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LANDMARKS OF BULGARIA’S TRANSITION TO DEMOCRACY. THE ELECTORAL PROCESS’ REFORMS

ОРИЕНТИРИ НА БЪЛГАРСКИЯ ПРЕХОД КЪМ ДЕМОКРАЦИЯ. РЕФОРМИТЕ НА ЕЛЕКТОРАЛНИЯ ПРОЦЕС

След падането на комунизма България успя да изгради демократична политическа система със стабилен парламент, активно гражданско общество и свободни от политическо влияние медии. През този период беше проведена поредица от президентски, парламентарни и местни избори. Те бяха свободни, коректни и без особени нарушения.

Основната цел на тази статия е да изтъкне политическото развитие на България в последно време, нейния начин да се справи с прехода и да преодолее сложността на този процес. Освен това в анализа е акцентирано върху някои аспекти на електоралната система на страната и последните избори, които имаха важен принос за постигането на по-желан статут: консолидирана демокрация.

Ключови думи: посткомунизъм, преход, избори, изборни реформи, заздравяване на демокрацията.

The ideals of democracy can become either constructive or destructive “in relation to their own creations”, and in a period of changes and democratic confusion, an alternative world seems to be, “declaratorily, always *more democratic*” (Sartori 1999: 86). However, there is no doubt that „the persons, who, in different historical moments, identified themselves with communist-type alternatives, reject the concrete democracies, upholding the annihilation of their ideals at the same time” (Sartori 1999: 86). The only desirable goal of transition is the instauration of a democracy, but the road to democracy is often difficult and unsafe, strewn with many surprises and dilemmas. That is why, in most cases, the transition periods give the impression of a chaos which is opposed to the seeming order of the non-democratic regimes.

This paper is an attempt to analyse the transition process in Bulgaria through one of its major components, namely the electoral process, with a view to proving that the electoral reforms implemented in this country after 1989 have had a remarkable contribution to the consolidation of democracy. For this purpose, we will analyse the different elections that took place in Bulgaria after 1989 comparatively and we will highlight those modifications of the electoral system that have contributed to the improvement of the electoral process’ quality and, subsequently, of the Bulgarian democracy’s quality.

The first democratic election in Bulgaria after 1989 was organised under the Electoral Law adopted in March 1990, according to which the electoral system was a

mixed one, where a part of the MPs were being elected by party-list proportional representation and another part by First-Past-The-Post system, the simplest form of majority system (Holmes 2004: 149)¹.

The 1990 and 1991 elections established, for Bulgaria, at least on the surface, a rarer parties system, new in the post-communist states, namely the imperfect two-party system, also known as the “two-and-a-half party system”². Regarding this aspect, George Voicu pointed out that even if the average distance between the two first political parties at the 1991 election was very short, of only 1.7%, that could have been an argument for the pure two-party system, specific to the Westminster model of democracy, the fact that none of the two parties had the majority required for governing alone, made it necessary to include the Bulgarian system in the category of the imperfect two-party system (Voicu 1998: 267). This is because, despite the long distance from the two first political forces (34-35%), the Movement for Rights and Freedoms was expected to play an important political role, and the subsequent political evolution of the Bulgarian state proved that this really happened.

One can say that the transition to post-communism was relatively fast in Bulgaria, since 2 years (1988-1990) are not a long period in history. But the transition from the post-communist system to the consolidated democracy was longer – it started in 1990 and ended more than one decade later. As far as this aspect is concerned, the political scientists Mary Kaldor and Ivan Vejvoda consider that, since the beginning of the '90, the democratization process in Bulgaria went through 3 stages (Kaldor, Vejvoda 2002: 150):

- a relatively long period of discussions, which led to an agreement in order to have democratic and correct elections for the National Assembly;
- the process of writing the constitution (which was rapid enough); and
- the period when the legislation governing the democratic institutions was adopted.

In 2001, Bulgaria adopted a new electoral law, which relinquished the mixed electoral system, in an attempt to simplify the system that had been used until that moment for the parliamentary elections. In accordance with the Electoral Law from April 13, 2001, the Bulgarian electoral system was based on party-list proportional representation, which allowed the parties, coalitions and independent candidates to enter the competition in multi-seat constituencies³. At the national level, the seats were apportioned in line with the d'Hondt method, and the electoral threshold for the representation within the Parliament was 4%. Thus, both the elections of June 2001 and 2005 were held by the proportional representation system.

Following the parliamentary elections of June 2005, the main left-wing party, the Bulgarian Socialist Party had not obtained sufficient votes to form the government alone, and, after failing to form a coalition government with the Turkish minority's party – the Movement for Rights and freedoms reached an agreement, in August 2005, with the Simeon II National Movement. The new Parliament and the new government were focusing on the reinforcement of the reforms necessary for the entry of Bulgaria into the European Union, especially on the justice reform. Many adepts in the fields have admitted

the fact that one should take the victory of the Bulgarian opposition in the 1991, 1994 and 1997 elections as proof that the democratic procedures and the competition between parties function normally (Kanev 2003: 99). There are two extremely important components, which have ensured the Bulgarian parties' system stability within the last years – on the one hand, the lack of a major anti-system party, either a far right or a far left party (Kanev 2003: 100), and on the other hand „the relatively clear-cut difference between *a left* and *a right*, which makes the parties system better structured and easily foreseeable” (Kanev 2003: 99).

Taking into consideration the ability of the main Bulgarian parties to face up to the political segregation and to form a government meant to secure a majority and to maintain a good cooperation relationship with the European institutions, the Freedom House experts assessed the democratic government and found that it had improved in 2006, which brought Bulgaria closer to reaching the status of consolidated democracy⁴. However, the experts warned of the fact that an extremist coalition surprisingly crossed the electoral threshold of 4%, which allowed it to achieve representation within the parliament – this indicates the presence of a strong anti-democratic feeling within the framework of the Bulgarian society, which could jeopardise the good functioning of the government. The structure of the Bulgarian Parliament (wherein no less than seven parties managed to enter in 2005) demonstrates a worrisome division of the electorate, which resulted in the lack of any improvement regarding the score that Bulgaria obtained for the electoral process.

The real major challenge for the Bulgarian electoral system during the last years was the decreasing in the people's trust in respect to its effectiveness, the fact that more and more individuals considered that the party-list proportional representation allowed influential persons to direct the decision-making process depending upon their own interests through elections. This happened because the appointment procedure, as well as the hierarchy on the party lists, was a decision taken within the political parties' national organisations, and the closed lists did not grant the electors the certitude that the candidate they had preferred would succeed. The respective candidate, if on an inferior position on the list, ran the risk of not reaching the Parliament, even if the percentage obtained by his party was a very good one. This is one of the most important factors that have caused a low turnout for the last Bulgarian elections and a reduction in the electors' interest in politics. Nevertheless, we would have expected a higher turnout for a country that has recently discovered democracy. But the lack of trust of the population in the political class and in the electoral system's efficacy contributed to a decrease in voter turnout after 1990. We could say that the situation became alarming in 2005, when Bulgaria had a voter turnout inferior to 50%⁵. In order to increase it, the local political actors have become more active, trying to encourage voting.

Equally, after the country's integration to the European Union, the experts focused on the Bulgarian political class' capacity of implementing the reforms that it had promised, as well as of bringing citizens' trust in the political parties and the state's institutions back.

But the 2007 European elections showed another stroke that the political class received from the electors. Although the opinion polls showed that the Bulgarian population was rather enthusiastic about their country's entry into the European Union, before the entry itself, but also about the European institutions, the voter turnout at the 2007 European elections, the first elections for the European Parliament this country participated in, was discouraging: 29.22%, a lot lesser than the European average which was, after the 2004 European elections, 45.47%⁶.

During the last years, the Bulgarian Socialist Party has repeatedly signalled his desire to change the electoral law. His proposals concerned on the one hand the threefold increase in public subsidies for the political parties (the stated reason for this was the desire to make the political parties' financing more transparent) and, on the other hand, the fact that it was compulsory for the political groups to be registered at the elections in at least two thirds of the constituencies (this would have eliminated the regional or the small parties from the competition)⁷.

An electoral reform project was adopted in April 2009 by the Sabranie. It was supported by the Coalition for Bulgaria, the Movement for Rights and Freedoms Party, the Ataka Party and the Order, Lawfulness and Justice Party. According to this project, Bulgaria would have returned to a mixed electoral system and the electoral threshold would have been raised from 4% to 8%. This initiative has been perceived as a reaction against the opposition consisting of the Democrats for a Strong Bulgaria and the Union of Democratic Forces, which reached at that particular moment approximately 7.3% of the Bulgarian electorate's preferences. Equally, the project stipulated that 31 of the 240 Bulgarian MPs should be elected by majority voting in single-seat constituencies, the rest of 209 being elected by proportional representation on closed lists. The president Georgi Parvanov sent the law back to the Sabranie, in order to be re-examined, but the parties refused to amend it. Given that he could not send it to the Sabranie more than once, the president was forced to promulgate it before the elections. However, after the promulgation, the Constitutional Court of Bulgaria rejected the article concerning the raising of the electoral threshold⁸.

Therefore, the general elections on July 5, 2009 took place under a new electoral law, according to which the 240 Bulgarian MPs were elected based on a mixed electoral system. 20 political groups (parties and coalitions) participated in the elections and 357 candidates in the single-seat constituencies⁹. Six of the twenty political groups crossed the threshold of 4% required for them to achieve representation in the Sabranie: Citizens for European Development of Bulgaria Party (GERB) – 43.06% of the votes, namely 116 seats; Coalition for Bulgaria – 19.14% of the votes, namely 40 seats; Movement for Rights and Freedoms Party (DPS) – 15.79% of the votes, namely 38 seats; Ataka Party – 10.05% of the votes, namely 21 seats; The Blue Coalition – 7.18% of the votes, namely 15 seats; and Order, Lawfulness and Justice Party – 4.78% of the votes, namely 10 seats¹⁰. Only two of the six political groups have candidates that have gained seats in the

single-seat constituencies too: Citizens for European Development of Bulgaria Party (26 seats) and Movement for Rights and Freedoms Party (5 seats).

The victory obtained at the general elections by the Citizens for European Development of Bulgaria Party had been prefigured by its success at the European elections that took place on June 7, 2009. In fact, the hierarchy from the general elections did not change at all compared to the European elections, when the same six parties managed to send their representatives in the European Parliament: Citizens for European Development of Bulgaria Party (GERB) – 24.36% of the votes, namely 5 seats; Coalition for Bulgaria – 18.5% of the votes, namely 4 seats; Movement for Rights and Freedoms Party (DPS) – 14.14% of the votes, namely 3 seats; Ataka Party – 11.96% of the votes, namely 2 seats; The Blue Coalition – 7.96% of the votes, namely 2 seats; Order, Lawfulness and Justice Party – 7.95% of the votes, namely 1 seat¹¹.

The fundamental point is, in our opinion, that the gap between the percentage obtained by Citizens for European Development of Bulgaria at the European elections (24.36%) and the same party's percentage at the general national elections (43.06%) is considerable. It is surprising how this party managed, in less than a month, on the one hand to mobilize the electorate with respect to voting and, on the other hand, to convince the indecisive or generally loyal to other political forces electorate to opt for its candidates, increasing its percentage with almost 20%. Indeed, it is a known fact that the European elections do not arouse citizens' interest as much as the national ones do and that the campaign issues are different, but, even given these circumstances, the leap of Citizens for European Development of Bulgaria, in less than a month, is impressive. For instance, this year, the voter turnout at the European elections was 38.99%, lower than the European average (43%), but increasing compared with the first European elections the Bulgarian citizens participated in, in 2007, when the turnout was only 29.22%. By contrast, after less than a month, the turnout at the general national elections was 60.20%¹², which made most of the experts and observers remark the improvement regarding the citizens' participation in voting; this had been inferior to 50% at the previous elections.

In conclusion, we can say that, since the fall of communism and up to the present time, Bulgaria has managed to consolidate its democratic system of government through a stable Parliament, an increasingly active civil society and independent media. Moreover, Bulgaria has made considerable progress during the last years as regards the economic stability and the rule of law. The new electoral law has contributed to an increase in the voter turnout – the introduction of the single-seat voting for the election of a part of the MPs was highly praised by the public opinion. Nevertheless, it must not be forgotten that one of the major items of the last electoral campaign was the doubtful quality of the electoral process; Bulgaria has serious problems with the electoral process' quality, which could affect its future image as a consolidated democracy. A long step has been already taken in this direction, by implementing the electoral system's reform. However, in our opinion, a reform of the political class is also needed – there is a need for changing the image of corrupt and irresponsible individuals to which many of the Bulgarian politicians

are identified with by the voters. Only after the implementation of this reform, that we consider much more important than the first one, at least for this stage of development of the Bulgarian society, will the Bulgarian democracy be able to prove its maturity and stability.

NOTES

¹ Despite the confusion caused by the electoral system's complexity, the Bulgarian Socialist Party (BSP – Balgarska Socialisticheska Partiya), the ex-Bulgarian Communist Party (BKP – Balgarska Komunisticheska Partiya), gained 47% of the votes and 211 of the 400 seats in the National Assembly (the Sabranie), and the Union of Democratic Forces (SDS – Sayuz na Demokratichnite Sili) gained 38% of the votes and 144 seats in the Sabranie. The Bulgarian election in 1990 was labelled as free and competitive, especially thanks to the fact that the BSP had rejected many of the elements specific to a Communist party. Hence, one can say that the decision to organize free elections and its implementation represented the first stage of the Bulgarian transition to post-Communism. An extremely important condition hadn't been, however, fulfilled – namely, the forming of a government wherein Communists should not achieve representation, or they should be in the minority. But this happened soon. Following the President's resignation in 1990, the boycotting of the Sabranie by the opposition parties led to the resignation of the Lukanov government and the government formed by the new prime minister, Dimitar Popov was one within which the BKP had only 8 of the 18 ministries. The parliamentary election of October 1991 represented a new step for Bulgaria on its road to democracy. In addition to SDS, which obtained 45.8% of the votes (110 seats) and the BSP, which obtained 44.1% of the votes (106 seats), a third party, the Movement for Rights and Freedoms (DPS; non-communist, oriented towards the Turkish minority) entered the Sabranie, ensuring a balance of power, thanks to the 10% of the votes (24 seats), which had a decisive importance for the forming of the government coalition. Bulgaria had thus entered a new stage of transition and it could be considered a post-Communist state from then on.

² Category introduced in the party systems' typology by the French political scientist Jean Blondel.

³ Elections of Members of Parliament Act, promulgated in Държавен вестник (State Gazette), no. 37/April 13, 2001, article 6. The document can be consulted in its integral form at <http://www.legislationline.org/documents/action/popup/id/6194>.

⁴ For more information, see <http://www.freedomhouse.org/template.cfm?page=44&year=2006>.

⁵ Source: <http://www.freedomhouse.org/template.cfm?page=44&year=2006>. Especially for this reason the Freedom House experts considered that there was no evolution in Bulgaria regarding the electoral process' reform, not in 2003, but not even in 2002 or 2001. The electoral process, instead of making progress, was the scene of unbalance, instability and the people's mistrust towards the electoral law and the political class.

⁶ Source: http://www.elections2009-results.eu/ro/hist_turnout_eu_ro_txt.html.

⁷ "Junior Ally Supports Bulgarian Ruling Party's Proposal for Electoral Reform". – Southeast European Times, July 2, 2008. – http://www.setimes.com/cocoon/setimes/xhtml/en_GB/newsbriefs/setimes/newsbriefs/2008/07/02/nb09.

⁸ "Bulgarian Court Blocks Higher Election Threshold". – Southeast European Times, May 13, 2009. – http://www.setimes.com/cocoon/setimes/xhtml/en_GB/newsbriefs/setimes/newsbriefs/2009/05/13/nb-04.

⁹ Information taken from the official site of the Parliament of the Republic of Bulgaria, <http://www.parliament.bg/?page=ns&lng=en&nsid=8>, on July 17 2009.

¹⁰ Ibidem.

¹¹ Information taken from the official site that the European Parliament dedicated to the European elections, http://www.elections2009-results.eu/ro/bulgaria_ro_txt.html, on July 17 2009.

¹² Source: http://www.novinite.com/view_news.php?id=105418.

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