic mutual economic interest, the outside world should pay as much attention as possible to the opportunities of establishing relations with Postsovietia. Otherwise, dangers exist if the outside world disregards this opportunity, as it once ignored the imperatives of containment during the less complicated times of the Cold War. This would be a terrible peace to lose.

### Notes

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2. Timothy J. Colton, "Politics in the Republics: Prospects for Stable Democracy," Timothy J. Colton and Robert Legvold, eds. *After the Soviet Union: From Empire to Nations*, The Eighty First American Assembly, April 23-26, 1992.
3. Juan J. Linz, "Transitions to Democracy," *The Washington Quarterly*, Summer 1990, p. 157.
4. They include George F. Kennan (in 1946-1947 diplomat and author of the policy of "containment"), Andrei Sakharov (human rights champion, theoretical and fusion reaction physicist and author of memos blueprinting perestroika as early as 1968-1971), Andrei Amalrik (who answered "No" to his question, "will the USSR survive until 1984?") and Ronald Reagan, who launched his crusade for democracy in 1982. On Reagan see Aryeh Neier, "Watching Rights," *The Nation*, 24 February 1992, p. 224.
5. Elena Lukashева, "Human Rights: A Time of Hard Decisions," draft of chapter for Peter Juviler and Bertram Gross, eds., *Human Rights for the 21st Century*, publication pending, Armonk, B.Y., M.E. Sharpe, 1993, 13 ad passim.
6. «Deklaratsiia prav i svobod cheloveka i grazhdanina», 22 November 1991, *Verdomosti S"ezda Narodnykh Deputatov RSFSR i Verkhovnogo Soveta RSFSR*, No. 52, item 1865, preamble.
7. Communication from Mary Holland, 5 May 1992.
8. "Wherever threats to democracy and human rights occur, let alone violations thereof," Russian Foreign Minister Kozyrev states, "the international community can and must contribute to their removal... This is the approach



- that is already manifesting itself within the CSCE. And it is from this fact that the democratic leadership of Russia, too, takes clear guidance in its action." Andrei Kozyrev, "Russia: A Chance for Survival," *Foreign Affairs*, vol. 71, No. 2, 1992, 13.
9. Jack Donnelly distinguishes stages of liberalization, democratization, and rights-protective regime. Jack Donnelly, "Human Rights in the New World Order," *World Policy Journal*, 9 (1992) 259-265. Other pressing items on the human rights agenda are prison reform, due process for suspects, etc.
  10. E.G. personal communication, from jurist, human rights specialist, and consultant to the Russian Parliament's Constitutional Commission, Vladimir Kartashkin, 17 May 1992. Also, coup suspects, held under almost total confinement, without habeas corpus court appearance, with access only to their lawyers, since August 1991. Interlegal Research Center, *Human Rights*, March 1992.
  11. "In creating a system of Russian capitalism there is no more important ingredient than...a democratic mechanism that protects the selective wisdom of the electorate." Jude Wanniski, "The Future of Russian Capitalism," *Ibid.*, 18.
  12. *Ibid.*, 8.
  13. Zbigniew Brzezinski, "The West Adrift: Vision in Search of a Strategy," *The Washington Post*, 1 March 1992. Georgii Arbatov, director of the Research Center for the U.S. and Canada and an adviser to President Yeltsin says that the reforms hurt people and help only "black market capital" by pushing too slowly on land reform and privatization, which should have been carried out before price increases. Georgii Arbatov, Moscow Radio interview, 18 February 1992, FBIS-SOV-92-035, 49.
  14. Olga Glezer, Nikolai Petrov, Vladimir Streletsky, Center for Political and Geographical Studies, Geographic Institute, Russian Academy of Sciences, research prepared for *Moscow News*. "The Updated Crisis Map of the CIS," *Moscow News*, 14 (1992), 8; Helsinki Watch, *The Punished Peoples of the USSR*, New York, September 1991.
  15. Meetings 5 and 6 May 1992, New York City.
  16. Kozyrev, 9.