

## Chapter 2

### THE POLITICAL SYSTEM OF BELARUS IN 1996–2000

#### **THE INTRODUCTION OF THE PRESIDENCY: PRECONDITIONS AND RESULTS**

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In order to thoroughly understand the Republic of Belarus and its presidency, it is necessary to analyse the country's legal foundation and the competence of its ruling bodies. A study of Belarusian laws, such as the Constitutions of 1994 and 1996, the Law on the Presidency adopted in 1995 and other regulations that comprise the legal foundation of Belarus, presents a completely different view of the presidency than is actually the case.

These issues can only be understood by studying this president's actions, entourage, political adherents and adversaries as well as the gradual changes in Belarusian society and public opinion. These changes are precisely reflected in legislation.

The elements that contributed to the development of the current political regime were manifest before they were reflected in legislation as a result of the 1996 referendum and affirmed in the new edition of the constitution proposed by Lukashenka in 1996. The actual status and extent of power that president Lukashenka assumed became clear by October 1995, during his first 14 months in office.

The election of Lukashenka and the subsequent accumulation of personal rule in Belarus were not coincidental. These developments were the result of the direction and character of political processes occurring in Belarus long before the 1994 presidential elections.

In 1991–1992, many members of the Belarusian political elite believed that a parliamentary republic was the form of rule that best suited the country's need for political development. The initial debate

in the Supreme Soviet concerning the need to adopt a new form of rule began in May 1993.

By the end of 1993 the dominant opinion in Parliament was that a presidential republic was the best option to lead Belarus out of a deep economic crisis and establish order and discipline as well as ensure that necessary political decisions be taken promptly.

In the Supreme Soviet only the democratic opposition (i.e., BPF and the Belarusian Social Democratic Hramada factions) voiced arguments that a presidential republic under Belarusian conditions would create the possibility of a dictatorship being installed. The majority did not heed the warnings of these 50 MPs.

However, the firm stand taken by the BPF and BSDH did have an influence on public opinion. According to polls taken in December 1993, 49.5% of Belarusian voters welcomed introducing the office of the president, while 29.3% were opposed.

The 12<sup>th</sup> Supreme Soviet elected during the Soviet era (in 1990) was not independent. The majority functioned as a lobby for Prime Minister Vyachaslaw Kebich whom they naturally saw as the potential Belarusian president. The 1994 constitution, under which Belarus transitioned to a presidential republic, was specifically tailored for him.

Vyachaslaw Kebich, a career apparatchik, was a member of the Party and Soviet nomenclature that had retained control of administrative bodies on the national, regional, and local levels. Simultaneously, a powerful group developed in 1992-1993 within the old elite that believed Kebich was not suitable to represent their political and economic interests in the light of the new conditions. This group was well represented in central institutions, among executives of large enterprises and was supported by some top officials of the KGB, the Ministry of Interior and the Public Prosecutors Office. Moreover, it had good contacts with the Russian establishment.

The main reasons this group was dissatisfied with Kebich were as follows:

1. The growing threat to their rule by the democratic counter-elite. This counter-elite was a new element, appearing in the late 1980's,

but was too weak to assume power when the Soviet Union collapsed. However, it continued to gain influence as its social base widened following changes in the social and demographic composition of society as well as due to the fact that the democrats had an opportunity to address the public through their representation in parliament and some major non-governmental media outlets.

2. The increasing strength of the workers' movement\*. Leaders of independent trade unions and strike committees were becoming increasingly more influential and co-operating with democratic political parties in Belarus\*\*.

3. In order to build a market economy, the state was to assume regulatory functions and ensure control over the operation and restructuring of state owned enterprises. As the public sector was responsible for approximately 90% of GDP, the president would no doubt be the main arbiter for their directors.

The economy of Belarus was built during the Soviet period as part of the Soviet economic system. The economy continued functioning on the basis of the traditions instilled during the Soviet era, which affected the quality of management.

Under the totalitarian empire, economic turnover was regulated not only by law but also by directives from the Party. In 1991, this system collapsed; however, market mechanisms were not in place. The state withdrew from regulating economic processes, which resulted in the creation of a "wild" market.

The Belarusian economic elite needed a "strong man" capable of establishing order, even if this meant returning to old methods of managing the economy: a person to whom executives of state owned enterprises would be directly responsible.

The economy of Belarus is oriented mainly at the Russian market. In order to ensure sufficient guarantees that the Russian partners would

\* The nomenclature had not forgotten a rally held in front of the House of Government by 100,000 workers in Minsk in April 1991.

\* Syarhey Antonchyk, one of the BPF leaders, was a board member of the national strike committee.

fulfil their obligations, a leader able to maintain good relationships (including personal relations) with representatives of the Russian political elite was necessary\*.

The above-mentioned group of pragmatics was represented by MPs Leanid Sinitsyn, Viktor Kuchynski, and Ivan Tsitsyankow as well as by state officials such as Uladzimir Harkun and Mikhail Myasnikovich. The group believed that Kebich would not have sufficient political resources to be the true guarantor of their power and interests. They did not need a “first among equals”, as Kebich would have been, but an authoritative leader, a charismatic politician whose popularity would guarantee their own stability; which was precisely their goal – attaining a level of safety while enjoying the privileges gained through dividing state property. That purpose could not be fulfilled via a mere pocket majority in the Supreme Soviet and control over most of the media. The way to true stability was to be paved by total control over Parliament and the media. Stability in their minds was the concentration of all power in the hands of their own politician and the possibility to do whatever it took against those who threatened their stature and interests.

Only a new face could fit that role; a person of the same political persuasion, a communist, an outsider, someone from the generation who had not had time to assume a major position before the Soviet Union collapsed and the Communist Party banned (in 1991). This individual had to be an aggressive, non-compromised, charismatic young politician.

The candidate fitting all the above criteria, Alyksandar Lukashenka, stood out distinctly against the general political backdrop. Lukashenka was a deputy of the 12<sup>th</sup> Supreme Soviet and a true outsider, a former director of the “Haradzets” state farm in the Shklow district. Moreover, in 1993 he was just 39 years old!

The date the nomenclature group decided on Lukashenka is known. On June 4, 1993, the Supreme Soviet established a new body: a

\* Kebich, who had good relationships with Russian Prime Minister Viktor Chernomyrdin and his entourage, only filled the latter requirement of the Belarussian political elite. The new leader was bound to continue this tradition.

temporary commission to fight corruption. The establishment of this commission, in a Parliament split into groups and factions, was not an internal parliamentary affair, but had to be approved at the highest level that would also have to nominate its chairman. The entire matter was orchestrated by the designers of the "president Lukashenka" project.

Since May 1993, Parliament had spent increasingly more time devoted to the issues of introducing the office of president and the advantages of a presidential republic. On June 4, the commission chaired by Lukashenka was established, moving him into position prior to the electoral campaign. In addition, a small group started to accumulate around this commission of 10 MPs; a group that was to develop into the entourage of president Lukashenka.

Competitors in the presidential election campaign did not consider Lukashenka to be serious, independent or worthy of a fully-fledged, no-holes-barred campaign. However, he felt no restraint in punching right and left. He went after the "national radicals" as well as the "corrupt nomenclature" and "party-mafia bosses."

The only person who could put real obstacles in the way of the "president Lukashenka" project was Vyachaslaw Kebich, the chairman of the Council of Ministers. Running for president, he had sufficient political resources to counter Lukashenka. However, people who were, in fact, working for the benefit of his rival filled key posts in Kebich's campaign team. This included Mikhail Myasnikovich, Kebich's closest aide, as well as Syarhey Linh and people associated with them\*. Myasnikovich and Linh were members of the old elite and both had made careers during the Soviet era\*\*.

Kebich's trustees convinced him that he was guaranteed to win the election. Polls sponsored by his campaign team showed that 27 % of voters were supporting him against 13 % for Lukashenka, his closest rival.

\* M. Myasnikovich was first deputy chairman of the Council of Ministers; S. Linh was a member of government.

\* M. Myasnikovich was a former secretary of the Minsk City Committee of the CPB and member of the CPB Central Committee. S. Linh was a former secretary of the CPB Central Committee.

The media, which were subordinate to the executive branch (TV, radio, large national newspapers like "Sovietskaya Belorussiya" and "Zvyazda"), primarily targeted their attacks at the democrats, specifically Zyanon Paznyak, Stanislaw Shushkevich, and Henadz Karpenka and not at Lukashenka, Kebich's most dangerous competitor.

Unlike those delivered against the democratic candidates, the very few attacks that were launched against Alyksandar Lukashenka were extremely unprofessional. These attacks with negative PR backfired on Kebich.

As an example, Ivan Antanovich, a pro-Kebich publicist, called Lukashenka a nationalist in a Belarusian radio programme on June 7, 1994, only because the candidate had once delivered a speech in Belarusian. Obviously, that action could only draw some democratic voters, mainly Belarusian speakers, onto Lukashenka's side.

Meanwhile, Kebich directed his main effort at campaigning against ex-speaker Stanislaw Shushkevich\*.

Kebich believed he would win an easy victory right up to the end to the campaign. On June 1, 1994, signatures for candidates were counted with the following results: 411,000 for Prime Minister Kebich, 217,000 for BPF leader Paznyak, 184,000 for communist leader Novikaw and Lukashenka trailing with a modest 156,000 signatures.

On June 18, the national media announced that an attempt had been made on the life of one of the candidates: shots had been fired at the car\*\* carrying Alyksandar Lukashenka while driving from Vitsebsk near the town of Lyozna. This incident had a significant impact on mobilising Lukashenka's electorate.

\* While campaigning against Stanislaw Shushkevich, Kebich made use of the parliamentary majority under his control. Even long before the elections, Kebich's team had made sure to paint a negative image of Shushkevich, even organising a scandal involving the opponent, which ended up with the dismissal of Shushkevich from the post of Chairman of the Supreme Soviet on January 27 (in a vote of 209 to 136).

\* Unlike Shushkevich who was driving an old Lada during the campaign, or Paznyak who did not have a particular vehicle at his disposal, Lukashenka was using two new Mercedeses. Those were bought by Ivan Tsitsyankow, chairman of the parliamentary Committee for Eliminating the Effects of the Chernobyl Disaster, with budget funds. Tsitsyankow would soon be granted the post of director of the presidential affairs department.

The first round of the presidential elections, held on June 24, revealed the distribution of political forces in the country. The curtain was up; it became evident who would be the first president of Belarus. Having succeeded in getting the planned effect from their "Lyozna sketch," the authors of the "president Lukashenka" project were inspired to continue their play. On the morning of June 28, when the first round results were already known and Lukashenka was seen in a new light, another act was played out. In the very heart of the capital, in the House of Government, police carried out an attempt on the would-be president and his trustees\*, trying to bar Lukashenka from entering his office. In full compliance with canons of the genre, Lukashenka and his aides won the fight and broke through to their room.

That event was accordingly highlighted by the national media in a completely new tone: everyone understood that the main character of the news stories was to become president in less than two weeks. The media coverage featured some note-worthy details: the order not to let Lukashenka into his office was allegedly issued by Major General Uladzimir Danko, Minister of Interior; the policemen were commanded by a colonel; severe bodily injuries were inflicted on the presidential candidate (photographs showed blood stains on Lukashenka's clothes).

Lukashenka was given an opportunity to use the mass media to tell the entire country the reasons for that clash, alleging that corrupt law enforcement officials were trying to prevent him from taking power in fear of their inevitable punishment for the crimes they had committed against the people.

The Lyozna attempt and the police attack in the House of Government clearly testify that top officials of the KGB, the Ministry of Interior and Public Prosecutors Office were involved in the "president Lukashenka"

\* Including Supreme Soviet deputies Leanid Sinitsyn (who would become head of the presidential administration a month after), Viktor Kuchynski, a member of the Temporary Commission for Fighting Corruption (soon to become a top official), and Ivan Tsitsyankow.

project; or at least that they were closely connected with the those behind Lukashenka\*.

The episode in the House of Government occurred when there was no longer anyone blocking Lukashenka's way to the presidency: Kebich, stunned by the major and unexpected defeat and the blatant betrayal by his closest entourage, withdrew from further campaigning. The second round of elections was held on July 8, with no surprises. On July 12, Kebich's government resigned.

The government established by Lukashenka, or more precisely, the composition of the government that was operating during 1994-95, was labelled by the regime's opponents as "the young wolves." However, this label was quite mistaken, ignoring some very important appointments (e.g., Mikhail Myasnikovich and Syarhey Linh as Deputy Prime Ministers). Later, in 1995, the government changed radically. The most important changes worth mentioning at this point involved Viktor Hanchar, who resigned as deputy prime minister in January 1994 (later becoming a democratic politician) and Uladzimir Zamyatalin, an odious political instructor, who was assigned director of the socio-political information department of the presidential administration in April 1995.

Zamyatalin's assignment marked the beginning of further changes. The chief ideologist of Kebich's government, Zamyatalin obtained more room for manoeuvre in Lukashenka's government. Wave by wave, members of the communist nomenclature began to replace professional administrators.

The first presidential elections in Belarus resembled a well-directed play. It had it all: a struggle between good and evil, a heroic main character, intrigue and, finally, a happy ending: the victory of good personified as the hero.

\* It is also evidenced by the fact that Lukashenka's campaign was financed from budget funds, which could only occur with silent approval of law enforcement officials.



**THE SPLIT IN STATE ORGANS OF POWER AS A RESULT  
OF THE CONSTITUTIONAL CRISIS IN NOVEMBER 1996**

**Iryna YEKADUMAVA**

President Lukashenka's authoritarian style of rule resulted in a constitutional crisis in November 1996. The situation that began on November 24, 1996, and became more pronounced on July 20, 1999, was characterised by the coexistence of legitimate institutions without power and illegitimate institutions exercising power. Moreover, both sides functioned so that informal bodies had more authority than formal bodies. Alyaksandar Lukashenka managed to retain power after the end of his first presidential term as defined by the 1994 Constitution under which he was elected through re-organising the highest bodies of state power, strengthening the highest organs of executive power as well as the power forces\*, installing control over the media and every aspect of social life as well as using administrative resources during elections. The opposition, unable to counter this process, assumed and consolidated the role of defenders of the constitution and the authoritative representatives of the Belarusian public.

LEGISLATIVE BRANCH

The highest, permanent and only legislative body in Belarus is the Supreme Soviet. Article 83 of the 1994 Constitution endowed it with the authority to call nation-wide referendums, adopt and make changes to the constitution, elect the Constitutional Court and the heads of other high courts as well as approve the national budget<sup>1</sup>.

The process of splitting legislative power in Belarus became apparent when the first conflict erupted between the president and the 12<sup>th</sup> Supreme Soviet in April 1995. Despite the smaller presence of the opposition in the 13<sup>th</sup> Supreme Soviet, the Parliament continued to oppose the president: against the wishes of Lukashenka, rather than

\* Army, police, secret services, and special troops collectively – [translator].

former Prime Minister Vyachaslaw Kebich, Parliament elected Syamyon Sharetski as speaker. Sharetski was chairman of the Agrarian Party, and vowed to push for market reforms, retaining the sovereignty of Belarus and the inviolability of the constitution.

The system of checks and balances within the 1994 constitution was tested, resulting in the failure of the president to concentrate all state power in his hands. However, as a majority of the people voted 'yes' in the 1995 referendum to give the president the right to dissolve Parliament, he claimed the right to ignore the law. The changes in the constitution, initiated by the president, tried to adapt legislation to the results of the referendum. To do so, the Legal Consultative Council\*, a special body of the executive branch, was established. When the presidential initiative to hold a referendum concerning amendments to the constitution was announced, Parliament was unable to stop it\*\*. Aware of the success of presidential initiatives in plebiscites and the futility of the tactic of not appealing to the people, the only thing that the Supreme Soviet could do to counter the attempts to amend the constitution was add its own questions to the referendum. Those questions, if voted in favour, would have rendered senseless those put

- \* A body of 19 lawyers, chaired by A. Abramovich, deputy head of the presidential administration, was established by the presidential decree of April 14, 1996.
- \* The media was monopolised by the Belarusian regime, the Supreme Soviet was losing political influence. This is well illustrated by the transfer of ownership of one of the most popular newspapers in Belarus *Narodnaya Gazeta*, which was established by the Supreme Soviet. When Parliament elected MP Ileanid Yunchyk as the paper's new editor-in-chief on June 28, 1996, the previous editor Mikhail Shymanski reorganised it into a joint stock company and appointed himself General Director – all in the course of one day. The legal basis for these actions were Alyaksandar Lukashenka's decrees issued with reference to forged papers. Without guaranteed access to state owned media and against the backdrop of an anti-parliamentary campaign by the national television and radio company, the Supreme Soviet lost the last source of information under its control (excluding *Zvyazda*). [See: "Concerning the Re-organisation of the Newspaper *Narodnaya Gazeta*. Decree of the President of the Republic of Belarus No. 233, dated June 28, 1996, (Electronic version). The document is available at the address <http://194.226.121.66/webnpa/text.asp?NR=P39600233>. Concerning the Appointment of M. V. Shymanski as General Director of the Joint Stock Company – and Editor-in-Chief of the Newspaper *Narodnaya Gazeta*. Decree of the President of Republic of Belarus No. 235, dated June 28, 1996.]

forth by Lukashenka and not allowed interpreting the results of the voting in favour of the executive branch. Moreover, the communists and agrarians developed an alternative draft constitution that did not include the post of president.

At the request of speaker Syamyon Sharetski who questioned the legitimacy of putting forth the new drafts of the constitution for a referendum, the Constitutional Court considered the Supreme Soviet resolution, issued on September 6, 1996, in regard to holding the referendum. On November 4, the Constitutional Court ruled that both versions of the Constitution involve changes to the organisation of the state and therefore the results of the referendum cannot be mandatory. Even the voting ballots stressed the consultative nature of the referendum. Nevertheless, its results were used as a basis for re-organising the entire structure of the highest institutions of power in the country.

Under Article 91 of the Constitution of 1996, the Belarusian Parliament (the National Assembly) consists of two chambers: the House of Representatives (110 deputies) and the Council of the Republic (64 deputies). The upper chamber, the Council of the Republic, is simultaneously the chamber of territorial representation. The six regions of Belarus and the city of Minsk elect eight representatives each, with eight more appointed by the president.

The first rehearsal of the new Parliament's session was staged even before the referendum, on November 19, when 80 deputies loyal to the president accepted an invitation from MP Ivan Pashkevich and attended a conference in the presidential administration building, thus leaving the Supreme Soviet sitting without a quorum. The actual re-organisation of Parliament began on November 25, before the official announcement of the referendum results. Once again, MPs were invited to the presidential administration building, where each of them was offered to sign a standard application to enrol in the House of Representatives of the National Assembly. On the first day, 62 out of the 84 invited deputies signed the application. The following day according to official information, 117 deputies met at the presidential administration building to form the ruling bodies of the House of

Representatives. At the suggestion of Lukashenka, Anatol Malafeyew, the former first secretary of the CPB Central Committee was elected speaker; while the position of deputy speaker went to Uladzimir Kanaplyow, an old friend of Lukashenka's. The House of Representatives was joined by 70% (52) of MPs from the "Zhoda" (Accord) faction as well as half of the communists (21) and agrarians (24). On November 28, the House of Representatives adopted a resolution to revoke the appeal filed earlier by members of the Supreme Soviet to the Constitutional Court, thus stopping the renewal of the campaign to impeach the president. Meanwhile, 61 members of the Supreme Soviet who had signed the appeal and remained loyal to the 1994 Constitution never revoked their signatures.

A total of 50 MPs refused to file applications for membership in the new Parliament. While the new Parliament was in the process of being established 70 deputies held a session of the Supreme Soviet. They adopted a statement on behalf of the Supreme Soviet presidium refusing to acknowledge the referendum results. As the debate concerning the situation unfolded MP Andrey Klimaw proposed issuing an order to arrest Alyaksandar Lukashenka. This was opposed by Mikhail Varanovich, who called upon the deputies to acknowledge defeat and participate in establishing the new Parliament. However, the majority of MPs decided to take a moderate stand: to continue working in order to prevent the legitimisation of state institutions based on the referendum results. The deputies finally hammered out an agenda for the next day that consisted in a session devoted to the economy with major political parties in attendance. In the end, the Supreme Soviet building was closed "for repairs" on November 28, and subsequent meetings lost any resemblance to parliamentary sessions.

Recognised by the international community\*, the Supreme Soviet lost the possibility to conduct legislative and representative functions as it

\* On November 25, 1996, Washington expressed its disappointment with the Belarusian referendum, which OSCE and other international organisations qualified as unlawful. The European Parliament continued to consider the Supreme Soviet its partner in Belarus. The European Union and the US advised the business community to refrain from investing in the Belarusian economy.

lacked the capacity to ensure the fulfilment of its resolutions. From February 1997, the members of the Supreme Soviet (not more than 50 people) continued their work in the capacity of political experts, no longer calling their meetings parliamentary sessions and opting for the modest term "meetings of deputies." Unlike members of the House of Representatives, they were extremely active in debate, however, the effects of their work were limited to passing political statements and founding yet other intra-parliamentary and extra-parliamentary structures. As their international activities were the most fruitful, the deputies were mostly interested in discussing the composition of delegations to foreign countries.

In terms of domestic politics, the most important among the first initiatives of the dissolved Supreme Soviet was the establishment of a commission, chaired by Viktor Hanchar, for evaluating the legality of the president's activities. On October 14, 1997, deputies approved the commission's report and signed a statement that it was no longer possible for Alyksandar Lukashenka to retain presidential authority. The statement, like most of the Supreme Soviet's decisions, had great symbolic meaning, but in practice resulted in the persecution of the MPs for their parliamentary activities\*. In fact, the statement was only a half measure, the first step towards renewing the impeachment procedure and therefore it was very important for the meetings of the deputies to have a plenipotentiary status of Supreme Soviet sessions. A group of deputies, headed by Viktor Hanchar, compiled a series of documents for preparing and holding plenipotentiary sessions of the Supreme Soviet\*\*. The deputies even began another signature drive for

\* Uladzimir Kudzinaw, leader of the "Civic Action" faction, was sentenced to seven years on a charge of attempted bribery. Officials publicly claimed the absence of such an institution as the Supreme Soviet, however, a writ send to Syamyon Sharetzki by the Public Prosecutors Office, addressed him as Chairman of the Supreme Soviet. A criminal complaint was brought against Viktor Hanchar, chairman of the commission, charging him with "slandering the president."

\* Under Article 92 of the 1994 Constitution, deputies could not be persons "appointed by the president or appointed in co-operation with the president." It was suggested to use that provision to stop the authority of 109 MPs who moved to the House of Representatives and not count them while establishing a quorum, which would have enabled the Supreme Soviet to pass laws and change the constitution.

the impeachment of the president, while a resolution to take away deputy mandates from the members of the House of Representatives was blocked by the communists, agrarians, and some of the social democrats. As a result, the Supreme Soviet did not grant itself the right to call parliamentary sessions!

Thus, the Supreme Soviet retained legitimacy and the capacity to adopt political statements but lost any mechanism for their implementation as well as the authority to make decisions that would affect the Belarusian political apparatus. The National Assembly crafted by Lukashenka, underwent a reverse process and soon replaced political work with technical routine. It produced no bills during its first months while passing earlier drafts by the Supreme Soviet and presidential initiatives almost without consideration. Debate was checked by the unwillingness of MPs to be accused of disloyalty. Despite the participation of pro-Chykin communists in the House of Representatives and representatives of other pro-presidential parties after the election of October 15, 2000, members of the new Parliament distanced themselves from any expressed ideology. The degree of influence in Parliament was now determined by proximity to executive branch centres of power and personal ties to Uladzimir Kanaplyow, deputy speaker of the House of Representatives. The first groups of deputies began to form only during the 2<sup>nd</sup> session of the lower chamber elected in 2000. The faction "Adzinstva" (Unity), headed by Valyantsin Simirski, deputy chairman of the Commission for National Security, was founded in May 2001 "to strengthen the authority of state power among the population and assist in the process of integrating Belarus with Russia." Prior to founding the 40-member faction, its leaders had contacted its Russian counterpart, a faction in the Duma with the same name. Another faction in the House of Representatives "Europe - Our Common Home" was modelled after the Duma's "Euroclub." Anatol Krasutski, deputy chairman of the Commission for International Affairs and CIS Relations, led this 14-member faction. Its main aim was "to accelerate the process of legitimising the National Assembly with respect to European inter-

parliamentary organisations." To date, there has yet to be a single party faction in the National Assembly.

Without a legitimate Parliament, Belarus has lost its representation in the OSCE Parliamentary Assembly on February 22, 2001. At its session of July 6-10, 2001, the Assembly postponed the adoption of a resolution concerning Belarus' representation until the subsequent session. Therefore, by the second presidential election, the legislature had not yet been recognised as legitimate.

#### JUDICIAL BRANCH

The turning point in the judiciary's loss of independence was the replacement of the judges sitting on the Constitutional Court. The initial composition of the court, chaired by Valery Tsikhinya, remained unchanged for two and a half years. Until the referendum, the court attempted to exercise its authority as an arbiter in the conflict between the president and Parliament.

Although the conflict between the executive and judicial branches of powers was not as significant as that between the president and Parliament, Lukashenka considered some judges on the Constitutional Court to be "friends of the opposition." Eventually opponents to the Constitutional Court stepped forward, so-called "official" lawyers acting on behalf of the presidential administration and other state institutions, representatives of the presidential Legal Consultative Council and jurists of the National Academy of Science. They barraged each Supreme Soviet resolution with critical articles and comments in the media. While the Constitutional Court followed the constitution and laws in effect, the "official lawyers" made references to a theory about two types of laws, legal and illegal laws. Simultaneously, the atmosphere within the Constitutional Court became increasingly more complicated as professional conflicts took on a personal character.

Following the referendum, five Constitutional Court judges submitted their resignations to the president.

On March 4, 1997, as 11 judges of the Constitutional Court were

sworn in, president Lukashenka advised them not to become involved in politics. After the referendum, courts found themselves totally dependent on the executive branch.

Under such conditions, society attempted to take on some functions of the judiciary. On June 10, 1998, a proposal to hold a civil trial of officials charged with breaching the rights and freedoms of citizens was submitted by the National Executive Committee, an executive body founded by some members of the Supreme Soviet to act as a civil coalition government. As no legal basis existed for such a court to function in Belarus, the Committee decided to attach the status of a civil court to it. The court was to collect complaints and appeals from citizens in order to hear them when justice was restored in Belarus and proper court authorities were able to process them. The civil court was established within the Supreme Soviet presidium. It is to service both individuals and organisations.

#### EXECUTIVE BRANCH

Under Article 84 of the 1996 Constitution, as head of the executive branch, the president has the right to call referendums and elections to the House of Representatives and Council of the Republic, establish and reorganise the presidential administration and other state bodies, define the structure of the government, appoint and dismiss the prime minister, ministers, and other members of the government, chair governmental meetings as well as, upon the approval of the Council of the Republic, appoint members of the Constitutional Court, Supreme Court, and Supreme Economic Court. Article 10 gives the president the right to issue temporary decrees with the effect of law that are to be reviewed by the House of Representatives within three days and by the Council of Republic afterwards<sup>2</sup>.

Although Lukashenka himself jokingly referred to his constitutionally-based authority as “royal,” in practice the president tends to exceed it. For example, on December 24, 1998, president Lukashenka issued an edict calling for elections to local Soviets on the basis of the Law on



Elections, which became effective only five days later. Many presidential decrees breach Belarusian legislation as well as international laws ratified by Belarus. Nevertheless, the president's authority to issue such decrees is questionable for at least three reasons. First, the 1996 Constitution is illegitimate as it was adopted on the basis of a referendum, during which numerous infringements of the law were noted. Second, Article 101 of the Constitution defining the competence of the president contradicts Article 7 that asserts the supremacy of the Constitution. Third, president Lukashenka exercises legislative authority without a corresponding law having been adopted.

The system of governing created by Lukashenka results in the president exerting an influence in every area of state and social life as well as allows him to control these areas without being held responsible by specific laws. In particular, the economy is controlled by three structures: the presidential administration, the Council of Ministers and the Security Council. As the government's tasks are unclear, its competence undefined and executive functions duplicated by the Council of Ministers and the presidential administration, it is obvious that the executive branch cannot function efficiently. Responsibility for economic efficiency is delegated to lower level authorities.

While Article 84 of the Constitution entitles the head of the executive branch to form "consultative, advisory and other bodies under presidential control," their functions and competence are not specified. This provision allowed Lukashenka to legalise special services under the president's exclusive control. This manoeuvre was employed even before 1996. (Even a special investigator from the Public Prosecutors Office failed to find out which troops beat up members of the 12<sup>th</sup> Supreme Soviet on the night of April 11-12, 1995). Despite being a board member of the Ministry of Interior, Mikhail Tsesavets (chairman of the main department of national defence) has not been subordinate to the minister since September 1996 (his department was instrumental in sabotaging the work of the Central Electoral Commission on November 15, 1996). The presidential security service, the

competence of which is above the police and state security, is Lukashenka's private security force.

The Supreme Soviet established a structure of executive power parallel to the president's higher organs of power. The National Economic Council, chaired by deputy speaker Henadz Karpenka, was established in February 1997. Members of the "Civic Action" faction, who had initiated the establishment of the Council, occupied the leading positions in this body. As an executive body of the legitimate, although powerless, Parliament, the National Economic Council assumed the role of a civil coalition government. To increase the role of the public in its activity, on October 14, 1997, the Council was transformed into the National Executive Committee with a broader range of responsibilities. Other than the economy, NEC was responsible for defence, security, local self-government, education, science, as well as ethnic and religious affairs. It was declared that the selection of members to the Committee would be based on professionalism and representation. The composition was defined by the Supreme Soviet presidium after negotiations were held with political parties and civic movements. The presidium co-ordinates nominations with the leaders of the organisations that participated in establishing the Committee. A chairman directs this body (initially Henadz Karpenka, Mechyslaw Hryb since April 21, 1999). The Committee is a permanent executive body. Between monthly sessions, work is conducted by its committees (15 as of February 19, 1998). The National Executive Committee developed a programme of economic reforms, a plan for national development and, in February 1998, more than 50 bills were drafted. It issued a number of appeals to the public, state institutions of Belarus as well as to other countries and the international community. However, the Committee did not manage to influence the policy of the official authorities nor gain access to state owned television and radio. Until the end of 1999, the aims of the Committee were to unite the opposition in order to prevent destructive economic activities by the state and to defend citizen's rights. In practice, the National Executive Committee served as an organisation co-ordinating the activities of

various democratic forces as the forces of authoritarianism were consolidating.

## CONCLUSIONS

Conflicts between the executive and legislative branches of power and the tendency of the president to exceed his authority are often presented by political scientists as problems characteristic for societies in transition. Formally, with the introduction of the new Constitution Belarus transitioned from a semi-presidential republic to a presidential republic; however, the changes were more profound as far as the country's development is concerned. The referendum began a period characterised by a new relationship between the state and society. The opposition did not recognise the representative structures installed by the regime, which took elections outside the political arena. For the people, to vote now meant to participate in regenerating the power that exists independently from them. With the abolishment of the separation of power and cessation of electoral competition, the arbitrary intentions of the head of state are now the source of the law.

The Belarusian president no longer faced any serious resistance to his violations of the law. Having gained control over all branches of power, he eliminated the legal possibilities of effective influence on his office. Key positions in government were redistributed based on the criterion of loyalty. Informal institutions forced out formal institutions. The domination of informal institutions of power and the regular practice of para-constitutional methods by the state machine are evidence of the degradation of institutional structures in Belarusian society. The wide-ranging competence of the bureaucratic machine as well as the police and military forces do not increase government efficiency. The Belarusian economy and society are now mainly regulated by directives and repression. Because the areas of control that used to fall within the competence of the state are now within the domain of the individual, there are no longer any relations in society that are protected against the interference of the unpredictable regime.

As independent judicial authority has been abolished, unlawful activity can take on a legitimate veneer. In Belarus, this occurred through opposing the direct expression of popular will in regard to the law; the former being superior in mass consciousness. A popular revolution as a means of taking power, provides legitimacy to exercise that power. The head of state counted on the population's legal nihilism and made infringement of the law a daily routine, a trademark of the Belarusian political system. First, this allowed the regulative function of the legal system to be turned into an instrumental function, which helped to establish control over society and prevent its reverse influence on the state. Second, breaking the law on every level of the state system is an extra factor that bonds the ruling elite internally. Third, the fact that the law does not defend people's rights makes the individual dependent on the state. As Stanislaw Bahdankevich put it: "for protection from the will of the authorities, the population turns to the authorities themselves<sup>3</sup>."

The regime carries out its directive-based style of management without reference to the law, and it is precisely the system of social regulation in which a majority of the population feels secure. Most people who find the legal situation in Belarus abnormal connect this fact with the policy pursued by Alyaksandar Lukashenka. These people are his potential opponents, and representatives of the regime view them as a "deviant" group.

The abolishment of general rules strengthens the present system of domination, although it also destroys the state system. As power concentrates, the anonymous character of its exertion results in its dependence on specific persons, which eventually undermines the state's autonomy. Lacking in autonomy, the state loses its authority: formalised bureaucratic procedures are replaced by wilful decisions, easy to make but needing formal institutions to be fulfilled. However, it is on the abolishment of those institutions that the present regime is based. Therefore, despite the formal expansion of the state's authority, in reality state control is carried out selectively.

The institutional degradation of Belarusian society destroys the

common logical field of relations among separate elements of state as well as between the state and society. Therefore, the problem of the regime's legitimacy in Belarus is replaced by another, the problem of the state's degradation as a social institution.

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## **THE CONSTITUTIONAL COURT AND CONSTITUTIONAL CRISIS OF 1996**

**Mikhail PASTUKHOW, Alyaksandar VASHKEVICH**

### **INTRODUCTION**

Unprecedented for Belarus, the Constitution adopted on March 15, 1994, established the Constitutional Court, a special body for constitutional supervision. The constitution contained a separate chapter with eight articles that regulated its competence and the manner of setting up the Court as well as the legal status of its judges. This chapter in Section IV of the Fundamental Law was titled "State Inspection and Supervision" thus stressing a special status of the Constitutional Court in the system of state institutions.

On March 30, 1994, 15 days after the adoption of the Constitution, Parliament passed a law concerning the Constitutional Court, comprising four sections and 57 articles<sup>1</sup>. Symbolically, this was the same day the Constitution came into effect.

There were 40 candidates for the 11 vacancies on the Constitutional Court. Parliament approved only 8 of the 40, and added one more during the session. Thus, on April 28, 1994, a special session of the Supreme Soviet elected a plenipotentiary composition of the Constitutional Court (under Article 12 of the above-mentioned law, the Court is competent to function and rule with at least seven elected judges). Two additional judges completed the composition of the Court after a by-election held on May 25, 1996.

Several of the 11 judges had earlier occupied high positions in the executive branch, such as deputy Minister of Justice, deputy Minister of Interior, head of government's legal department, aide to the director of the scientific research department of the KGB's Higher School, and deputy chairman of the Supreme Assessment Commission. Two of the judges had earlier worked for the Supreme and Minsk City courts. Their other colleagues previously worked as head of the legal department of

the Supreme Soviet secretariat, department chairman of the Police Academy, and two readers of the constitutional law chamber of Belarusian State University. The initial composition of the Constitutional Court comprised three doctors and three candidates of law; with one of the doctors, Valery Tsikhinya, being a correspondent member of the Belarusian Academy of Science.

The Constitutional Court defined its place in the political system of society during its first years of work. The Court heard more than 40 cases considering the constitutionality of presidential decrees and edicts as well as governmental resolutions. The majority of the cases involved the rights and freedoms of the individual.

It is worth noting that during 1995-96, the Constitution was primarily violated by president Lukashenka. His edicts often replaced laws in effect and breached people's constitutional rights and freedoms. By November 1996 the Constitutional Court had struck down, in part or in whole, 17 edicts and 1 directive issued by the president.

The Constitutional Court found itself in the middle of the November 1996 conflict, when president Lukashenka proposed a nation-wide referendum. On November 4 the Court granted the request, filed by Supreme Soviet chairman Syamyon Sharetski, to consider the case of the referendum involving the consultative nature of changes and amendments to the constitution. Shortly before voting day, on November 19, the Court received a proposal from 73 MPs to initiate impeachment proceedings against president Alyaksandar Lukashenka. Due to reasons explained below, the Court was unable to issue a final ruling.

Based on the results of the November referendum, Lukashenka introduced a new constitution that redistributed the competence of the main organs of state power. The six judges, including the chairman, who did not acknowledge the new constitution were asked to resign, which they did. Judge M. Pastukhow, who did not submitted a resignation, was dismissed "in connection with the termination of his term as judge." In January 1997, the Constitutional Court was reformed. The chairman, R. Vasilevich, and five judges were appointed by a

presidential edict, the other six were "elected" by the upper house of the National Assembly.

As a result, the Constitutional Court in Belarus was appointed by president Lukashenka and is answerable to him alone. It is noteworthy that during the more than four-year period in which the Court has been sitting, it has yet to review a single edict or decree by the president.

#### THE PROCEDURE OF ESTABLISHING THE CONSTITUTIONAL COURT AND THE LEGAL STATUS OF JUDGES

Under Article 126 of the Belarusian Constitution, the Supreme Soviet elects the 11 member Constitutional Court from among qualified professionals in the field of law. The law concerning the Constitutional Court maintains that a citizen of the Republic of Belarus with a degree in law, who is highly qualified in the field of jurisprudence and has high moral standards can be elected to the court.

According to Part 5 of Article 100 of the Constitution, the candidacy for chairperson of the Constitutional Court is submitted to Parliament by the president, while Article 13 of the law on the Constitutional Court provides that the members of the court elect the chairman. The position remained vacant for more than a year, as Dzmitry Bulakhaw, chairman of the parliamentary commission for legislation and the candidate proposed by the president, failed to get enough votes in Parliament.

Under Article 13 of the law, in the absence of a chairperson or deputy chairperson, or if those officials are unable to carry out their duties, the competence of chairperson goes to the oldest judge; in this case Valery Tsikhinya, who was eventually elected chairman of the Court on March 23, 1995, after his candidacy was submitted by president Lukashenka. Valery Fadzeyew was elected deputy chairman in open voting.

The Chairman of the Constitutional Court is elected for a five-year term, and may be re-elected "for the remainder of the tenure as judge<sup>2</sup>." Therefore, the chairperson's term could be longer than five years. Strangely, the law did not specify a term for deputy chair, which enables the person elected to remain in this office for the entire 11-year tenure as judge.



However, due to the fact that logistical support was provided to the Constitutional Court "in the form determined by the president," it was difficult to follow the above-mentioned provisions of the law. For example, in June 1994 the Council of Ministers decided to assign a personal car to each judge, the chauffeur also being the judge's bodyguard. The first time the Court ruled a presidential edict as unconstitutional, the personal cars and bodyguards were "detached." The number of automobiles at the Court's disposal decreased proportionally to the number of presidential edicts rejected by the court. By November 1996, only the chairman had access to a car.

#### THE COMPETENCE OF THE CONSTITUTIONAL COURT

Article 132 of the Belarusian Constitution reads: "The competence, organisation and procedure of the Constitutional Court are determined by the law." Therefore, the Constitution did not limit the competence of the Court; partly it was asserted in the respective law. Generally, it was much narrower than that of its counterparts in most European countries. The Belarusian Constitutional Court did not have the right to rule on the conformity of political parties to the Constitution, interpret the Constitution, or hear constitutional complaints by individuals.

The Court's main task, under Article 125 of the Constitution, was to monitor the compliance of state laws and acts with the Constitution. Under Article 127, this included a) laws; b) international treaties and other obligations of Belarus; c) legal acts of international entities of which the Republic of Belarus is a signatory (this primarily applied to acts adopted within the Commonwealth of Independent States (CIS); d) presidential edicts; e) normative acts of the Supreme and Supreme Economic Court as well as the Prosecutor General.

Acts under categories a) and b) were subject to review for compliance with the Constitution as well as international legal acts endorsed by Belarus, while c), d), and e) were also subject to review for conformity with Belarusian legislation.

The Constitution lists entities empowered to submit cases to the Constitutional Court:

1) the president; 2) the chairman of the Supreme Soviet; 3) a permanent commission of the Supreme Soviet; 4) a group of at least 70 Supreme Soviet deputies (out of a Parliament of 260); 5) the Supreme Court; 6) the Supreme Economic Court; 7) the Prosecutor General. The only recourse for other state institutions, non-governmental organisations, or individuals was to request one of the above-mentioned entities to submit a case before the court.

During the first two and a half years of the Constitutional Court's existence, it was most frequently addressed by the chairman of the Supreme Soviet, permanent parliamentary commissions, and groups of MPs. Between 1994 and 1996, the Court ruled on 46 legal acts, striking down in whole or in part 13 laws, 4 resolutions of the Supreme Soviet, 17 presidential edicts, one presidential directive, 3 resolutions of the government, one resolution of a Supreme Court plenary and one decision made by the executive committee of the Minsk City Council.

The legal status of the Belarusian Constitutional Court was unique, which distinguished it from the majority of its European counterparts: it had the right to initiate a review of any act of any state institution or non-governmental organisation with respect to its conformity with the Constitution, other Belarusian laws, or international acts ratified by Belarus. It is worth noting that the Constitutional Court frequently employed this right, especially in the beginning, which caused accusations of "juridical activism" and was undoubtedly one of the factors that inspired Lukashenka's constitutional reform of autumn 1996.

Another element of the Court's competence, not mentioned by the Constitution but provided by Articles 36 and 44 of the law on the Constitutional Court, was the requirement to prepare an annual report concerning compliance with the constitution in the country. The report was drafted by the Secretariat of the Constitutional Court, then reviewed by its judges and members of the Scientific Consultative Council. A second draft was then considered during a session of the Court, which if approved was finally signed by the chairman.

The first annual report was approved on January 27, 1995. It evaluated the practice of state institutions in terms of their compliance with the Constitution, and included proposals aimed to improve current legislation. The first report set a standard for future annual reports.

The report of the Constitutional Court adopted on February 9, 1996 and submitted to the president and Supreme Soviet, caused an especially broad-scale response among the public and within political circles. The report assessed compliance with the constitution as unsatisfactory. The Court maintained that the illegal accumulation of executive branch power entailed diminishing of the role and significance of the other branches of power; moreover some laws had been replaced with more specific, but contradictory acts<sup>3</sup>.

The Constitution and law on the Constitutional Court did not give it the right to legislative initiative: the Court was not authorised to table bills to Parliament. Article 130 of the Constitution gave the Court the right to propose to the Supreme Soviet changes and amendments to the Constitution, as well as to propose the introduction of new laws and change existing laws. Such proposals were subject to mandatory consideration by Parliament. The Constitutional Court issued its annual reports concerning compliance with the constitution in the country on the basis of Article 130. The report of February 9, 1996, suggested the Republic of Belarus introduce the office of Ombudsman; amend the Constitution allowing the Constitutional Court to interpret the Constitution; and establish penalties for not complying with rulings of the Court (the latter suggestion was adopted by Parliament in June 1996<sup>4</sup>).

The Constitutional Court was part of the mechanism of determining the accountability of president. Under Article 104, the president could be dismissed for violating the Constitution or committing a crime. The issue of dismissing the president could only be submitted by a group of at least 70 MPs. It was the Constitutional Court's task to establish whether the president violated the Constitution; in case of a positive ruling the president was suspended from fulfilling his duties until the Supreme Soviet made a final decision.

AN ANALYSIS OF SELECTED RULINGS  
OF THE 1<sup>ST</sup> CONSTITUTIONAL COURT

The Constitutional Court heard a number of cases related to people's rights and freedoms, asserted by the Constitution and other laws of Belarus. The Court's main focus was on the legal protection of citizens' rights in the fields of labour, civil and administrative relations.

The Constitutional Court moved to defend the civil and political rights and freedoms of the people when considering the constitutionality of presidential edict No. 336 "On Selected Measures to Ensure Stability, Law and Order in the Republic of Belarus," dated August 21, 1995.

The said edict suspended the activity of the Free Trade Union and the Minsk Underground worker's cell of the trade union of railroad and transport construction workers of Belarus; the Public Prosecutors Office was authorised to bring suits against these trade union organisations requesting they be banned. The edict also implied the termination of political parties, trade unions, and other non-governmental organisations should they participate in strikes at any of the enterprises listed on Registry 158 passed by the Cabinet on March 28, 1995. Moreover, the edict suspended the immunity of deputies of the Supreme Soviet and local Soviets.

The Constitutional Court ruled that these actions by the president violate the Constitution and other laws of the Republic of Belarus, the International Covenant on Civil and Political Rights, and the International Labour Organisation's convention "Freedom of Association and Protection of the Right to Organise," endorsed by the Republic of Belarus.

In response to the appeal of the Supreme Soviet concerning the inadmissibility of monopolising the media, the Constitutional Court considered the constitutionality of three presidential edicts (No. 19 of August 4, 1994; No. 27 of August 5, 1994; and No. 128 of September 28, 1994) related to the operation of the "Belarusian Printing House" which dominated the newspaper production market. The abuse of power by some state officials resulted in some newspapers being

published with blank spots in December 1994, which infringed the constitutional right of citizens to complete, reliable and timely information. The negative repercussions of that monopoly were felt in 1995, when the "Belarusian Printing House" cancelled contracts with a number of non-governmental publications thereby forcing them to seek printing facilities abroad.

The Constitutional Court also ruled that the National Television and Radio Company was not only a mass medium that dominated the field of television and radio, but that it had also assumed the characteristics of a central body of state control. This de facto consolidated its monopoly over the electronic media.

On this basis the Court ruled that individual provisions of the Statement on the National Television and Radio Company (presidential edict No. 128 of September 28, 1994) were unconstitutional. The Fundamental Law forbids the state, people's associations, or individuals to monopolise the media.

In regard to the bill of October 6, 1994 concerning changes and amendments to the law "On Local Self-government and Local Economies in the Republic of Belarus," the Constitutional Court ruled that the portion of the law abolishing local Soviets on the lowest level of the territorial division of the country conflicted with the Constitution.

In respect to Article 7 of the law on the Supreme Soviet and certain articles of the Regulations of the Supreme Soviet, the Constitutional Court concluded that, contrary to the interpretation of the executive branch, the Constitution did not allow for the absence of a supreme representative and legislative body, which was the Supreme Soviet. On the basis of the Constitution and the law "On the Implementation of the Constitution of the Republic of Belarus," the Court ruled the 12<sup>th</sup> Supreme Soviet was the legally valid legislative body until the 13<sup>th</sup> Supreme Soviet held its first session with the required quorum.

Presidential edict No. 383 of September 19, 1995, "On Reforming Local Administration and Self-governmental Bodies" eliminated Soviets

and their bodies in city districts. In their place local administrations were formed in the districts as the successors to the executive committees of district Soviets. The edict also suspended elections to those Soviets. Later edicts (No. 481 and No. 485 of November 27 and 30, respectively) outlined the structure of local administrations and contained changes and amendments to the temporary provision concerning local administrations.

Having analysed the above edicts, the Constitutional Court ruled that the liquidation of local Soviets in town districts and their bodies as well as their replacement with local administrations conflicted with the Constitution and the law on local government and self-government, while the suspension of elections to those Soviets violated the Constitution and the law on elections to local Soviets.

#### THE CASE OF PRESIDENT LUKASHENKA'S IMPEACHMENT

Shortly before the constitutional referendum of November 24, 1996, 73 MPs petitioned the Constitutional Court to dismiss president Alyaksandar Lukashenka from office. The formal cause for the appeal was Lukashenka's numerous edicts that violated the Constitution and infringed people's basic rights and freedoms. A total of 18 edicts had been deemed unconstitutional.

However, the real reason for initiating the impeachment procedure was the fierce conflict between Lukashenka and Parliament. Under the veneer of a referendum, Alyaksandar Lukashenka and company had been preparing a coup aimed at increasing the personal power of the president. Democratic-minded MPs moved to block these attempts. Following a proposal by Syamyon Sharetski, Supreme Soviet chairman, and on its own initiative, the Constitutional Court reviewed the legality and constitutionality of the Supreme Soviet's resolution of September 6, 1996, on holding a nation-wide referendum and measures to facilitate it. The Court ruled that it was not possible to put questions concerning changes and amendments to the Constitution in a mandatory referendum. The Court also ruled

that the results of such a referendum may only be used in an advisory manner.

Following this ruling, issued on November 4, 1996, the Supreme Soviet amended its resolution of September 6, 1996, and admitted that the mandatory portion of the referendum included only the questions in regard to changing the date of Independence Day (Republic Day) and whether to elect heads of local executive bodies.

Unwilling to accept the Constitutional Court's ruling of November 4 and the subsequent Supreme Soviet resolution of November 6, Alyaksandar Lukashenka issued two edicts in respect to the forthcoming referendum. Presidential edict 455 of November 5, established the sequence to implement decisions obtained via nationwide referenda concerning changes and amendments to the Constitution; this edict violated the Constitution as well as the law "On Popular Voting (Referenda) in the Republic of Belarus." Edict 459 of November 7 maintained that the Constitutional Court's ruling of November 4 was null and void "as it essentially conflicted with the Constitution and limited the constitutional right of the people to participation in a referendum." Moreover, the edict threatened state bodies that might hinder holding the referendum. According to the edict, such bodies would be terminated and those involved held accountable. This was, in fact, the introduction of full-fledged presidential rule.

Under these conditions, the Constitutional Court opened the case on November 19 concerning the allegation that president Alyaksandar Lukashenka had violated the Constitution. However, the case was not properly considered. The presidential administration applied unprecedented pressure on the judges. Valery Tsikhinya, chairman of the Court, was summoned twice to confidential meetings with Alyaksandar Lukashenka. After returning from those meetings, Tsikhinya repeatedly tried to persuade the judges to drop the case.

Enormous pressure was also applied to the deputies who had signed the impeachment appeal to the Constitutional Court. The unlawful behaviour on the part of the authorities (threats, blackmail, etc.) resulted

in 12 of the MPs withdrawing their signatures prior to the case being heard.

Shortly before the hearing, a group of high-ranking Russian officials arrived in Minsk, including Viktor Chernomyrdin, Gennadiy Seleznyov, and Yegor Stroyev. Under their patronage, a tripartite "Agreement on the Socio-Political Situation and Constitutional Reform in the Republic of Belarus" was signed on the night of November 21/22 by president Lukashenka, who agreed to cancel his edicts on the mandatory nature of the referendum; speaker Sharetski, who was to ensure that the MPs would revoke their impeachment appeal; and Constitutional Court chairman Tsikhinya, who agreed to stop the proceedings concerning the president's violation of the Constitution.

This agreement did not allow the Constitutional Court to hear the case on November 22, despite the presence of all the participants sitting in the court. Chairman Tsikhinya did not allow the hearing to begin and postponed proceedings until he received a letter from speaker Sharetski confirming that MPs revoked their signatures. However, a majority of deputies did not do so.

A final session of the Court was scheduled for November 26. However, that morning the central commission for elections and nationwide referenda announced the "victorious" results of the referendum and the new version of the Constitution as having become legally binding. The presidential administration dissolved the 13<sup>th</sup> Supreme Soviet, as a result of which the Constitutional Court cancelled the case concerning the president's violation of the Constitution on the pretext that members of the Supreme Soviet had revoked their signatures under the appeal.

#### CHANGE IN THE LEGAL STATUS OF THE CONSTITUTIONAL COURT UNDER THE NEW CONSTITUTION

The new version of the Fundamental Law and the new Law on the Constitutional Court radically changed the status of the Court and its judges.



The new Constitution no longer contained a separate chapter specifically devoted to the legal status of the Constitutional Court. Instead of eight, the new version contained only one article relating to this body, tucked way at the end of the chapter "Court."

Formerly, all members of the Court were elected by Parliament, whereas under the new Constitution (Part 3 of Article 116), six judges were to be appointed by the president, and six elected by the upper house (i.e., the Council of the Republic).

It is noteworthy that despite the explicit provision in the Constitution that six judges are to be elected, in reality they never have been. No alternative nominations have been submitted to Parliament, nor has Parliament debated the merits of the candidacies during its sessions that approved the judges. Moreover, the regulations of the Council of the Republic (not published officially) contain a rule under which all candidates for Constitutional Court judge can be suggested to the upper house only by the chairman of the Constitutional Court. In other words, the possibility of assigning a judge, without the blessing of the president, is absolutely eliminated.

The new versions of the Constitution and the Law on the Constitutional Court offer lower guarantees regarding the independence of judges. For example, the commission of a judge can be suspended and the judge can be arrested or face criminal charges "on presidential agreement." Moreover, in certain cases, the president can dismiss the chairman or any judge (including those not appointed by him) at any time under Article 18 of the Law on the Constitutional Court.

Under the amendment to the same law passed by Parliament on January 29, 1997, a judge is sworn in only once for the entire term of office in the Constitutional Court. Nonetheless, on March 4, 1997, president Lukashenko himself swore in a new body of judges including four judges from the court's initial composition.

Substantial changes were made to the list of entities entitled to submit cases to the Constitutional Court. Entities that used to be particularly active in filing applications were removed. The Constitutional Court is

no longer allowed to initiate a case. This is now the sole privilege of the president, the Supreme Court and the Supreme Economic Court (both appointed by president) as well as the Council of Ministers (prime minister appointed by the president and approved by the upper house, other members of government appointed by the president).

Under the new constitution, the Constitutional Court is not authorised to rule on the constitutionality of presidential acts, but is authorised to investigate (upon a presidential request) incidents of systematic or severe violations of the Constitution by houses of Parliament.

The Fundamental Law no longer mentions that rulings of the Constitutional Court are final and are not subject to appeal or protest. Neither does it state that direct or implicit pressure on the Constitutional Court or its members (in the fulfilment of official duties) is inadmissible and subject to legal accountability.

As a result, the Constitutional Court has turned from an active and independent organ of constitutional control into a legal institution with no initiative or position, subservient to the president and personally-controlled executive branch (administration, department of presidential affairs, security service, etc.). This transmutation is evident in the cases the new Constitutional Court has heard.

In the last four years, the new Constitutional Court heard 13 cases in 1997, 11 in 1998, 17 in 1999, and 28 in 2000. However, not a single presidential act has been ruled unconstitutional, despite the opinion shared by many prominent Belarusian scientists and experts that many presidential decrees and edicts are expressly unconstitutional and even violate the new version of the Fundamental Law. For instance, the infamous Decree No. 40 empowers the president to confiscate the property of legal or natural persons, which is contrary to the constitutional provision that the forced alienation of property can be carried out only under a court order.

Following these political and legal transformations, the status of the Constitutional Court in the system of organs of state power declined radically. The Court now serves more of a decorative function than that of a judiciary body of constitutional control. It is now limited to verifying

the constitutional conformity of specific sections of laws, governmental resolutions, and ministerial acts. Regardless of the verdicts issued by the Constitutional Court, it has virtually no influence on the legislative situation and on human rights in the country.

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## **THE STRUCTURE AND TRANSFORMATION OF ORGANS OF POWER IN THE REPUBLIC OF BELARUS**

**Nina ANTANOVICH**

The roots of authoritarianism in Belarus are to be sought not only in the mentality and the specific nature of the political culture, but also in the organisational and structural components of political power, as well as, and no less important, in the processes of executing the administrative and economic functions of the state. In connection with this, the following aspects of state management merit separate analyses: 1) the structure of organs of power; 2) the role of bureaucracy as an independent actor within the political system; and 3) corruption.

The system of state management of the Republic of Belarus has developed in several stages. The first covers the 1991-94 period and is characterised by a parliamentary system of government. During it the Soviet system was eliminated, sovereignty obtained, interest groups organised and a fragmented multi-party system developed.

The organs of state government in independent Belarus were recruited from professional functionaries of the Communist Party and Soviet state, comprising the former nomenclature, used to enjoying privileges during the Soviet era, of which the main privilege was holding a monopoly on power. The government of Vyachaslaw Kebich, appointed in May 1990, was mainly made up of this nomenclature, which was given the opportunity to re-divide a large share of public property. Democratic leader Stanislaw Shushkevich, elected chairman of the Supreme Soviet in September 1991, largely served as a screen for the nomenclature-dominated bureaucracy and was dismissed in January 1994.

For a number of reasons, both personal and institutional, the executive branch of power was incapable of efficient political management. It was decided to introduce a parliamentary-presidential system, reflected by the 1994 Constitution.

The first presidential elections and Lukashenka's victory paved the

way for another privileged group, less respectable in terms of social background but no less ambitious, to occupy the highest posts in government; the "old komсомolists and young communists." As before, many of the country's top-ranking managers, appointed in July 1994, had previously worked for the Central Committee of the Communist Party, the Council of Ministers, or its structures.

The second period, 1994-96, was conducted under parliamentary-presidential rule. This period was characterised by turbulent opposition between the president and Parliament, culminating in the constitutional crisis of autumn 1996. That year, the super-presidential system was installed.

The main "achievement" and result of that period was the creation of absolute rule by the higher organs of power. Until the first presidential elections, local bureaucracy was committed to Vyachaslaw Kebich. By using legislative mechanisms, Lukashenka easily did away with subtle doubts and past sympathies of local authorities. A reform of the system of local government was conducted and approved by Parliament in October 1994.

Changes to the Law on Local Government eliminated the system of Soviets as organs of local self-government, replacing them with a system of direct central management. All power on the local level was transferred to presidential structures: the "vertical" of power. The majority of present functionaries in the executive branch were born in Mahilyow region, and are personally indebted to the president for their careers.

Like other republics of the former USSR, the Republic of Belarus chose the parliamentary-presidential system of rule. However, this system proved shaky: it gave rise to conflict between the executive and legislative branches and experienced a series of political crises.

A parliamentary-presidential system *formally* still exists, the authority of the president was being steadily increased and legislatively asserted. This turned the executive branch into the dominant branch justified by the rhetoric of the need to form a centre of efficient political leadership. In practice, the fact that civil society is underdeveloped in Belarus allows

this branch of power to operate without any checks and balances and furthermore, it has led to the abolishment of the separation of powers as such as well as any semblance of checks and balances. Absolute rule of the higher organs of power (the so-called "power vertical") that has taken hold in Belarus is a monolithic administrative machine, a single bureaucratic body under the control of one man. This system of power organisation can be characterised as the method of production with the main exploiter being the state represented by the administrative-bureaucratic machine.

A detailed description regarding processes of structuring the organs of state management in the given period is presented below. After the presidential elections, the post of Prime Minister was occupied by Mikhail Chyhir, with deputy ministers including Mikhail Myasnikovich, Syarhey Linh, Uladzimir Harkun, and Viktor Hanchar. At the beginning of his term, Mikhail Chyhir gave a speech in which he proposed cutting the number of administrative offices, closing branch structures of ministries and reducing the number of ministers from 36 (under Kebich) to 24. However, these ideas, as well as that of introducing the "power vertical," were not new. Kebich's program speech, "We Are Standing at a Historic Crossroads" (March 1994), also included the following: "to strengthen sections of state management, expand the competence of ministries, eliminate 13 of them, reducing employment in them 12%" and "to delimit the functions of local authorities and representative power in the regions (local Soviets), resolutely cut the number of local representative bodies; chairmen of regional Soviets are to be approved by the head of the executive branch of government." This quote is the best illustration of the status of the administrative-bureaucratic machine in the political system. Bureaucracy is a very stable and conservative component of the centre for political decision-making.

Another trend that began during the period of establishing the presidency (and continues to the present) is the growing role of the presidential administration in the management of the country. In 1994 Leonid Sinitsyn headed the presidential administration. Originally, this structure controlled personnel policy in state organs. For example, as

early as in August 1994 the head of the presidential administration told an interviewer that the structure of the *government* had been defined and included 25 ministries and the State Security Committee (KGB).

One of the first sparks of conflict between the president and Parliament ignited in 1994, when the introduction of a presidential affairs department caused a heated argument. Speaker Mechyslaw Hryb bitterly criticised presidential edict No. 9 concerning the introduction of this department and demanded portions be stricken stating that the presidential affairs department would be responsible for financial, technical, logistical and social assistance provided to the Supreme Soviet.

The Main Department of State Security was established in September 1995 as an independent organ of state control under the president, directly subordinate to the president and State Secretary of the Security Council, for the purpose to protecting objects of national significance. Col. Mikhail Tsasavets, a former Supreme Soviet deputy, was the first director of the department.

The share of so-called security organs in the state system is physically quite large. According to various estimates the Ministry of the Interior, KGB and Presidential Guard employ approximately 120,000 people.

#### LEVELS OF DECISION-MAKING

In Belarus, highest authority in the hierarchy of power belongs to officials whose status is not defined by the country's Fundamental Law. The actual system of decision-making does not coincide with constitutional bodies of state management. The basic levels on which decisions are made are outlined below.

The first (i.e., the highest) level is the presidential administration or more precisely, its top ranks: approximately one hundred people who have about 90% of state property at their disposal.

The second highest level comprises the mid-level echelon of the presidential administration, the Security Council, the Committee for State Control and the KGB.

The Council of Ministers, the 24 Ministries, and 18 State Committees\*, comprise the third level, while local executive and administrative bodies comprise the forth.

State officials are totally dependent on their superiors from higher levels of the power hierarchy, both administratively and financially. Moreover, anyone in authority can fall victim to presidential decisions at any time.

A separate group comprise directors of large state-run enterprises, collective farm managers, and members of Parliament.

In terms of decision-making, the degree of centralisation in today's Belarus is greater than in the former BSSR. The integral system of state management as it currently exists is merely a driving mechanism linking the president and the people. It is interesting that the monopoly of executive power has been established by means of legislative regulations (which was also the case with the Soviet practice employed in state administration), as an attempt to preserve the paternal role of the state.

Structurally, the Belarusian political system is characterised by distribution being dominated by the executive branch. The phenomenon of "power-property," when power is primary and property serves only as its function, gives the administrative bureaucracy an indisputable right to redistribute all values and benefits in a centralised fashion. The domination of a re-distributive form of public politics is combined with the leading role of bureaucracy and a high probability of violence. As a result, power exceeds the status of an instrument - it becomes a supreme value in itself.

#### BUREAUCRACY AS AN INDEPENDENT ACTOR

In Belarus, functionaries privatise their managerial functions. Their competence, field of activity, and even office tasks become their personal resources. This is evidenced by the complicated procedure of registering private businesses, permanent campaigns of re-registering entrepreneurs, licensing various kinds of activity, possible financing from

\* As of September 9, 2001 - Editor.



the budget, providing valuable information, and so on. High-ranking officials put what is called a "roof" (of patronage) over businesses, reaping high dividends. Springs of market economy are the most vital resource of bureaucracy. One can be confident that a sector of market economy will remain no matter how much stronger state power might grow.

Belarus' market has become over-centralised and competition limited; meanwhile, bureaucratic structures have become "bourgeois."

The administrative machine in Belarus can be seen as either having a solid social and financial stature or being very unstable.

Considering the first assumption: bureaucracy stands firm. There are presently 108,000 Belarusians employed in state management as opposed to 73,000 in the 1980's, during the BSSR era.

There are many ways of allowing a functionary to earn money, even without using "extrabudgetary" funds: barter operations and mutual operations between companies, currency trading, supervising the gas and oil business, an opportunity to become a patron of a private notary or auditor or access to the distribution of state housing. There are also many privileges for functionaries: special medical services, prestigious education free of charge, cut-rate referrals to the best sanatoriums, prizes, and titles. Much higher than the opportunity for "privatising" managerial functions, top level officials value the possibility to "partake in the civilised world" in the form of foreign delegations and expenses covered in hard currency. The ultimate for top level officials is a diplomatic assignment abroad and a humble contribution in breaking through the international isolation of Belarus.

As to why the position of the bureaucracy is shaky, many employees in the institutions of power are being tied to the regime by material, political and personal obligations. The instability of these people is defined by a personal vassal-like dependence on the patron and the risk of being victimised by a corruption-fighting campaign.

Lukashenka and the official media often threaten and humiliate the administrative-bureaucratic machine with passages such as: "aggressive and cowardly circle of functionaries" ("Znanya Yunosti" (Banner of

Youth), June 16, 1998); "functionaries wallow in intrigues and squabbles", the root of solving social problems is in "restraining uncontrolled and corrupt officialdom – the real power that had towered above us" ("7 Dney" (7 Days), March 21, 1998).

Corruption is an excellent target for gaining political capital. Examples of this include the "suitcases of indictments" and the lists of the corrupt drawn up by Alyaksandar Lukashenka while in the Supreme Soviet. His election was followed by the notorious case of Heorhi Markowski, dismissed as Minister of Forestry due to accusations of abuse of office and lack of responsibility. Another dismissal in September 1994 involved Defence Minister Pavel Kazlowski and his demotion to lieutenant-general for "abuse of office" (the post of Defence Minister was later occupied by Anatol Kastenka, Leanid Maltsaw, Alyaksandar Chumakow and again by Leanid Maltsaw).

These events show a pattern: on one hand, shrewd functionaries are threatened and openly blackmailed, on the other, they fight for resources by eliminating the competition.

Examples of real corruption are the Mahmud Esambayev Foundation and the company Torgexpo (both founded in 1995). In 1996 these two entities, exempt from taxation, excise duties, and VAT, were engaged in moving transit goods through Belarus to Russia. As a result of this activity, from 1995 to February 1996, the Belarusian state budget lost USD 320 million, or 11% of the national income. Another example is Belspetsvneshtorg Company, founded by presidential edict No. 291-18 of August 1, 1995, for "the efficient use and sale of released weapons, military materiel, and products of the military-industrial complex." A scandal erupted when the company sold a number of MIG-29s to Peru.

Campaigns for punishing negligent managers, strengthening labour discipline, and fighting corruption always have two objectives. Externally, they are to influence public opinion to increase the authority of power; internally, to control the inner circle in order to prevent scheming and intrigue.

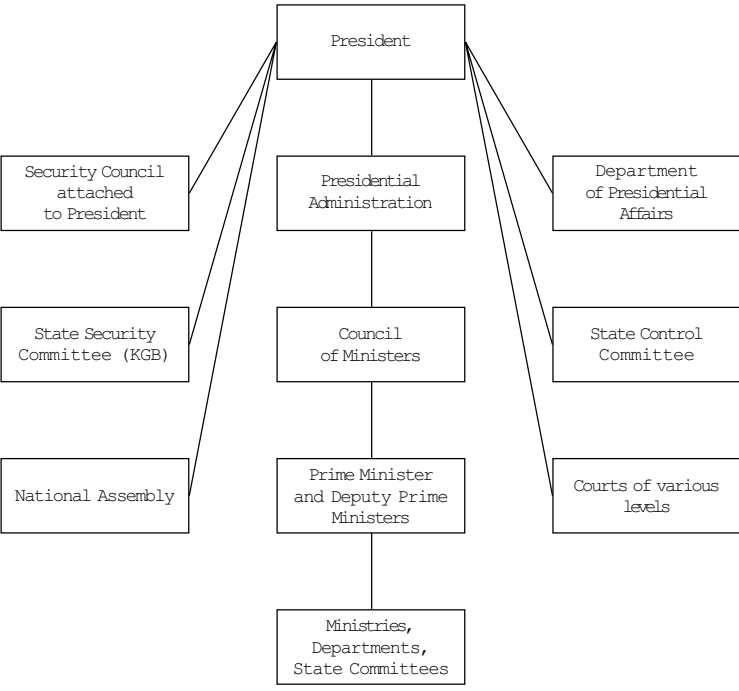
The presidential higher organs of power in Belarus are not so much a

prop as a hostage of current state policy. The style of "telephone conferences," open insult and humiliation of managers on all levels have become normal practice of employer-employee relations. According to polls conducted by the Independent Institute of Socio-Economic and Political Studies (July 2001), approximately 80% of members of the vertical were displeased by the present state of affairs.

Some of the regime's functionaries have dared to openly protest against the system of power, such as, Ivan Tsitsyankow, the former director of the presidential affairs department. Uladzimir Stsyapanaw, deputy chairman of the Berastse regional executive committee, voluntarily retired in May 2001. Viktor Chykin, chairman of the State Television and Radio, requested leave in June that year. Among those remaining most loyal to Lukashenka are Viktor Sheyman, Ural Latypaw, Uladzimir Zamyatalin, Leanid Kozik, Piotr Prakapovich, Mikhail Myasnikovich, Alyaksandar Abramovich, Vasil Dauhalyow, and Mikalay Damashkevich.

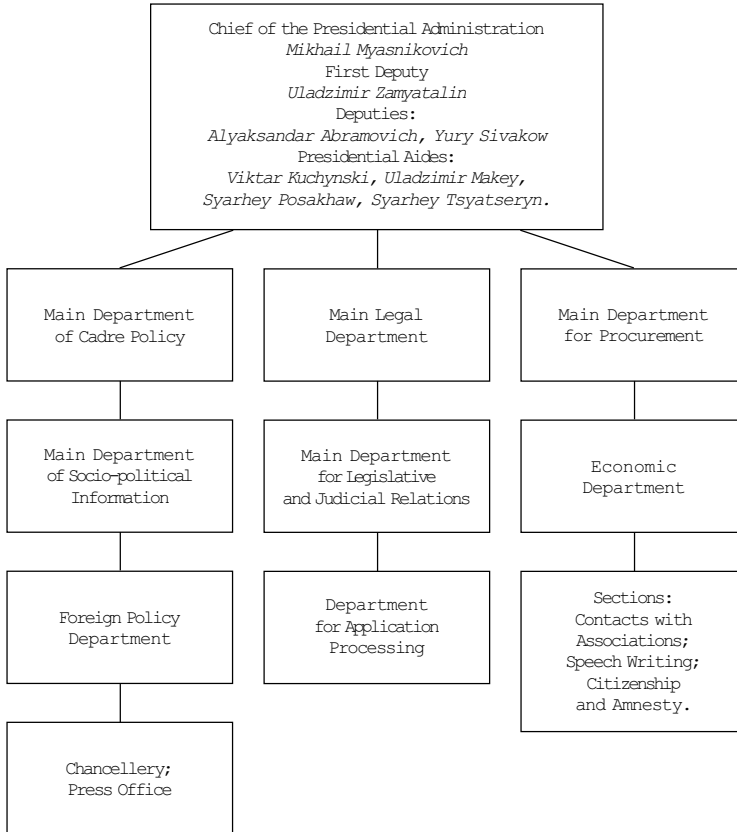
APPENDIX

**The Structure of Organs of State Administration of the Republic of Belarus**



**The Structure of the Presidential Administration**

*(as of September 9, 2001).*



**The Structure of the Government of Belarus**

**The Council of Ministers**

*The Belarusian Cabinet comprises the Prime Minister and Deputy Prime Ministers, Director of the Presidential Administration, Chairmen of the State Control Committee, Chairman of the National Bank Board, President of the National Academy of Science, Chairman of the KGB, Chairmen of the State Border Guard Committee, Aviation, and Taxation as well as the Chairman of the Belarusian National Union of Consumer Fellowships.*

**The Presidium of the Council of Ministers**

*This is a permanent body of the Council of Ministers, comprising the Prime Minister (Hrads Navitski), the Prime Minister's deputy, Director of the Presidential Administration, Chairman of the State Control Committee, Chairman of the National Bank Board as well as the Ministers of Economy, Finance, and Foreign Affairs.*

**State Committees:**

*Chairmen of State Committees have the same status as Ministers.*

- **The State Security Committee (KGB).** Chairman: Ieanid Yeryn.
- **The State Committee for Aviation.** Chairman: Flyodar Ivanov.
- **The State Committee for the Border Guard.** Chairman: Alyksandar Pawlowski.
- **The State Tax Committee.** Chairman: Alyksandar Shpilevski. (A committee within the Council of Ministers.)

**Committees:**

- **The Committee for Forestry.** *Formerly, the Ministry of Forestry.*
- **The Committee for Land Resources, Geodesy, and Cartography.** *Formerly, a state committee.*
- **The Committee for Science.** *This Committee was founded by merging the former State Committee for Science and Technology, the State General Accounting Committee, and the State Patent Committee. The new Committee will establish a general accounting committee (but not as a legal person) and a new state institution, the National Centre for Intellectual Property.*
- **The Committee for Eliminating the Effects of the Chernobyl Disaster.** *Formerly, a committee within the Ministry for Emergency Management.*
- **The Committee for Standardisation, Metrology and Certification.** *Formerly, a state committee.*
- **The Committee for Securities.** *Formerly, a state committee.*
- **The Committee for Energy Efficiency.** *Formerly, the State Committee for the Conservation and Monitoring of Energy.*

**Associations (Institutions)**

*under the authority of the Council of Ministers.*

- **The Belarusian State Concern for Oil and Chemistry** (BelNaftakhim).
- **The Belarusian State Concern for the Food Industry** (BelDoyarzKharchPran).
- **The Belarusian State Concern for the Production and Sale of Consumer Goods** (BelMastsPran).
- **The Belarusian State Concern for the Production and Sale of Pharmaceutical and Microbiological Goods** (BelBilyaFarm).
- **The Belarusian State Production and Trade Concern for Forestry, Wood-processing, and Cellulose and Paper Industries** (BelLesPaperPran).
- **The Belarusian Railroads.**
- **The Belarusian National Union of Consumer Co-operatives** (BelKoopSayuz).
- **The National Centre for Archives and Filing.**

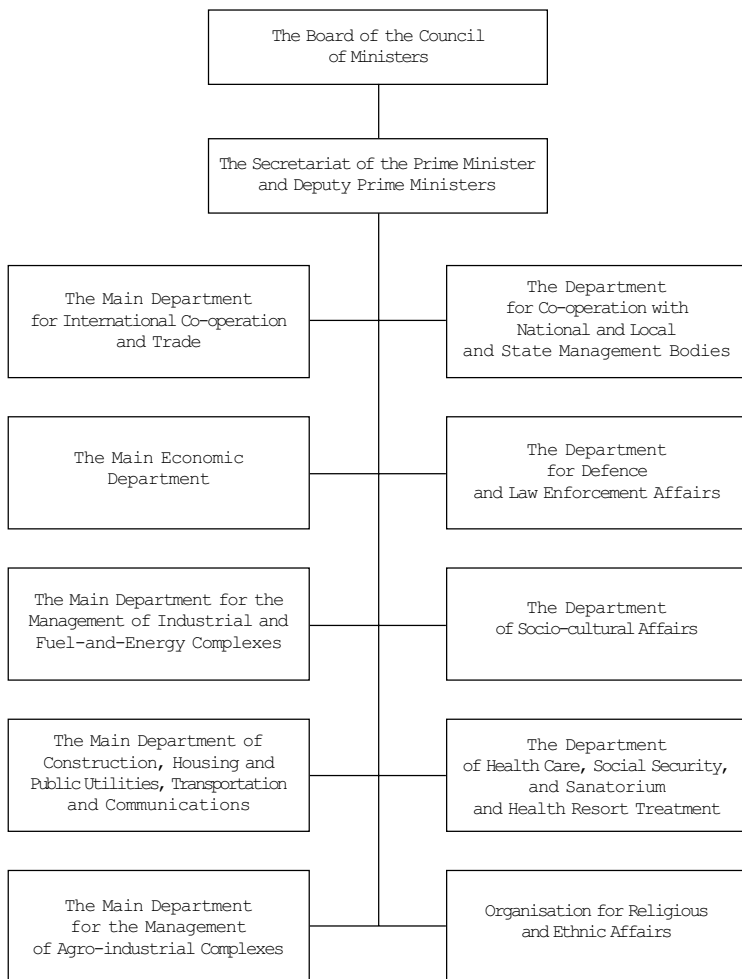
*Founded on the basis of a like-named state committee.*

### Ministries:

- **Architecture and Construction.** Minister: Henadz Kurachkin.
- **Internal Affairs.** Minister: Uladzimir Navum.
- **Housing and Municipal Services.** Minister: Alyksandar Milkota.
- **Healthcare.** Minister: Uladzislaw Astapenka.
- **Foreign Affairs.** Minister: Mikhail Khvastov.
- **Information.** Minister: Mikhail Pachayny.  
*Formerly the Press Committee; this ministry regulates the transmission and distribution of information, co-ordinates the State Television and Radio Company, the national "Belarusian Telegraph Agency" as well as other state-owned media.*
- **Culture.** Minister: Ieaniid Hulyaka.
- **Defence.** Minister: Ieaniid Maltsev.
- **Education.** Minister: Pyotr Bryhadzin.  
*In addition to former functions, the Ministry acquired control over Belarussian State University, conducts state youth policy and administers the education system. The Ministry will have departments for youth affairs and supervising education.*
- **Taxes and Duties.** Minister: Karstantsin Surar.  
*Formerly, the State Committee for Taxes.*
- **Emergency Management.** Minister: Valery Astapaw.
- **Natural Resources and Environmental Protection.** Minister: Iyavontsi Khanuzhik.
- **Industry.** Minister: Anatol Kharlap.  
*In addition to former functions, the Ministry acquired control over the state-owned scientific and industrial concern of powder metallurgy, the state-owned scientific and industrial concern Belmashpylada of inter-branch machine- and instrument-making, and the state-owned conglomerate for purchasing, processing, and supplying ferrous and non-ferrous metal scrap and waste.*
- **Communications.** Minister: Uladzimir Hancharenka.
- **Agriculture and Food.** Minister: Mikhail Rusy.  
*In addition to former functions, the Ministry acquired control over the state-owned production and trade concern for sea fishing, importing, processing and the selling of fish and fish products.*
- **Sports and Tourism.** Minister: Yavhen Vorsin.
- **Statistics and Analysis.** Minister: Uladzimir Zinovski.
- **Trade.** Minister: Alyksandar Kulichkov.  
*In addition to former functions, the Ministry acquired control over the material resources concern (Belresursy) and the state-owned association of domestic services for the population. The Ministry is also responsible for co-ordinating foreign trade organisations, regulating consumer protection relations, and controlling advertising.*
- **Transport and Transportation.** Minister: Mikhail Baravy.  
*In addition to former functions, the Ministry is establishing a department, Belavtadur ("Belarusian Roads"), as a legal entity.*
- **Labour and Social Security.** Minister: Antanina Moxava.  
*The Ministry was established as a result of merging the former Ministries of Labour and Social Security.*
- **Finance.** Minister: Mikalay Porbut.
- **Economy.** Minister: Uladzimir Shymaw.  
*The ministry will take over the functions of other ministries that have been liquidated, the responsibilities of which included: managing state property and privatisation, assisting enterprise, co-ordinating state investment policy as well as enacting anti-monopoly measures and developing competition. The Ministry is creating the following legal entities: departments for enterprise, managing state property, reform and bankruptcy as well as foundations responsible for state property and supporting small and mid-sized businesses.*
- **Energy.** Minister: Uladzimir Syamashka.  
*The Ministry acquired control over the state-owned enterprise for gas transport and supply, BelTransgaz, the Belarussian energy concern, BelEnerha, and the Belarussian concern for fuel and gasification, BelPalgaz.*
- **Justice.** Minister: Viktor Halavenaw.  
*The ministry will be the sole registrar of legal persons and individual entrepreneurs.*

**The Structure of the Council of Ministers**

*As of November 5, 2001*





## **THE BELARUSIAN NOMENCLATURE AND LINES OF CLEAVAGE IN IT. LUKASHENKA'S CADRE POLICY**

**Piotra NATCHYK**

At the beginning of the 1990's, Belarus was an industrial and agricultural republic on the western border of the USSR. As a result, the following factors exerted an influence on relations among the Belarusian nomenclature elite.

1. The industrial factor which produced the industrial lobby comprising a group of managers of large enterprises and the leaders of territorial administrations, within whose competence those enterprises were located and whose career prospects depended on the success of those companies. As the republic was oriented toward the Union centre, this group tried to improve their position in the relationship with the centre, choosing the strategy of gradually installing their representatives in Union institutions.

2. The agrarian factor. In a country with a large agricultural sector, the elite was recruited either by appointment from the centre or by promotion from the body of agriculture managers. Given the weaker contacts with the Union centre (compared to the industrial lobby), this group concentrated more on retaining their influence in their local areas rather than expanding it to the central authorities.

3. Situated on the western edge of the USSR, it was inevitable that the Belarusian elite was strongly influenced by the group of functionaries from state security and the border guard.

More or less distinct groups of nomenclature elite began to crystallise in the BSSR as late as after the Second World War. Prior to the war, central totalitarian rule used a special staff policy and repression to bar the promotion of regional party functionaries to the republic's organs of power. The domination of people appointed by Moscow that arrived from Russia did not allow sustainable connections to be formed within the Belarusian administration.

However, in the first decade after the war personal and informal relationships that had developed among commanders and members

of partisan detachments and underground cells during the war laid the foundation for a new system of interparty relations in Belarus in the 1950's-60's.

This first wave of internally structured nomenclature elite came to be referred to as "the partisan elite." Most of its members were bound by shared memories of the partisan movement or underground Party and Komsomol organisations.

Until 1956, first secretary of the CPB Central Committee had never been a local Belarusian (Pantselyaymon Panamarenka, Mikalay Husaraw, Mikalay Patolichaw arrived from Moscow). In 1956, Kiryla Mazuraw, a representative of the national elite, headed the Communist Party of Belarus. His arrival began a series of indigenous appointments. In the mid-1960's, 8 out of the 16 functionaries in influential Party posts in the Minsk region had a "partisan youth" background. The republic's last "partisan" leader was Piotr Masheraw.

Relations within the partisan elite were built on the principles of classic clientelism. The main areas of recruitment were the regions of Vitsebsk and Berastse. The main achievement of that generation of the Belarusian elite was building an original Belarusian staircase for ascending to elite posts through personal relations.

During the 1960's and 1970's, a considerable number of large-scale industrial enterprises were built and expanded in the BSSR. It was during this period that the Belarusian Party and economic hierarchies began to mould the next generation of elite – the industrial elite. The first knot of relations between the elites, who would have a large influence on re-apportioning the division of power in the country even in the post-Soviet era, was tied as the industrial elite consolidated in the 1970' and 1980's. The new, industrial elite rose on the basis of Party organisations inside large enterprises. The main generator of this elite was Minsk, with the most important representatives being CPB leader Mikalay Slyunkow and his associates.

As a result, in the early 1980's the BSSR had two competing models of elitist relations: the industrialist model of the national central elite and the agricultural model of regional elites.

The former proved highly efficient in thrusting functionaries up the hierarchy but was less effective as a system of organising local management. The latter provided fewer prospects for attaining Union-level authority but allowed control to be retained on the regional level.

The national central elite mainly comprised former members of party organisations of large industrial enterprises\*.

Meanwhile, regional elites remained predominantly agrarian, had little access to the imperial centre, but the cadre was also subject to limited influence from the centre.

By the time the USSR collapsed, Belarus had not developed a tradition for distributing offices that closely tied regional elites with that of the centre. They coexisted in an isolated fashion, using different models of recruiting members and distributing positions. Their aims also varied. The channels from the national centre to the Union centre and vice versa, as well as those from the Union centre to a region of the republic were much more influential than that between the republic's centre and regional centres.

Opposing interests of the central (industrial) and regional (agrarian) elites in relations between the national centre and regions resulted in conflicts between industrialists and agrarians on the regional level\*\*.

Therefore, as perestroika was rolled out the regional and national elites had differing aims and motives. The agrarian-industrial regional elites lacked the channels, resources, skills as well as motivation to influence the national elites. Both simply followed the initiatives of the Union centre. It was the election to the 12<sup>th</sup> Supreme Soviet (leading to Belarus declaring independence and the Supreme Soviet becoming the real centre of the country's political life), that began a new phase in the

\* Out of the 12 members of the Central Committee Bureau elected during the 29th Congress of the CFB, 6 (50%) were industrialists, and only one (8.3%) was associated with the agricultural sector. Figures for the 30th Congress were 8 (50%) and 2 (12%), respectively, out of 16 members.

\* For example, in Horadnya the industrialist Syamyon Domash received a Party post only after the regional elite exhausted their possibilities of delegating representatives of an agrarian clan, and the regional Party branch was facing the possible appointment of the reformer Uladzimir Syamyonaw.

development of the elite. The election paved the way to the centre for many representatives of the regional nomenclature. Regional functionaries comprised more than half of the 12<sup>th</sup> Supreme Soviet: 14 % were collective farm managers, 21.5 % regional administrators and 29.5 % Party officials. The republican Party and state nomenclature comprised only 10 % of Parliament, where many regional and national politicians debuted.

The central Party nomenclature was not ready for the new relations of power that emerged in newly independent Belarus. With the abolishment of the CPB, top Party functionaries lost power and almost disappeared behind the political horizon. (This change was promptly used by the "Communists of Belarus for Democracy," a reform-oriented group of 50 MPs, whose most clamorous representative was Alyaksandar Lukashenka. None of the members of the faction ranked higher than that of enterprise or farm executive.)

The top posts were now occupied not by Party nomenclature, but by the nomenclature of the central organs of state administration, who were less influential and less able to control the regions. Prime Minister Vyachaslaw Kebich, sensing the loss of control, allowed his deputy Mikhail Myasnikovich to co-ordinate relations with the regions.

The only group to retain organisational potential was the elite of law enforcement (KGB, Ministry of Interior, etc.). Their influence was evident by the fact that the Kebich government repeatedly tried to restrain it. For example, one of the major administrative and personnel changes planned as early as 1992 was reform of the organs of state management, which was to include a partial dissolution of the KGB and the liquidation of military intelligence. In December 1993, Parliament considered dissolving the KGB and transferring its responsibilities to the Ministries of Interior and Defence. It was proposed that the border guard establish a unit for "special active measures" (the Belarusian acronym ASAM), an elite detachment of the border guard. KGB Chairman Eduard Shyrkowski and Interior Minister Uladzimir Yahoraw accused Henadz Danilaw, State Secretary for Crime Prevention and National Security, of excessive patronage, a dictatorial management style and attempting

to establish ASAM as a parallel (unconstitutional in their opinion) special service to counterbalance the corresponding department of the KGB.

The authority of the old nomenclature elite among society plummeted in the early 1990's, while the national democratic forces began to gain influence. The declaration of independence as well as the meetings and strikes of 1991 showed the serious potential of national democratic groups in the country, their ability to influence society and summon mass protest rallies. They became a threat to the political position of the nomenclature, as a result of which the move to introduce the office of president was initiated. Between the first presidential elections and 2001, the evolution of the Belarusian elites has passed through several phases.

The first phase can be called parliamentary, or pseudo-democratic. As stated above, until the mid-1990's the Belarusian nomenclature elite did not have any distinct currents within it. As president, Alyaksandar Lukashenka began to pursue a cadre policy mainly consisting in assigning top officials according to their personal contacts and regional connections. This included functionaries he had known in the Mahilyow region and his parliamentary partners.

Within two months of being elected president Lukashenka made 57 significant appointments. Exactly one third of these people (19) had been MPs and most were given top-ranking positions. At this early stage Lukashenka employed a regional model of assignment. Among the 19 former MPs, 7 had campaigned for him during the run-up to the election, and at least 5 came from his home area, the Mahilyow region. The majority of the others had occupied offices one level lower in the same branch of state management.

Lukashenka also handed out top-ranking positions to former members of the nomenclature elite. Mikhail Myasnikovich remained first deputy prime minister and Syarhey Linh retained the office of deputy for economic affairs. As deputy prime ministers for agriculture and cultural-educational affairs, former MPs Uladzimir Harkun and Viktar Hanchar found themselves relatively lower down the pecking order.

Those assignments followed the old model: from the national centre

to the regional centres, with no regard to regional specifics. The vague character of the central elites and the isolation of the regional elites allowed Lukashenka to reform organs of local government without significant opposition from the regions. Under the new system, the chairmen of local administrations were assigned from Minsk, generally on the basis of personal sympathy of the president.

Parliament once again became the base of regional leaders. Of the six regional administration chairmen, three had been members of the 12<sup>th</sup> Supreme Soviet, and five had previously occupied regional posts. However, the reform also highlighted regional trends in forming the elite: most chairmen of local administrations (primarily on the district level) were recruited from the periphery, even if supported by the president.

The reform led to the first distinct conflict between differing interest groups within the presidential entourage, of which after 1994 there were three: the old elite, the police and military forces, and MPs (or media politicians). The "Mahilyowans" could be singled out, although the participation of this group in most relations was only nominal. It was represented in all of the above-mentioned trends without comprising an organised entity.

The main representative of the old elite was Mikhail Myasnikovich\*, who had worked in the Belarusian government since 1986, rising in the ranks from Minister for Housing and Municipal Services to Deputy Prime Minister. In the Kebich government, Myasnikovich was responsible for the industrial-economic sphere; having enormous connections with domestic regional elites and foreign elites. The main function imposed on that elite group was to provide economic viability to the state system established by Lukashenka. It was through Myasnikovich that Lukashenka maintained contacts with Moscow and representatives of the national industrial and banking elites. Most ministers connected with industrial and other economic activities

\* During the 1994 election campaign Lukashenka did not manage to secure the support of the industrial-economic elite. Therefore, co-operation with the old "economist" Myasnikovich can be explained by the new regime's need for stable channels of communication with managers of enterprises.

(including the above-mentioned Syarhey Linh, Barys Batura, as well as Minister of Trade Valyantsin Baydak and Minister of Industry Uladzimir Kurankow) preserved their seats during the first waves of new appointments in state institutions that followed Lukashenka's election. Such was the case with Agriculture Minister Vasil Lyavonaw of the Mahilyow clan, Lukashenka's former patron who maintained his connections with agrarian elites.

The first appointments left members of the old nomenclature with leading positions in the financial and economic fields, providing continuity of policy and the system of distributing power\*.

In the first months of Lukashenka's rule, the greatest changes in cadre were made in law enforcement: the KGB, Ministry of Interior and the Border Guard. Leaders were replaced together with their deputies (unlike in other fields where some interval was generally maintained between two replacements). Yahoraw, dismissed in 1994 for opposing Danilaw's group, returned as KGB chairman. Valer Kez, who had been dismissed once for co-operating with Lukashenka's anti-corruption commission, was appointed his deputy. (Incidentally, both Yahoraw and Kez had worked in law enforcement for some time in the Berastse region, the home region of Viktor Sheyman, one of Lukashenka's most active campaigners and one of the most influential people in his entourage. Sheyman was appointed Chairman of the Security Council, the country's highest security body.)

The Ministry of Interior was given to Zakharanka, born in Homel region. All deputy ministers were replaced. Among the new appointments, some came from the Berastse region (Mikalay Krechka). All commanders of the border guard (the home of the ASAM special troop, created during the Kebich government as an alternative to its KGB counterpart) were also replaced.

In other ministries, only ministers were assigned anew and only selected deputies were replaced after some time.

\* In connection with this, it should be noted that "the media politicians" received sonorous titles with little influence (excluding Zakharanka, Yahoraw, and Chyhir; and these were dismissed soon).

The term *parliamentary*, or *media elite* seems appropriate for the new wave of functionaries who came to Lukashenka's government and administration from Parliament. It is the most diverse, numerous, and volatile group. MPs or persons from parliamentary circles who came to work for the executive branch included such political antagonists as Viktor Hanchar and Viktor Sheyman, Yury Zakharanka and Ivan Tsitsyankow, Uladzimir Yahoraw and Inesa Drabyshevska. This was an eclectic group, the only common thread being that they all had supported Alyaksandar Lukashenka in the 1994 election. It was the members of this group that were the first to leave the presidential entourage due to the change of the regime's policy and as a result of the struggle among the various groups of elites for influence. The exodus of the parliamentarians began with the departure of Viktor Hanchar in December 1994, coinciding with the peak of the campaign for the establishment of the presidential vertical and the first assignments of regional governors by the president. In Hanchar's words, his dismissal was the result of his disagreement with the new system of power in which the importance and influence of the Council of Ministers was diminishing and all power was shifting to the presidential administration. In his opinion, his departure fit in with a "collective stand taken by the Cabinet of Ministers." Incidentally, other parliamentarians (Leonid Sinitsyn) also quit referring to a "collective" opinion, although they resigned individually.

More organised and die-hard representatives of the two other groups (the old *nomenclature* and the police and military forces) gradually occupied the positions held by former parliamentarians. Thereafter, political intrigues were centred around fighting between these two groups led by Myasnikovich and Sheyman, respectively. Hanchar's departure created a vacancy in the position of Deputy Prime Minister for a MP native of Berastse region, Uladzimir Rusakevich. His Berastse and parliamentary origin implies a connection with Sheyman and his group, which was now growing stronger. Indeed, during the next three months the "old *nomenclature*" lost positions. Most of the ministers with an economic and industrial profile were replaced (of those that



had not already been replaced), namely the Ministers of Trade, Industry, Finance, and some of their deputies. Thus, the first wave of the parliamentarians' exodus gave way to re-dividing areas of influence: the police and military forces gained more authority while the old nomenclature lost considerable influence.

These developments were played out against a backdrop of replacing the executives of industrial enterprises. Exchange rate speculations and a crisis of non-payments focused industries on the problem of survival and finally undermined the low-level economic elite (managers of state-owned and private industries, banks and other businesses). In addition, in September 1994, the government decided to renegotiate contracts with directors of industrial enterprises, which left the latter in a weaker position than during the Soviet era.

From the end of 1994 to 1996, at least 10 managers of large enterprises were replaced (according to official sources). The financial-economic elite was being neutralised as Myasnikovich and the group of apparachiks of the "the old nomenclature" were also losing influence. Their resources inside the country (the foundation of their power) were melting away as fewer and fewer directors of enterprises associated with them. The old elite required additional resources to exercise their influence.

The shuffle of the parliamentarians was accompanied by re-allocating areas of influence between the police and military forces and the economists. In June 1995, A. Fyaduta, chairman of the socio-political information department in the presidential administration, was replaced by Uladzimir Zamyatalin\*, one of the most odious figures in the Kebich administration. When General Zakharanka left the Ministry of Interior in October 1995, a large-scale reshuffle occurred within the ministry\*\*, followed two months later by similar shake-ups in the KGB and the presidential administration. As a result, "parliamentarian" Sinitsyn, who had been responsible for staffing Lukashenka's administration the

\* Zamyatalin was assigned with Sheyman's recommendation after having failed miserably at his previous post.

\*\* The first to go were like-minded democrats, followed by Zakharanka himself.

previous year, lost real influence and by October 1995 was reduced to the position of a mere deputy prime minister. Mikhail Myasnikovich, the patron of "the old nomenclature," received a more significant position (within these relations) as director of the presidential administration, replacing Sinitsyn. In these circumstances, Sheyman's appointment as acting Minister of Interior might also be considered a demotion\*, even though he remained State Secretary of the Security Council.

The Ministry of Interior was "reinforced" by former KGB personnel. Deputy Minister of Interior Syarhey Rukhlyadzew was replaced by KGB officer Ivan Yurkin, who had taken a calculated and moderate position during Yahoraw's and Shyrkowski's opposition to Kebich. Like Rukhlyadzew, Yurkin had worked in law enforcement for some time in Russia. In December 1995, Faryd Kantsaraw, the director of counterintelligence and a former KGB officer, was appointed Deputy Minister of Interior. Previously, Valyantsin Ahalets, who been dismissed as commander of the interior force by Kebich before the 1994 presidential elections, was appointed Minister of Interior.

In December 1995, two months after Zakharanka's dismissal, the KGB underwent a significant reshuffle. KGB chairman Yahoraw was retired\*\* and succeeded by Uladzimir Matskevich, former KGB official in charge of the Berastse region, who had been transferred to Minsk a year earlier. Leanid Yeryn, who had previously worked as FSB chief for Moscow and the region, was appointed first deputy KGB chairman, rather than Berastse native Kez. Kez became deputy head of the Security Council and was transferred to the reserve two months later. He was replaced by Yurkin, mentioned above. These appointments illustrate the decline in influence of Sheyman's police and military group: those from Byarestse were out, and Kantsaraw, an employee of the counterintelligence service, was appointed to the Ministry of Interior\*\*\*.

\* This is also evidenced by publications illustrating the difficulties Sheyman had returning to the post of State Secretary for the Security Council.

\* In the 1994 presidential election, Yahoraw also campaigned for democratic candidate Stanislaw Shushkevich.

\*\* Sheyman, being of Berastse origin, primarily had contacts with the border guard and military intelligence.

Many of the new appointees had one particular feature in common: they had connections with Russia. Yeryn, Yurkin, and Ahalets had been working for varying periods of time for Russian law enforcement bodies. Shortly before the presidential election in 1994, A. Kantsaraw was offered the position of director of counterintelligence in the Siberian military region. As Belarus reoriented its foreign policy and Lukashenka strove for more influence in Russia, a new factor, Russia itself, became increasingly more important for the Belarusian leadership.

The "breakthrough to the East" was carried out with the help of "the old nomenclature," or more precisely, the old leaders of the police and military forces. Myasnikovich's temporary success in 1995-97 in Russia's "red belt" could only have been possible due to his connections with the financial-economic circles of the old Russian elite, and through it with the Russian regional elite (mainly among the police and military forces). In order to retain the influence his group was losing as Lukashenka continued rooting out the industrial-economic elite, members of the old nomenclature were using a new resource: their connections with Russia. They tried to convince Lukashenka that the real goal was winning political dividends outside Belarus.

Despite Myasnikovich's buoyancy, Lukashenka carried on restructuring and taming the industrial and economic elite, whose final neutralisation coincided with a reshuffle between the dismissals of Sinitsyn and Chyhir. Heorhi Badzey, Minister of the Economy, was fired together with Sinitsyn. As early as January 1996, U. Kurankow, Minister of Industry, brought up from heavy industry, was replaced by Anatol Kharlap, formerly director of a financially ailing computer equipment factory. The Minister of Finance was also replaced. Thus, as the "parliamentary" elite was falling off the table, the old industrial-economic elite was being weakened and neutralised as well. Moreover, there was no new generation to replace it; instead, vacancies were filled by less influential and more obedient functionaries.

In Russia and Ukraine, powerful industrial elites had sufficient resources and incentives to protect their proteges and interests by building corporate oligarchies, which struggled for political influence.

The Belarusian industrial elite lost in their competitive struggle against the super-oligarchies, which used the state as their weapon of choice, or more precisely, those who had highest authority in the state. The industrial-economic lobby was demoralised.

Another important event coinciding with this re-distribution of offices was a wave of presidential advisor appointments. In January 1997, three people received presidential appointments, Syarhey Posakhaw, Uladzimir Karalyow and Piotr Kapitula. These appointments show that the Russian factor in Belarusian politics was escalating. Ivan Antanovich (Secretary and Politburo member of the Russian Federation Communist Party in 1990–991) was assigned Foreign Minister. Uladzimir Karalyow (former chief of the State Protocol Service) and Russian-born Syarhey Posakhaw (formerly a campaign specialist for Lukashenka) became presidential advisors. Together with Antanovich's appointment, all of this is evidence of Lukashenka's new need of propaganda backing for his eastern policy.

Naturally, this trend increased the influence of those with powerful connections in Russia. For instance, Syarhey Kantsavenka was appointed Deputy State Secretary for the Security Council and received a top position in the main department for special troops of the KGB. He had previously worked for the Security Council before leaving for Moscow\* after Kez's retirement, returning approximately six months before his new assignment. Alyaksandar Chumakow\*\*, appointed acting Minister of Defence, also had Russian connections.

Therefore, new channels of influence to the president were established by early 1997. Representatives of the parliamentary group either moved into opposition to the regimes (e.g., Viktor Hanchar) or temporarily withdrew from politics (e.g., Mikhail Chyhir and Leanid Sinitsyn). The industrial-economic elite lost its independence on both the regional and field levels, and its personal was largely replaced. Old

\* Kantsavenka had connections with the influential Russian politician Volksiy, having worked together in Karabakh.

\* Chumakow had served in Transdnestria together with the famous Russian General Lebed.

conformists who had been enjoying high positions since Kebich's stint in power replenished the national-level elite. Now, however, they were completely dependent on Lukashenka. The only group to remain relatively unaffected, even if split into irreconcilable factions, was the police and military forces.

The regional, industrial, and national elites existing at the turn of the 1990's proved unable to form durable pressure groups with articulated political aims. Therefore, when a former outsider from the regional, dispersed agrarian elite gained total power, rather than the various groups' supporting their members and positions, the result was more influence for the one group that was most organised and not connected with any of the others, that is, the police and military forces.

As stated above, this is a diverse group. It began to split as early as 1994-96. Initially, the struggle was between old conformists and careful advocates of change. The dismissal of Zakharanka and Yahoraw rendered ideological divisions obsolete; the only remaining cohesive factor was common geographical background or joint work.

Meanwhile, Lukashenka managed to achieve a peculiar balance of elites: the old nomenclature provided the economic viability of the regime due to their connections with Russia, whereas Sheyman's lot controlled law enforcement to ensure internal stability. Strengthening either would threaten this balance.

As early as 1995, after a short clash for influence in the Ministry of Interior, the nomenclature and law enforcement came to a compromise. Valyantsin Ahalets, Faryd Kantsaraw, and Yuri Sivakow suited both the "old" nomenclature and Sheyman while having strong enough connections with Russia. Ahalets had been first deputy commander of the interior force until 1994. Sivakow was a man of the Security Council, that is Sheyman's man, although he had worked in the Council of Ministers before 1994 and had some connections with the "old" nomenclature. Kantsaraw once headed counterintelligence in the KGB.

Lukashenka did everything to keep each of the groups in power without either gaining the upper hand. Since 1997, relations among

the clans of the police and military force have been changing, and a cadre policy was pursued in order to maintain balance. Interior minister Ahalets, a key consensus figure, stayed in office until 1999, despite rumours of possible dismissal on the pretext of crime increasing in the country. Lukashenka often appointed officials acting ministers, or acting ministers for a trial period.

The system of restraint and counterbalance applied by Lukashenka to the competing factions is best seen on the regional level. Here almost every career boost is due to cross-regional or cross-field appointments. For example, at the end of 1996 Vital Apanasevich, head of the Homel regional interior department, was transferred to the corresponding department in the Mahilew region, and three years later to Minsk. His vacancy was filled for one year by Berastse-born Mikhail Udovikaw, whose career took off afterwards, suggesting strong protection on the top. At the end of 1997, Valery Haradzenka was transferred from Minsk to head the Vitsebsk regional interior department, and Valyantsin Nikitsin joined the Security Council after only a couple of years in the Homel KGB. Regional balance is maintained within the law enforcement elite as well: representatives of every region but Vitsebsk have occupied the post of deputy KGB chairman.

More or less stable connections between functionaries of law enforcement bodies began to be re-established only after 1999 with Sivakow's appointment as Minister of Interior, followed by that of Yury Zhadobin as interior force commander. The latter, like Sivakow, graduated from the Malinowsky Academy of Armoured Forces situated in Kazan, and succeeded Sivakow to the post of interior force commander. They were also dismissed together\*. Acting Minister of Interior, Udovikaw, was involved in another personnel shake-up and later entered the Security Council.

Another shuffle began with Sivakow's appointment as Deputy Prime Minister in November 2000. The Ministry of Interior was given to

\* Zhadobin also graduated from the Kazan Armoured Forces College. Note that Mikhail Lazarev of the Moscow Academy of Armoured Forces was unexpectedly transferred to head the Military Academy of Belarus.

Uladzimir Navumaw of the presidential security service and the KGB to Leanid Yeryn.

Why this unusual juggling of offices? Sivakow was formerly one of the consensus figures, who came to the Interior Ministry at Sheyman's request and Myasnikovich's approval. His new promotion was accompanied by a decline in Sheyman's influence\*. Myasnikovich's post-election dismissal was motivated primarily by his maintaining the status quo and the danger posed by his growing influence. The assignment of Tartar Ural Latypaw as head of administration seemed logical, considering the promotion of his fellow Kazan soldiers.

In 1999 considerable changes occurred in regard to the internal and foreign policies of Belarus. With Putin's election as president\*\*, Lukashenka had to adjust the priorities of his eastern policy. Incidentally, Belarus' next presidential election scheduled for 2001 was coming ever closer. To continue the strategy of balancing forces meant increasing the inefficiency of the regime. Lukashenka's support for Ural Latypaw (a counterintelligence professional and former head of the department of special disciplines at the Institute of National Security\*\*\*) did not appear to be yet another attempt to re-allocate influence, but more a measure to mobilise the entire system which was in crisis. The regime was prompted to take urgent steps as the opposition was becoming more active, the population was quietly displeased with the regime and a danger of protest voting had appeared.

The cadre policy remained more or less on the same track; like before, individuals were appointed as opposed to groups or clans. Real new cadre priorities can be expected to crystallise only when the 2001 presidential election ceases to be a focus of society's attention.

\* This is seen by Sheyman's appointment as Prosecutor General and other facts, including the transfer of Sheyman's then favourite Udovikaw to the Security Council and the consolidation of Yeryn's position.

\* Like Lukashenka, Putin immediately began squeezing and subduing Russia's industrial-economic elite, with which Lukashenka had recently been establishing informal contacts.

\*\* The Higher School of the KGB in the USSR.

However, even now it can be seen that the Belarusian political system has been kept artificially frozen since 1994.

The vague character and dependence of the BSSR elite resulted in an absence of reformist trends among the elite of Belarus in the early 1990s. The democratic opposition has not been yet strong enough to use it and gain power. Eventually, the force that took power was above all interested in continuing to diminish the influence of the opposition and the old elite alike. In the mid-1990's, the continuing self-organisation of industrial-economic elites was stopped and a new body of directors was formed. The presidential higher organs of power made regional and professional elites yet more dependent on the centre. The highest level officials became fully dependent on those who appointed them.

However, the regime's *divide et impera* policy displeased many, including ordinary citizens as well as offended and disgraced members of the elite. Therefore the key questions for this regime's survival is whether the offended want and manage to unite for purposes of revenge, and whether the democratic opposition is able to use it to gain more influence.



## **THE AUTHORITIES AND OPPOSITION CAMPS AFTER THE 1996 CONSTITUTIONAL CRISIS**

**Iryna YEKADUMAVA**

As Belarus experienced a civil split and degradation of social institutions, the regime and opposition reached a no-win balance of powers. Lukashenka's regime was able to consolidate its hold due to the administrative resources at its disposal, propaganda of social preservation among the masses and blocking society's ability to self-organise. The opposition tried to counter Lukashenka's de facto rule with symbolic capital: the authority of law and an ideal of Belarus as a civilised European country. However, poor mobilising potential allowed neither Lukashenka & Co. nor the opposition to establish their own rules of the political game. Wobbly as it seemed after the 1996 referendum, the balance of powers between the regime and the opposition stabilised in the summer of 1999.

### **THE SYSTEM OF AUTHORITIES**

#### **INTERNAL ORGANISATION**

Dipping into the pool of members of the old Soviet nomenclature, Alyaksandar Lukashenka appointed a diverse group of people to key posts. Those oriented at market reforms had already left government before the 1996 referendum. Later, representatives of the party or economic nomenclature dominated the presidential administration. His entourage included people whose main quality was personal devotion to president Lukashenka (Kanaplyow, Posakhaw), representatives of the old nomenclature (Malafeyew, Myasnikovich and his team), pragmatic experts ready to co-operate with authorities whatever the political policy (Henadz Aleynikaw, from the National Bank, and Mikalay Kordut, Minister of Finance), as well as politicians who carried out especially important missions given

by Lukashenka\*. Viktor Sheyman, Secretary of the Security Council and backed by the Belarusian secret services, played a particular role. The president's most ticklish commissions were carried out by Ivan Tsitsyankow, Chairman of the Presidential Affairs Department, Viktor Kuchynski, presidential advisor for special commissions, and Mikhail Sazonaw, brother of Alyaksandar Sazonaw, a former Minister for Enterprise and Investment.

The institutions of power are built on patronage-clientele relations. Assuming a primarily oversight function, Lukashenka places himself above people with their interests and acts as a referee in conflicts that may occur between his confidants. Factions within the ruling elite are consolidated around individual representatives such as Myasnikovich, Sheyman, Kanaplyow, or Tsitsyankow. Meanwhile, relations between the groups are based exclusively on re-allocating scopes of competence, and in particular areas of governing. As there are no financial or industrial groups in Belarus that can exist independently from the president, all conflicts within the country's ruling elite emerge and resolve themselves without appealing to the interests of wide circles of society.

As institutionally regulated political competition has been curtailed in Belarus, the functions of representative power have also changed. Parties have never been represented in the House of Representatives, despite the participation of the pro-Chykin communists (Mikhail Anikew, Valer Zakharchanka, Syarhey Kastysyan, Ihar Katlyarow). In fact, the level of influence in the lower Chamber is determined by relations with the structures of executive power or proximity to deputy speaker Uladzimir Kanaplyow.

#### PUBLIC RELATIONS

In the system of power built by Lukashenka, voting is the prevailing form for society to articulate its interests. All intermediate structures

\* Ivan Pashkevich, former member of the Supreme Soviet, who in the initial aftermath of the 1996 referendum was busy recruiting Supreme Soviet deputies for the House of Representatives received the post of deputy director of the presidential administration. Viktor Chykin, leader of CPB, headed the Minsk City Executive Committee, and later the National Television and Radio Company.

between the state and society are presented as hampering the direct expression of the people's will. Having become president through aggressive rhetoric, based on the opposition of "us" and "them," Lukashenka continued to employ this tactic. Political parties and non-governmental organisations found themselves among those that he presented as "anti-popular forces". Although Lukashenka subdued all branches of power, his rule was not 100% unshakeable. Owing his authority to nation-wide voting, he is unable to abolish the institute of elections. Due to the population's dissatisfaction with the present standards of living, the president again only has to count upon protest voting. That is why he is busy with looking for "an evil enemy". Lukashenka has been described as a "pathological revolutionary" for his operating style, which turned the political struggle in the country into "a cold civil war". The presence of political parties and non-governmental organisations in the country allows the president to keep the myth of "vermin inside the country" alive, and to neglect such issues as education or culture. Nevertheless, in the face of growing influence among the opposition, a threat to his rule, he employs all means in order to protect himself, from defaming the opposition via the media to abolishing non-governmental organisations. After the referendum, opposition activists began to disappear and political prisoners began to appear in Belarus.

Cast as the bearer of a nation-wide mandate for indivisible power, Alyksandar Lukashenka has to fight not only the opposition, but his own subordinates as well. Trials have become the regime's political weapon against its adversaries and employees alike. In late 1996, Lyudmila Shulha, director of the Department of State Property and Privatisation, was arrested on charges of taking bribes from entrepreneurs who wanted to accelerate the process of re-registering their businesses. On February 28, 1997, Salihorsk mayor Mikalay Yurchyk was arrested and charged with "large-scale theft." A presidential edict of April 5, 1997, fired 12 workers of the town administration of Barysaw for "drinking alcoholic beverages at work." The unlucky 12 included chairman Viktor Kapultsevich, several of his deputies, Tatsyana

Pyatrovich, head of the Barysaw branch of the State Tax Committee, her deputy, Ivan Shashyla, head of the town department of interior, Zmitser Sashenka, head of municipal and traffic police, and Leanid Stefanski, director of the Barysaw meat processing factory. The edict included a directive to "ensure accountability of all the officials guilty of drinking alcoholic beverages on April 2, 1997, in the building of the tax inspectorate in the town of Barysaw." In the words of Tatsyana Pyatrovich, the party hostess, it was not a bender but a celebration for completing construction of a kindergarten. Construction began with state budget funds, but was not finished, therefore the local administration of Barysaw completed the project using its own resources. The celebration was financed by the participants, from their own pockets, although the press presented it as evidence of local corruption. Informed people explained the dismissal of Barysaw officials by the fact that they had assisted former prime minister Vyachaslaw Kebich win election to the 13<sup>th</sup> Supreme Soviet, although Lukashenka's enmity towards the leaders of Barysaw might have been caused by the political position of the town's mayor Viktor Kapultsevich, a member of the communist faction in the Supreme Soviet. Later such offences as looting state property, corruption, or office abuse were lodged against former Defence Minister Anatol Kastenka, Tamara Vinnikava, chairwoman of the National Bank, Vasil Lyavonaw, Minister of Agriculture, Vasil Staravoytaw, manager of the "Rassvet" collective farm, and Uladzimir Khilko, chairman of the Savings Bank.

#### CONTROL OVER NON-GOVERNMENTAL ORGANISATIONS

After the referendum and reorganisation of state institutions, the legal conditions for political parties and non-governmental organisations to operate were "adjusted." In March 1997, the Security Council established a commission to inspect the financial operations of the largest non-governmental associations. Fines imposed by the commission resulted in some organisations curtailing their work, including the Belarusian Soros Foundation, the "East-West" Centre of Strategic Initiatives and the charity "For the Children of Chernobyl."

Launched in the capital, the NGO hunt covered the entire country in 1998. The main means of suppressing the third sector were registration delays, pressure on activists, refusing to provide premises for events, fines, and discrediting organisations in the media. One such measure was the ruling that all political parties and other non-governmental organisations had to re-register by July 1, 1999, (later postponed to August 1). Applying for re-registration, each organisation was asked to state that it operated under the 1996 constitution. Presidential decree No. 2 of January 26, 1999, "On Selected Measures to Regulate the Operation of Political Parties, Trade Unions and other Associations," under which the re-registration was conducted, banned the activity of unregistered associations.

#### PRO-GOVERNMENTAL ORGANISATIONS

Other than brute force and administrative compulsion, the power of the Belarusian president is based on situational moods in society. Therefore, Lukashenka is interested in support not only from state institutions, but also from certain segments of society. During the first years of his presidency, Lukashenka was supported by the pan-Slavic party Slavic Assembly "Belaya Rus," of which some functionaries were provided positions in the presidential administration and the foreign ministry.

To compensate for the low level of support among society, Lukashenka established pro-governmental organisations to control social groups most important to the regime. The need for such organisations was especially pronounced before the referendum in 1996. Persons loyal to the president succeeded in splitting the Party of Communists, which had officially resolved during its summer plenum to oppose Alyaksandar Lukashenka and join the "Roundtable" of democratic forces. Afterwards, the communist V. Chykin, who unlike S. Kalyakin and V. Novikaw was not elected to the 13<sup>th</sup> Supreme Soviet, openly sided with Lukashenka. By using Soviet-era party leaders, access to the media as well as the administrative resources of the

presidential organs of power, Chykin was able to attract a large number of communists who registered a new party, the Communist Party of Belarus (CPB).

After the spring of 1996, youth became the particular focus of the authorities' attention, for the first time in the history of independent Belarus. Lukashenka addressed a specially convened conference on June 17, 1996, calling leaders of youth organisations and workers of youth-related state bodies to found a single youth organisation loyal to the state, modelled after the Soviet Komsomol. He repeated this call, reinforced with a promise of material support, to a youth forum on September 20-21. The call was answered. A few months before the referendum a small youth organisation "Direct Action" appeared. It held several pro-presidential events and became the main recipient of the funds designated for launching a loyal "influential youth movement\*." After the referendum, "Direct Action" was transformed into the Belarusian Patriotic Union of Youth (BPUY) as a result of the joint efforts in every administrative division, the ministries, other state institutions and educational establishments. The regime planned to delegate the co-ordination of all youth organisations in the country to BPUY. However, as it became obvious that the union could not accomplish this goal\*\*, its role for the authorities was reduced to that of a "cadre mill."

- \* A presidential edict of July 9, 1997 dictated that the financing of this organisation would originate from the State Fund of Employment Assistance, the Belarusian Fund of Enterprise Support, the National Fund for Nature and Environmental Protection, and the National Fund for Assistance to Victims of the Chernobyl Disaster.
- \* The All-Belarusian Council (Rada) of Youth and Children's Associations had been operating since August 26, 1993. One month before the constituent congress of the Belarusian Patriotic Union of Youth, leaders of the Rada called a constituent congress of the National Council of Youth and Children's Organisations. The new umbrella structure was made up of 18 national organisations and 1 regional youth association. That move effectively cancelled BPUY's monopoly for mediation between the state and youth. The organisers of the BPUY constituent congress reacted by abolishing organisation membership. Oddly enough, leaders of those organisations that agreed to join the union learned about it only during the congress.

## THE SYSTEM OF OPPOSITION

### PARTIES

After the 1996 referendum the opposition changed its organisational forms and began exploring new methods. However, the first months following the referendum most democratic forces were waiting for fundamental changes. They thought that the new regime would destroy itself: first, due to not being acknowledged by the international community, and second, because of its economic frailty.

The European Union suspended its temporary trade agreement with Belarus; the OSCE cancelled the country's status; the US changed its policy to selective dialogue and the North Atlantic Assembly froze its relations with Belarus. However, none of this affected the policy pursued by the country authorities. The levers of diplomatic and economic influence on Belarus used by the international community proved ineffective. Belarus' chief trade partner was Russia whose leaders, with a similar experience of dissolving Parliament, recognised the results of the referendum\*. As for the reaction of the people, their worsening economic status drew them away from politics rather than inspire a will to change the leadership. The masses shifted their focus to homestead gardens, earning extra money, etc. By spring 1997 it became obvious that the opposition's hopes for rapid change would not be met. Although there were mass rallies in Minsk featuring clashes with the police, the people were less active than in the previous year.

In spring 1997 opposition parties revised their tactics. The Belarusian Popular Front, not represented in the Supreme Soviet before the referendum, took the abolishment of a legitimate Parliament quite lightly. A BPF *soym* (congress) stated on April 12, 1997, that the Front did not acknowledge Alyaksandar Lukashenka's regime, and would henceforth resort mainly to protest rallies. The liberals of the United Civic Party targeted their efforts at quasi-parliamentary activities: operating the party's faction in the Supreme Soviet and a shadow coalition

\* Excluding imports of Russian oil and gas to Belarus, Russia's share in foreign trade amounted to 52%.

government. Some of the party members took a more radical approach and focused on organising street rallies. The first party to show a willingness to negotiate with the regime was the Belarusian Social Democratic Party "Popular Hramada" (BSDP PH). Its congress in April 1997 proposed convening a constitutional assembly to facilitate legitimate parliamentary and presidential elections. It was supposed that the Supreme Soviet would create the legal basis for the assembly, which would include MPs, 70 representatives of the president and member parties of the "Roundtable," and candidates who had won the most votes in the last election. The party of Communists headed by Syarhey Kalyakin lost almost half of its members with the departure of Chykin's faction, eventually growing yet more bitterly opposed to Lukashenka. Ideologically, the party shifted to the right, towards social democracy.

#### TRADE UNIONS

The structures of the Belarusian Federation of Trade Unions (BFTU, the successor to the Soviet trade union organisation) were the last channel of influencing authorities that was not cut off after the constitutional revolt in 1996. Traditionally the trade unions co-operated with the authorities only on economic issues such as wage issues, price growth, or enterprises violating collective bargaining agreements. The material resources of the trade unions were not so helpful in mobilising the class of hired workers as calming down the personnel of this or that enterprise. The trade unions themselves stood out by their inability to influence the state or employers\*. For quite some time BFTU leaders remained politically neutral and ready to compromise, preferring negotiation to strike\*\*. This tactic was successful for some time after the spontaneous strikes of April 1992. However, the tactic of social partnership politicised the federation. In

\* The BFTU represents 4.5 million people (i.e., the majority of employees in Belarus). In Belarus, an employee automatically becomes a member of a trade union when hired.

\* The structure of the BFTU hampered its ability to precisely define its interests. Member trade unions that disagreed with the general policy of the Federation hindered the provision in the BFTU statutes regarding the divisibility of trade union property.



1995, BFTU leaders began to openly express dissatisfaction with the social and economic policy of the regime. In the summer of 1996 the BFTU held a series of strikes, protesting against wage delays, and supported rallies of traders in the market places of Minsk aimed against a new system of taxation. BFTU leader Uladzimir Hancharyk sided with the Parliament during the conflict between president and the 13<sup>th</sup> Supreme Soviet. After the 1996 referendum the BFTU issued political statements increasingly more often. One of them, adopted by a Federation plenum in April 1997, protested against the presidential decree "On Meetings, Street Processions and Demonstrations," which limited the use of strikes, the traditional form of action for trade unions. The BFTU grew yet more radical when the president tried to relegate the trade unions' function of organising workers' recreation to the state. For BFTU leaders it meant the loss of influence for heads of trade unions. According to Uladzimir Hancharyk, the number of actual members who, if necessary, could confirm their membership totalled between 500 to 600 thousand.

Among independent trade unions, the best known is the Belarusian Congress of Democratic Trade Unions (BCDTU), of which five trade unions are members: the Belarusian Independent Trade Union, the Free Trade Union of Belarus, the "Pryzvannie" (Calling) Trade Union of Teachers, the Democratic Trade Union of Transport Workers, and the Free Trade Union of Metallurgists. Since its emergence (influenced by foreign trade union organisations such as "Solidarity" and the International Confederation of Free Trade Unions), the Congress advocated economic reforms and democratic values. This political involvement hindered the Congress's participation in signing the Tariff Agreement. Following a strike by employees of the Minsk underground rail service, the president issued an edict banning the Free Trade Union of Belarus\*, a founder of the BCDTU. As of 1997, Congress membership totalled approximately 30,000.

\* The edict also banned the grass-roots trade union organisation of the Minsk underground rail service, and the trade union of railroad workers and transport construction workers.

## NON-GOVERNMENTAL ORGANISATIONS

No body or person controls the president of Belarus, yet he is dependent on the electoral behaviour of society, and thus on those who influence public opinion. Retaining power requires as much control over the media as possible and stifling any meaningful social initiatives. Ironically, the suppression of non-governmental organisations resulted in these organisations increasing their level of co-operation. More than 250 associations were represented in the Assembly of Democratic Non-Governmental Organisations, which was founded on February 22, 1997. The Assembly saw its objectives as collective self-defence of its members, information exchange inside the country and abroad as well as the provision of resources. The structure of the Assembly was oriented at establishing contacts with wide circles of the Belarusian public and increasing the potential to mobilise the democratic movement in Belarus, so that civil society could transcend from survival to expansion<sup>2</sup>. The 2<sup>nd</sup> meeting of the Assembly on November 14, 1998, announced that there were 2,500 non-governmental organisations in Belarus, of which 520 had joined the Assembly (including approximately 350 operating out of Minsk).

## CO-ORDINATION OF THE OPPOSITION

Initial efforts at uniting opposition forces date back to spring 1996, when the number of people prepared to participate in street demonstrations staged by the opposition surprised even the organisers. Following one such demonstration, commemorating the second anniversary of the 1994 constitution, 14 political parties and 5 non-governmental organisations founded the Movement for Support of the Constitution, aimed at uniting social efforts in order to ensure the supremacy of law in the country and the implementation of Constitutional Court rulings. A follow-up to that initiative was an association "Roundtable," in which 12 parties, movements and trade unions participated on July 25, 1996, 14 on August 28, and 21 in mid-

October<sup>3</sup>. Members of the "Roundtable" tried to mediate in the conflict between the executive and legislative branches. They put forward the impeachment initiative against the president and organised a national congress "In Defence of the Constitution against Dictatorship" that was held on October 18-19, 1996 under the banner "The 1<sup>st</sup> Congress of Democratic Forces."

Soon after the referendum, the Consultative Council of Democratic Forces of Belarus was founded, while the National Economic Council created by the 13<sup>th</sup> Supreme Soviet was reorganised in October 1997 as the National Executive Committee. Thus, in spring 1998 the Belarusian opposition had two co-ordination centres: the Committee was dominated by the UCP, whereas the Council by the BPF.

A new phenomenon for Belarusian politics was the movement Charter' 97, modelled after the Czech Charter' 77 which united citizens with diverse political views in their stand against an authoritarian system. Charter' 97 supported the Supreme Soviet and demanded dismissal of the president, the formation of a coalition government and democratic elections. Among other tactics, Charter' 97 employed street demonstrations as a means of achieving its objectives. Although the movement aimed to mobilise democratic-minded society in Belarus, in reality it only gained support from Russian-speaking Belarusians. Nevertheless, it played a large role in organising the 2<sup>nd</sup> Congress of Democratic Forces, which founded the Co-ordination Council of Democratic Forces of Belarus.

The Congress held on January 29-30, 1999, was to adopt a document concerning the consolidation of democratic forces and develop a joint position on the issue of elections, which under the 1994 constitution were scheduled by the Supreme Soviet for May 16, 1999. Although according to BPF official Lyavon Barshchewski, the opposition was in the process of forming "a national liberation movement," the congress failed to work out a joint position on preparations for the elections. Resolutions adopted involved the threat facing the Belarusian state, a call not to run for local councils, condemnation of the president's policy and acknowledgement of discrimination against the Belarusian

language, whereas the resolution concerning the consolidation of democratic forces in Belarus was not adopted. In order to implement its resolutions, the 2<sup>nd</sup> Congress was to establish an executive body: the Consultative-Co-ordination Council. On a proposal forwarded by the BPF, the Congress decided to leave co-ordinating functions to the Consultative Council founded back in 1997, which included the BPF, UCP, BSDP PH, the Belarusian Party of Labour, the Agrarian Party, and the BPC. Nevertheless, the question of the Consultative-Co-ordination Council remained open, and the parties decided to continue negotiations on it.

During the Congress, the opposition voiced plans to participate in the presidential election, which under the 1994 constitution was scheduled for 1999. Despite all the efforts of the opposition, the election brought no changes for the better.

The opposition again failed to gain a political advantage when Lukashenka's term of office, as designated by the 1994 constitution, expired on July 20. Mr. Pastukhow, a Constitutional Court judge, told the 2<sup>nd</sup> Congress of Democratic Forces and invited diplomats that after July 20, 1999, the authority of head of the executive branch would be transferred to Supreme Soviet speaker Syamyon Sharetski. Nevertheless, on July 21, instead of issuing an appropriate edict, Sharetski proposed Supreme Soviet deputies to pass a resolution. MPs established a mandate commission, which became mired in quorum issues and no resolution was passed. A mass rally held in support of the Supreme Soviet also failed due to organisational reasons. Of the 100,000 expected, only 3,000 attended.

As a result the opposition did not manage to take up the initiative or to provoke unpopular steps by the authorities. Its influence on society proved limited\*.

\* In June 1999, after an alternative presidential election staged by the opposition, 32.2% of those polled by the Independent Institute of Socio-Economic and Political Studies knew nothing about the reason for the resignation of Mikhail Chyhir, a presidential candidate in that election.

## INTERACTION BETWEEN THE GOVERNMENT AND THE OPPOSITION

Initial steps at finding possible ways of mutual understanding between the regime and the opposition were made in spring 1997. While the latter did not reject negotiations, the authorities were blatantly uninterested and did everything to delay them. Presidential envoys refused to negotiate with an opposition delegation comprising Henadz Karpenka, Mechyslaw Hryb, and Piotr Krawchanka. Sitting down at a negotiating table with a delegation comprised solely of members of the presidium of a dissolved Parliament would only have acknowledged its legitimacy. President Lukashenka stated that he would talk only to all parties at once, including those that support him. The BPF, UCP, and BSDP PH proposed that all other parties sign a statement delegating the right to negotiate to Supreme Soviet deputies. It was an EU delegation that found a compromise; the opposition delegation would include representatives of all the factions in the Supreme Soviet. Deputies refused to sign any documents that did not mention their parliamentary status. For the opposition, the legal basis of the negotiations was the division of powers as stipulated in the 1994 Constitution. Their specific demand was that the House of Representatives be dissolved and new elections called. President Lukashenka considered the negotiations just another consultation with a group of citizens that would not impose any obligations on the regime. The recognition of the Supreme Soviet's authority was not seriously discussed, and therefore no agreements were reached in respect to new elections, let alone changing the constitution\*. Apparently, neither of the sides wanted a compromise: the opposition hoped for favourable changes in the domestic situation, whereas president Lukashenka was looking to gain favour abroad. As a result, Lukashenka benefited more from the negotiation: he wanted to allay the session of the OSCE Parliamentary Assembly held on July 3-5, 1997, if not by outcome, then at least by the very fact of negotiating with the opposition.

\* The presidential side had instructions not to enter into negotiations with certain political forces once represented in the Supreme Soviet.

The negotiations between the regime and the opposition, mediated by international structures, gradually turned into negotiations between the regime and the international community, mediated by the Belarusian opposition. In order to prepare new parliamentary and presidential elections, the National Executive Committee proposed a start date of November 24, 1998, for negotiations between president and the 13<sup>th</sup> Supreme Soviet mediated by European structures. The proposal listed the following conditions for free democratic elections: a democratically formed central electoral commission; access to state-run media for all movements, parties, and other organisations; termination of political persecution of citizens and the release of all political prisoners. The demands were fulfilled neither during elections to local Soviets in 1999, nor during those to the House of Representatives in 2000, which resulted in the opposition boycotting those elections.

## CONCLUSION

After the referendum, opportunities for using political methods to influence the Belarusian president were lost. Negotiations with the mediation of international organisations did not result in the dissolution of the House of Representatives, holding democratic elections, or calling a constitutional assembly. This consolidated the split in society, however, the opposition avoided being seen as collaborating with the regime. In the end, two parallel systems of power crystallised in the country.

With the collapse of the party system, Belarusian society has developed a new principle of political polarisation. Identification of a political force now occurs not on the left-right scale but on the criterion of loyalty to Alyaksandar Lukashenka's regime: pro or contra. Against the backdrop of the conflict between the regime and the opposition, ideological differences between individual parties proved irrelevant compared to the issue of supporting or defying the regime. According to some analysts, the Belarusian party system has grown into a two-party field<sup>4</sup>. The opposition absorbed the representatives of all ideological orientations from conservative nationalists to communists,

while the party of power has consistently avoided expressing any ideology. The opposition's achievements in fighting against Lukashenka's regime are limited to support by the international community, which has no effective instruments to influence the situation inside the country.

The opposition's refusal to integrate into the system of power installed by an illegitimate president barred Belarus' return to a country based on the rule of law. The regime and the opposition have come to be one another's excuse.

- 1 Карбалевиц В. Беларусь: расколотое общество // Белорусская газета. 05.04.99, № 178.
- 2 Роўда У. Нацыянальная ідэя і фарміраванне грамадзянскай супольнасці ў Беларусі // Грамадзянская альтэрнатыва. — 1999. — № 2. — С. 5-10.
- 3 Парламенцкі веснік. Жнівень 1996 г., № 14 (126); Парламенцкі веснік. Кастрычнік 1996 г., № 17 (129).
- 4 M. Plisko. "Partogenesis in Modern Belarus". Open Society. 2000, No. 2 (8), pp. 13-23.

## **THE ALTERNATIVE PRESIDENTIAL ELECTION IN MAY 1999: INITIATORS, CAMPAIGN AND POLITICAL CONSEQUENCES**

**Andrey LYAKHOVICH**

In August 1998 it became known that the 1999 state budget of Belarus did not contain expenditures for the presidential election. This fact dispelled the last hopes that the regime would revise its position on the results of the last referendum, according to which Alyaksandar Lukashenka's presidency had been extended until 2001. Meanwhile, democratic forces considered presidential elections an exceptionally significant political event. Therefore in late 1998 the 13<sup>th</sup> Supreme Soviet created a working group to draft a resolution on holding a presidential election in 1999. The group comprised speaker Syamyon Sharetski, leaders of the opposition political parties represented in the Parliament, and Viktor Hanchar, former chairman of the Central Electoral Commission.

The authorities reacted to this initiative as early as January 7, 1999: Prosecutor General Aleh Bazhelka announced that a criminal indictment could be brought against the members of the working group. This put the election into an undesirable context for the opposition: the authorities did not consider the Supreme Soviet legitimate and denied its right to call a presidential election. At the same time, the initiators of the election (the Supreme Soviet and its organs) followed their pre-conceived strategy and filed the appropriate applications to the official organs of power, in essence recognising their legitimacy.

Despite the prosecutor's warning, the Supreme Soviet held a meeting on January 10 with 44 deputies in attendance. The resolution drafted by the working group was approved by all but two of the deputies. The meeting decided to hold the first round of the election on May 16, 1999, and begin registering initiative groups of candidates on March 1. A 19-member Central Electoral Commission for the presidential election, chaired by Viktor Hanchar, was established. The commission was comprised of representatives of the BPF, UCP, BSDP PH, the Belarusian Association of Journalists, and trade unions.



Three days later, on January 13, an event took place with relevance to the alternative presidential election. A court rejected an appeal to release Vasil Staravoytaw, the 75-year-old chairman of the "Rassvet" collective farm. The criminal case against Staravoytaw was ordered by Lukashenka in order to scare the cadre of directors, the industrial-economic elite. The court's ruling signalled that the regime was not going to change its domestic policy, nor would anyone be immune, regardless of age, health, national or international status.

On January 15 the Central Electoral Commission informed the media, local administrations, and ministries of the place and time of its first session. The official structures and their representatives did not react to this notice and for some time simply ignored Hanchar's Central Electoral Commission. Having not done so would have involved punishments ranging from firings to administrative and criminal charges.

The Central Electoral Commission had to work underground, which in itself created major obstacles to efficiently organising such a large-scale political event as a presidential election.

Events connected with the initiative of the democratic forces to a hold presidential election inspired interest abroad. After more than a half-year absence\*, ambassadors of Western countries returned to Minsk on January 17. The next day a special consultative-monitoring group of the OSCE, headed by Adrian Severin, arrived in Minsk to meet with both representatives of the opposition (leaders of the 13<sup>th</sup> Supreme Soviet) and the authorities, represented by Deputy Foreign Minister Syarhey Martynaw. On January 19, the last day of its visit, the group met with Supreme Soviet speaker Syamyon Sharetski, ex-prime minister Mikhail Chyhir, and Viktor Hanchar, chairman of the Central Electoral Commission. Meetings between OSCE officials and members of the Supreme Soviet, the opposition Central Electoral Commission and Mikhail Chyhir, who had announced his intention to be a candidate for president a few months earlier, was interpreted as a sign of support for the alternative presidential election by the international community. The

\* Western countries had withdrawn their ambassadors in 1998 in protest to the Belarusian authorities' violation of the Vienna Convention concerning diplomatic activity.

authorities reacted negatively to the meetings. Lukashenka expressed his discontent with the Western position not only via a wave of propaganda in his media. On January 20, Yugoslavia was granted observer status in the Parliamentary Assembly of the Union of Russia and Belarus. This move, considering the probable escalation of the Balkan crisis, was seen as a demonstration to the West of the Belarusian regime's resolve to provide Milosevic with more than just diplomatic support.

The character of Lukashenka's strategic policy (like that of any other head of state) and his understanding of the domestic and foreign political situation is always reflected by his cadre policy. On January 20, 1999, Colonel Uladzimir Navumaw was appointed head of the presidential security service. Before that Colonel Navumaw had served as the commander of the "Almaz" special mission detachment of the Ministry of Interior. Never before had an employee of the Interior Ministry been assigned to this post. Colonel Navumaw replaced KGB Colonel Yury Barodzich, commander of the "Alfa" special mission detachment within the KGB. This detachment was employed in April 1995 in the operation against MPs on a hunger strike. Navumaw's appointment and subsequent introduction of "Almaz" officers to the presidential security service indicated that Lukashenka was in need of a new security service. He was preparing for any eventuality when his legitimate term in office expired in July 1999, and wanted a team, capable of doing whatever asked, even the unspeakable if needed.

Meanwhile, the West was consistently pursuing its own line: on January 25 the OSCE consulting-monitoring group issued a statement concerning elections to local Soviets, scheduled by Lukashenka for March 1999. The statement said that the law on elections to local administrations did not provide for free and fair elections.

On January 30, a congress of democratic forces in Minsk adopted a resolution in which it fully supported the presidential election that would be held on May 16, 1999. The resolution was vital for the consolidation of the democratic camp (parties, trade unions, and non-governmental organisations and initiatives) in view of the presidential election. The

regime reacted quickly: on February 1 it was announced that all political parties and non-governmental organisations were required to re-register. A re-registration commission was set up, headed by Uladzimir Zanyatalin, a notorious Russophile. This was a hint that non-participation in the alternative presidential election was key to successfully re-registering.

Lukashenka made another cadre move on February 8, appointing Yuri Sivakow, former commander of the interior forces, Minister of Interior. Sivakow replaced Lieutenant General Valyantsin Ahalets, who had been at that post for three and a half years. It was a shake up as significant as Navumaw's assignment as head of presidential security. Loyal Ahalets was replaced by a general who could go further than simply do the president's will – he could be creative. Sivakow owed his new assignment above all to Viktor Sheyman, Lukashenka's trustee, under whose command Sivakow had worked in the Security Council before heading the interior force. Sheyman had known Sivakow well since the late 1980's: then a major, Sheyman had served together with Sivakow in Berastse. The latter won Lukashenka's confidence in 1995 when he was chairman of a state commission that investigated the shoot down of a hot-air balloon and the deaths of its two American pilots by the Belarusian air force (naturally, no one was found guilty). Navumaw and Sivakow were not the only representatives of a new wave of Lukashenka's appointees to leading posts in law enforcement. The KGB was also shaken up, receiving a new deputy chairman on January 20: Uladzimir Matsyushka, formerly KGB chairman in Horadnya.

With the assignment of Sivakow, the position of Alyaksandar Lukashenka and his entourage on the alternative presidential election finally became clear. Given the existing domestic situation, it was impossible to think that the alternative electoral campaign could result in changing rule in Belarus: Lukashenka had much more resources for retaining power than did his opponents for taking it. Nevertheless, neither Lukashenka himself, nor his advisors were able to fathom the extent to which they would have to mobilise the resources available to them in order to stay in power. A number of factors made it possible for

the situation in Belarus to develop in a manner undesirable for the authoritarian regime:

- Opposition forces were united on the idea of holding an alternative presidential election.

- Symptoms of deterioration in the economic situation in Belarus were becoming increasingly more obvious: the country's economy was largely dependent on Russia, Belarus' main trade partner. Russia's default in August 1998 hit the Belarusian economy hard.

- The worsening economic situation gave the democratic forces strong support among trade unions. If the situation evolved to the detriment of the regime, then together with the political opposition workers of large enterprises could have taken to the streets, in which case it would have been very difficult for the authorities to keep control\*.

Therefore, in the beginning of February the regime took a hard line against the alternative election campaign. On February 9, a meeting of the Security Council appointed those responsible for the campaign against the alternative election and defined the competence of the coordinator of the countermeasures, Viktor Sheyman, state secretary of the Security Council. Yury Sivakow, appointed interior minister the day before, was one of the main executors of the countermeasures.

The next day, on February 10, other participants in the meeting became apparent. Mikhail Padhayny, chairman of the State Committee for the Press, told Belarusian television that his Committee would issue warnings to media that call for citizens to participate in the presidential election on May 16, while a second warning would result in license termination. Padhayny stressed that the media in Belarus were obligated to adhere to the 1996 constitution. Prosecutor General Aleh Bazhelka told Belarusian journalists that the activities of those breaching the Constitution\*\* would be quickly investigated, and administrative or criminal charges would be brought if the investigation revealed any violations of the law.

\* It was at this time that the democratic opposition began allying itself with trade unions: one of the leaders of the national trade union of entrepreneurs was BPP member Arnold Pyacherski. He died later in vague circumstances.

\* A reference to Supreme Soviet deputies who were organising the presidential election.

Sabotaging the alternative presidential election became one of the objectives of state policy. Duties delegated to officials during the Security Council meeting on February 9 are outlined below:

**Sivakow** (Ministry of Interior): directly conduct a set of measures targeted against the organisers and activists of the alternative election campaign.

**Matskevich** (KGB): collect information on the plans of the campaign organisers, the distribution of functions among the democratic organisations in Belarus and their branches within the campaign, organisers' connections with representatives of international organisations and political circles of Western countries; monitor the situation inside the country and internationally with respect to the alternative presidential election and the termination of Lukashenka's presidency according to the 1994 constitution.

**Bazhelka** (Prosecutor General): bring criminal charges against the organisers of the presidential election; ensure the courts rule appropriately.

**Padhayny** (State Committee for the Press): provide information support for the measures against the alternative presidential election.

**Zamyatalin** (deputy head of the presidential administration responsible for the national television and radio company and other state-owned media): plan and conduct an information campaign against the initiators of the alternative presidential election. As chairman of the state commission for the re-registration of political parties and non-governmental organisations, Zamyatalin's duty was also to create unfavourable conditions of re-registration, he was responsible for measures taken by the Ministry of Justice in this respect.

The events that followed clearly pointed out that state organs conducted a co-ordinated campaign to sabotage the alternative presidential election.

After a meeting of activists of democratic political parties and non-governmental organisations in Homel on February 11, where issues related to the presidential election were discussed, the police detained a number of the participants. Those detained were charged with holding

an unauthorised meeting. The next day in Homel the police and KGB searched the office of the Homel branch of the Belarusian Helsinki Committee (a human rights organisation) on the pretext of having received information that a bomb was in the building. They did not find a bomb, but seized over 14,000 leaflets pertaining to the May 16 presidential election.

Democratic organisations in the Horadnya region were subsequently subject to a wave of repression: the police and KGB searched the offices of the non-governmental organisation "Ratusha," the Horadnya trade union of entrepreneurs, and the offices of the *Pahonya* newspaper. In addition to campaign leaflets, computer equipment was also seized.

Nonetheless, on February 24 Viktor Hanchar, chairman of the Central Electoral Commission, announced the establishment of territorial (regional and district) electoral commissions. The next step was to set up commissions in constituencies. This was the most complicated stage, as the Central Electoral Commission had to organise the work of several thousand constituencies and attract about 10,000 volunteers under increasingly severe circumstances.

The police responded on February 25 by detaining the entire Central Electoral Commission on charges of holding an unauthorised meeting. This move by the regime caused immediate reaction from the international community. The verbal battle commenced, Alyaksandar Kozyr, chairman of the commission for international relations in the lower house of Parliament, announced the Belarusian government's intent to supply weapons to "fraternal" Yugoslavia. He said that the Yugoslavian foreign minister would be arriving in Minsk on an official visit on March 3 to negotiate a weapons supply agreement. Thus the Belarusian regime began to use the Balkan crisis as an instrument of influencing *the West's position on "the Belarusian issue."*

The detainment of the Central Electoral Commission on the morning of February 25 was primarily a deterrent move, which is why an excessively strong police force was used. Lukashenka, who was visiting Moscow at the time, called the detainment a "mistake," and Hanchar and his colleagues were released later the same day.

The incidents of repression only encouraged the Central Electoral Commission to speed up its campaign. On March 1, the Commission registered the initiative groups of Mikhail Chyhir, ex-Prime Minister, and Zyanon Paznyak, the BPF leader. Each group had about 3,000 supporters. Once registered, the initiative groups were entitled to collect signatures for their nominees. Immediately after the registration, the police detained and brutally beat up Hanchar.

On March 3, Zivadin Jovanovic, Yugoslavian Foreign Minister, arrived in Minsk on an official visit. He was enthusiastically received on the highest level, by president Lukashenka, state secretary of the Security Council Sheyman, and Foreign Minister Ural Latypaw. The foreign and domestic media highlighted a meeting of Jovanovic and Chumakow, Belarusian defence minister. Negotiations ended with a draft treaty of military and technical assistance for the Milosevic regime. Under the treaty, the Belarusian side was to provide facilities and engineers of the tank-repair works in Barysaw to upgrade Yugoslavian tanks, as well as train Yugoslav anti-aircraft defence forces using the facilities of the Military Academy of Belarus.

Meanwhile, Hanchar began a hunger strike while in detainment. On its seventh day some people in masks (probably, workers of the presidential security service) forced 400 grams of glucose into his mouth. On the last day of his detainment, March 10, 1999, the chairman of the Central Electoral Commission was put into a cold lock-up for three hours.

While Hanchar was in prison, the US embassy issued a statement concerning the human rights situation in Belarus in 1998. It reconfirmed the position of the United States in respect to the 1996 referendum and pointed out that the security services were directly involved in numerous incidents of human rights violations.

Soon afterwards, democratic forces of Belarus received support from the European Community. On March 11 the European Parliament unanimously passed a resolution concerning the situation in Belarus. It demanded that a free and fair election be held before the end of Lukashenka's term as president. The European Parliament called for all

OSCE standards to be upheld during the election and for criminal persecutions and terror against the opposition engaged in the lawful presidential campaign be ceased.

Hanchar received support from the US State Department and Knut Vollebaek (chairman of the OSCE and Norwegian Foreign Minister). Amnesty International declared Hanchar a prisoner of conscience.

The authorities actively hampered the collection of signatures for nominees for president. Belarusian television broadcast a series of propaganda programmes featuring the police hunting for collectors of signatures.

Another blow was dealt to the largest democratic political parties and non-governmental organisations in Belarus, whose resources were used for conducting the election. On March 15, the Ministry of Justice issued official warnings to the BPF, UCP, and the Belarusian Helsinki Committee. Now there was a legal pretext to deny re-registration to those organisations. The formal cause for the warning was their allegedly “unlawful” activity connected with the alternative presidential election. By March 15, the State Committee for the Press issued warnings to more than 10 Belarusian media outlets for releasing information in support of the election.

Acknowledging the deterioration of the internal political situation in Belarus, Hans-Georg Wieck, OCSE ambassador to Minsk, suggested on March 15 a way out of the constitutional crisis via negotiations between the regime and the opposition under a “four plus one” model. According to this model, participants in the negotiations would include Alyaksandar Lukashenka on one side and Syamyon Sharetski, speaker of the 13<sup>th</sup> Supreme Soviet, Viktor Hanchar, and the two candidates, Zyanon Paznyak and Mikhail Chyhir on the other side.

The Ministry of Foreign Affairs responded by confirming the “repeatedly declared readiness of the Belarusian government for dialogue with the opposition and international organisations concerned.” However, the parties to preliminary negotiations (i.e., an OSCE mission, acting on behalf of chairman Knut Vollebaek, and representatives of the Belarusian government) again failed to reach



agreement on the legal basis for the negotiations. Hans-Georg Wiecek reminded the authorities that the 1996 referendum, according to the ballot, had a consultative and not mandatory character, and thus questioned the referendum results. At the same time, representatives of the government noted once again that the regime is only ready to negotiate on the basis of the "unambiguous" results of the 1996 referendum.

Meanwhile, the crisis in the Balkans was escalating. In mid-March, negotiations in Rambouillet between a Yugoslav delegation and international organisations ended unsuccessfully, which objectively worked for Lukashenka's benefit, allowing him to play farther afield in Belarus and internationally alike\*. The Belarusian administration perceived the following:

1) Given the Belarusians' sympathy for the Serbs\*\*, the Western campaign against the Milosevic regime could be presented as aggression against the Serbian people, thus painting the US, NATO, and other foreign political opponents of Lukashenka as aggressors who "strive for world hegemony and therefore hate the independent, freedom-loving policy of president Lukashenka."

2) There were new opportunities for waging the informational war against democratic forces in Belarus by presenting them as a "fifth column" of "NATO aggressors."

3) Events in Yugoslavia were the focus of attention in Belarus (spurred

\* The degree to which the political process in Belarus was influenced by the international situation is evidenced by the role Foreign Minister Ural Latypaw played within the government. A retired KGB colonel, Latypaw was very close to Lukashenka. He simultaneously occupied the post of presidential advisor and was the only minister with the rank of deputy Prime Minister. Latypaw can be said to have been pulling the strings in Belarus: he had very large influence on Lukashenka and on the political decision-making process.

\* Belarus lies within the Russian zone of informational influence. The Russian media, and primarily the electronic media, has a huge influence on public opinion in Belarus. While covering international events, Belarusian state-owned media usually walk in the footsteps of their colleagues in "fraternal Russia." This is one of the reasons why the first Russian-Chechen war, which claimed about 25,000 civilian lives according to Russian data, did not manifest such a negative reaction in Belarusian society as NATO's war against Milosevic, during which civilian casualties numbered in the hundreds.

on, of course, by the government), and overshadowed the presidential election campaign of the opposition.

4) Russia would use the Kosovo conflict to seek revenge on the West for criticising its violations of human rights in Chechnya during the war in 1994-95. Russia would try to re-establish itself as a (former) superpower to be reckoned with, which increased Lukashenka's value as Russia's only ally. In the years that followed, Russia maintained its support for Lukashenka.

The government realised that the Balkan crisis provided an opportunity to deal with the democratic opposition. On March 16, the day after the head of the OSCE mission made his statement, some ten police and KGB officers broke into the apartment of the Central Electoral Commission chairman. The apartment was searched and documents related to the commission's activity were seized. Lukashenka acknowledged the "success" of the law enforcement bodies in sabotaging the alternative presidential election: Mikhail Udovikaw, first deputy Minister of Interior, and Vital Apanasevich, head of the interior department of the Homel region, were promoted to the rank of general according to the presidential edict of March 23. The independent media noted a peculiar fact: while Udovikaw became major-general according to his office, Apanasevich was the only regional police commander to hold this rank. The reason for the extraordinary promotions is obvious: persecution of the opposition was harshest in the Homel region.

Nevertheless, on the planned date of March 31 the initiative groups of two of the candidates, Zyanon Paznyak and Mikhail Chyhir, had gathered the required number of signatures, approximately 130,000 each. On the same day the Central Electoral Commission adopted a resolution confirming their registration, and the electoral campaigns began on April 1. Zyanon Paznyak, the leader of the largest opposition party, was residing abroad at this time and state-owned media kept reminding the public that the government would arrest him the moment he crossed the border into Belarus. To ensure equal opportunities for both candidates, the authorities arrested Mikhail

Chyhir on April 1 on charges of economic crimes allegedly committed by him in 1993-94 while chairman of the private bank Belagraprambank (Criminal Code, Article 91 "Large-scale Theft" and Article 166 "Abuse of Office").

The international community condemned the arrest of a candidate for president. The first secretary of the US embassy in Belarus, issued an official statement reiterating that Lukashenka's "democratic mandate" would expire on July 20, 1999, and calling on the Belarusian president to take positive steps to settle the dispute by means of dialogue with the opposition.

The government responded with a flamboyant act of foreign politics. On April 8, Slobodan Milosevic asked the leaders of the Union of Russia and Belarus to accept Yugoslavia as a constituent member, and received prompt assurance that his request would be considered during the nearest meeting between Yeltsin and Lukashenka. On April 14, as NATO bombed Yugoslavia, Lukashenka made a point of flying to Belgrade to meet with Milosevic, his "Slavic brother."

Relations between Belarus and the West continued to deteriorate. On April 20, Strobe Talbot, deputy State Secretary of the US, met with Andrey Sannikaw, international co-ordinator of Charter' 97. On April 27-28, heads of the foreign ministries departments of Germany (Klaus Neubert), Austria (Joseph Mitschauer), and Finland (Rene Nyberg) visited Minsk. On the first day of their programme they met with foreign minister Ural Latypaw and Mikhail Myasnikovich, head of the presidential administration; on the second with representatives of the opposition: Syamyon Sharetski, Supreme Soviet speaker, Lyavon Barshchewski, acting chairman of the Belarusian Popular Front, and Stanislaw Bahdankevich, chairman of the United Civic Party.

The European diplomats informed the representatives of the Lukashenka regime that the endorsement of a partnership and co-operation treaty between the European Union and Belarus, as well as a temporary trade agreement, would only be possible on the condition that the Belarusian government refrain from repressing the initiators and activists of the alternative presidential election and delaying the re-

registration of political parties and NGOs. The foreign representatives insisted that political prisoners be released (including Mikhail Chyhir) and dialogue between the government and the opposition be held with no preliminary conditions.

Lukashenka was in Moscow at the time of the visit, meeting with Yeltsin on April 28. The Russian president refused to consider Milosevic's request. Moreover, Moscow rejected the Belarusian plan to form a union state headed by a single president and forced Lukashenka to accept Russia's plan, which involved the election of a union Parliament with minimum authority.

Meanwhile in Belarus the organisers of the alternative presidential election successfully formed a network of constituencies. Unable to provide fixed polling stations, the Central Electoral Commission decided to carry out the election by visiting voters between May 6 and 16. It became clear that the election failed to meet OSCE standards, and it would be impossible to invite foreign observers. Moreover, the winner of the election would not be recognised internationally as president of Belarus. The international community only certified the legitimacy of the democratic forces to hold a presidential election.

The authorities did their best to make sure that the above-mentioned position of the international community regarding the election of May 6–16 was not questioned. Voting took place under extreme conditions. Zyanon Paznyak withdrew from the race after voting began motivating his step by the impossibility to guarantee fair election under conditions that had been created. Moreover, Yury Zakharenka, ex-Minister of Interior and one of the leaders of the democratic opposition, disappeared on the evening of May 7.

The result of the vote were was announced on May 19. According to Viktor Hanchar, chairman of the Central Electoral Commission, the election was valid with a voter turnout of 53%. However, Mr. Hanchar failed to announce a winner.

The 1999 electoral campaign was essentially a political event, in which the democratic forces once again reminded the Belarusian public about the need for profound democratic transformation of the entire society

on the basis of the 1994 Constitution. Despite the repression\* and propaganda war amounted by the authorities, the election campaign raised the level of activity among Belarusian society.

Another result of the 1999 election was a *qualitative change* in the democratic opposition. The democratic forces split, and some major Belarusian politicians changed their political status.

On May 17, BPF leader Zyanon Paznyak bitterly criticised the activities taken by Viktor Hanchar and the entire Central Electoral Commission. Other BPF officials, including Vintsuk Vyachorka, Lyavon Barshchewski and Yuri Khadyka, distanced themselves from the statement of their brother-in-arms. By autumn, a crisis in the Belarusian Popular Front led to the party splitting into two separate parties: the Conservative Christian Party BPF led by Paznyak and the BPF Party headed by Vyachorka.

Later, the Supreme Soviet also suffered a huge blow due to the departure of speaker Syamyon Sharetski to Lithuania. Viktor Hanchar volunteered to substitute for the speaker, but his disappearance on September 16, 1999, effectively brought that structure to an end.

\* Approximately 2,000 people faced administrative or criminal charges for activities related to the alternative presidential election.

## THE GOVERNMENT AND OPPOSITION AFTER THE 1999 ALTERNATIVE PRESIDENTIAL ELECTION

### Andrey LYAKHOVICH

At the end of May 1999, following the alternative presidential election, Belarus entered a political stalemate. On one hand, Lukashenka's political opponents had used all opportunities of influence available at the moment but failed to shake the dictator. On the other hand, the Belarusian president had used his entire arsenal against the opposition and still had not defeated it. Moreover, the alternative presidential election highlighted the main actors of the political play. Due to Belarus' geo-political situation, the cast comprised four and not two characters: the regime, the opposition, the West, and Russia.

Western support for democratic forces in Belarus largely determined the weaponry used by the Belarusian regime for fighting its political opponents. However, despite its geo-political influence, the West was unable to create effective levers for influencing the Belarusian government.

The scale of Russian support for the Lukashenka regime is fluid, depending on current political constellations. As Russian leaders prepared for a second incursion into Chechnya, their interest in Lukashenka increased. While the West criticised Russia for violating human rights and threatened economic sanctions, Russia benefited from categorical statements by the Belarusian president about double standards of Western politics and his promises to put a regiment of Topol-Mballistic missiles in Vitsebsk on high alert, in response to NATO expansion to the East..

In the area of the CIS, Russian interests usually conflicted with those of the US, and to a smaller extent with those of other Western countries. By supporting Lukashenka, whose authority was illegitimate for the West after July 21, 1999, Russia created an important foreign policy precedent. *The president of a CIS member state, despite not being recognised by the West, can enjoy support from Russia on the condition*

*that it pursues a pro-Russian policy, and use this resource to stay in power.*

As his official term of office neared, Lukashenka expected support from Russia, viewing it as another step toward Belarusian-Russian integration within a union state (which would mean Russia's final acknowledgement of Lukashenka's presidency).

Lukashenka set a strategic goal of retaining power, even if accomplishing it meant not being recognised by domestic and foreign opponents. Achieving this goal required energetic and well-planned efforts on all three fronts: Russia, the democratic opposition and the West. If these efforts succeeded, he would be able to do more than reinforce his position, he would weaken his adversaries within the country.

Lukashenka was encouraged to negotiate due to a number of factors: the impending end of his term under the 1994 Constitution, the Kremlin's restraint in supporting the Belarusian regime, a possible increase in activity from the democratic opposition, Western persistency as well as the drop in living standards in the spring and summer of 1999 and, as a result, higher social tension. Negotiation, in his thesaurus, was not a process of reaching an agreement between parties ready for mutual concessions, but rather exchanging thoughts to play for time with the aim of reinforcing one's own position. Lukashenka successfully forced his own format of negotiations, not the least due to the current political situation, as the democratic opposition was sapped by the recent alternative presidential election. The opposition did not stand firm enough to be a fully-fledged party in the negotiation and make the government abide by agreements reached.

The largest political parties, the Belarusian Popular Front and the United Civic Party, were seized by crisis after the alternative presidential election. This crisis was caused by the evaluation of the elections and the activity of the Central Electoral Commission and its chairman. A split in the UCP followed the split in the BPF on May 25. Viktor Hanchar, member of the political council of the UCP (the party's ruling organ) was bitterly criticised. The old leaders of both parties, Zyanon Paznyak

and Stanislaw Bahdankevich, were losing support among a broad swath of respective party members. Paznyak's stand on the 1999 presidential election catalysed an internal crisis in the BPF.

Entering into negotiations with the opposition, Lukashenka and his entourage implicitly pursued the following objectives:

- 1) To encourage further splits in the opposition. The opposition was fractured due to evaluations of the alternative presidential election. The government's support for the idea of negotiating and its well-advertised readiness for dialogue with the opposition could cleave the latter yet further.

- 2) To probe into the current state of the opposition. To learn its position concerning parliamentary elections in 2000. To select a group of opposition politicians ready to co-operate with the government and present them to the public as "constructive opposition" in order to eventually substitute the opposition as a whole with this "constructive" fraction. An information campaign could be used to force radical adversaries of the regime to the periphery of the political scene.

- 3) To deprive the opposition of a formal cause to call the people onto the streets before the end of Lukashenka's presidential term and to disorganise that part of society inclined to resolute actions on the side of the opposition.

Moreover, negotiations gave the government the possibility to muffle the public response to the fact that the West did not recognise Lukashenka's legitimacy as president after July 20. For the majority of Belarusians, negotiations between the government and the opposition, mediated by Western representatives, implied that the West acknowledged the existing regime.

The OSCE consulting-monitoring group (CMG) in Minsk had been trying to bring the parties of the Belarusian political scene to the negotiating table since it was established in 1997. In the first quarter of 1999, the group (headed by ambassador Hans-Georg Wiecek), the US Department of State and the OSCE mission (headed by Mr. Severin), called upon the government several times to enter into negotiations with the opposition. Belarusian officials responded that negotiations



were only possible if the participants acknowledge the 1996 Constitution, which would have rendered the negotiations meaningless. However, the government eventually began to change its position. It appeared that the Belarusian president and his team were looking for confidants to conduct the negotiations with the opposition.

As early as December 1998, two significant appointments were made: Ural Latypaw as Foreign Minister and Mikhail Sazonaw\* as presidential advisor for Russian and CIS affairs. The latter was well known as a master of political intrigue.

With the appointment of Latypaw, a counterintelligence officer, new features were added to the governmental strategy towards the opposition and the OSCE consulting-monitoring group. Some independent media published in the Russian Language promoted Latypaw: his appointment was presented as a sign of potential change in foreign policy and he was personally evaluated very positively. Latypaw himself made well-calculated moves to support that impression. During NATO's campaign in Yugoslavia, the restrained demeanour of the new minister contrasted with Lukashenka's highly emotional invectives. For some time this created the impression that Lukashenka not only single-handedly defined Belarus' foreign policy, but even pursued it against the will of his closest entourage. Meanwhile, Latypaw remained in the shadows.

At the end of April, after the memorable meeting between European diplomats and Latypaw and Myasnikovich, the international community was sent a signal that Latypaw had eased off somewhat on the re-registration process of political parties and non-governmental organisations. Latypaw did not categorically reject the statement of European representatives concerning the need for dialogue between the government and opposition without preconditions. Western diplomats were shown a positive version of Latypaw.

\* In 1995-96 Mr. Sazonaw occupied the post of first deputy head of the presidential administration. According to some sources, he coordinated organisational measures to ensure the "desired" results of the referenda in May 1995 and November 1996, and was later directly involved in sabotaging the presidential impeachment initiative. At the beginning of 1997, Sazonaw left politics and went into the oil business.

Relations between the democratic forces and the OSCE CMG were fraught with the danger of break up. Rejecting OSCE's insistence on negotiations (and the organisation saw no alternative to negotiation) could leave the Belarusian opposition without empathy and support from the West. This would only benefit Lukashenka. Finally, representatives of the OSCE CMG and democratic forces agreed that even if the negotiations failed, it would have provided an opportunity to show the Belarusian public the essence of the existing regime.

The OSCE tried to get the negotiation started in June. The OSCE Parliamentary Assembly invited representatives of opposition political parties, the Supreme Soviet, non-governmental organisations and the government\* to attend a hearing of the Belarusian issue held on June 11-13 in Bucharest. However, no governmental representatives arrived. The Belarusian authorities were not yet ready to negotiate and had no agenda. This also showed that the government was only willing to negotiate on its own territory.

The Lukashenka camp began playing its hand at the beginning of July. On July 2, speaking to the Parliamentary Assembly of the Union of Russia and Belarus in Minsk, Lukashenka criticised Russia with unprecedented harshness, accusing its leaders of severe violations of union treaties. On July 3, Lukashenka reiterated his intention to improve relations with the West. On July 5, foreign minister Latypaw held a briefing to explain the essence of Belarus' new foreign policy: the country could no longer remain outside integration developments in Europe, and would therefore undertake measures to normalise relations with the West. In connection with this, the first task of the Belarusian foreign ministry would be to reach a partnership agreement with the European Union as well as a temporary agreement concerning trade co-operation. Lukashenka added that Russia would remain Belarus' strategic partner. Thus the roles were clearly divided from the beginning: the main character was played by Latypaw, a diplomat with a KGB background, who was making

\* Representatives of the opposition, third sector and government were supposed to discuss the problems of the legislature, media and elections.

statements about possible changes "in the legal system of Belarus" and the readiness of "the president for an open and honest pre-election campaign."

On July 7-8, the OSCE PA session in St. Petersburg passed a resolution calling on the government and the opposition in Belarus to sit at the negotiating table. On July 15, Lukashenka agreed to meet with A. Severin, leader of the OSCE special working group, and Hans-Georg Wiek, head of the OSCE mission in Minsk. Lukashenka agreed to start negotiations with the opposition on three issues: 1) developing legislation for free and fair elections, which would be recognised by the international community; 2) allowing the opposition access to the media; 3) the competence of the future Parliament. On July 21, international organisations including the OSCE declared that Lukashenka's legitimate term as president had expired.

The political show continued. On July 21 and 27 the opposition once again demonstrated its weakness when only 10-15 thousand people participated in a street demonstration against Lukashenka's regime. On August 6, Lukashenka appointed Mikhail Sazonaw head of the group preparing for dialogue between the government and the opposition. In his first interview Sazonaw said that neither the 1996 Constitution nor a presidential election earlier than 2001 were to be discussed. This was the strict position of president Lukashenka. The only topics of negotiation were to be the opposition's access to state-owned media and the Electoral Code already drafted by the government.

Thus, even before the delegations of the government and the opposition were established, it was clear that the negotiations had no future (although the very process of negotiation resonated in Belarusian society\*).

On August 18, the opposition nominated its representatives for

\* The very idea of negotiation was very popular among the public. People expected the political climate to thaw. According to a nation-wide survey conducted by the Independent Institute of Socio-Economic and Political Studies, 38.3% of the respondents favoured negotiations between the opposition and government, while 16.9% believed the negotiations were meaningless.

negotiation with the government. The listed contained the names of second string politicians, deputies of chairs and board members of democratic organisations: Yury Belenki of the Belarusian Popular Front, Alyaksey Karol of the Belarusian Social Democratic Party "Popular Hramada", Aleh Trusaw of the Belarusian Social Democratic Hramada, Leanid Lemyashonak of the Party of Labour as well as Alena Skryhan of the Party of Communists. Anatol Lyabedzka, deputy chairman of the United Civic Party, chaired the delegation.

The number of representatives, six per side, had been established by agreement between H. G. Wieck and M. Sazonaw. The latter stubbornly insisted on the figure six for a very simple reason: the government used every opportunity to let the opposition itself destroy the coalition it had formed to enter the negotiations. There were at least seven political parties in Belarus that considered themselves major players. Apart from the above-mentioned parties, the seven also included the Liberal Democratic Party of Belarus (LDPB) led by Syarhey Haydukevich. A pro-Russian politician closely connected with the Belarusian secret services, Haydukevich played the role of an extra mouthpiece in the governmental information campaign (also during the run-up to the 2001 presidential election, when the regime used him as a scandalous instigator, acting against Uladzimir Hancharyk).

Haydukevich stated that the delegation did not reflect the entire spectrum of political parties. His claim that in addition to the liberal democrats, trade unions were also excluded made Wieck press the democrats to quickly adjust the composition of the delegation. One delegate was to be replaced in order to make room for representation by all seven parties.

Having elbowed its way into the delegation, the LDPB reduced the effectiveness of the negotiations. At every meeting, Syarhey Haydukevich or his party comrade Alyaksandar Rabatay accused the rest of the delegation of being "non-constructive." The state-owned media regularly echoed those statements.

Dialogue between the government, represented by Sazonaw's

group\*, and the opposition delegation ended up with an agreement to set up a working group at the beginning of September. That group, headed by Professor Mikhail Pastukhow, would provide the opposition with access to state-owned media. The government suggested the other party present its comments regarding the draft Electoral Code under which parliamentary elections were due in autumn 2000.

To continue negotiations with the Pastukhow-led working group, the government set up a body of experts, headed by Pavel Yakubovich, editor-in-chief of the *Sovietskaya Belorussiya* newspaper and one of the main ideologists of the regime. The dialogue concerning the opposition's access to state-owned media continued (with frequent and long pauses) until February 2000\*\*, naturally with no results. In February 2000 the National Assembly passed the Electoral Code. Its adoption and the prospect of holding parliamentary elections under the new act implied that the regime was not interested in Western recognition of those elections and the new Parliament. Meanwhile, Latypaw and Sazonaw did their best to keep the opposition "negotiating" as long as possible. Half hearted discussions concerning the possibility of rewriting the Electoral Code continued until the end of March 2000.

The actual position of the regime made leaders of democratic parties quit the negotiation. The BPF and UCP, together with some democratic organisations, stated their intention to boycott parliamentary elections.

The state-run media interpreted the firm stand of democratic forces as evidence of their irreconcilability, which bars their way back to "system" (i.e., proper) politics. The public was offered an alternative, the so-called "constructive opposition," which most frequently included

\* Apart from Sazonaw, the group comprised Viktor Novelski, first deputy State Secretary of the Security Council, Ihar Andreyew, director of the National Centre of Law Development, Henadz Varantsow, Minister of Justice, Uladzimir Herasimovich, deputy Minister of Foreign Affairs, Yury Kulakowski, member of the House of Representatives, and Mikalay Charhinets who would later lead the initiative group that put forth Lukashenka as a candidate for president.

\*\* At the end of September, continuation of the negotiations came under question when a court ruled in the case of Andrey Klimaw, a political prisoner sentenced to six years in prison.

the LDPB, the "Yabloko" movement, headed by Volha Abramava, and occasionally the PCB. Representatives of those organisations were the last to get up from the negotiating table in July 2000.

The failure of the negotiations set the tone of the parliamentary elections in October, the main political event of 2000. Falling short of democratic standards, they were not recognised by the international community. The democratic forces called for an election boycott and achieved some results. In the larger towns, voter turnout was only about 50%; the elections were not conducted in the majority of polling stations.