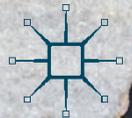


SEMI-PRESIDENTIALISM
IN THE **CAUCASUS** AND
CENTRAL ASIA

EDITED BY ROBERT ELGIE
& SOPHIA MOESTRUP



Semi-Presidentialism in the Caucasus and Central Asia

Robert Elgie • Sophia Moestrup

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Semi-presidentialism in Democracies, Quasi-democracies, and Autocracies

Robert Elgie and Sophia Moestrup

This book examines semi-presidentialism in the Caucasus and Central Asia. Semi-presidentialism is the situation where a country's constitution makes provision for both a directly elected fixed-term president and a prime minister (PM) and cabinet who are collectively responsible to the legislature. Currently, there are four countries with semi-presidential constitutions in this region: Armenia, Azerbaijan, Georgia, and Kyrgyzstan, plus Kazakhstan, which is on the constitutional cusp of semi-presidentialism and presidentialism but which is presidential. We are interested in the extent to which presidential institutions in these countries have had an impact on the practice of politics there since statehood in the early 1990s.

There is now a large literature identifying the consequential effect of institutions and, more specifically, a literature identifying both the effect of different forms of executive/legislative relations on political outcomes

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(Samuels and Shugart 2010) and the effect of institutional variation within semi-presidentialism (Samuels and Shugart 2010; Elgie 2011). This work gives us reason to think that institutions should have shaped outcomes in the five countries under investigation. At the same time, though, there is also a literature suggesting that the effect of formal institutional structures matters only in relatively democratic countries. In the five countries we examine, the degree of democracy has varied greatly both generally from one country to the next and over time within a number of countries. This leads us to expect that the effect of institutions will vary accordingly. What is more, there is a further area-centric body of work indicating that outcomes in countries of the former Soviet Union are shaped more by informal vertical power relations than formal institutions. The countries under investigation in this book are all part of the former Soviet Union and achieved statehood in relatively similar circumstances at around the same point in time. This suggests they are likely to share certain post-Soviet political practices that may go so far as to negate the standard impact of formal constitutional arrangements.

In this context, we ask the following questions: firstly, what is the relationship between semi-presidentialism in the formal constitution and the verticality of actual power relations in these five countries; secondly, to what extent, if any, have presidential institutions been responsible for the relative performance of democracy in these countries; and thirdly, in what ways have particular institutional arrangements shaped the relationships both within the executive between the president, the prime minister (PM), and ministers, and between the executive and the legislature? At the risk of a major spoiler alert, we find that in some cases, vertical power relations have made formal constitutional structures almost entirely redundant. In other cases, though, institutions have mattered, and semi-presidential arrangements have had consequential effects.

This book has eight chapters. There are chapters on each of the five countries under investigation. These chapters are preceded by a chapter on the general features of post-Soviet politics in this region. There is also this introduction to the themes of the book and a conclusion that draws together the findings. In this introductory chapter, we set the scene by identifying the concept of semi-presidentialism and reviewing the existing literature about the supposed effects of this constitutional form. In particular, we address the importance of institutional variation within semi-presidentialism and discuss some common misconceptions about semi-presidentialism. We also provide an institutional overview of

the countries to be examined and the effects we might expect to identify in those countries on the basis of the existing literature. Finally, the chapter outlines the structure of the book and the specific organization of the country case studies. To begin, we outline the concept of semi-presidentialism and how it has changed over time.

SEMI-PRESIDENTIALISM: WHAT IS IT AND WHERE IS IT FOUND?

Semi-presidentialism was first conceptualized by Maurice Duverger (1970) to describe a type of regime that was different from both presidential and parliamentary systems. The introduction of the direct, popular election of the president in France in 1962 was the institutional change that prompted Duverger to identify semi-presidentialism as a separate regime type. Duverger's original definition was as follows:

[A] political regime is considered as semi-presidential if the constitution which established it combines three elements: (1) the president of the republic is elected by universal suffrage; (2) he possesses quite considerable powers; (3) he has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them. (Duverger 1980, p. 166)

Duverger's conceptualization of semi-presidentialism was a welcome innovation and addition to the study of comparative governmental systems. For more than a century, attention had been focused solely on presidentialism and parliamentarism, even though the first countries with semi-presidential constitutions had appeared as far back as 1919. Duverger's definition of semi-presidentialism quickly took hold and became the standard way of thinking about semi-presidentialism. More than that, given the context in which the concept was formulated, Duverger's own writing on France and his position within the French academy, France became the default semi-presidential reference point. Largely thanks to Duverger, when scholars thought about semi-presidentialism, they thought about the French case.

Gradually, though, Duverger's definition was contested. In this regard, a recurring problem not only with Duverger's definition but also with subsequent attempts at regime classification was the inclusion of clauses referring to the actual powers of either president or PM in order for a

regime to be considered semi-presidential. As seen above, Duverger's original definition states that the president must have "quite considerable powers" for a country to be considered semi-presidential. In his alternative formulation, Sartori (1997) focused on the effective powers of the PM. As a condition for a country to be classified as semi-presidential (*ibid.*, 131), he believed that there should be a "dual authority structure" where the president shared power with a PM. However, definitions of semi-presidentialism that include reference to essentially subjective criteria such as the presence of "quite considerable" presidential powers hamper our ability to agree on a common set of countries for comparison. How "considerable" do the president's powers have to be for a country to fall in the semi-presidential category? Subjective classification criteria mean that the universe of country cases is likely to shift from one researcher to the next. In addition, focusing on the effective powers of the president and the PM (e.g. power sharing between the president and the PM) as part of the definition of semi-presidentialism conflates operation with constitutional form. This hinders our ability to infer about the effects of institutions, given such effects are already part of the definition of the institutional variable we are studying. For these reasons, there was dissatisfaction with Duverger's definition of semi-presidentialism and with equivalent reformulations.

The solution to these definitional problems was to define semi-presidentialism and regime types in general without reference to the actual powers of the presidents and the prime ministers (Elgie 1999). This way of understanding semi-presidentialism has now been adopted by the majority of scholars (Schleiter and Morgan-Jones 2009). In line with this way of thinking, we define semi-presidentialism as the situation where a direct or popularly elected fixed-term president exists alongside a PM and cabinet who are collectively responsible to the legislature. By responsible to the legislature, we mean that the legislature has the constitutional power to refuse to approve the cabinet in an investiture vote and/or to topple the cabinet through a vote of confidence and/or no confidence. We stress that the responsibility must be collective. If the legislature can remove the head of government without that necessarily resulting in the collapse of the cabinet as a whole, then we do not class the constitution as semi-presidential. Equally, if the legislature can vote to recommend the removal of both the PM and cabinet but if the final decision still lies with the president, then we do not class the constitution as semi-presidential. By contrast, if the legislature can dismiss the PM and cabinet collectively, but the dismissal automatically leads to the dissolution of the legislature, then we still classify the constitution as semi-presidential.

While it is necessary to specify some of these rules, defining semi-presidentialism in this way provides a much more reliable way of identifying a set of semi-presidential countries than any definition, including Duverger's and Sartori's definitions, that requires an assessment of the actual powers of the president and the PM in practice. This is because the definition presented here requires no expert knowledge of any given country, knowledge that in any event is bound to be contested among the set of experts working on that country. Instead, all that is required is access to the wording of a country's constitution. Moreover, in the age of the Internet, such access is now freely available for all countries of the world. What is more, including only references to the constitutional text in the definition of semi-presidentialism avoids problems of endogeneity and self-fulfilling prophecies about the functioning and effects of semi-presidentialism. In short, it leaves us better placed to identify the effects of semi-presidential institutions.

Whereas this constitutional mix was relatively rare until the early 1990s, since this time, it has become the most common constitutional choice for new democracies. There are now over 50 countries with a semi-presidential constitution across the world. (For a list of countries with semi-presidential constitutions, see Fig. 1.1.) While this constitutional form has been predominantly popular in Western Europe (including countries such as France, Portugal, and Finland), in the post-communist world (e.g. Bulgaria, Russia, and Lithuania), and across Africa (e.g. Cape Verde, Mali, and Tunisia), semi-presidentialism is also found in Asia (Mongolia, Sri Lanka, Timor-Leste, and Taiwan) and even in Latin America and the Caribbean (Haiti and Peru). New democracies with a colonial history have often followed in the constitutional path of their former colonial power—which explains why semi-presidentialism is the predominant constitutional form in Francophone and Lusophone Africa. In other cases, semi-presidentialism offered itself as a convenient compromise constitutional choice in debates between supporters of presidentialism on the one hand and the introduction of a parliamentary system on the other. This was the case in Mongolia, for example (Moestrup and Ganzorig 2007).

SOME COMMON MISCONCEPTIONS ABOUT SEMI-PRESIDENTIALISM

As noted above, the definition of semi-presidentialism that we employ in this book has been adopted by the majority of scholars (Schleiter and Morgan-Jones 2009). Indeed, there is now a considerable body of work both on the

Algeria (1989), Armenia (1995), Austria (1945), Azerbaijan (1995)
 Belarus (1996), Bulgaria (1991), Burkina Faso (1991)
 Cameroon (1991), Cape Verde (1990), Chad (1996), Croatia (1991),
 Czech Republic (2012)
 Dem. Rep. Congo (2006)
 Egypt (2013)
 Finland (1919), France (1962)
 Gabon (1991), Georgia (2004)
 Haiti (1987)
 Iceland (1944), Ireland (1937)
 Kyrgyzstan (1993)
 Lithuania (1992)
 Macedonia (1991), Madagascar (2010), Mali (2012), Mauritania (2009),
 Mongolia (1992), Montenegro (2006), Mozambique (1990)
 Namibia (1990), Niger (2010)
 Peru (1993), Poland (1990), Portugal (1976)
 Romania (1990), Russia (1993), Rwanda (2003)
 São Tomé e Príncipe (1990), Senegal (1991), Serbia (2006), Slovakia (1999),
 Slovenia (1992), Sri Lanka (1976), Syria (2012)
 Taiwan (1997), Tanzania (1995), Timor-Leste (2002), Togo (1992),
 Tunisia (2014), Turkey (2007)
 Ukraine (1996)

Fig. 1.1 List of semi-presidential countries and the date when a semi-presidential constitutional was adopted or reinstated after the collapse of democracy

concept of semi-presidentialism as it is understood here and on the politics of countries with semi-presidential constitutions (Elgie 1999, 2011; Elgie and Moestrup 2007, 2008; Elgie et al. 2011; Sedelius and Mashtaler 2013). In fact, the study of semi-presidentialism has been a burgeoning research area in the last decade or more (Elgie 2004). However, semi-presidentialism remains a somewhat controversial and poorly understood topic in some

quarters. There are some scholars who simply refuse to recognize the validity of the concept, or at least who use the term but who deliberately refuse to employ it in the way that it is understood here. There are also other scholars who are perfectly willing to accept the concept and who use the term quite freely, but who unwittingly refer to it in a way that is different from how it is understood in this project, usually defaulting to Duverger's original definition and thinking of France as the archetypal semi-presidential case. The problems surrounding the use of the term are further complicated by the fact that the concept has very practical political application. Countries debate whether or not they should adopt semi-presidentialism. However, this means that the concept can become laden with party political connotations. These vary according to the context of the particular situation. For example, in Italy, the introduction of semi-presidentialism has been debated for many years. However, the party politics of the debate have meant that semi-presidentialism is automatically associated with the introduction of a powerful president who will provide decisive leadership in a fragmented system. Immediately, this generates a set of people who are in favor of semi-presidentialism for their own party political reasons and a set of people who are opposed to it for their own reasons. In such a context, carefully crafted academic definitions with their accompanying semantic niceties soon go out of the window, all of which adds to the conceptual and empirical confusion surrounding the term generally.

Against this background, we address some of the most commonly held misconceptions about semi-presidentialism. We will not be able to convince everyone of the validity of the concept, nor do we aim to do so. We will certainly not be able to change the terms of the political debate in some countries. However, we can help to clarify the way in which we believe the concept should be understood, how it should be applied, and what we can reasonably say about it.

Misconception no. 1—Semi-presidentialism is a regime type midway between presidentialism and parliamentarism

It is not uncommon to hear people referring to semi-presidentialism as a hybrid regime, a mixed regime (Cheibub 2010), or worse, a “bastard” regime (Bahro and Veser 1995). In one sense, there is nothing unproblematic with such a description, or at least perhaps with the first two. After all, if we define presidentialism as the situation where there is a directly elected, or popularly elected, fixed-term president and where the government is not collectively responsible to the legislature, and if we define parliamentarism

as the situation where there is either a monarch or an indirectly elected president and where the PM and cabinet are collectively responsible to the legislature, then semi-presidentialism does indeed exhibit one characteristic of each of the other two main regime types. In this sense, it can indeed be described as mixed. In another sense, though, we should be a little wary of this terminology. If we think about regimes in this way, then semi-presidentialism is not the only mixed type. We can think of what Shugart and Carey (1992) call assembly-independent regimes, that is, Switzerland, as being mixed regimes too. They are characterized by the situation where there is an indirectly elected president and where the government is not collectively responsible to the legislature. Again, such regimes exhibit one characteristic of each of the other two main regime types. In these terms, then, assembly-independent regimes are equally as mixed as semi-presidential regimes. And yet, we rarely, if ever, hear them being referred to in this way. Thus, labeling semi-presidential regimes as hybrid or mixed singles them out for unnecessary and perhaps misleading attention.

There is, though, another way of referring to semi-presidentialism that is more problematic. This is when it is classed as a regime that is midway between presidentialism and parliamentarism, or, as Shugart and Carey (1992, 23) put it, “a regime type that is located midway along some continuum running from presidential to parliamentary.” We agree with Shugart and Carey that the temptation to think of semi-presidentialism in this way comes from the use of the prefix “semi,” meaning half of something. While it is perhaps true that a semi-detached house is only half as freestanding as its detached neighbor down the road, and that the World Cup final includes only half the number of teams as the semi-finals, this does not mean that semi-presidentialism is necessarily either half as presidential as presidentialism or half as parliamentary as parliamentarism. What scale is being used? Does an invitation to a semi-formal dinner really mean that half of your clothes are expected to be formal and the other half informal? If so, which half? In other words, while the root of the term “semi” does mean half, the term is also used in cases where it no longer has this specific numerical implication. Thus, we agree with Shugart and Carey that this way of thinking about semi-presidentialism is mistaken. To do so is, in political science terms, to treat regime types as a continuous or, at least, discrete variable. Yet, regime types do not possess the values that allow us to think about them in that way. Perhaps, though, we can think about semi-presidentialism, presidentialism, and parliamentarism as nominal or ordinal categorical variables. This sounds

more plausible but it raises the problem of institutional variation within semi-presidentialism.

Misconception no. 2—Semi-presidential regimes have quite powerful presidents but never very powerful or very weak presidents

As we have noted, the immediate source of the conceptualization of semi-presidentialism was the 1962 constitutional reform in France. This reform kept the basic parliamentary system of the 1958 constitution intact, including the collective responsibility of the government to the National Assembly, but introduced the direct election of the president. This reform had long been sought after by President Charles de Gaulle, and particular events in 1962 gave him the opportunity to propose a referendum to bring about such a change. The change was subsequently approved in the popular vote. President de Gaulle was returned to power in the first direct election in 1965, and he remained in office for another 4 years. De Gaulle's presidential successors lacked his personal authority, but by then, the expectation of presidential leadership had become the norm. As we have also noted, France came to be the ideational default case of semi-presidentialism. Therefore, when scholars pictured a semi-presidential regime, they pictured a post-1962 Gaullist-type system with a president with "quite considerable" powers who was in a position to exercise decisive leadership, though in conjunction with a parliamentary-style PM who was fundamentally loyal but who also enjoyed at least some independent political authority by virtue of having the confidence of parliament.

Against this background, the list of countries with semi-presidential constitutions in Fig. 1.1 is immediately striking. France is included. So, too, are French-style semi-presidential systems, such as Mongolia, Romania, and more recently, Ukraine, where the president is the senior political player but where the PM is also a major political figure. However, countries such as Austria, Croatia, Iceland, Ireland, and Slovenia are also included in the list of semi-presidential countries. These countries have figurehead presidents whose main job might be thought of, like de Gaulle's characterization of the weak and indirectly elected president of France prior to 1958, as being merely to open flower shows. What is more, countries such as Belarus, Egypt, Mozambique, and Peru are also included in the list. These countries have very powerful presidents. Here, the PM is merely a figurehead, an adviser, or a chief of staff. What does a set of countries ranging from Iceland to Mongolia to Mozambique have in common? The

answer is nothing, apart from the fact that they share a basic constitutional structure. They all have a directly elected president and a government that is collectively responsible to the legislature. In other words, they share nothing in common apart from their constitutional semi-presidentialism. The result is that while semi-presidentialism is a category that captures common constitutional features of certain countries, it is also a category that includes countries with very different power relations in practice. To put it another way, the set of semi-presidential countries are constitutionally homogenous but politically heterogeneous. (Arguably, the same point applies to presidentialism and parliamentarism too, but we leave this point aside for the purposes of the following discussion.)

The political heterogeneity of semi-presidentialism means that for explanatory purposes, we should be very wary of treating semi-presidentialism as a nominal or ordinal categorical variable relative to presidentialism and parliamentarism. For sure, in constitutional terms, we could consider semi-presidentialism in this way, but it is not entirely clear what conclusions we would be able to draw from it. Let us assume that we want to estimate the effect of semi-presidentialism relative to these other regime types (Hicken and Stoll 2008). What would we expect the overall effect of constitutional semi-presidentialism to be, given the extreme political heterogeneity of the set of countries in this category? Maybe we might think that the parliamentarizing effect of the countries with weak presidents will balance out the presidentializing effect of countries with strong presidents, again leaving semi-presidentialism somewhere in between full presidentialism on the one hand and full parliamentarism on the other. Well, maybe we might, but this would be a heroic assumption. Rather, we should avoid operationalizing semi-presidentialism as a discrete explanatory variable at all. Instead, we should think of the distinction between semi-presidentialism, presidentialism, and parliamentarism as an exercise in constitutional taxonomy. These three regimes, and indeed others, such as assembly-independent regimes, have discrete constitutional forms. Taxonomically, they are different. However, in itself, this taxonomical classification generates no empirical expectations.

The extreme political heterogeneity of semi-presidential countries and the problems with operationalizing constitutional semi-presidentialism as a discrete explanatory variable are precisely the reasons why some scholars refuse to accept the term. We believe that they should consider thinking about regime taxonomies in a way that makes semi-presidentialism a valid and reliable concept. However, we acknowledge that if we wish to move beyond taxonomies and examine the effect of institutional variation on