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The parliamentary election and referendum in Belarus, October 2004

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1. Background

Belarus became an independent state in December 1991 on the dissolution of the USSR; and it became a presidential state under its constitution of March 1994. At the first election under that constitution, in July 1994, Alexander Lukashenko won a convincing mandate with 80% of the vote in a second-round runoff against the then prime minister, Vyacheslav Kebich. Once elected, Lukashenko moved quickly to extend the powers of his office, which soon brought him into conflict with the Belarusian parliament (then known as the Supreme Soviet) and the Constitutional Court. He sought to resolve this by calling a referendum, in May 1995, when a positive vote allowed him to expand his presidential powers. In November 1996, a further and more controversial referendum approved an extension of the presidential term and replaced the parliament with a smaller and wholly subordinate National Assembly (*Natsional'noe Sobranie*). This was effectively a constitutional *coup*, which paved the way for the establishment of an increasingly authoritarian regime.

Under the 1996 constitution, Belarus's lower house, the House of Representatives (*Palata Predstavitelei*), consists of 110 deputies elected on the basis of universal, equal, free, and direct electoral suffrage by secret ballot (art. 91). It is a majoritarian system, with the outcome decided by overall majorities in single-member constituencies. Any citizen of 21 years is eligible for election (art. 92). The functions of the House are to consider draft laws and the other business of government; it must approve the nomination of a prime minister (art. 97); and it may deliver a vote of no confidence on the government (art. 97). However, in constitutional as well as political terms, the House is of marginal importance. At the 2000 election, it took four rounds of voting before all the seats were filled; in the end, 86% of the elected

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deputies were independents, and the remainder were the representatives of parties traditionally loyal to the president (OSCE, 2000; Khurs, 2001).

The House of Representatives sits for a fixed term of four years, hence another election was due in late 2004. But there was another relevant circumstance: as it stood at the time, the constitution stipulated that ‘The same person may be president for no more than two terms’ (art. 81). Thus, Lukashenko, under the terms of his original election, should have sought a renewal of his mandate in 1999. However, the 1996 constitution allowed him to extend his first term to 2001, when he was re-elected for a five-year term (White, 2003). This meant that, without a further change in the legislation, he would be obliged to leave office at the end of his second term in 2006. Even oppositionists accepted that Lukashenko, a vigorous sportsman in his early fifties and a charismatic orator, had a considerable public following. But this was still a serious challenge, not least because the electoral code required a majority of the entire electorate, and not simply of those who voted, if a constitutional change was to be approved.

The constitution assigns the right to nominate candidates in parliamentary elections to public associations (including parties), work collectives, and individual citizens (art. 69). The electoral law adopted in 2000—which remains substantially unchanged—makes a series of more detailed provisions (Izbitatel’nyi, 2004); in particular, candidates must obtain a majority of the votes cast to secure election in the first round provided that at least a half of the registered electorate has voted (art. 82). If no candidate obtains an overall majority, a runoff is held between the two best-placed candidates not more than two weeks later, provided at least 25% of the registered electorate has taken part (art. 83). Repeat elections may be held if there is no valid result, or in other specified circumstances (art. 87). The electoral code also covers referendums, which require the participation of at least half of the registered electorate; propositions are regarded as approved if more than half of those voting support them (art. 121).

2. The election campaign

For some time, Lukashenko had been rather coy about whether he might seek a further term. On 20 July, however, he made clear that he would seek changes in the constitution; on 7 September, he announced that he would be calling a referendum on 17 October at the same time as the parliamentary elections were due to take place. He also indicated that a single question would be on the ballot paper:

Do you permit the first President of the Belarusian Republic A.G. Lukashenko to take part as a candidate in the election of the President of the Belarusian Republic, and do you accept the first part of article 81 of the Constitution of the Belarusian Republic in the following formulation: “The President is elected for five years directly by the people of the Republic of Belarus on the basis of a general, free, equal and direct franchise and a secret ballot”?

In other words, Article 81 of the constitution would be adopted in a form that would no longer limit the number of terms a president might serve.

Political parties are weakly developed in post-communist Belarus, and their activities are seriously constrained by a variety of formal and informal restrictions (White et al., 2005, ch. 5). The most serious opposition to Lukashenko's proposals, in both campaigns, came from opposition parties such as Nikolai Statkevich's Social Democratic Party (Popular Assembly), Anatolii Lebedko's United Civic Party, and Sergei Kalyakin's Belarusian Party of Communists. The Belarusian National Front Party 'Adradzhenne' and the Christian-Conservative Party declared a boycott of the election, accusing the authorities of manipulation. Even so, there was still some hope that there could be a single and united opposition based on rejecting the constitutional referendum and regime-sponsored parliamentary candidates. In the event, two informal groupings emerged: the Coalition Five Plus and the Democratic Centrist Coalition. Their objectives were of a fairly general character. The Coalition Five Plus declared its 'Five Steps to a Better Life', which committed it to a 'worthy life for all', 'work for people', 'government for the people', 'the people's money in the service of the people', and 'respect in the world'. The Democratic Centrist Coalition called for a 'Free Belarus' that would adhere to European values and eventually join the European Union.

As for the regime, Lukashenko made clear in a speech at a government conference on 6 October that he expected both to win the referendum and to take all the parliamentary seats on the first round. 'We should show who is master of the house', he told his audience; 'We should leave no stone unturned [in crushing] the domestic and external opposition ... One should be able to stay in power and defend it. This is Grandpa Lenin's statement, not mine. We have enough power and techniques to win these elections and referendum overwhelmingly.'² He had already told a press conference on 20 July that he had issued a 'directive' that 30% of the outgoing parliamentarians should be re-elected and that the representation of women should be increased from 30% to 40%.³

In part, these objectives could be secured via control of the broadcast media. All nationwide electronic media are state controlled. Russian television has a larger audience, but gives relatively little attention to developments in Belarus. The state also dominates the domestic newspaper market, and has made it difficult for opposition newspapers to continue to exist; some dozen print titles were suspended on a variety of pretexts during the two months before the election. The OSCE's monitoring exercise found that more than 90% of the time of all domestic electronic media was devoted to the president and government during the election period—and in overwhelmingly positive terms. Not simply was there 'clear bias', in the OSCE's view, there was also a 'lack of genuine debate about political developments'.⁴

There were also direct interventions of various kinds, including the disqualification and harassment of political opponents.⁵ State-owned facilities were unwilling to produce campaign literature for opposition parties and candidates; and there were delays in receiving campaign materials because of police or tax inspections at printing

² RFE/RL Newline, 13 October 2004.

³ OSCE (2004, p. 12).

⁴ OSCE (2004, p. 15).

⁵ See OSCE (2004).

works. In at least two instances, police raided the headquarters of opposition party candidates. Activists from various opposition parties were detained by the police, and there were difficulties in conducting meetings with voters. According to OSCE observers, violations of the regulations by pro-regime candidates were treated more leniently. Moreover, the entire campaign was overshadowed by the referendum vote, which allowed opposition candidates to be treated as if they were calling for a vote against the future of Belarus itself.

3. Results

The Central Electoral Commission announced the results of the referendum on 21 October. The registered electorate was 6,986,163; of these, 6,315,825 were given ballot papers; and 6,307,395 votes were cast (90.3% of the registered electorate). There were 5,548,477 votes in favour of the proposition (79.4% of the registered electorate; 88% of those who voted); 691,917 votes were cast against the proposition (11% of votes cast), and there were 67,001 spoiled ballots (1.1% of votes cast). An exit poll conducted by Gallup and Baltic Surveys confirmed that a majority of voters had approved the proposition, but suggested that just under half the electorate (48.4%) had done so, which would have rendered the result invalid. The outcome was nonetheless sufficient to allow the Central Electoral Commission to announce that the proposal had been adopted,⁶ which meant that Lukashenko would be free to stand for a third term—or, indeed, yet further terms.

The parliamentary election results were announced the following day (see Table 1). According to the Central Electoral Commission, turnout was a record 90% and there were valid results for 108 seats. In Novopolotsk district (No. 25), as no candidate obtained an overall majority, a second round of balloting was required. In Central Grodno district (No. 52), no candidate secured an overall majority in either the first- or second-round ballot; a repeat election was called for 20 March 2005. Just 12 of the 108 successful candidates represented the political parties: one from the Liberal-Democratic Party; three from the Agrarian Party; and eight from the Communist Party of Belorussia. None of these was in opposition to the regime, whereas four seats had been held by opposition deputies in the outgoing House of Representatives. The overwhelming majority of seats, as before, went to nominally independent and self-nominated candidates, who were, in practice, pro-Lukashenko representatives.⁷

4. Effects

The only significant outcome of the two votes on 17 October was the approval of the constitutional change that allowed Lukashenko to stand for a further term. There were no direct implications for the composition of the government, whose tenure

⁶ See *Belarus' segodnya*, 22 October 2004, p. 2.

⁷ See *Belarus' segodnya*, 26 October 2004, pp. 2–3.

Table 1
Results of the parliamentary election in Belarus, 17 October 2004

Party/other	Votes	% of vote	Seats
Belarusian Social-Democratic Party 'Narodnaya Gramada'	171230	2.7	0
Agrarian Party	145004	2.3	3
Communist Party of Belorussia	334383	5.3	8
Liberal-Democratic Party	122605	1.9	1
Belarusian Party of Communists	158602	2.5	0
Belarusian Popular Front	199714	3.2	0
United Civic Party	207664	3.3	0
Social-Democratic Party of People's Consent	22441	0.4	0
Belarusian Social-Democratic Gromada	59892	0.9	0
Republican Party	28179	0.4	0
Self-nominated candidates	4098025	65.0	97
Against all	548399	8.7	
Invalid ballots	201462	3.2	
Totals	6297600	100	109 ^a
Turnout (%)	90.1		

Source: Compiled from district election results as reported by the Belarusian Central Electoral Commission at <http://www.rec.gov.by>.

^a Grodno Central No. 52 constituency remained vacant as no candidate secured an absolute majority of votes cast in the general election on 17 October or in the run-off on 27 October. A repeat election to fill the vacancy was to be held on 20 March 2005.

depended on the President rather than the House of Representatives. There were some important indirect effects on Belarus's international standing, however. The more the two ballots were regarded as a legitimate expression of the popular will, the more likely it was that relations would improve with the outside world, particularly with the member states of the European Union. But the OSCE's monitoring team reported on 18 October that the elections had fallen significantly short of OSCE standards, and that the authorities in Belarus had 'failed to ensure the fundamental conditions necessary for the will of the people to serve as a basis for the authority of government'.⁸ Going still further, US President George W. Bush described Belarus's leader as a 'dictator', and later that month signed a Belarus Democracy Act that was intended to give direct support to opposition parties and public organisations.

The official monitoring mission from the Commonwealth of Independent States (CIS) took a very different view, claiming that the elections had been 'honest, clean, legitimate and transparent' although they had been held against a background of 'unprecedented outside pressure' from other European governments and the United States. The mission's chairman, Vladimir Rushailo, suggested that pressures of this kind were 'improper and inconsistent with the norms of international law'.⁹ A spokesman for the Russian foreign ministry took a similar position, suggesting that 'overall' the results had 'reflected a cross section of opinion in the republic', and that, in any case, 'this was the

⁸ OSCE press release, 18 October 2004.

⁹ Kommersant, 19 October 2004, pp. 1 and 9.

choice of the Belarusian people, and we must respect it'. The Kremlin was also understood to have endorsed the result, although there was no official statement.¹⁰

The authorities in Belarus were even more positive. 'I consider it an elegant victory', declared the chairwoman of the Central Electoral Commission, echoing Lukashenko's judgement about his own re-election three years earlier. 'If there had been no referendum, it should have been invented', she added, because it had 'consolidated the nation as never before and given the young people a lesson in patriotism'. Lukashenko himself told visiting observers, most of them from the CIS, that he found the outcome of the referendum 'overwhelming', and that he had 'not expected[ed] such a high turnout and such wide support.'¹¹ Nonetheless, this was clearly a flawed result. What was likely to matter more, in the longer term, was whether the election had been manipulated to such an extent that it failed to engage a sufficient number of the electorate to ensure a political future for the Lukashenko regime. Public demonstrations in March 2005, in conjunction with political changes in neighbouring Ukraine, suggested this question was still open months after an election that was supposed to have resolved it.

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¹⁰ *Izvestiya*, 19 October 2004, pp. 2 and 4.

¹¹ RFE/RL Newslines 19 October 2004; *Belarus' segodnya*, 19 October 2004, p. 2.