



Selections before elections: Double standards in implementing election registration procedures in Russia?



Håvard Bækken

University of Oslo, Norway

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ABSTRACT

For a considerable part of the political opposition in Russia, elections have been something to be watched from the sidelines. While opposition candidates are formally blocked for legal-administrative reasons, they have repeatedly claimed that registration refusals are politically motivated and that election committees apply the law differently depending on the candidates' political affiliation. By analyzing the perceptions of double standards as well as actual enforcement practice and structural incentives, this article identifies the core mechanics of this quasi-legal mechanism of political pre-election filtering in Russian elections.

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1. Introduction

For a considerable part of the political opposition in Russia, elections have been something to be watched from the sidelines. Prior to the elections, the election committees and courts determine who may stand for elections and who may not. Most committee chairs and judges responsible for legal review would insist that they are simply applying the law. To many, among the opposition, the registration procedures have been seen as little more than a camouflage for authoritarian repression and monopolization of political power. By direct and indirect influence over the broader legal system, the incumbents may be able to filter out the politically most dangerous candidates already before the Election Day.

Building on interview material from field studies in the cities of Vladimir and Perm in September and November 2011, respectively, this article discusses perceptions of—and structural incentives for—the selective implementation of election registration procedures for purposes of political filtering. Here I define “selective registration” as having taken place if implementation of election registration procedures is guided *primarily* by extra-legal criteria such as political affiliation. In such instances, the legal procedures become a *pro forma* tool for blocking politically unwanted candidates. Perm and Vladimir held regional and municipal elections in 2011; in both places, these elections were dominated by controversies, with several viable opposition candidates denied registration. After the controversial elections in Perm, even Evgenii Kolyushin, a prominent member of Russia's Central Election Committee (CEC), said he was alarmed by possible “double standards” in the implementation of election registration procedures in the region (Polina, 2011a). This study is not a sampling of typical Russian elections: the intention here is to highlight the dynamics of the practice in question.

The article first briefly introduces the interviewees' basic perceptions of selective registration denials, and reviews the very limited research on this issue. From this review of perceptions and existing analyses, I suggest that selective denial of registration constitutes a mechanism of political filtering based on two pillars, to which I then turn. The first pillar is constituted by an ambiguous legal framework paradoxically combined with relentless formalism in implementation in individual cases. This foundation makes for considerable uncertainty regarding what may be seen as infringements, with disproportionately harsh punishment when the infringements are identified by legal and administrative actors. Second, for the

implementation to be biased towards a certain type of candidates, the beneficiaries of this bias will need to influence the agencies responsible for registration. The article discusses interviewees' perceptions of this function and then offers an analysis of the structural incentives for selective election registration. I conclude that there have been few control functions capable to prevent these actors from running errands for the regime and applying the law selectively.

2. Perceptions and research on double standards

As is often the case with informal practices, our academic knowledge of informal motivations for registration denials is slim. We may analyze structural incentives or uncover patterns in law enforcement (see [Ross, 2014](#)), yet have little basis for drawing conclusions with regard to the motivations or dynamics of the practice. While thousands of players have considerable expertise in the field, this *pratique* is hard or impossible to translate into words ([Bourdieu, 1990](#)). However, such practices arguably dominate Russian politics. In seeking to understand them, a first step is to listen to the perceptions of the players. Not least, we need to map where to look and what to look for. In political games, the players may be just as important sources of information as the experts.

In general, my interviewees were not overly happy with Russian election law. One of them was Yurii Cherkasov, First Secretary of Vladimir branch of the Communist Party (CPRF). His opinion is typical: “[The law] is very strict, very formalized ... If you want to remove somebody, find a comma—no problem. Some bagatelle, trifle or imprecision ... Any tiny non-correspondence and it will mean removal from the elections”. First and foremost, however, the interviewed candidates criticized the selective implementation of the law. Against the opposition, they claim, election committees take great care to identify even the most marginal mistakes. A political advisor, or “technologist”, whom I interviewed in Perm and who insisted on being anonymous had recently had a chat with a colleague who had “worked against” one of the candidates: “She told me openly that it had been hard to block [him]. They called on some special lawyer from Moscow and searched for every possibility, worked tightly with the election committee to dig up a sufficient basis to block him from the elections. And dig it up they did” (Interview with anonymous advisor, 2011).

If the candidates are favored by the current authorities, however, some interviewees said that even outright falsification of registration documentation could easily pass. As the above-mentioned advisor recalled, the election committees had brushed away his own request to engage graphologists to examine more closely the signatures collected (see below) for one contender, “although even a blind man could see that these signatures were just fake” (Interview with anonymous advisor, 2011).

When selected candidates are denied registration, others are not. At the heart of selective registration denials are the double standards, as mentioned by Kolyushin. Several interviewees from Perm and Vladimir explicitly underscored how double standards were systematically implemented.

“It is first and foremost a question of double standards in implementation of the legislation. The legislation is used in such a way that it is possible to find violations absolutely everywhere, but only on some occasions and only with some candidates will they [actually identify them]” said Oleg Podvintsev, a political advisor and professor of Political Science at Perm State University (Interview with Oleg Podvintsev, 2011). The opinion is echoed by Andrei Starkov, who was denied registration as an independent candidate in the 2011 Perm elections: “The authorities (vlast') can direct the courts' decisions. Therefore I say that you can look at this law from one side, or you can look at it from the other side. That is, you can interpret it differently. We have a dual legislative power, dual laws. Therefore, if the authorities push hard, the courts will make the decision the authorities want” (Interview with Andrei Starkov, 2011). The anonymous advisor summarized the selections before elections in the following way:

The thing is that the law [enforcement] is selective ... The [election] committee gets an instruction: ‘We don't need this guy, use whatever means it takes to get him removed’ and everything is switched on. Or the committee on the contrary gets the instruction: ‘this is our guy so please don't touch him.’ ... It is simply selectivity. The rigidity of the law will only be applied in some occasions when it is necessary to block the road (Interview with anonymous advisor, 2011).

Notably, the complaints of denied candidates very much resemble the opinions of Russian experts. This holds true for the observations of Oleg Podvintsev in Perm or Lyudmila Eshanu in Vladimir, both of whom I interviewed locally in 2011, and who might have stakes in the regional political games. Furthermore, it also resembles the findings of such well-known researchers as Grigorii Golosov, Arkadii Lyubarev, and Andrei Buzin. [Lyubarev \(2007\)](#) notes that the abuse of registration procedures often leads to “a selection of candidates and parties, not allowing those with good chances for victory to stand for elections”. Lyubarev holds this problem to be a major drawback for political competition in Russia, and even calls it the “main inadequacy of Russian elections” ([Lyubarev, 2007](#)). Also [Golosov \(2011\)](#) notes how the deliberate disqualification of “viable challengers” from elections has become widespread throughout the country. Russia's primary election watchdog, the GOLOS (or Voice) network, provides the most comprehensive documentation and analysis of election disputes and registration practices in the country ([www.golos.org](#)). The GOLOS reports largely confirm the worries of experts and candidates about the politicization of administrative procedures prior to elections, not least in Vladimir and Perm. When writing on issues of electoral abuse, scholars from outside Russia often lean on the local expertise of GOLOS and researchers like Lyubarev ([Ross, 2011](#); [White, 2011](#)).

[Maria Popova \(2012\)](#) recently published a comprehensive study on political independence of Ukrainian and Russian courts in election disputes. With regard to Russia, the findings were ambiguous. First, the courts were much worse off in Ukraine than in Russia with regard to political dependence at that time (1998–2004). Yet, the Russian courts still tended to favor incumbents and failed to compensate for the evident bias in state administration. Popova concludes that competitive

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