

Romanian Political Science Review

**vol. XIX, no. 1
2019**

STUDIA POLITICA

Romanian Political Science Review

The end of the Cold War, and the extinction of communism both as an ideology and a practice of government, not only have made possible an unparalleled experiment in building a democratic order in Central and Eastern Europe, but have opened up a most extraordinary intellectual opportunity: to understand, compare and eventually appraise what had previously been neither understandable nor comparable. *Studia Politica. Romanian Political Science Review* was established in the realization that the problems and concerns of both new and old democracies are beginning to converge. The journal fosters the work of the first generations of Romanian political scientists permeated by a sense of critical engagement with European and American intellectual and political traditions that inspired and explained the modern notions of democracy, pluralism, political liberty, individual freedom, and civil rights.

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UNIVERSITY OF BUCHAREST
FACULTY OF POLITICAL SCIENCE



Romanian Political Science Review
STUDIA POLITICA

vol. XIX, no. 1
2019



editura universității din bucurești[®]

2019

STUDIA POLITICA

(ISSN 1582-4551)

Romanian Political Science Review

is published quarterly by the Faculty of Political Science at the University of Bucharest
and is printed and mailed by Bucharest University Press

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Revistă înregistrată în BDI

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The Atypicality of Semi-Presidentialism in the Post-Soviet Countries: the Context of the Votes of No Confidence in Governments

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Abstract

The variations of presidential, parliamentary and semi-presidential systems of government represent the main framework of analysis of this study. Extremely different factors of the political process and inter-institutional relations, which are the conditions for defining different systems of government, can be indicators for distinguishing typical and atypical systems of government. In this sense, the purpose of this article is to determine whether the peculiarities of the institution of the vote of no confidence in governments in several post-Soviet semi-presidential countries (Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, and Russia) can predetermine the atypicality of these systems of government. It is argued that the atypicality of the post-Soviet semi-presidentialism is often due to the fact that parliaments have the right to cast the votes of no confidence in governments, but the latter come in force only when they are supported by presidents, who may be empowered to choose between the dismissal of governments and the dissolution of legislatures. On one hand, such systems of government definitively tend to be semi-presidential. On the other hand, the atypical responsibility of governments to parliaments denies the semi-presidential nature of systems of governments largely in favor of presidentialism. This determines that against the backdrop of traditional generalizations of different systems of government, they are formally and actually constructed as “constitutional hybrids” in six post-Soviet countries (Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, and Russia) and therefore can be positioned both as cases of atypical semi-presidentialism and instances of incomplete presidentialism. At the same time, such cases are unique and must be classified as exceptional ones.

Keywords: system of government, semi-presidentialism, the vote of no confidence in government, atypicality, post-Soviet countries.

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Introduction

In modern republics, there are different variants of presidentialism, parliamentarism and semi-presidentialism. At the same time, extremely different factors of the political process and inter-institutional relations, which are often the predictors of defining and distinguishing different types of systems of government, can simultaneously be the indicators of distinguishing between typical and atypical systems of government. Therefore, within the framework of the proposed study, the issue of analyzing the peculiarities of the institution of the vote of no confidence in governments in (constitutional) semi-presidential systems of government, especially in the post-Soviet countries, remains reasonably acute. Accordingly, the purpose of the article is to determine whether the institution of the vote of no confidence in governments in (constitutional) semi-presidential systems of government in the post-Soviet countries predetermines the atypicality of these systems of government. To accomplish this purpose, the following research tasks should be solved: to determine typical constitutional systems of government (presidentialism, parliamentarism and semi-presidentialism) within the framework of the republican form of government; to find out the essence and specifics of typical semi-presidential system of government (semi-presidentialism); to analyze the conditions and peculiarities of the use of the votes of no confidence in governments as an attribute of atypicality of semi-presidential systems of government on the example of the post-Soviet countries. This is largely made on the basis of an appeal to the theoretical and empirical literature on typical semi-presidential systems of government, or certain aspects of the political process and inter-institutional relations that directly or indirectly indicate the typicality of semi-presidential systems of government and which include the studies by Andrew Arato, Jose A. Cheibub, Robert Elgie, Zachary Elkins, Tom Ginsburg, Vitaliy Lytvyn, Sean Müller, Gianfranco Pasquino, and Matthew S. Shugart.¹ In addition, this is done in

¹ Andrew Arato, "The New Democracies and the American Constitutional Design," *Constellations* 7, no. 3 (2000): 316-40; Jose A. Cheibub, Zachary Elkins and Tom Ginsburg, "Beyond Presidentialism and Parliamentarism," *British Journal of Political Science* 44, no. 3 (2014): 515-44; Robert Elgie, "The Classification of Democratic Regime Types: Conceptual Ambiguity and Contestable Assumptions," *European Journal of Political Research* 33, no. 2 (1998): 219-38; Robert Elgie, "The Politics of Semi-Presidentialism," in *Semi-Presidentialism in Europe*, ed. Robert Elgie (Oxford: Oxford University Press, 1999): 1-21; Robert Elgie, "A Fresh Look at Semipresidentialism: Variations on a Theme," *Journal of Democracy* 16, no. 3 (2005): 98-112; Robert Elgie, "Semi-Presidentialism: An Increasingly Common Constitutional Choice," in *Semi-Presidentialism and Democracy*, eds. Robert Elgie, Sophia Moestrup, and Yu-Shan Wu (London: Palgrave Macmillan, 2011): 1-20; Vitaliy Lytvyn, *Atrybuty ta Riznovydy Napivprezidentskoi Systemy Pravlinnia v Yevropi: Instytutsiino-Protseusualnyi i Politychno-Povedinkovy Aspekty (Attributes and varieties of semi-presidential system of government in Europe: institutional, procedural, political and behavioral aspects)* (Lviv: Lvivskiy Natsionalnyi Universytet Imeni Ivana Franka (Ivan Franko National University

the researches, which directly appeal to the phenomenon of atypical semi-presidentialism mainly on the example of the post-Soviet countries and which include the studies by Galina Andreeva, Zbihniev Bialoblotskyi, William A. Clark, Steven M. Fish, Andreas Heinrich, Igor' Kravets, Vitaliy Lytvyn, Edward Morgan-Jones, Ihor Osadchuk, Petra Schleiter, Anton Varnavskiy, and Oleg Zaznaev.²

of Lviv), 2018); Sean Müller, "Presidential Power in Semi-Presidential Systems: The Case of Romania" (PhD diss., Philosophischen Fakultät der Universität Freiburg, 2006); Gianfranco Pasquino, "Nomination: Semi-presidentialism: A Political Model at Work," *European Journal of Political Research* 31, no. 1 (1997): 128-46; Matthew S. Shugart, *Comparative Executive-Legislative Relations: Hierarchies vs. Transactions in Constitutional Design* (Irvine: University of California, Center for the Study of Democracy, 2005); Matthew S. Shugart, "Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns," *French Politics* 3, no. 3 (2005): 323-51.

- ² Galina Andreeva, "Konstitutsionnaya Reforma 2004 Goda v Gruzii" (Constitutional Reform in Georgia, 2004), *Kavkazskiy Uzel (Caucasian Knot)*, May 6, 2004, <http://www.kavkaz-uzel.eu/articles/56759/>; Zbihniev Bialoblotskyi, *Stabilnist ta Efektyvnist Uriativ u Politychnykh Systemakh Krain Skhidnoi Yevropy (Stability and Effectiveness of Governments in the Political Systems of the Countries of Eastern Europe)* (Lviv: Lvivskiy Natsionalnyi Universytet Imeni Ivana Franka (Ivan Franko National University of Lviv), 2013); William A. Clark, "Boxing Russia: Executive-Legislative Relations and the Categorization of Russia's Regime Type," *Demokratizatsiya* 19, no. 1 (2010): 5-22; Steven M. Fish, *Democracy Derailed in Russia: the Failure of Open Politics* (New York: Cambridge University Press, 2005); Andreas Heinrich, *The Formal Political System in Azerbaijan and Kazakhstan: a Background Study* (Bremen: Research Centre for East European Studies, 2010); Igor' Kravets, "Rossiyskaya Konstitutsiya i Problemy Effektivnosti ee Realizatsii" (The Constitution of the Russian Federation and the Problems of its Implementation Efficiency), *Konstitutsionnoe Pravo: Vostochnoevropeyskoe Obozrenie (Constitutional Law: Eastern European Review)* 4, no. 45 (2003): 65-78; Vitaliy Lytvyn, "Republicanism with the Position of Superpresident: Differentiation of Presidential and Semi-Presidential Systems of Government with Superpresidents," *Studia Politica: Romanian Political Science Review* 15, no. 2 (2015): 289-318; Edward Morgan-Jones and Petra Schleiter, "Governmental Change in a President-Parliamentary Regime: The Case of Russia 1994-2003," *Post-Soviet Affairs* 20, no. 2 (2004): 132-63; Ihor Osadchuk, "Prezydentsializatsiia/Premieryzatsiia Systemy Instytutiv Vykonavchoi Vlady v Rosii" (The Presidentialization/Premierization of the System of Institutions of the Executive Power in Russia), *Visnyk Dnipropetrovskoho Universytetu. Seriya: Filosofiia. Sotsiologiia. Politologiia (Bulletin of the Dnipropetrovsk University. Series: Philosophy. Sociology. Politology)* 22, no. 3 (2012): 294-99; Ihor Osadchuk, "Konstytutsiini Referendumi/Konstytutsiini Reformy iak Chynnyky Prezydentsializatsii System Instytutiv Vykonavchoi Vlady u Krainakh SND" (Constitutional Referendums/Constitutional Reforms as the Factors of the Presidentialization of the Systems of Institutions of the Executive Power in the CIS Countries), *Filosofiia i Politologiia v Konteksti Suchasnoi Kultury (Philosophy and Political Science in the Context of Modern Culture)* 6, no. 2 (2013): 73-80; Ihor Osadchuk, "Porivnialnyi Analiz Prezydentsializatsii System Pravlinnia u Bilorusi ta Kazakhstani" (Comparative Analysis of the Presidentialization of the Systems of Government in Belarus and Kazakhstan) (PhD diss., Lvivskiy Natsionalnyi Universytet Imeni Ivana Franka (Ivan Franko National University of Lviv), 2014); Anton Varnavskiy,

Their studies have become the theoretical and methodological basis of comparative Political Science for the understanding of the modern typical and atypical systems of government. It is in their view that new institutionalism and its variants and paradigms (in particular, on the basis of case-studies, binary, regional, cross-temporal and thematic comparisons as the methods of comparative Political Science) were chosen as the theoretical and methodological foundation of this article. Their combination made it possible to work out a coherent picture of the atypical character of the post-Soviet semi-presidentialism on the basis of the analysis of the votes of no confidence in governments. This was done based on the experience of six post-Soviet countries: Azerbaijan in the period 1995–2016 and since 2016, Belarus since 1996, Georgia in the period 2004–2013, Kazakhstan in the period 1995–2010, and Russia since 1993, which were considered as six separate analytical cases that are capable of shedding light on the phenomenon of atypical semi-presidentialism, taking into account the peculiarities of the votes of no confidence in governments.

Given this, the article is structured into six parts. In the first part of the article, the attention is focused on the theoretical definition and understanding of presidentialism, parliamentarism and semi-presidentialism as typical constitutional systems of government, as well as on methodological issues. The second part of the article concentrates on the expediency of the distinction and the specificity of typical and atypical semi-presidentialism, in particular through the consideration of the logic of “origin” and “survival” of political institutions in the system of executive dualism. The third part of the article appeals to the theoretical framework of the understanding of the votes of no confidence in governments as an attribute of atypicality of semi-presidentialism. Instead, the fourth part of the article focuses on the empirical peculiarities of the understanding of the votes of no confidence in governments as an attribute of atypicality of semi-presidentialism on the example of the analytical cases of the post-Soviet countries. As a result, the fifth part of the article offers a regional and cross-temporal comparison of the votes of no confidence in governments in the six atypical cases of the post-soviet semi-presidentialism. Finally, the sixth and the last part of the article focuses on theoretical and practical remarks on the atypical

“Smeshannaya (Poluprezidentskaya) Forma Gosudarstvennogo Praveleniya: Prichiny i Usloviya Stanovleniya, Faktory Transformatsii v Sovremennykh Usloviyakh” (Mixed (Semi-Presidential) Form of Government: Causes and Conditions of Formation, Transformation Factors in Modern Conditions), *Sotsial'no-Ekonomicheskie Yavleniya i Protsessy (Socio-Economic Phenomena and Processes)*, no. 4 (2010): 297-300; Oleg Zaznaev, “Atipichnye Prezidentskie i Poluprezidentskie Sistemy” (Atypical Presidential and Semi-Presidential Systems), *Uchenye Zapiski Kazanskogo Gosudarstvennogo Universiteta. Seriya: Gumanitarnye Nauki (Research Notes of Kazan State University. Series: Humanities)* 147, no. 1 (2005): 54-69; Oleg Zaznaev, “The Presidentialization of a Semi-Presidential Regime: the Case of Russia”, in *Politics and the Ruling Group in Putin's Russia*, ed. Stephen White (New York: Palgrave Macmillan, 2008): 27-41.

character of the post-soviet semi-presidentialism. The article ends with the conclusions on the atypicality of semi-presidentialism in the context of the votes of no confidence in governments in the post-Soviet countries.

Typical Constitutional Systems of Government: Presidentialism, Parliamentarism and Semi-Presidentialism

One of the best-proven methods of defining the constitutional and political systems of government, within the framework of the republican form of government, is the technique proposed by Robert Elgie.³ In this study, we use a modified form of Robert Elgie's typology of systems of government, developed by Anatoliy Romaniuk and Vitaliy Lytvyn.⁴

The latter define presidentialism or the presidential system of government as a constitutional and/or political system of the republican form of government, or system of government if simplified, which has a position of a popularly, either directly or indirectly, elected for a fixed term president and an institution of presidential administration or governmental cabinet, and even possibly a position of prime minister, whose members are collectively responsible exclusively to the president. At the same time, the members of the presidential administration or governmental cabinet may also be individually accountable to the parliament/the leading chamber of parliament, but this does not have a definitive influence and significance on the structuring of the system of government.

Secondly, parliamentarism or the parliamentary system of government is defined as a constitutional (and/or political) system of the republican form of government, or system of government if simplified, where the president receives his or her powers on the basis of an indirect choice, for example, in the legislature, and the prime minister and the governmental cabinet are collectively responsible exclusively to the legislature. At the same time, government members, apart from the prime minister, can be individually responsible both to the president and the legislature, but this does not have a definitive meaning and influence on the structuring of the system of government.

³ Elgie, "A Fresh Look at Semipresidentialism," 98-112.

⁴ Lytvyn, *Atrybuty ta Riznovydy Napivprezydentskoi Systemy Pravlinnia v Yevropi*, 5; Anatoliy Romaniuk and Vitaliy Lytvyn, "Kontseptualizatsiia i Teoretychna Dystynktsiia Poniat 'Forma Derzhavnoho Pravlinnia' ta 'Systema Derzhavnoho Pravlinnia' u Politychnii Nautsi" (Conceptualization and Theoretical Distinction of the Concepts of 'Form of Government' and 'System of Government' in Political Science), *Naukovyi chasopys Natsionalnoho pedahohichnoho universytetu imeni M. P. Drahomanova (Scientific Journal of the National Pedagogical University named after M.P. Dragomanov)* 20 (2016): 7.

Finally, semi-presidentialism or the semi-presidential system of government is defined as a constitutional and/or political system of the republican form of government, or system of government if simplified, which has a position of a popularly, either directly or indirectly, elected for a fixed term president, as well as an institution of the prime minister and the governmental cabinet that are necessarily collectively responsible at least to the legislature, and is characterized with an executive dualization by the president (necessarily as the head of state) and the prime minister (necessarily as the head of government) with the governmental cabinet. At the same time, the prime minister and the governmental cabinet can be collectively responsible both to the parliament and the head of state. Moreover, ministers of the governmental cabinet may be individually accountable to the parliament and/or the president, but this has no definitive meaning and influence on the structuring of the system of government.

The Specifics of Typical and Atypical Semi-Presidentialism: the Logic of “Origin” and “Survival” of Political Institutions in the System of Executive Dualism

In this context, special attention needs to be paid to the fact that, unlike presidentialism and parliamentarism, the typical semi-presidential system of government is necessarily characterized by a different and variable dualism of the executive. On one hand, this is necessarily conditioned functionally, i.e. at the level of alignment and opposition of the powers of the president and the prime minister as various centers of the executive branch. On the other hand, it may be possibly caused discretionary and institutionally, i.e. in the context of “origin”/formation and “survival”/responsibility of governmental cabinets as a part of the dual executive power. Given this, the average logic of “origin” and “survival” of political and power institutions in the system of executive dualism, under the conditions of typical semi-presidentialism, is reflected in table 1.

On the basis of such a correlation, it was discovered that the specificity of typical semi-presidentialism is that voters choose two “agents”, to whom they delegate the rights and the ability to act on their behalf, i.e. the head of state/president and parliament. Therefore, typical semi-presidentialism is determined by the “double legitimacy” of the main “agents” and also by the fact that these “agents” are simultaneously capable of structuring and streamlining the process of the governmental cabinets’ formation, functioning and sometimes responsibility, as a result of which typical semi-presidentialism is characterized by the attribute of executive dualism.⁵ This means that the systematic and permanent

⁵ Lytvyn, *Atrybuty ta Riznovydy Napivprezidentskoi Systemy Pravlinnia v Yevropi*, 94.

feature of typical semi-presidentialism is the double or dual nature of the “origin” and implementation of the executive, but not the double or dual nature of the responsibility of the executive.⁶ At the same time, typical semi-presidentialism ambiguously subordinates the governmental cabinet to the president and the parliament, since the “survival” of the government depends, on one hand, on the confidence or lack of no confidence of the legislature, and, on the other hand, on the popular election of the president as a channel for voters to influence the process of governance in a country.⁷

It is noteworthy that typical semi-presidentialism is institutionally, politically and behaviorally determined. On one hand, typical semi-presidentialism is determined exogenously, i.e. through the actual content of constitutions and the combination of traditions and circumstances. On the other hand, it is structured endogenously, i.e. due to the composition of parliamentary majority or minority and the position of a president in relation to the parliamentary majority or minority.⁸ Accordingly, typical semi-presidentialism is characterized by the specific hierarchical and transactional relations in the triangle “the head of state–governmental cabinet/prime minister–legislature”. Thus, this system of government, especially in the context of different institutional rules and formal or actual powers of presidents, cabinets/prime ministers and parliaments, may also be classified differently in practice, even within the same constitutional definition. Nevertheless, typical semi-presidentialism is generally outlined by such attributes of the delegation of powers and responsibility between “agents” and “principals” as: a restrained and moderate model of the separation of powers and an appropriate system of checks and balances; popular election of the president for a fixed term; the collective responsibility of the prime minister and the governmental cabinet to the legislature; the actual “securitization” of the president from the interference in his or her activities by other institutions and branches of state power; actual or formal, but multi-step and different deconcentration or dualization of the executive power between a president (as the head of state) and a prime minister (as the head of the cabinet); dual nature of the “origin” and implementation of the executive power, but not dual nature of the responsibility of the executive power. This means that the relations of the delegation of powers and responsibility from the “principals” (i.e. voters) to the “agents” (i.e. to the president and parliament, and from them to the governmental cabinet and civil servants), and vice versa, are quite obvious, unambiguous and indisputable in the case of typical semi-presidentialism as in Austria since 1945, Ireland since 1937, Lithuania since

⁶ Ibid, 101.

⁷ Ibid, 94.

⁸ Maurice Duverger, “A New Political System Model: Semi-Presidential Government”, *European Journal of Political Research* 8, no. 2 (1980): 165-87.

1992, Poland since 1992, Portugal since 1976, Romania since 1991, Finland since 1919, and France since 1962, etc.

Instead, there are some countries, including the post-Soviet ones such as Azerbaijan since 1995, Belarus since 1996, Georgia in 2004–2013, Kazakhstan since 1995, Kyrgyzstan in 1993–2010, and Russia since 1993, where the constitutional design of the systems of government (which are definitively and nominally positioned as semi-presidential ones) and formal or actual parameters of inter-institutional relations in the chain of the delegation of powers and responsibility between “agents” and “principals” do not correspond to the outline of typical semi-presidentialism. In contrast, the constitutional design and parameters of inter-institutional relations intuitively fall under the phenomenon of atypical semi-presidentialism, or atypicality of semi-presidentialism. This, for example, may be reflected in the fact that certain political institutions have ambiguous powers over the peculiarities of the mandatory logic of “origin”/formation and “survival”/responsibility of other political institutions. Therefore, they modify the model of the delegation of powers and responsibility, which is specific to typical semi-presidentialism. Thus, in political practice (which is often a pattern of regional specificity and mobilization of the post-Soviet countries themselves), it happens that some political institutions (first of all, presidents) are defined as “main principals” of other political institutions, instead of being positioned as “agents” of voters. It is noteworthy that this is due not only to political and behavioral reasons, but also due to institutional and procedural explanations (that is to specific or atypical constitutional regulations of semi-presidentialism). Therefore, attention needs to be focused on the main distinctions between typical and atypical semi-presidentialism, in particular through the prism of which concern the details of some of the manifestations of inter-institutional relations that delegate powers and responsibility between voters and representatives, and generally between “agents” and “principals”.

The Votes of No Confidence in Governments as an Attribute of Atypicality of Semi-Presidentialism: Theoretical Overview

In this context, it is noteworthy that there is a significant field for theoretical, methodological, practical and empirical maneuvers, an interesting expression of which in the context of defining and studying semi-presidentialism is an interpretation of the essence and direction of the responsibility of the governmental cabinet and/or of the prime minister to the legislature. In this regard, Jose A. Cheibub, Zachary Elkins, Tom Ginsburg, Arend Lijphart, Juan J. Linz, Sean Müller, Gianfranco Pasquino, and Giovanni Sartori indicate that the parliamentary responsibility of the governmental cabinet and/or prime minister in the framework

of semi-presidentialism is manifested in the parliamentary confidence.⁹ In particular, in the fact that they are dependent or independent of the confidence/investiture of the legislature, but necessarily can be released or deprived of authority as a result of the use of the vote of no confidence. In other words, they are subjects to the parliamentary confidence/investiture or parliamentary no confidence (or both to confidence/investiture and no confidence), and, in any case, need support of the parliamentary majority.¹⁰

Therefore, as Vitaliy Lytvyn observes, political responsibility of the governmental cabinet and of the prime minister in typical semi-presidentialism is traditionally more amplified in the direction of the parliament.¹¹ Since if the legislature participates in the governmental cabinet formation, then it must express its position (the vote of investiture or confidence) regarding the formation of the governmental cabinet, in particular concerning the appointment of the prime minister and the approval of the composition and/or the program of the governmental cabinet. In addition, the legislature, regardless of the design of inter-institutional relations, is empowered to verify the results of government's activities, embodied in the possibility of its early resignation (i.e. in the vote of no confidence).

Governments often terminate their powers on the basis of the directly anticipated procedure of the parliamentary vote of no confidence. This is a parliamentary initiative caused by the unsatisfactory, according to the opinion of oppositional, but sometimes even pro-governmental deputies, state of execution by a government, a prime minister or a separate minister of their powers. By disapproving the political line, certain actions or bills of governmental cabinet, there is the vote on the early termination of powers of an appropriate government, prime minister or separate minister in parliament. This means that the subject of the vote of no confidence in government can be a minister or a prime minister, but most often the full composition of a governmental cabinet. Traditionally, the usual/simple and positive/constructive votes of no confidence are distinguished. In the first case, the legislature proposes the early termination of powers of the

⁹ Jose A. Cheibub, *Presidentialism, Parliamentarism, and Democracy* (Cambridge: Cambridge University Press, 2007); Cheibub, Elkins, and Ginsburg, "Beyond Presidentialism," 515-44; Arend Lijphart, *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries* (New Haven and London: Yale University Press, 1999): 117-18; Juan J. Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?", in *The Failure of Presidential Democracy: Comparative Perspectives*, eds. Juan J. Linz and Arturo Valenzuela (Baltimore: Johns Hopkins University Press, 1994): 48; Müller, *Presidential Power in Semi-Presidential Systems*; Pasquino, "Nomination," 128-46; Giovanni Sartori, *Comparative Constitutional Engineering: an Inquiry into Structures, Incentives and Outcomes* (New York: New York University Press, 1997): 125.

¹⁰ Lytvyn, *Atrybuty ta Riznovydy Napivprezydentskoi Systemy Pravlinnia v Yevropi*, 94.

¹¹ *Ibid.*, 101.

object of the vote of no confidence. If the vote of no confidence is voted by the required number of deputies of parliament or the leading chamber of parliament, then a minister, prime minister or governmental cabinet will terminate their powers ahead of time. In the second case, it is a question of the early termination of powers of the object of the vote of no confidence, but provided with the simultaneous nomination of a new minister, prime minister and/or a new composition/program of governmental cabinet depending on the peculiarities of the vote of investiture in a certain country. Accordingly, the expression of the constructive vote of no confidence is simultaneously the successful vote of investiture in a new minister, prime minister or governmental cabinet in general.¹²

In this context, it is definitely not always clear how “strong” should be the attribute of compulsory collective responsibility of the institutions/positions of prime minister and governmental cabinet to legislature in the conditions of semi-presidentialism. This is due to the fact that a prime minister and a governmental cabinet actually are not in general or necessarily collectively responsible to the legislature in some systems of government, which definitively lean towards atypical semi-presidentialism.

In the outlined context, such an attribute of some cases of institutional semi-presidentialism as the mandatory confirmation of the parliamentary vote of no confidence in a government or a prime minister by the head of state or other political institution is particularly interesting. This is quite often the case when a parliament is a “puppet” of a president and, in reality, cannot contradict this institution in the executive. Moreover, the necessity to confirm the parliamentary vote of no confidence in government is sometimes provided and regulated even constitutionally. It is the case of systems of government, where constitutions are idiosyncratic documents.¹³ Instead, it is clear that the unilateral nature and requirement of the resignation of government, following the results of the successful parliamentary vote of no confidence (in the government or the prime minister), should be inherent to typical semi-presidentialism. Or, in other words, there should be an instrument of the independent parliamentary vote of no confidence in government, but not the parliamentary condemnation/censure of government’s activity or the parliamentary recommendation for a president to resign a government. However, in the context of semi-presidentialism, this is not provided definitively, since the element of subjectivity would be substantially contained in such a definition based on additional attributes. Given this and the fact

¹² Nadiia Panchak-Bialoblotska, *Uriady Menshosti v Yevropeiskyykh Parlamentskykh Demokratiiakh (Minority Government in the European Parliamentary Democracies)* (Lviv: Prostir-M (SPACE-M), 2017): 207-208.

¹³ Robert Elgie, “What is Semi-presidentialism and Where is it Found”, in *Semi-Presidentialism Outside Europe: A Comparative Study*, eds. Robert Elgie and Sophia Moestrup (London: Routledge, 2007): 1-13; Elgie, “Semi-Presidentialism: An Increasingly,” 1-20.

that the study shows the approach to the definition of semi-presidentialism, which is based only on the basic or generalized attributes of systems of government, as well as the fact that there is no reference to the actual powers of political actors in the proposed definition of semi-presidentialism, it is generally argued that the cases with the mandatory necessity of confirming the parliamentary vote of no confidence regarding prime minister or government by the head of state leans towards atypical semi-presidentialism, if the nature of the parliamentary vote of no confidence regarding the government or prime minister is constitutionalized.

The conclusion is an understanding of the following specific peculiarities of the analyzed distinctive cases of atypical semi-presidentialism. Firstly, a legislature can determine the collective and not only the individual “survival” of a governmental cabinet. Secondly, the presidential disapproval of the parliamentary vote of no confidence in a government or prime minister in theory (constitutionally) and in fact (politically) may be the cause of an inter-institutional crisis in a system of government. This means that, regardless of the nature and procedural logic of the parliamentary vote of no confidence in a government and/or prime minister, semi-presidentialism is positioned as a system of government, where there is a “continuous” compulsory collective responsibility of the government and of the prime minister to the legislature, or where the legislature has the initiative to raise the question of the collective responsibility of government. Instead, all other and additional refinements and attributes are only the auxiliary rules for the classification of systems of government, which should only be used in the typology of semi-presidentialism.¹⁴

The Votes of No Confidence in Governments as an Attribute of Atypicality of Semi-Presidentialism: the Post-Soviet Cases

In order to demonstrate this, we shall analyze the specificities of the institution of the vote of no confidence in governments in atypical semi-presidential (constitutional) and similar systems of government in the six post-Soviet countries (Azerbaijan in 1995–2016 and since 2016, Belarus since 1996, Georgia in the period 2004–2013, Kazakhstan in the period 1995–2007 and since 2007, Kyrgyzstan in the period 1993–2010, and Russia since 1993) with the aim of determining the typical or atypical nature of these systems.

In Belarus, according to the article 106 of the Constitution, the government is accountable to the president and responsible in front of the parliament.¹⁵ The item 5 of the article 106 states that the government terminates

¹⁴ Lytvyn, *Atrybuty ta Riznovydy Napivprezidentskoi Systemy Pravlinnia v Yevropi*, 80.

¹⁵ “Constitution of the Republic of Belarus of March 15, 1994 (with Alterations and Amendments Adopted at the Republican Referendums of November 24, 1996 and of

its powers before the president, when the House of Representatives (the lower chamber of the Belarusian parliament) takes the vote of no confidence in the government. Nevertheless, the prime minister may demand the vote of confidence from the House of Representatives in connection with the government program, and any issue put forward for the discussion in the lower chamber of the parliament. If the legislature takes the vote of no confidence in the government, within ten days the president has the right to decide on the resignation of the government or on the dissolution of the House of Representatives and announcing new parliamentary elections. If the dismissal of the government is rejected, then the latter must continue to perform its duties. At the same time, the president has the right to decide on the resignation of the government and the dismissal of any member of the government on his or her own initiative.¹⁶ Accordingly, the president finally determines whether to make the government resign.

In Georgia, one third of the nominal composition of the parliament could initiate the vote of no confidence in government in the period 2004 to 2013. In order to express the vote of no confidence in government, the support of the absolute majority of parliamentary deputies (of the nominal composition of the parliament) was necessary. After expressing the vote of no confidence in the government, the president received an alternative, that is to make the government resign or to challenge the decision of the parliament. If the parliament (not earlier than 90 and not later than 100 days) repeatedly expressed the vote of no confidence in the government, then the president was obliged to make the government resign, or to dissolve the parliament and appoint its extraordinary elections (the item 1 of the article 81 of the previous revision of the Constitution).¹⁷ In addition, the procedure of the unconditional vote of no confidence in government was foreseen: if not more than 15 days and not later than 20 days after the decision on this the 3/5 majority of the nominal composition of the parliament expressed the vote of no confidence in the government, then the president was obliged to take the decision on the resignation of the government. Moreover, in the case of the resignation of the government, the president of Georgia did not have the right to appoint the same person or represent the same candidate from the previous government for the position of the prime minister in the next government. If the parliament did not succeed in expressing the vote of no confidence in the government, then the re-issue of the vote of no confidence in the government was not allowed within the next six months (the item 2 of the article 81 of the previous revision of the Constitution).¹⁸

October 17, 2004),” WIPO, accessed December 1, 2018, http://www.wipo.int/wipolex/en/text.jsp?file_id=184404.

¹⁶ Ibid.

¹⁷ Andreeva, “Konstitutsionnaya Reforma.”

¹⁸ Ibid.

In Kazakhstan during the period 1995 to 2007, the parliament on the initiative of not less than one fifth of the nominal number of its deputies could express the vote of no confidence in the government by the 2/3 majority of the nominal number of deputies from each of the chambers (Mazhilis and Senate) of the parliament (the article 53 of the previous revision of the Constitution). After that, the president considered accepting or rejecting the resignation of the government within ten days. In the case of rejection of the government resignation declared in connection with the parliamentary vote of no confidence, the president had the right to dissolve the parliament (the article 70 of one of the revisions of the Constitution).¹⁹ It is also interesting that the government is a collegiate body, which is responsible to the president and the parliament in all its activities in Kazakhstan, even since 2007 (the item 2 of the article 64 of the current revision of the Constitution).²⁰ According to the article 70 of the Constitution, the government claims to the president of the resignation in the case of the vote of no confidence expressed by Mazhilis (the lower chamber of the parliament) or by the parliament in general. Within ten days, the president should consider accepting or rejecting the resignation of the government. Herewith, the adoption of the resignation of the prime minister means the termination of powers of the entire government. Instead, the president entrusts the government with the further exercise of its authority in the event of the rejection of the resignation of the government. Nevertheless, the president of Kazakhstan has the right to take the decision to terminate the powers of the government and dismiss any of its members on his or her own initiative.²¹ Therefore, the parliamentary vote of no confidence in government does not automatically lead to its resignation, since it depends on the position and will of the president.

In Kyrgyzstan during the period 1993 to 2003, the Assembly of People's Representatives (which should be called the upper chamber of the parliament) could express the vote of no confidence regarding the prime minister. After the Assembly of People's Representatives expressed its no confidence in the prime minister, the president had the right to declare the resignation of the prime minister or could decide not to agree with the decision of the Assembly of People's Representatives. If the vote of no confidence in the prime minister was repeatedly voiced within three months, then the president was forced to announce the resignation of the prime minister or to dissolve the Assembly of People's Representatives (the item 5 of the article 71 of one of the revisions of the

¹⁹ "Constitution of the Republic of Kazakhstan of August 30, 1995 (with Amendments of October 7, 1998)," WIPO, accessed December 1, 2018, http://www.wipo.int/wipolex/en/text.jsp?file_id=406284.

²⁰ "Constitution of the Republic of Kazakhstan of August 30, 1995 (with Amendments of March 10, 2017)," Akorda, accessed December 1, 2018, http://www.akorda.kz/en/official_documents/constitution.

²¹ Ibid.

previous Constitution).²² In 2003–2007, after the parliament (the Jogorku Kenesh) expressed the vote of no confidence in the government, the president also had the right to decide on the resignation of the government or could decide not to agree with the decision of the parliament (the item 6 of the article 72 of one of the revisions of the previous Constitution).²³ If within three months the vote of no confidence in the government was repeated, then the president was obliged to announce the resignation of the government or to dissolve the parliament (the item 7 of the article 72 of one of the revisions of the previous Constitution).²⁴ Similarly, the responsibility of government in Kyrgyzstan was settled in 2007–2010. After expressing the vote of no confidence in the government, the president had the right either to decide on the resignation of the government, or to disagree with the decision of the parliament (the item 6 of the article 71 of one of the revisions of the previous Constitution). In the event that the Jogorku Kenesh re-approved its decision to express the vote of no confidence in the government within three months, the president was obliged to resign the government or to dissolve the parliament and appoint its early elections (the item 7 of the article 71 of one of the revisions of the previous Constitution).²⁵

In Russia, the president retains the influence on the dismissal of the prime minister, since the relationships between the president and the prime minister are hierarchical. However, the prime minister is formally responsible to the president and the parliament. In addition, the vote of no confidence in the government in this country has no immediate effect. After the State Duma (the lower house of the parliament) expresses the vote of no confidence in the government, the president has the right to announce the resignation of the government or to disagree with the decision of the legislature. When the vote of no confidence in the government is repeated within 3 months, the president has a choice: to adopt the resignation of the government and appoint a new head of government or to keep the current government and hold new parliamentary elections within four months (the article 109 and 117 of the current Constitution).²⁶ As a result, the parliamentary votes of no confidence in governments in Russia are rare in political practice. Only one of them was effective and received the support of the absolute majority in the legislature, in particular against the governmental cabinet of Chernomyrdin in 1995. Although, it

²² “Constitution of the Kyrgyz Republic of May 5, 1993 (as Amended October 21, 1998 by the Law of the Kyrgyz Republic, No. 134),” Confinder, accessed December 1, 2018, http://confinder.richmond.edu/admin/docs/kyrgyz_const.pdf.

²³ “Constitution of the Kyrgyz Republic of May 5, 1993 (as Amended February 18, 2003 by the Law of the Kyrgyz Republic, No. 40),” Constitution Net, accessed December 1, 2018, <http://constitutionnet.org/sites/default/files/Kyrgyzstan%20Constitution.pdf>.

²⁴ *Ibid.*

²⁵ “Constitution of the Kyrgyz Republic of October 21, 2007,” Confinder, accessed December 1, 2018, <http://confinder.richmond.edu/admin/docs/Kyrgyzstan2007English.pdf>.

²⁶ “Constitution of the Russian Federation of December 12, 1993 (as Amended up to Federal Constitutional Law No. 11-FKZ of July 21, 2014),” WIPO, accessed December 1, 2018, http://www.wipo.int/wipolex/en/text.jsp?file_id=441970.

was not supplemented with the consent of the president to stop the work of the government, and was marked with the continuation of the government's functioning, accordingly.²⁷ After that, the State Duma within ten days initiated another vote of no confidence in the government, but it was ineffective because it did not receive sufficient parliamentary support.²⁸ Therefore, it is obvious that even at the constitutional level the parliamentary responsibility of the government in Russia turns into a blank sound and serves as a tool for the presidentialization of the system of government, that is for strengthening the presidential characteristics while simultaneously weakening the parliamentary components.²⁹ In particular, as a result of the understanding that the dual responsibility of a governmental cabinet to the parliament and to the president (subjected to the desire of the head of state) may turn out to be exclusively the responsibility of a governmental cabinet to the president. Accordingly, both formal (institutional, procedural) and actual (political, behavioral) elimination of the parliament from the formation and responsibility of governments is outlined in the Russian system of government. The fact is that the elimination of the parliament is not only regulated through the norms of law, but also happens in political practice, since the head of state (especially before 1999) almost never wanted to listen to the thought of the legislature.³⁰

Finally, Azerbaijan is a very special case. The system of government in this country is often defined as a semi-presidential one. The fact is that one of the powers of Milli Majlis (the parliament of Azerbaijan) was to raise the question of the confidence in the Cabinet of Ministers (the government of Azerbaijan) in 1995–2016 (the item 14 of the article 95 of the previous revision of the Constitution).³¹ At the same time, the president himself was obliged to make the decision on the resignation of the Cabinet of Ministers. However, according to the updated version of the article 98–1 of the Constitution, according to the results of the constitutional referendum of 2016, if the same convocation of Milli Majlis holds the vote of no confidence in the Cabinet of Ministers twice during one year, then the president is obliged to dissolve the parliament.³² At the same time, the president is empowered to resign the Cabinet of Ministers (the item 6 of the article 109 of the current revision of the Constitution). In addition, the Cabinet of Ministers resigns on the day of the appointment of a newly elected president (the

²⁷ Morgan-Jones and Schleiter, "Governmental Change in a President-Parliamentary Regime," 132-63.

²⁸ Clark, "Boxing Russia," 5-22.

²⁹ Zaznaev, "The Presidentialization," 27-41; Osadchuk, "Prezydentsializatsiia/Premieryzatsiia," 294-99; Osadchuk, "Konstytutsiini Referendумы/Konstytutsiini Reformy," 73-80.

³⁰ Bialoblotskiy, *Stabilnist ta Efektyvnist Uriadiv*; Lytvyn, *Atrybuty ta Riznovydy Napivprezydentskoi Systemy Pravlinnia v Yevropi*, 322-23.

³¹ "Constitution of the Republic of Azerbaijan of November 12, 1995 (with Amendments Through 2009)," Constitute Project, accessed December 1, 2018, https://www.constituteproject.org/constitution/Azerbaijan_2009.pdf?lang=en.

³² "Constitution of the Republic of Azerbaijan of November 12, 1995 (with Amendments Through 2016)," Constitute Project, accessed December 1, 2018, https://www.constituteproject.org/constitution/Azerbaijan_2016.pdf.

article 116 of the current revision of the Constitution).³³ Therefore, the parliamentary vote of no confidence in the government also does not automatically lead to the resignation of the Cabinet of Ministers, since this right belongs to the president. Following the idea of Robert Elgie, we note that the system of executive dualism or executive diarchy is not institutionalized and established in Azerbaijan.³⁴ Instead, according to Zbigniew Bialoblotskyi, Azerbaijan is characterized by a so-called “super-presidential” system of government or by the system of government derived from the presidential one with the position of the prime minister.³⁵ In other words, this country is determined by a “super-presidential” or “hyper-presidential” semi-presidential system of government, because the president actually controls the composition and operations of the government in full.³⁶ This is primarily due to the fact that even formally (not to mention the political practice) the president of Azerbaijan is endowed with considerable powers, for which virtually no political responsibility is foreseen.³⁷ Therefore, taking into account the peculiarities of the vote of no confidence in government and the fact that the executive powers according to the article 99 of the Constitution (before and after its change in 2016) belong to the president (the head of state holding the executive powers is specific to the constitutional presidential system of government), as well as the fact of establishment of the positions of the first and other vice-presidents after 2016 (these positions are also typical for presidentialism), the constitutional system of inter-institutional relations in Azerbaijan (before and after the changes in 2016) should be understood as an atypical presidential, and not atypical semi-presidential system of government.

A Regional and Cross-Temporal Comparison of the Votes of No Confidence in Governments in the Six Atypical Cases of the Post-Soviet Semi-Presidentialism

Furthermore, it is noteworthy that institutional and procedural features and parameters of the parliamentary responsibility and the early termination of governments under the conditions of atypical semi-presidentialism, which are primarily incorporated in the procedures of the votes of no confidence in governments, are correlated on the basis of several aspects. These include: which are the constitutional and institutional rules for making decisions on the resignation of governments; which restrictions are imposed on the procedures of

³³ Ibid.

³⁴ Elgie, “The Politics of Semi-Presidentialism,” 1-21; Elgie, “A Fresh Look at Semipresidentialism,” 98-112.

³⁵ Bialoblotskyi, *Stabilnist ta Efektyvnist Uriadiv*, 55-72.

³⁶ Arato, “The New Democracies,” 318; Fish, *Democracy Derailed in Russia*, 205.

³⁷ Heinrich, *The Formal Political System in Azerbaijan and Kazakhstan*.

the votes of no confidence in governments; what are the consequences of different types and procedures of the votes of no confidence in governments; who may be the initiator of the vote of no confidence in government; what is the frequency of an announcement of the votes of no confidence in governments; what are the consequences of successful and unsuccessful votes of no confidence in governments.

The comparison of procedural and institutional peculiarities of the votes of no confidence in governments in the atypical examples of semi-presidential and in the post-Soviet countries analyzed here generates the possibility of distinguishing several classification patterns.

The first one, atypical post-Soviet semi-presidential countries are traditionally characterized by the fact that unicameral parliaments or lower chambers of bicameral parliaments are or were obliged to initiate and adopt the votes of no confidence in governments. The exceptions are represented by Kyrgyzstan during the period 1993 to 2003, where the upper house of the parliament was obliged to initiate and confirm the vote of no confidence in government, as well as by Kazakhstan during the period 1995 to 2007, where two chambers of the parliament were simultaneously obliged to initiate and adopt/confirm the vote of no confidence in government. However, the initiators of the votes of no confidence in governments are different depending on the share of the composition of legislatures (in order to simplify the requirements): one third in Belarus (since 1996), Georgia (in 2004–2013) and Kyrgyzstan (in 2007–2010); one fifth in Kazakhstan (in 1995–2007 – necessarily from the two chambers of the parliament, since 2007 – either from one or two chambers of the parliament); and not recorded in Azerbaijan (since 1995), Kyrgyzstan (in 1993–2007) and Russia (since 1993).

For the second one, in all atypical post-Soviet semi-presidential countries, the subjects of the votes of no confidence are actually current governments, less often – current governments and their programs, and never – current governments/prime ministers and new prime ministers/compositions of governments. Consequently, the constructive votes of no confidence in governments or their approximate variations are not inherent in the cases of atypical semi-presidentialism in the region, but instead only the simple votes of no confidence in governments that do not require additional investiture in alternative governments are applied (see detailed table 2).

For the third category, the rules of decision-making on the votes of no confidence in governments in the countries analyzed also significantly differ and are divided into several groups. They operate or previously operated as the absolute majority systems in Azerbaijan (since 1995), Belarus (since 1996), Kazakhstan (since 2007), Kyrgyzstan (in the period 2007–2010), Russia (since 1993), and partly in Georgia (in the period 2004–2013). They acted as the qualified majority systems in Kazakhstan (in the period 1995–2007), Kyrgyzstan

(in the period 1993–2007), and partly in Georgia (in the period 2004–2013). This means that only the absolute majority systems had been tested as the rule of decision-making on the votes of no confidence in governments in the countries with an atypical semi-presidential system of government at the time of analysis. Finally, the most frequent result of a successful vote of no confidence in government is the resignation or the rejection of the resignation of government as well as the resignation of government or the dissolution of legislature, while the most frequent consequence of an unsuccessful vote of no confidence in government is the confidence in it.

Remarks on the Atypical Character of the Post-Soviet Semi-Presidentialism

Thus, it is clear in a synthetic view that the parliaments in formally and definitively semi-presidential Belarus, Russia and Kazakhstan, as well as in Georgia and Kyrgyzstan earlier have the right to cast the votes of no confidence in governments, but the latter come into force only when they are supported by presidents, who may even be additionally (with national differences) empowered to choose between the dismissal of governments and the dissolution of legislatures.³⁸ It is regulated that the parliamentary responsibility of governments in the cases of atypical semi-presidentialism mentioned above is “of a ghastly character”, since governments are actually accountable to presidents.³⁹ Consequently, the vote of no confidence in governments that do not lead to their resignation predetermines the atypicality of formally semi-presidential Belarus, Russia and Kazakhstan, as well as Georgia and Kyrgyzstan earlier. The similar construction of the vote of no confidence in governments is also peculiar for Azerbaijan, but the latter tends to be closer to an atypical presidentialism than to an atypical semi-presidentialism.

On the other hand, all the analyzed cases of atypical semi-presidentialism lean towards a “pure” presidentialism, albeit without such an attribute of inter-institutional relations, as the separation of “origin” and “survival” of the branches of state power.⁴⁰ Moreover, such cases of systems of government do not stimulate inter-institutional balances, checks and counterweights and do not guarantee political bargaining. Since each political actor, exercising unilateral powers, retains the potential for the postponing political conflicts’ resolution, thereby generating the risks of inter-institutional asymmetry, as well as institutional

³⁸ Lytvyn, “Republicanism with the Position of Superpresident,” 289-318.

³⁹ Kravets, “Rossiyskaya Konstitutsiya,” 73.

⁴⁰ Varnavskiy, “Smeshannaya (Poluprezidentskaya) Forma Gosudarstvennogo Pravlениya,” 297-300.

and political stability.⁴¹ Instead, the outlined systems are determined primarily by electoral bargaining, which is tied to expectations of voters and thus “strengthens the powers of the last elected branch of government.”⁴² This means that although some modern cases of the post-Soviet atypical semi-presidentialism tend to be presidentialism they still need many occasions in order for one branch to threaten the existence of another.⁴³ Even though the presidents can be assigned significant/decisive legislative or control powers under the circumstances of the post-Soviet atypical semi-presidentialism, that is they can carry out a transactional role in the process of law-making.

Consequently, the attribution of the post-Soviet atypical semi-presidentialism is conditioned by the fact that such a system of government formally remains semi-presidential rather than presidential one. There are several reasons for this. Firstly, a government is at least normatively in the hierarchical parliamentary control and dependence. Secondly, a parliament can take part in a government formation and/or in the approval of governmental program giving a government the vote of investiture. Thirdly, a parliament may force a government to resign due to the vote of no confidence. On the other hand, the involvement of legislature in cabinet formation and support, in such system of government or at least in most of its cases, is formally and actually limited, since a president can dissolve a parliament and independently form a governmental cabinet in the event that a parliament does not approve the candidacy of a prime minister proposed by a president within several attempts.

However, the main characteristic of the post-Soviet atypical semi-presidentialism analyzed in this study is the fact that a legislature has the right to put forward the vote or censure of no confidence in a government, but the latter comes into force only when a president supports it. Such self-evident formal and actual “anomalies” of atypical semi-presidentialism in practice lead to the intuitive description of semi-presidentialism as presidentialism or even super-presidentialism. In addition, the outlined semi-presidential systems of government can at some point of time not only actually, but even formally begin to function as presidential ones. However, there is still a significant difference between presidential and atypical semi-presidential systems of government, which is the formal responsibility of a government only to a president in the first case, but to a president and a parliament in the second case. Accordingly, the dependence of the system of government on the positioning of political parties in legislatures remains in the case of even formally atypical semi-presidentialism.

At the same time, the right of a president not to force the government to resign in the event of the parliamentary vote of no confidence was deliberately

⁴¹ Shugart, “Semi-Presidential Systems,” 323-51.

⁴² Morgan-Jones and Schleiter, “Governmental Change in a President-Parliamentary Regime,” 145.

⁴³ Shugart, *Comparative Executive-Legislative Relations*.

enshrined in the constitutions of the post-Soviet countries with the aim of encouraging the presidentialization of atypical semi-presidential systems of government in such countries as Belarus, Russia and Kazakhstan, to a lesser extent Azerbaijan, and earlier Georgia and Kyrgyzstan.⁴⁴ This was done in order to increase the amount of resources controlled by a president in the executive, strengthen the institutional capacity of a president to overcome the resistance of other political actors and increase the degree of his or her autonomy in the triangle “the head of state–governmental cabinet/prime minister–legislature”. Furthermore, the intention was to maintain such an option for semi-presidentialism, which, in the event of the president’s ignoring the parliamentary vote of no confidence in government (in the context of cabinet’s responsibility both to parliament and president), functions on the logic of presidentialism (in the context of cabinet’s responsibility solely to president). Taking into account the historical, institutional and functional peculiarities of semi-presidentialism in the countries under analysis, it is quite obvious that the recommendation nature of government responsibility to a parliament reduces or previously neutralized the very purpose and essence of the institution of the parliamentary vote of no confidence in government. Thus, from a methodological point of view, it is necessary to accentuate a separate class of atypical semi-presidentialism, where the resignation of the government is not the mandatory consequence of the parliamentary vote of no confidence in the government. Exactly as to distinguish a separate class of presidentialism with the institution of the parliamentary vote of no confidence in government, which also has an advisory meaning for the head of state.

It is extremely important in this context that the actual and historical cases of atypical semi-presidentialism or presidentialism were or are specific (even despite the focus solely on the peculiarities of the votes of no confidence in governments) only to the post-Soviet undemocratic (autocratic and hybrid) political regimes. Therefore, it is theoretically, methodologically and empirically expedient to take into account the relationship between constitutionalism (the constitutional dimension of systems of government) and the real (political) institutional and sociological structure of undemocratic political regimes. The fact is that the constitutions and consequently the constitutional systems of government of the analyzed post-Soviet countries were designed at the time when their political regimes have already/yet been configured in the format of a so-called “competing authoritarianism” as defined by Steven Levitsky and Lucan Way, which conceptually includes both autocratic and some hybrid political regimes.⁴⁵ Even though some of the post-Soviet countries, after the

⁴⁴ Osadchuk, “Konstytutsiini Referendumi/Konstytutsiini Reformy,” 73-80; Osadchuk, “Porivnialnyi Analiz Prezydentsializatsii.”

⁴⁵ Steven Levitsky and Lucan Way, “The Evolution of Post-Soviet Competitive Authoritarianism,” in *Competitive Authoritarianism: Hybrid Regimes after the Cold War*,

adoption of relevant constitutions and the configuration of the corresponding constitutional systems of government, became or were earlier the examples of a so-called “closed” or “full”/“uncompetitive” authoritarianism.⁴⁶ In particular, the political regimes of Azerbaijan, Belarus and Kazakhstan, according to the indicators of the democracy index in 2006–2017, were classified as authoritarian ones; the political regimes of Georgia (in the period 2006–2013) and Kyrgyzstan (in the period 2006–2010) were treated as hybrid ones, while Russia’s political regime (in the period 2006–2017) changed from a hybrid (2006–2010) to an authoritarian (2010–2017) one.⁴⁷

In this sense, it is quite important to stress that the format of atypical semi-presidentialism in the framework of the competitive authoritarianism of the post-Soviet countries was selected when, on one hand, the democratic procedures and institutions were formally and declaratively considered as the main means of the obtaining and exercising political power, and, on the other hand, politicians have so often violated (and continue to do so) the formalized democratic procedures and institutions that the political regime gradually ceased to meet the “minimum standards of democracy.”⁴⁸

In sum, this means that the combination of real political competitiveness (as the formalized rule of competitiveness) and its dishonesty or injustice (as the actualized method of competitiveness) as an inherent characteristic of competitive authoritarianism (in particular, in various “arenas of competitiveness”, i.e. in electoral, legislative, judicial and informational ones) was the main prerequisite for the invention of atypical semi-presidentialism. On one hand, it was done in the form of a system of government (semi-presidentialism), which theoretically promotes maximum legitimization and hence democratization of power. On the other hand, it was seen as a veiled and instrumental logic (in the format of atypicality), which theoretically and practically determines the superpowers of one center of inter-institutional relations (mainly a president). Thus, it was argued that the cases of atypical semi-presidentialism with strong presidents and therefore at the junction with presidentialism, based on the atypical peculiarities of the procedures of the parliamentary votes of no confidence in governments, can lead to authoritarian (weakening of democracy)

eds. Steven Levitsky and Lucan Way (Cambridge: Cambridge University Press, 2010): 183-235.

⁴⁶ Lytvyn, *Atrybuty ta Riznovydy Napivprezidentskoi Systemy Pravlinnia v Yevropi*, 107, 565-68; Jean Blondel, “‘Presidentialism’ in the Ex-Soviet Union”, *Japanese Journal of Political Science* 13, no. 1 (2012): 1-36.

⁴⁷ “The Economist Intelligence Unit’s Democracy Index,” *The Economist*, accessed December 1, 2018, <https://infographics.economist.com/2018/DemocracyIndex/>.

⁴⁸ Steven Levitsky and Lucan Way, “Elections Without Democracy: the Rise of Competitive Authoritarianism,” *Journal of Democracy* 13, no. 2 (2002): 51-65; Vitaliy Lytvyn, *Politychni Rezhymy Suchasnosti: Instytutsiini ta Protsesualni Vymiry Analizu (Contemporary Political Regimes: Institutional and Procedural Dimensions of Analysis)* (Lviv: Lvivskyi Natsionalnyi Universytet imeni Ivana Franka (Ivan Franko National University of Lviv), 2014): 342-55.

tendencies in the cases of both cohabitation and super-majority. This means that atypical semi-presidentialism is an effective and manipulative tool of constitutional engineering in undemocratic political regimes, since dictators and autocrats skillfully consider the choice of atypical semi-presidentialism among other systems of government, in particular as a constitutional (institutional) and political (behavioral) instrument for “prolonging the political life” of ruling elites.⁴⁹ This is true since atypical constructs of inter-institutional relations at the junction of semi-presidentialism and presidentialism have become and still remain the main choices of new, current and former constitutions of hybrid and autocratic political regimes of the post-Soviet countries, especially when they were massively described by the concept of competitive authoritarianism.

Conclusions

Based on the consideration and comparison of the six cases of the post-Soviet atypical semi-presidentialism, in particular in regard to the parliamentary votes of no confidence in governments, but also in the case of regulating government responsibility directly to presidents, we can conclude that these cases of systems of government are very ambiguous and conterminous.

On one hand, based on the existence of the institution of the parliamentary responsibility of cabinets, these systems of government formally and definitively tend to be closer to semi-presidentialism and would most likely be consistent with the executive dualism inherent for semi-presidentialism in the case of a democratic regime and tradition of governance. On the other hand, they demonstrate that even formally, especially in Azerbaijan (not to mention the political practice, which is undemocratic, that is in the form of hybrid or autocratic regimes), cabinets are a continuation of the monistic vertical of presidents, and their formalized, but atypical inexhaustible and incomplete responsibility to parliaments denies the semi-presidential nature of these systems of government in favor of presidentialism. As a result, this determines that against the background of the definitions and generalizations of the various systems of government established by political theory there are formally and actually constructed “constitutional hybrids” in several undemocratic post-Soviet countries, which can be positioned both as the cases of atypical semi-presidentialism and incomplete presidentialism. It is quite obvious that such cases are unique and should be considered as exceptional ones, at least analytically. Just like the presidential systems of government with the institution of the recommendatory parliamentary vote of no confidence in governments. The stated conclusion opens the space for a broader study of atypical systems of government within the republican form of government.

⁴⁹ Masako Shimizu, “Comparative Executive-Legislative Relations Under Authoritarianism: Focusing on the Choices and Practices of Semi-Presidentialism,” *AGLOS* 7, (2016): 1-49.

Annexes

Table 1. The minimally definitive logic of “origin” and “survival” of political/power institutions in the system of executive dualism under the conditions of semi-presidentialism

The minimal indicators of the definition and the institutions of semi-presidentialism	President	Prime minister / Government
The mandatory logic of “origin” (formation) of the institutions	Popular (direct or indirect) elections	The vote of investiture or “silent” consent/confidence of legislature
The mandatory logic of “survival” (responsibility) of the institutions	Time-fixed mandate	The vote of confidence and/or no confidence of legislature

Source: Vitaliy Lytvyn, *Atrybuty ta Riznovydy Napivprezidentskoi Systemy Pravlinnia v Yevropi: Instytutsiino-Protseusualnyi i Politychno-Povedinkovi Aspekty (Attributes and Varieties of Semi-Presidential System of Government in Europe: Institutional, Procedural, Political and Behavioral Aspects)* (Lviv: Lvivskyi natsionalnyi universytet imeni Ivana Franka (Ivan Franko National University of Lviv), 2018): 83.

Table 2. Institutional and procedural features, parameters and consequences of the parliamentary votes of no confidence in governments in atypical cases of the post-Soviet semi-presidentialism

Country	The initiator of the vote of no confidence in government	The type of the vote of no confidence in government	The rule of decision on the vote of no confidence in government	The frequency of the vote of no confidence in government	The consequences of a successful vote of no confidence in government	The consequences of an unsuccessful vote of no confidence in government
Azerbaijan (1995–2016)	The unicameral parliament	Usual (simple)	The absolute majority (of the unicameral parliament)	Not regulated by the constitution	Questioning the president on the resignation of the government	The confidence in government
Azerbaijan (since 2016)	The unicameral parliament	Usual (simple)	The absolute majority (of the unicameral parliament)	Not regulated by the constitution	Questioning the president on the resignation of the government	The confidence in government
Belarus (since 1996)	1/3 of the nominal composition of the lower chamber of the bicameral	Usual (simple)	The absolute majority (of only the lower chamber of the bicameral parliament)	Not regulated by the constitution	Questioning the president on the resignation of the government /	The confidence in government

	parliament				Government resignation or the dissolution of the lower chamber of the parliament	
Georgia (2004–2013)	1/3 of the nominal composition of the unicameral parliament	Usual (simple)	The absolute majority (of the unicameral parliament)	90 days < the vote of no confidence < 100 days	Questioning the president on the resignation of the government / Government resignation or its rejection / Government resignation or the dissolution of the parliament	The confidence in government
	1/3 of the nominal composition of the unicameral parliament	Usual (simple) (“unconditional”)	The qualified majority (3/5 of the nominal composition of the unicameral parliament)	> 6 months	Government resignation	The confidence in government / The moratorium on the vote of no confidence in government for six months
Kazakhstan (1995–2007)	1/5 of the nominal composition of the bicameral parliament	Usual (simple)	The qualified majority (2/3 of the nominal composition of both chambers of the bicameral parliament)	Not regulated by the constitution	Questioning the president on the resignation of the government / Government resignation or its rejection (with the possible dissolution of the parliament)	The confidence in government
Kazakhstan (since 2007)	1/5 of the nominal composition of the lower	Usual (simple)	The absolute majority (of the lower chamber of the	Not regulated by the constitution	Questioning the president on the resignation	The confidence in government

	chamber of the bicameral parliament/ or of the two chambers of the bicameral parliament		bicameral parliament/ both chambers of the bicameral parliament)	n	of the government / Government resignation or its rejection	
Kyrgyzstan (1993–2003)	The upper chamber of the bicameral parliament	Usual (simple)	The qualified majority (2/3 of the nominal composition of the upper chamber of the bicameral parliament)	Every 3 months	Questioning the president on the resignation of the government / Government resignation or its rejection / Government resignation or the dissolution of the upper chamber of the parliament	The confidence in government
Kyrgyzstan (2003–2007)	The unicameral parliament	Usual (simple)	The qualified majority (2/3 of the nominal composition of the unicameral parliament)	Every 3 months	Questioning the president on the resignation of the government / Government resignation or its rejection / Government resignation or the dissolution of the parliament	The confidence in government
Kyrgyzstan (2007–2010)	1/3 of the nominal composition of the unicameral parliament	Usual (simple)	The absolute majority (of the unicameral parliament)	Every 3 months	Questioning the president on the resignation of the government / Government resignation or its rejection / Government resignation	The confidence in government

					or the dissolution of the parliament	
Russia (since 1993)	The lower chamber of the bicameral parliament	Usual (simple)	The absolute majority (of only the lower chamber of the bicameral parliament)	Every 3 months	Questioning the president on the resignation of the government / Government resignation or its rejection / Government resignation or the dissolution of the lower chamber of the parliament	The confidence in government

Source: Made by the author based on the interpretation of the constitutions or the revisions of the constitutions of the countries that are subject to comparative analysis.

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