



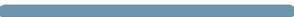
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REPORT

PATHS TO DEMOCRACY IN EUROPE 1974-1991: AN OVERVIEW

	
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PATHS TO DEMOCRACY IN EUROPE 1974–1991: AN OVERVIEW

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EXECUTIVE SUMMARY

The political transitions in Egypt and Tunisia have rekindled the interest in how states and societies have moved from authoritarian regimes to democracy after overthrowing old regimes. This report responds to that interest by providing a factual overview of transitions to democracy of nine European states between 1974 and 1991.

The states covered fall into two geographical regions: Southern Europe, and Central and Eastern Europe. The context of transition in each of these regions was different. The transitions in Southern Europe took place as mainly discrete events with little influence of one country over another. In contrast, there was a strong regional dynamic in Central and Eastern Europe, where all transitions were influenced by Gorbachev's policies of perestroika and glasnost and the loosening of the Soviet Union's grip on its satellite states.

Many questions that Tunisia, Egypt and possibly other countries in the region are now facing are similar to those that arose in past transitions. There are a number of similarities and some differences to note. While the situation in each country is different and there are no hard and fast lessons to be drawn, it is noteworthy that all nine transitions to democracy presented in this report show some common traits, including:

Quick Elections: In all cases of a quick overthrow of a regime, elections were held soon afterwards, mostly within six months.

The loss of legitimacy that follows the fall of a regime is so significant that it needs to be addressed rapidly.

Constitutional Reforms: Naturally constitutional reform is a key element of any political transformation. In the cases presented here it was mostly achieved within one or two years. However, the process of reforming constitutions differed widely.

Strengthening Parliaments: In all nine countries, strengthening the role of elected legislatures was central to constitutional reforms, not least because the old regimes' executive branches of power enjoyed excessive prerogatives. The concern about power concentration led almost all states to adopt parliamentary political systems, the only exceptions being Portugal and Poland, which chose a semi-presidential system.

Proportional Electoral Systems: In almost all nine countries, electoral systems were changed before the first elections to strengthen proportional representation (PR) and allow greater inclusion of diverse and newly emerging political forces.

Independent Electoral Management: While the old regimes held regular elections, they were marred by electoral fraud and undermined by lack of confidence in their independence and integrity. In response, independent election commissions were created to organize or to supervise the organization of elections after revolutions.

INTRODUCTION AND OVERVIEW

The political transitions in Egypt and Tunisia have increased the interest in how states and societies have moved from authoritarian regimes to democracy after the overthrow of old regimes. Civil society groups in Tunisia and Egypt in particular have expressed a wish to receive more information on past transitions. This report responds to that interest by providing a factual overview of transitions to democracy of nine European states between 1974 and 1991: Portugal, Greece, Spain, Hungary, Poland, Bulgaria, Czechoslovakia, the German Democratic Republic and Romania.

The report covers transitions in chronological order across the two regions of Southern Europe in the 1970s and Central and Eastern Europe in the late 1980s. It does not cover the transitions that followed the dissolution of the Soviet Union or the violent disintegration of Yugoslavia.

The contexts in which the transitions covered in this report took place were markedly different. The Southern European transitions took place as relatively discrete events, largely confined to national boundaries. The fall of the Greek military junta in July 1974 followed events in Cyprus and was unconnected to the revolution in Portugal earlier in the same year. There was, however, an element of contagion on the Iberian peninsula, where Spanish developments were influenced by events in Portugal. It is noteworthy that the first in this wave of transitions, the Portuguese revolution, had one distinguishing feature making it different from the others covered in this report; there were two competing objectives of the transition – one to establish a communist regime, the other a liberal democracy. The latter prevailed due to clear electoral results in favour of non-communist parties. In all the other eight transitions the single objective of establishing liberal democracy was clear.

In contrast to the quite distinct transitions in Southern Europe, the transitions in Central and Eastern Europe show a strong regional dynamic. All transitions took place in the context of Gorbachev's perestroika and a loosening grip of the Soviet regime over its satellite states. The activism of Poland's solidarity movement provided a widening space for opposition in the communist world.

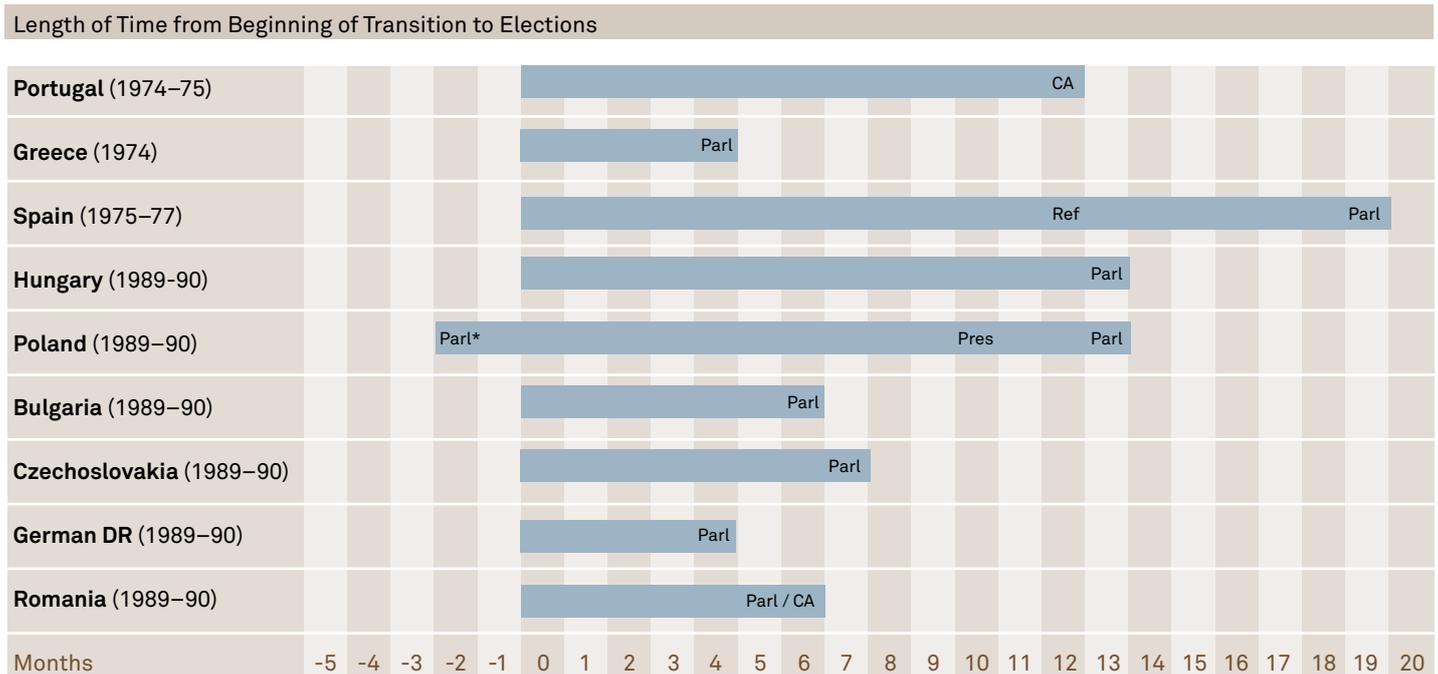
Contextual differences notwithstanding, it is obvious that many questions that Tunisia and Egypt are now facing are similar to those that actors in these transitions had to answer, such as: Should one hold quick elections and if yes for which bodies? Should one try to stay within the legal framework of the old regime while at the same time reforming it? Should one seek comprehensive constitutional reform through a constituent assembly or leave the task to a parliament? How should one deal with the legacy of one party rule? And so on.

While the situation in each country is different and lessons cannot be readily drawn for transitions in Tunisia, Egypt and elsewhere, it is noteworthy that all nine transitions to democracy presented here share some common traits, including:

Quick Elections

In all nine cases elections were held quickly after the start of a transition, mostly within six months and in almost every case within 13 months (see graph below). The legitimacy gap that follows the fall or transformation of a regime is so deep that it needs to be filled rapidly. Furthermore, scheduling an election event can address a sense of drift after a revolutionary event, because upcoming elections give restive populations a concrete perspective for change and focus the minds of policy makers.

Countries where elections were held later than six months after the removal of the old regime are typically those that underwent a transition based on negotiation (Spain, Hungary, Poland), rather than a revolutionary transition where the old regime was overthrown.



* Partly competitive elections before fall of communist regime CA: constituent assembly Parl: parliamentary Pres: presidential Ref: referendum

Constitutional Reform

Constitutional reform is a key element of any political transformation and in the cases presented here was mostly achieved within one or two years. As highlighted by the table below, the approach to constitutional reform varied widely: in some cases old constitutions were overhauled, in others new constitutions written; sometimes changes were approved by referendum, sometimes not; in a few cases constituent assemblies worked out new constitutions, in others parliaments were tasked with these reforms.

Strengthening of Parliaments

In all nine countries, the strengthening of the role of elected legislatures was central to constitutional reform, not least because the old regimes' executive branches of power enjoyed excessive prerogatives. Concerns about inappropriately high levels of power being concentrated in one branch of the state led almost all countries to adopt parliamentary political systems. Portugal and Poland were the only exceptions, choosing semi-presidential systems instead. It is possible also that the model of Western Europe, where parliamentary systems prevail, influenced the choice of political system.

Overview of Constitutional Reform Paths

	Limited Amendments First	New Constitution	Which Body?	Referendum	Comments
Portugal	No (Transitional constitution)	Yes	Constituent assembly	No	
Greece	Yes	Yes	Parliament	Yes	
Spain	Yes	Yes	Parliament	Yes	
Hungary	Yes	No	Parliament	No	The old and new parliament reformed the constitution over time.
Poland	Yes	No	Parliament	No	The old and new parliament reformed the constitution over time. New constitution adopted 1997.
Bulgaria	No	Yes	Grand National Assembly*	No	
Czechoslovakia	Yes	No	Parliament	No	Constitutional reforms by parliament, but country split into two in 1993.
German Democratic Republic	Yes	No	No	No	GDR acceded to the (West) German constitution in October 1990.
Romania	No (Existing constitution partially revoked)	Yes	Parliament /CA	Yes	

* Fulfilling the function of a parliament and a constituent assembly at the same time.

Proportional Electoral System

In almost all nine countries electoral systems were changed before the first elections in ways that strengthened proportional representation. Some chose entirely proportional systems while others established parallel plurality-proportional systems. The rationale for moving towards more proportionality was to allow greater inclusion of diverse political forces, by giving new and smaller political parties and movements a chance.

Moving towards proportional system can be a logical complement to having quick elections. Even if new political groups have little time to prepare for elections, they at least have a chance of winning some representation, while under plurality systems generally only major parties can win seats.

Electoral Management

Although the authoritarian regimes of Southern Europe and the communist regimes in Central and Eastern Europe held elections, they were marred by fraud and severely undermined by a lack of confidence among the electorate about their integrity. Subject to manipulations, elections in these countries were neither genuine nor competitive, with the outcomes never being in doubt.

Consequently, actors in the transitions took a keen interest in how transitional elections would be organized, particularly who would be in charge of them. Mostly, independent election commissions were created to organize or to supervise the organization of elections. Such commissions were either composed of independent figures, party representatives or both.

What Lessons for Egypt and Tunisia?

Although there are no fixed lessons that can be drawn from the European or other transitions to democracy for Egypt and Tunisia, it is worth highlighting some similarities and differences in the trajectory of both countries.

Most obviously in both Egypt and Tunisia there is a move for quick elections after the overthrow of the former presidents. Egypt held a referendum on limited constitutional amendments on 19 March and the Military Council intends to hold presidential and parliamentary elections in September. In Tunisia, constituent assembly elections are scheduled for 24 July.

On the question of which body to elect first - in the nine European transitions covered in this report, only Portugal and Romania held specific constituent assembly elections as a first electoral event after the overthrow of the first regime. In the other countries parliaments were charged with constitutional reform; occasionally their mandate was specifically expanded for that purpose, as was the case in Bulgaria where a 'grand national assembly' was elected, serving both as a parliament and a constituent assembly.

Unlike Tunisia, most transitions covered here were driven by opposition forces or occasionally by an old regime that reformed itself under pressure from opposition within. Only Romania had a revolution without a clear leadership with elements of the old communist party taking control of the transition.

Unlike in Egypt, where the Military Council appears to consider comprehensive constitutional reform optional, in European transitions constitutional reforms were considered essential in

each transition and in many cases newly elected parliaments were mandated to carry them out. Similar to Spain, Greece and Czechoslovakia, however, the transition in Egypt has started with limited constitutional reforms.

As far as the electoral administration is concerned, Egypt is different from the countries covered here insofar as parts of the judiciary traditionally enjoy public confidence having retained a reputation for asserting their independence. Consequently, there has been a longstanding demand that judges be involved in the supervision of elections, and indeed they played a prominent role in overseeing the 19 March referendum on limited constitutional changes.

PORTUGAL

I. DURATION OF TRANSITION

From 25 April 1974 when junior army officers organised as the Armed Forces Movement (MFA) staged a coup d'état, until April 1976 when a new democratic constitution was adopted, followed by parliamentary and presidential elections.

II. CONTEXT

In 1974 there were many indications that the authoritarian regime, created by Salazar in 1926, was under pressure. The economy was suffering from the oil crisis and costly colonial wars in Angola, Guinea and Mozambique. Prime Minister Marcello Caetano had lost the support of the *Ala Liberal* reformers in parliament when his moves for political liberalization and reform did not yield results. The student movement, driven mainly by extreme-left groups, dominated the universities, and the major corporate trade unions were controlled by the opposition that included the Communist Party. The Armed Forces were deeply divided in all ranks, mainly because of the regime's inability to put an end to the colonial wars.

III. COMPOSITION OF TRANSITIONAL BODIES

Throughout the transition there were two layers of political institutions: the established institutions like government and president, and the newly formed revolutionary bodies; sometimes both were represented in a body. In the turbulent period between the coup and the adoption of the new constitution in April 1976 there were two presidents and six provisional governments.

Following the April coup, the MFA established the military Junta of National Salvation, composed of generals from the three branches of the military, as the transitional authority, until the election of a constituent assembly in April 1975. The junta was chaired by General Antonio de Spínola. General Spínola became president and appointed a non-partisan prime minister but resigned later that year. The first interim provisional government took office in early May 1974 and did not include the military. It was a coalition government comprising, among others, the leaders of the major political parties, including the communist party.

Also in May 1974, the Council of State was created, including members of the junta, members of the MFA's Coordination Committee of the Programme (CCP) and leading civilian figures. In September 1974, the junta was dissolved and replaced by the *Conselho dos Vinte*, which included the president, the prime minister, military members of the provisional government and representatives of the MFA. In March 1975, following a failed coup by former president General Spínola, the *Conselho dos Vinte* was replaced by the Council of the Revolution, which included the Chiefs of staff and the commanders of the military districts in addition to the existing members of the *conselho*. The non-elected Council of Revolution was recognized by the democratic constitution of 1976 and abolished only in the 1982 constitutional reform.

IV. ACTORS

The ruling party, the *Acção Nacional Popular* (ANP) was dissolved on 25 April 1974. Before the military coup, there were two illegal, but highly active major opposition parties: the Portuguese Communist Party and the newly formed Socialist Party, founded in 1973 and led by Mario Soares. The leaders of these parties became ministers in the first provisional government, along with a member of the *Ala Liberal*, who led the newly created Popular Democratic Party (PPD). Subsequently the *Centro Democrático Social* (CDS), a Christian-Democrat party, was formed. These four parties, which received significant international support, became the main political parties under the new democratic regime. Between April and November 1974, more than 50 political parties were created in Portugal.

V. TRANSITIONAL JUSTICE

As soon as it took power, the junta put an end to press censorship, banned the secret police force and temporarily arrested a number of its officials, released political prisoners and abolished the main organizations of the previous regime: the ANP, the Portuguese Legion (paramilitary organization) and the National Portuguese Youth. Some leading figures of the old regime left the country, others stayed but played no role in public life.

VI. SEQUENCE OF EVENTS, IN PARTICULAR ELECTIONS

- 25 April 1974: Military coup; Junta of National Salvation takes power
- May 1974: Junta of National Salvation nominates General Spínola as president. The first transitional government is established
- July 1974: Second provisional government established, led by General Vasco Gonçalves
- September 1974: General Spínola resigns and is replaced by General Costa Gomes as president
- October 1974: Third provisional government established
- 11 March 1975: Failed coup by General Spínola. Establishment of the Council of the Revolution
- March 1975: Fourth provisional government established
- April 1975: A pre-constitutional agreement is made between the MFA and the main political parties, establishing the role of the MFA for a transitional period of three to five years
- 25 April 1975: Constituent assembly elections, turnout is over 90%
- August 1975: Fifth provisional government established, formed mainly by the Communist Party and its allies in the military
- September 1975: Sixth provisional government established
- 24–25 November 1975: Attempted coup by the radical wing of the MFA
- 2 April 1976: Approval of new constitution
- 25 April 1976: Parliamentary elections, won by the Socialist Party
- June 1976: General Ramalho Eanes is elected president

VII. PROCESS OF CONSTITUTIONAL REFORM

The process of constitutional reform was based on the MFA's political program, which determined the election of a constituent assembly. Soon after taking office, the junta approved a provisional constitution until the adoption of the new constitution in April 1976. The 250-member constituent assembly was directly elected and contained representatives of six political parties. Deliberations over the new constitution lasted for ten months, after which a majority approved the new constitution, with only 15 votes against.

VIII. REFORM OF POLITICAL SYSTEM

Portugal's transition was from authoritarian corporatist single-party regime, to a semi-presidential democracy, where the president and the parliament are directly elected.

IX. ELECTORAL SYSTEM

According to the legislation approved during the transitional period, only political parties could participate in elections. To form a political party 5,000 signatures were required. The electoral system chosen was a proportional list based system with multi-member districts (18 districts and two autonomous regions), using the d'Hondt allocation formula.

X. ELECTORAL MANAGEMENT

In November 1974 the National Election Commission was created. A key part of its mandate was to guarantee the equal treatment of all candidates and parties. The commission was initially under the supervision of the Presidency of the Council of Ministers and later the Interior Ministry. The first elections in the transition period for the constituent assembly as well as the 1976 parliamentary and presidential elections were also supervised by the Council of Revolution.

GREECE

I. DURATION OF TRANSITION

From the beginning of the Cyprus crisis in July 1974, to approval of the new democratic constitution by parliament in June 1975.

II. CONTEXT

In 1967 a group of colonels staged a coup d'état and banned all opposition political activity. The new military regime tried to bolster its legitimacy by adopting a new constitution. It was, however, authoritarian in character and based on extensive presidential powers. Meanwhile, facing growing popular dissent and economic difficulties, the junta strongman, George Papadopoulos, appointed a civilian cabinet on 8 October 1973, led by Spyridon Markezinis, the leader of the Progressive Party which had not historically supported the military, as another attempt to institutionalise and legitimise the regime. Martial law was lifted and free elections were promised, even though the majority of Greek politicians refused to negotiate with the junta.

Later in 1973, a civic and student uprising received widespread support from the population and on an international level, and the military government became increasingly isolated, divided and de-legitimised. On 25 November 1973 there was another coup from within the military regime and Brigadier Dimitrios Ioannides assumed power and increased the regime's repression of dissent. He overthrew Papadopoulos, arrested the prime minister, reinstated martial law and cancelled the electoral process. However, the military regime's abortive coup attempt in Cyprus in 1974 and its failure to prevent a Turkish invasion of the island eventually led to its collapse. The conservative post-war politician, Constantine Karamanlis, was recalled from exile to become prime minister in July 1974.

III.COMPOSITION OF TRANSITIONAL BODIES

The civilian caretaker government of Karamanlis led the transition. After the Turkish invasion of Cyprus, President General Phaedon Ghizikis removed the military government and, with the help of civilian politicians, negotiated the return of Karamanlis. Karamanlis accepted the offer to return on the condition that the military would relinquish its political role. Karamanlis formed a Government of National Unity (GNU), legalised all political parties, including the previously banned Communist party, ended censorship and martial law, and organized parliamentary elections and a referendum on abolition of the monarchy. The GNU was composed of ministers from several political forces from the pre-1967 period; namely the conservative National Radical Union (ERE) and the centrist Centre Union (EK), as well as some selected young members of the resistance to the junta's regime that had clustered around the social democrats of the New Forces (*Nees Dynameis*).

IV. ACTORS

The humiliation of the army in the Cyprus crisis and subsequent

collapse of the military regime meant that the focus shifted to a political solution at the expense of military actors. The joint chiefs of staff and President Ghizikis neutralised the non-hierarchical military base of the old regime, thus distancing the armed forces from the dying regime and easing the way for the transfer of power.

V. TRANSITIONAL JUSTICE

Between the autumn of 1974 and the end of 1975, the new regime attempted to 'clean' state institutions of the junta's elite and collaborators. Although the process was implemented across a number of institutions, sanctions were generally more severe for those responsible for the instauration of the regime than for other members, even key ones such as ministers and those complicit in torture. Lenient sanctions received by some were part of a compromise agreement in which the democratic elite sought to avoid harsh measures against the military fearing the possibility of war with Turkey and an anti-government reaction to the new regime from the armed forces.

Following a number of private legal cases against the junta leaders, a second more far-reaching phase of transitional justice followed: in August 1974 the head of the joint chiefs of staff and the head of the army were retired and in September new legislation affecting the previous regime's collaborators was adopted and professors, judges, police officers, mayors, lawyers, managers of public enterprises and cooperatives and directors of state-run media who had collaborated with the military regime were removed from office. In October, five of the junta's most prominent leaders were arrested and deported. Following an attempted coup in February 1975, the government's attitude towards the military hardened and many officers were forced to retire or dismissed. In July 1975 the highest civil court decided that only the military actors of the coup, and not the civil elite, should be tried for high treason.

VI. SEQUENCE OF EVENTS, IN PARTICULAR ELECTIONS

- 24 July 1974: Karamanlis becomes prime minister, sworn in by the military regime
- 17 November 1974: Pluralistic parliamentary elections won by Karamanlis's newly founded Centre-Right New Democracy Party with 54.4% of the vote
- 8 December 1974: Popular referendum on whether Greece should be a monarchy or republic results in a 69 % yes vote for the republic option
- December 1974: Opening of the newly elected parliament
- 19 June 1975: First presidential election in the new democratic republic, Constantine Tsatsos elected by parliament
- June 1975: Parliament adopts a republican and democratic constitution
- 20 November 1977: General elections

VII. PROCESS OF CONSTITUTIONAL REFORM

The drafting of a new constitution was a priority for the Karamanlis government, which initially reinstated the 1952 constitution, but with articles referring to the King removed. A new republican constitution was then drafted based on the texts

of the 1927 and 1952 constitutions, and inspired by the West German and 1958 French constitutions. The draft was prepared by the cabinet and adopted by parliament. The constitutional drafting process was largely a unilateral process by government. The Left forces were excluded from the process and even though there was a free discussion of the constitutional text, it was very short and opposition members of parliament boycotted the vote in protest at the refusal of the majority to review the powers of the president, who had significant executive powers. The constitutional court was not retained because the body had become discredited due to its role during military rule.

The president and government are accountable to parliament. Legislation passed by parliament is subject to presidential veto, which in turn can be overcome by an absolute majority vote in parliament.

VIII. REFORM OF POLITICAL SYSTEM

Greece changed from a military dictatorship to a republican parliamentary system with a unicameral legislature.

IX. ELECTORAL SYSTEM

The electoral laws of 1974 and 1977 established a proportional system for the 300-seat parliament based on party lists in 56 constituencies where members are elected for four-year terms. Each constituency is represented by between one and 32 members, according to the size of its population. Remaining seats are distributed among the political parties that receive more than a required minimum proportion of the vote (17% of the national vote for a single party, 25% for a two-party coalition and 30% for a coalition of three or more parties). Two hundred and eighty-eight seats are allocated based on the constituency votes and the remaining 12 are allocated from national lists. The president is elected by parliament for a five-year term and appoints the prime minister based on the majority in parliament.

X. ELECTORAL MANAGEMENT

The elections were managed by the Ministry of the Interior under the supervision of a collective body composed of judges and jurists.

SPAIN

I. DURATION OF TRANSITION

From the death of Franco in November 1975, to the adoption of the new constitution in 1978.

II. CONTEXT

Spain's transition to democracy was set in motion by the death of Franco in November 1975 and the restoration of the monarchy in the form of King Juan Carlos de Bourbon. Realising that events were moving the country towards a more open system, the Francoist elites calculated that they could not stay in power without widespread repression that they were unwilling to impose. They thus embarked on reform of the political system, and, after the dismissal of Prime Minister Arias Navarro, on full democratization. Given that the regime enjoyed the support of the armed forces, opponents decided to go along with the transition rather than trying to overthrow it. Spain was thus a case of a negotiated transition to democracy.

III. COMPOSITION OF TRANSITIONAL BODIES

The two key transitional actors were the newly crowned King Juan Carlos, and the Suarez governments (appointed by the King 1976–1977, elected 1977–1979). Suarez convinced the Francoist parliament to allow open and free elections with the full participation of political parties, including the Communist Party that Suarez had controversially legalized. The Francoist parliament also played an enabling role in the transition, by approving the institutionalization of a democratic process beginning with free parliamentary elections.

IV. ROLE OF RULING PARTY

Although one of the key figures in the transition, Suarez, was the leader of Franco's party *Movimiento Nacional*, the party itself played only a minor role in the transition and all but disappeared. High-ranking ministers and bureaucrats from the Franco era created the Popular Alliance (AP) in 1976 under the leadership of Manuel Fraga. The AP won around 25% of the vote and became an opposition party. In 1989 the AP changed its leadership, recast itself as the Popular Party (PP) and held office between 1996 and 2004.

V. SEQUENCE OF EVENTS, IN PARTICULAR ELECTIONS

- November 1975–January 1976: Death of Franco and coronation of King Juan Carlos, second government of Arias Navarro
- July 1976: Following demonstrations and strikes, the king dismisses Navarro's government and appoints Suarez as prime minister
- September 1976: Suarez presents the Law of Political Reform to parliament; the law proposes a bicameral system, details the powers of the king and the procedure for constitutional reform. It also proposes an election system for parliament based on a PR system to the lower chamber, and

a plurality system for the congress. Elections are scheduled for June 1977

- November 1976: Parliament approves the Law of Political Reform as constitutional law
- December 1976: Law of Political Reform approved by referendum
- March 1977: Royal decree calls for elections
- April 1977: Spanish Communist Party is legalized
- June 1977: First democratic parliamentary elections won by the Suarez Union for Democratic Centre (UCD). Parliament drafts a new constitution
- October 1977: Moncloa Pacts: The government agrees the basic economic and social framework with parliamentary parties, the main trade unions and business associations
- December 1978: Referendum on the new constitution
- March 1979: Second parliamentary elections won by the UCD
- February 1981: Failed military coup d'état
- October 1982: Second parliamentary elections won by the Socialist Party

VI. PROCESS OF CONSTITUTIONAL REFORM

The parliament began to draft a constitution in the summer of 1977. The two chambers of parliament approved it separately in October 1978 and the final text was ratified in a referendum in December 1978.

VII. REFORM OF POLITICAL SYSTEM

Spain changed from a single party authoritarian regime to a constitutional parliamentary monarchy.

VIII. ELECTORAL SYSTEM

Since the June 1977 elections Spain has used a proportional representation electoral system for the chamber of deputies, but there is a minimum representation of two members for each of the 50 provinces, plus one each for the autonomous Spanish territories of Ceuta and Melilla. The remaining 248 seats are allocated proportionally on the basis of population with a 3% threshold and closed party lists using the Hare Niemeyer allocation formula. Given the high number of electoral districts, the system favours big parties. The senate is made up of 264 members: 208 elected by popular majority vote (four per province) from an open list, and 56 appointed by the regional legislatures.

IX. ELECTORAL MANAGEMENT

The 1978 referendum and the subsequent elections were organized and carried out by the Ministry of Interior.

HUNGARY

I. DURATION OF TRANSITION

From February 1989 when the ruling Hungarian Socialist Workers' Party (MSZMP) agreed to a multiparty system, to the elections of April 1990, won by the opposition.

II. CONTEXT

By late 1988, a difficult socioeconomic situation had begun to challenge the Hungarian regime's legitimacy. An increasingly powerful reformist group from within the party, supported by well structured opposition, was able to successfully challenge János Kádár, the leader of the MSZMP, at a party conference and force it to accept the idea of a multiparty democracy. Hungary already had several opposition parties by the beginning of 1989 that aided the transition to a multiparty system. These included the centre-right Hungarian Democratic Forum (MDF), the Federation of Young Democrats, the Independent Smallholders' party, the Alliance of Free Democrats and the Social Democratic party. Encouraged by the success of several demonstrations around the anniversary of the 1848 revolution, these parties formed the 'opposition round table' in March 1989. Its aim was to agree on what to ask from the regime concerning the transition process. The regime eventually agreed to a set of round table talks with the opposition known as the Trilateral Negotiation Roundtable (TNR). The TNR ran from June to September 1989.

III. COMPOSITION OF TRANSITIONAL BODIES

The TNR consisted of the MSZMP, the opposition round table and a third side composed of group of satellite organizations, including the National Council of Trade Unions, the National Council of Hungarian Women and the youth organization of the Communist Party. Its trilateral nature was the result of the MSZMP's successful negotiation to have an equal third side at the table. The main purpose of the TNR was to establish the rules under which multiparty elections would take place, including the electoral law and the new political system. It was not its intention to share the power between the parts involved. It was one of the essential points of its conclusions that legislation should not precede political agreements. As it was a negotiated transition, the communist government remained in power till March 1990, when the elections took place.

IV. ACTORS

The MSZMP was a key actor in the transition; the transition impetus came from the inside the party and the negotiated progress was gradual. The party was voluntarily dissolved by its members on October 1989 and partially replaced by the newly named Hungarian Socialist Party (MSZP). It took part in the first free elections in March 1990.

V. TRANSITIONAL JUSTICE

After the 1990 election, the new government pushed for prosecution of individuals who had helped to crush the 1956 Revolution. A 1991 law attempted to extend the limits imposed by the statute of limitations for crimes committed under the previous regime, but the Constitutional Court found the law to be unconstitutional. The same court, however, upheld a revised version of the law, which classified the 1956 crimes as war crimes and crimes against humanity, neither of which were subject to a statute of limitations. On 9 March 1994, two months prior to national elections, parliament adopted a lustration law that subjected approximately 12,000 officials to a screening process designed to determine whether they had collaborated with the former secret police. The Constitutional Court struck down several provisions of the March 1994 law, finding them vague and arbitrary.

VI. SEQUENCE OF EVENTS, IN PARTICULAR ELECTIONS

- May 1988: János Kádár, MSZMP party leader, is overthrown at the party conference
- March 1989: Popular demonstrations against the regime. The opposition round table is formed
- June–September 1989: The Trilateral Negotiation Roundtable takes place
- June 1989: Ceremonial reburial of key figures from the 1956 revolution in acknowledgement of its significance
- October 1989: Parliament approves the new electoral body of rules and the new name of the country
- October 1989: MSZMP is transformed into the Hungarian Socialist Party (MSZP)
- November 1989: Referendum decides that the presidential election will take place just after the general elections. The new parliament decides on indirect election of the president
- March–April 1990: First pluralistic elections, won by the opposition
- May 1990: Parliament elects the new president

VII. PROCESS OF CONSTITUTIONAL REFORM

It was agreed in the Trilateral Negotiation Roundtable that the existing constitution would be used as the basis of a new document, altered in such a way that it could be used in a democratic system. The amendments were adopted by the parliament in October 1989, with the majority of two-thirds of its members.

The balance of powers between the president and the parliament was one of the most critical matters in the transition and resulted in an internal split within the opposition round table as well as between the communist party and the opposition. As no agreement could be reached on this subject, a popular referendum was held in November 1989. The newly reformed constitution declared Hungary a Democratic Republic, established the market economy, the basic principles of democracy and the body of rules for the country to be a pure parliamentary system. It allowed for the creation of the Constitutional Court, half of whose members were elected by parliament in 1990. After the first free elections, the new parliament made some further changes to the constitution, replacing some specific socialist terms with other terms more connected with a democratic system.

VIII. ELECTORAL SYSTEM

The electoral system of 1989 was a compromise between a single-member district and party list models. Representatives of all parties established the two-round mixed electoral system with a threshold of 4%. Of the 386 seats in the parliament, 176 were run as individual constituencies, 152 on lists and 58 as surplus seats from a national list. In individual districts an absolute majority is required in order to win. If no candidate wins, a second round is held with a minimum 25% turnout and a plurality requirement. The same applies to the national lists; parties on the national list combine all of their surplus votes, which are translated into seats using the D'Hondt allocation formula. The president is indirectly elected after parliamentary elections by the newly constituted parliament.

IX. ELECTORAL MANAGEMENT

According to the rules approved by the parliament in 1989, the electoral body responsible for elections is composed of the National Electoral Committee, electoral committees functioning at electoral ward and regional constituency level, and returning boards. According to the law, these electoral bodies are independent organizations. Each level of election administration has working groups appointed to assist them in their work, the members of which are appointed by corresponding levels of local or national government.

POLAND

I. DURATION OF TRANSITION

From the collapse of communism in September 1989 to the parliamentary elections in December 1993.

II. CONTEXT

Opposition to the communist regime in Poland peaked in the summer of 1980 when strikes gave birth to the Solidarity trade union, which developed into a 10 million-strong social movement. After countrywide strikes during the economic crisis in 1988 the Communist Party recognized that it was unable to govern the country effectively. The party tried to bring the movement into the system through round table talks. The Catholic Church, which had been part of the tripartite dialogue with Solidarity and the Communist Party in the 1980-1981 crisis, was relegated to a mediating role in 1988-1989. The elections of 4 June 1989 saw a massive victory for Solidarity, which won all the contested seats in the *Sejm* (the lower chamber) and all but one of the seats in the senate. In September 1989, after the refusal of Solidarity to form a coalition government with the Communist Party, the party leader, General Jaruzelski, asked Solidarity to be in charge of the formation of the government under the leadership of the Solidarity leader Tadeusz Mazowiecki.

III. COMPOSITION OF TRANSITIONAL BODIES

After the collapse of the communist system, the Solidarity-led government effectively became the transitional body. Solidarity's political legitimacy allowed it to dominate the first post-communist government where it held half of all positions, including the offices of prime minister, held by Tadeusz Mazowiecki and finance minister. The remaining ministerial portfolios were split between the two communist ex-satellite parties – the United People's Party and the Democratic Party, while the communists retained control over the ministries of home affairs, defence, transport, and foreign and economic relations.

IV. ROLE OF RULING PARTY

The Communist United Workers Party (PZPR) had a crucial role in the transition by initiating negotiations with the opposition Solidarity leadership and calling the round table, which resulted in the legalization of Solidarity and the calling of partly free elections in June 1989. In January 1990 the party congress renounced Marxism and re-established itself as the Social Democracy of the Polish Republic (SdRP). It adopted democratic socialism, won the 1993 parliamentary elections and formed a coalition government (1993 and 1997).

V. SEQUENCE OF EVENTS, IN PARTICULAR ELECTIONS

- February–April 1989: Round table talks between Solidarity and the Communist Party

- June 1989: Partly free parliamentary elections. Based on a transitional agreement between Solidarity and the Communist Party, parliament elects General Jaruzelski, the leader of the Communist Party, as president
- September 1989: The Communists acknowledge their inability to form a government. After declining to form a coalition government with the Communist Party, Solidarity is invited to form a government where it holds the posts of prime minister and finance minister
- December 1990: Direct presidential elections. Lech Walesa is elected
- October 1991: First completely free parliamentary elections
- September 1993: Second free parliamentary elections; the reformed ex-communist party takes office

would have to win 5% of the votes nationwide (8% for coalitions), while for the national list the threshold was 7%.

IX. ELECTORAL MANAGEMENT

The June 1989 legislative elections were run by a State Election Commission responsible for running and supervising the elections.

VI. PROCESS OF CONSTITUTIONAL REFORM

The 1989 April reform of the 1952 constitution was adopted by the communist parliament following the round table agreement. The constitutional amendments included the restoration of an upper chamber (senate), an increase in the powers of the parliament, elimination of the position of communist party general secretary and creation of the post of head of state (president), creation of the National Judiciary Council to ensure the independence of the courts, and changes to the electoral legislation in order to allow for genuinely democratic elections.

The 'little constitution' of 1992 was adopted by a vote in the first democratic parliament. While still based on the 1952 constitution, its most outdated parts were amended. It replaced statements about Poland being a communist and socialist state with references to liberal democracy, referred to a market economy and regulated relations between the legislative and executive branches, as well as providing for local self-government. The 1952 constitution was finally replaced by the Constitution of the Republic of Poland adopted by parliament in April 1997, and approved by referendum in May 1997.

VII. REFORM OF POLITICAL SYSTEM

The 1989 revolution transformed Poland's communist one-party regime into a democratic semi-presidential system with direct presidential elections and a bicameral parliament.

VIII. ELECTORAL SYSTEM

In the June 1989 parliamentary elections only 35% of the seats in the *Sejm* were freely contested. Since then Poland has used a two-tier proportional representation electoral system combining multi-member districts and a national compensation list. The 1991 elections were based on 37 districts and a 69-seat national list with the Hare Niemeyer allocation formula being used. No thresholds for districts applied, but a 5% threshold was used for the national list. This highly proportional system resulted in 29 parties entering parliament, none of which won more than 14% of the vote. The 1992 'little constitution' confirmed the principle of proportionality as the basis for the electoral law. In 1993 the allocation formula was changed to d'Hondt and other changes created 52 districts and a 69-seat national list. New thresholds were also introduced: to win in districts a party

BULGARIA

I. DURATION OF TRANSITION

From an internal coup in the ruling Bulgarian Communist Party (BKP) in November 1989, to October 1991 when the main opposition party won the second elections held since 1989.

II. CONTEXT

Prior to the coup there had been no structured opposition to the ruling BKP, led by Todor Zhivkov. Opposing forces were instead formed of many elements inside the party. Within a few weeks, however, the opposition Union of Democratic Forces (UDF), an umbrella organization that included dozens of small opposition groups, was formed and agreed with an increasingly moderate regime to round table talks to negotiate the transition. The talks took place between January and May 1990 and were led by Andrei Lukanov, one of the main actors in the coup on behalf of the BKP, and Jelyo Jeleu the then leader of the UDF. The talks introduced constitutional amendments and established the basic rules of the transition to multiparty elections for a Grand (Constitutional) National Assembly. Swift elections enabled the BKP to capitalize on their dominant position as the only established political organization in Bulgaria at that time and thus able to mobilize the vote. The elections were managed by the incumbent BKP government with Andrei Lukanov as prime minister.

III. COMPOSITION OF TRANSITIONAL BODIES

The BKP remained in power until the first elections in June 1990. In the meantime, the party proposed some legal and constitutional changes for approval by parliament in which it still had a majority, in order to start the transition towards democracy. In doing so, the party renewed its legitimacy and consolidated its position in a context of inevitable transition. Peter Mladenov, the leader of the coup, who was elected president in April 1990 resigned in July after massive street protests sparked by alleged election fraud during the June 1990 elections and the release of videotape showing him defending the use of tanks against the anti-government protests of December 1989. The Grand National Assembly elected UDF leader Jelyo Jeleu as president. At the end of 1990, the Lukanov-led BKP government also resigned following mass demonstrations and a general strike, and was replaced by a transitional government of national agreement, appointed by the Grand National Assembly. The new government comprised a non-partisan prime minister and a representative of each of the main parties as vice premiers.

IV. ACTORS

Initially, the main actors in the transition came from within the communist party. With coup leader Mladenov as president, senior positions were distributed among the 'reformers'. The party itself never formally disbanded but changed its name to the Bulgarian Socialist Party (BSP) and instituted a number of other changes, including altering the membership documents of its members. Preserving organizational continuity allowed the

formally 'reformed' party (registered in April 1990) to legitimize itself when it won the first free election in June 1990, despite strong and credible allegations of election fraud.

Nascent opposition groups were able to put some pressure on the regime. After public protests in favor of a democratic change, Mladenov initiated liberalizing measures, including the removal of the communist party's special status in the constitution. Civil society's influence grew after the 1990 elections when demonstrations and strikes in protest against the BSP's perceived heel-dragging on democratization ended with the resignation of the government in December of that year.

V. TRANSITIONAL JUSTICE

Despite the establishment of a Special Verification Commission in 1990, the aggressive pursuit of former communist collaborators was blocked regularly by members of parliament and government ministries for thirty years. When the opposition UDF came into power in 1991, there was a renewed call to purge government and selected non-government institutions of former communist members. Four proposed lustration laws, submitted to parliament in 1992, would have prevented anyone in a leadership position between 9 September 1944 and 1 January 1990 from holding public office for five years. However, the Constitutional Court held the draft laws to be unconstitutional before they made it to a vote. Controversially, the court later upheld another lustration law that required screening of all persons aspiring to executive positions in scientific organizations.

VI. SEQUENCE OF EVENTS, IN PARTICULAR ELECTIONS

- November 1989: Internal coup ends Zhivkov's leadership
- January 1990: First meeting of the round table talks between the BKP and the opposition
- March 1990: New electoral rules are adopted
- April 1990: First free elections for a Grand (Constitutional) National Assembly
- July 1990: President Mladenov resigns; parliament appoints Zhelyu Zhelev to replace him
- December 1990: BSP government collapses amid mass demonstrations and general strike. Parliament elects a coalition government led by a non-partisan prime minister, with vice premiers from the BSP, the UDF and the Bulgarian Agrarian People's Union (BZNS)
- July 1991: The new constitution is adopted
- August 1991: The Grand National Assembly decides to dissolve, under opposition pressure, days after the anti-Gorbachev coup in the Soviet Union fails
- October 1991: UDF wins the parliamentary election for an ordinary national assembly

VII. PROCESS OF CONSTITUTIONAL REFORM

Among the key constitutional amendments made during the round table talks were guarantees of human rights, ending the presence of BKP organizations in the workplace, and the depoliticization of the army, police, judiciary and the diplomatic corps. It was also agreed that the Grand National Assembly was to serve as an ordinary parliament and could therefore approve

CZECHOSLOVAKIA

I. DURATION OF TRANSITION

From collapse of the communist regime in November 1989, to the split of the country which resulted in the formation of the Czech Republic and Slovakia in 1993.

II. CONTEXT

With communist governments falling or transforming rapidly in Czechoslovakia's neighbouring countries, the violent crackdown on a student demonstration in Prague on 17 November 1989 triggered massive demonstrations resulting in the collapse of the hard line communist government and party in December 1989, opening the way for the election of well-known dissident Vaclav Havel as president on 29 December 1989. The events were dubbed 'the velvet revolution' because of the non-violent nature of the demonstrations.

III. COMPOSITION OF TRANSITIONAL BODIES

A wide variety of actors were involved in the transition: non-reformist Communists, reformist Communists, former Communists now adhering to liberal democracy, members of the satellite parties, dissidents, and a new political elite which emerged after the November demonstrations.

During November and December 1989 the government held round table talks with the main opposition group, the Civic Forum, and some student and workers groups. The regime's initial concessions, one of which was the inclusion of five non-communist cabinet members, were not sufficient for the opposition and triggered more demonstrations. These led to the election by the communist Federal Assembly of Alexander Dubcek as the Speaker, and Vaclav Havel as the new president of Czechoslovakia. They also led to discussion of a new electoral law and a law altering the composition of parliament by replacing members of parliament. Some one hundred members of parliament were recalled and the corresponding Act was passed by the Federal Assembly on 23 January 1990. Out of 350 MPs in the newly altered parliament, 152 were non-party members, 138 were communists, and the rest of the seats were divided between nine other parties apart from six seats that were left vacant. This composition remained largely unaltered until the June elections.

IV. ACTORS

The main actors in the Czechoslovak transition were the Communist Party and the Civic Forum. The only trade union in Czechoslovakia at the time, the Revolutionary Trade Union Movement, also played a role. After the events of 17 November, they denounced police brutality and started supporting Civic Forum. The Association of Strike Committees was immediately created and was responsible for organizing the 27 November general strike. After further changes in their internal organization, trade unions became highly supportive of the radical measures of economic reform being implemented. The Council of Economic

amendments to the existing constitution, with the exception of those relating to the head of state. After some delay, a new constitution was adopted by parliament in July 1991, following a refusal by the BSP to hold a referendum on the matter. It was agreed at the round table that the head of state would be elected by the outgoing parliament, and that members of parliament would hold their mandates throughout the following term of parliament.

VIII. ELECTORAL SYSTEM

The electoral rules introduced in 1990 brought in a mixed system for elections to the 400-member Grand National Assembly; half of the seats were elected using a plurality system requiring an absolute majority to win in single-member districts, the other half by proportional representation. However, prior to its dissolution, the outgoing Grand National Assembly elected in 1990 changed the electoral law, introducing a proportional closed list system with an eligibility threshold of 4% and a total of 240 seats in parliament. In part, this change resulted from the allegations of electoral fraud during the June 1990 elections, as a majoritarian electoral system is often perceived as more sensitive to fraud.

IX. ELECTORAL MANAGEMENT

The new electoral rules established a non-permanent three-tier election administration to operate during election periods. The Central Electoral Commission (CEC) for parliamentary elections was to be appointed at least 60 days prior to election day by the president, who was legally obliged to consult the key political parties on its composition. Each of these had to nominate CEC members in proportion to its representation in parliament and the majority of CEC members were to be graduates in law. The majority party was to nominate the CEC Chair, and the strongest opposition party the secretary of the CEC. The CEC comprised 25 members including the chair, the secretary and two vice-chairs. It was to be appointed for the entire term of office of the parliament, but outside the election period the CEC was to manage only replacement of members of parliament. District commissions operated at the electoral district level and were formed at least 50 days prior to election day; and polling station commissions were to manage election day procedures. The make-up of district and polling station electoral commissions was to be established in a manner similar to the CEC, taking into account local politics and on the basis of consultations with the political parties at local level.

Other changes to the law in 1991 required the CEC to be appointed by the president following consultations with political parties at least 50 days prior to election day. The majority of the CEC are also required to be part of the legal profession and its members are limited to a maximum of 25. The CEC was also given the prerogative to set up expert groups at its discretion. The 1991 CEC published all its decisions within 24 hours of their adoption. Decisions were taken with a two-thirds majority of all members. Announcement of partial, provisional and final results, by polling stations, electoral districts and statewide was made within three days of election day.

and Social Agreement was established in October 1990 and included the government, the labour unions and entrepreneur organizations. The Catholic Church played no major role in the democratization process.

V. TRANSITIONAL JUSTICE

The purge, trial and expropriation of members of the Communist Party began after the first elections. A lustration law adopted in 1991 was considered the most drastic of such laws in Central Europe and criticised by human rights groups.

VI. SEQUENCE OF EVENTS, IN PARTICULAR ELECTIONS

- 17 November 1989: Massive demonstrations follow the crackdown on a student demonstration. The regime collapses within ten days
- 29 December 1989: Vaclav Havel is elected president by parliament
- 23 January 1990: Federal Assembly passes the 'small Act on political parties'. The Communist Party and the four satellite parties are not prevented from participating in the new political regime and elections
- 27 February 1990: New Election Act passed, more than half of all MPs are replaced and non-communists hold a majority
- January–July 1990: Amnesty on political prisoners. Parliament works on civil and political rights, in particular freedoms of assembly and association, the right of petition, and amendments to the Press Act and the Civil Code
- 8–9 June 1990: Democratic parliamentary elections are held. Broadly seen as a plebiscite on the end of communism, the Communist Party gains 13% of the votes

VII. PROCESS OF CONSTITUTIONAL REFORM

The old constitution was kept in place until the two political entities split on 1 January 1993 and each adopted its own constitution. The key task for parliament was to draft and adopt a new constitution. In the meantime a number of significant changes were made which altered the character of the old constitution. The clause establishing the Communist Party's 'leading role' was removed and new additions allowed for the replacement of members of parliaments, so that all major political forces were represented and could take part in the first democratic elections. The attempt to approve a new constitution after the round table talks met with strong resistance and was one of the most controversial issues in the transition. Attempts were initially hampered by the remaining members of parliament, who had been elected under the old regime and who remained in their positions because of the round table compromises. The Constitutions of the Czech and Slovak Republics were made by the executive and approved by normal legislature but not submitted to popular ratification. The Slovak constitution was passed on 1 September 1992 and the Czech constitution on 16 December 1992. They both entered into effect on 1 January 1993.

VIII. REFORM OF POLITICAL SYSTEM

Czechoslovakia was a communist one-party state. Both the Czech Republic and Slovakia became parliamentary democracies.

IX. ELECTORAL SYSTEM

The new Election Act, passed on 27 February 1990, established a list-based proportional representation system with 12 constituencies. The first term of office for parliament was set at two years. Any party seeking election had to prove membership of 10,000 or show signatures of 10,000 supporters. To be represented in the Federal Assembly, a party (or list of parties) had to secure at least 5% of the popular vote. Voters could mark up to four preferred candidates on party lists, including political parties and independent movements.

GERMAN DEMOCRATIC REPUBLIC

I. DURATION OF TRANSITION

From November 1989 when round tables started to supervise the government and parliament, to October 1990 when the German Democratic Republic (GDR) acceded to the Federal Republic of Germany (West Germany).

II. CONTEXT

With the changes taking place in the communist bloc the German Democratic Republic (GDR) came under increasing pressure to reform its political system during the course of 1989. The unprecedented response of the public to the rigged local elections of May 1989, and an ever-increasing number of citizens leaving the country for West Germany significantly added to the pressures. The government lost control of events when mass demonstrations started in all major cities in September. On 17 October, Erich Honecker, Secretary General of the ruling party, the Socialist Unity Party of Germany (SED), was forced to step down. On 9 November the Berlin wall fell and in November and December round tables were established at national and local levels to ensure a credible reform process.

III. COMPOSITION OF TRANSITIONAL BODIES

In November 1989, a transitional government under Hans Modrow, a prominent functionary of the SED and perceived reformer, took office. Initially, the transitional government was composed of SED functionaries and functionaries from smaller parties that were part of the system. In February 1990, prominent opposition figures joined the government as ministers without portfolio. Inspired by the Polish round table negotiations, round tables were established in all major cities in November to ensure a democratic transition. In December a 'central round table' was established in Berlin to supervise the government and parliament. Round tables had no basis in law and neither legislative nor executive functions but an advisory and supervisory role until the holding of 'free, democratic and secret elections'. With the SED quickly losing political clout, the round tables became central institutions of the transition until the elections in March 1990.

Initially, the central round table was chaired by church representatives and composed of political party representatives, including the SED and newly founded parties and opposition groups. In principle representatives from the old regime and opposition had equal numbers of seats though in the turbulent reality of the transition this was not always the case. Deliberations of the central round table were public and broadcast. Round tables formed working groups. The central round table featured working groups on many subject of public interest, including gender issues, ecological transformation or immigration.

IV. ROLE OF RULING PARTY

On 1 December 1989 the parliament abolished the SED's leading role that had been enshrined in the constitution. A few weeks later, the SED became the SED-PDS (Party of Democratic Socialism); in February 1990 the SED-PDS renamed itself once again, becoming the PDS. In the March 1990 elections the party won 16% of the vote, and played only a minor role in the rest of the transition process.

V. SEQUENCE OF EVENTS, IN PARTICULAR ELECTIONS

- May 1989: Thousands of GDR citizens leave the country for Hungary's newly opened borders. 120,000 visa applications for Hungary are filed that summer
- 7 May 1989: Rigged local elections leading to a series of unprecedented demonstrations and investigations
- 4 September 1989: First 'Monday demonstration' in Leipzig, a demonstration that becomes larger every week
- September 1989: Opposition founds *Neues Forum, Demokratie Jetzt*
- 12 September 1989: Social Democrats founded
- 6 October 1989: Mikhail Gorbachev calls for political reform in the GDR.
- 17 October 1989: Erich Honecker resigns
- November 1989: Berlin walls falls, Modrow transitional government takes office, round tables start
- 18 March 1990: Parliamentary elections
- August 1990: GDR parliament votes for accession to the Federal Republic of Germany (reunification)
- 3 October 1990: Reunification

VI. PROCESS OF CONSTITUTIONAL REFORM

On 23 August 1990, the parliament of the GDR decided to accede to West Germany. The treaty of unification (*Einigungsvertrag*) annulled the constitution of the GDR that had already undergone some preliminary amendments, and its laws; the treaty extended the legal order of West Germany to GDR. West German functionaries and experts were seconded to the former GDR to support the transition and played an important role in the process.

VII. REFORM OF POLITICAL SYSTEM

GDR was a one-party authoritarian communist regime that merged with West Germany to become a federal parliamentary republic.

VIII. ELECTORAL SYSTEM

The 1990 parliamentary elections were held under a proportional system. The country was divided into 15 constituencies, the boundaries of which coincided with administrative divisions. No threshold applied, enabling even very small parties to win seats. Of all the parties winning seats, the smallest one gained one seat with 0.18% of the vote. In total, 12 parties won seats.

Under the previous system, only candidates on a unified list were allowed to stand and only the SED, its partner parties and other organizations affiliated with the regime were entitled to nominate candidates. Candidates were elected when they won 50% of the votes. To express a 'no' vote, voters had to delete a candidate or candidates of the unified list, hence voters generally approved candidates by simply folding the ballot. There was no effective system to ensure secrecy of the vote.

IX. ELECTORAL MANAGEMENT

The elections were organized by an election commission with a presidency of five recognized personalities, a technical commission and 'constituency commissions'. Political parties and other groups standing in the elections were allowed to second two representatives to the commission. The commission was to run the elections, with an explicit mandate to register voters and candidates, to ensure printing and distribution of ballots, to manage polling stations, counting, aggregation and publication, and appeals without further recourse to other remedies.

ROMANIA

I. DURATION OF TRANSITION

From the revolution in December 1989, to the first free elections under the newly adopted constitution in September 1992.

II. CONTEXT

Romania was one of the last countries in the communist bloc to start its transition to democracy, but the process was the most violent in the region. Governed for more than 20 years by dictator Nicolae Ceausescu, the Romanian communist regime enjoyed popular support during the late 1960s and early 1970s, but by the late 1980s had become reviled by the Romanian population. Slow economic and social development, Ceausescu's resistance to political and economic reforms and strict adherence to the Stalinist model of communism had led the dictator to be seen as a burden too heavy for Romanian society and political elites within the communist party. The revolution began on 17 December 1989 in the western city of Timisoara, spread through the capital Bucharest on 21 of December, and ended with the execution of Nicolae and Elena Ceausescu on 25 December.

III. COMPOSITION OF TRANSITION BODIES

Having no organized opposition during the communist era, and few known dissidents to manage the democratic transition, the vacuum of power after the revolution was quickly occupied by the National Salvation Front (NSF). The NSF was a self-proclaimed revolutionary movement, filled mostly with communist cadres, students and initially with some dissidents. Under the leadership of ex-communist Ion Iliescu, the NSF ruled by decree and did not seek power-sharing arrangements with the re-established historical political parties.

In March 1990 a Provisional Council of National Unity (PCNU) was created following negotiations between NSF and other parties. It was intended that the council would have legislative power. 50% of PCNU membership was reserved for the NSF, the remaining 50% for other registered parties. There were no round table negotiations between the representatives of the regime and the opposition. The NSF effectively monopolized the transition process. The first democratic elections occurred on 20 May 1990, when a bicameral constituent assembly and a president were elected. The NSF dominated the election by a large margin, winning 66.3% of the vote, and Ion Iliescu secured the presidency with 85.1%.

IV. ACTORS

Despite being one of the biggest communist parties in the Eastern Socialist Bloc with more than four million members in 1989, the Romanian Communist Party (RCP) played no role in the transition. Instead it was the NSF, the majority of its members being ex-communists, which dominated the transition despite the legitimacy of its role as successor of the RCP being questioned by some. The RCP was eventually dismantled after December revolution and the party itself was outlawed. Several

minor parties have claimed to be the 'legal' heirs of the RCP, but few have had much impact in elections or in politics since 1989. Since the 1990 elections there have been no restrictions on the participation of confessional parties, labour unions or civic movements, although no purely confessional parties have operated effectively.

Military forces, which were historically politicized and supported Ceausescu's regime, played an important role in the revolution by shifting their position in support of the revolutionaries. Military institutions have had little or no role in the political and social life of Romania since transition. The *Securitate*, the Romanian secret police, was dismantled after the revolution. Its most important figures were banned from public life, but because of a lustration law that only came into effect in 2010, many others had important public careers as second rank public servants. Since 1989, all presidential and parliamentary candidates must make a declaration that they did not work or collaborate with the *Securitate*.

V. SEQUENCE OF EVENTS, IN PARTICULAR ELECTIONS

- 17–25 December 1989: Overthrow and execution of Nicolae Ceausescu. The National Salvation Front Council (NSFC) is established
- February 1990: Transformation of NSFC into National Salvation Front Party (NSFP). The party negotiates composition of the Provisional Council of National Union with half of the seats to be held by the NSFP, the other half by existing political parties
- May 1990: First competitive elections for constituent assembly and president, dominated by NSF
- December 1991: Amendment of the new constitution through a popular referendum
- 1992: First free local and national elections that fragment the opposition NSF and see the formation of the Democratic National Salvation Front (DNSF) by ex-communist Ion Iliescu. Opposition later reunites by forming the Democratic Convention of Romania (DCR). Wins local elections in February, and loses national elections to DNSF in September
- November 1996: First democratic transfer of power. Parliamentary and presidential elections won by DCR
- 2010: A lustration law is adopted by the parliament

VI. PROCESS OF CONSTITUTIONAL REFORM

The PCNU established the procedures for the elections to a bicameral constituent assembly (Senate and House of Deputies) by decree and, in May 1990, set an 18-month deadline for the drafting of a new constitution. The constituent assembly was elected in May 1990 and established a drafting committee composed of representatives of the newly elected parties in numbers proportional to the size of their win. The constitution was adopted in three stages: a pre-draft by the appointed committee; adoption of the draft by parliament (two-thirds majority was required in both houses); and a final referendum to approve it. The constitution was adopted by the constituent assembly on 21 November 1991 with 81% of members of parliament voting in favour, and was confirmed by popular referendum held on 8 December 1991, with just over 79% in favour.

VII. REFORM OF POLITICAL SYSTEM

The pre-1989 one-party communist system was transformed into a democratic semi-presidential one.

VIII. ELECTORAL SYSTEM

During the communist era a majoritarian system was used in single-member districts with candidates requiring an absolute majority of votes to win. For elections to the constituent assembly, a proportional system with no threshold was used in 41 multi-member districts for both chambers. The electoral law of 1992 introduced a threshold of 3% and decreased the number of deputies from 396 to 328 (the number of senate members remained unaltered at 119).

Since 1990, national minorities that do not win at least one mandate in either the Senate or House of Deputies have the right to a deputy mandate. 18 seats in the assembly are specially reserved for this purpose. A two-round system is used for presidential elections.

IX. ELECTORAL MANAGEMENT

The Permanent Election Authority is the highest-level body dealing with election administration. In addition to this body, a Central Election Bureau, Constituency Election Bureaus, and Elections Bureaus for each polling station operate during election periods.

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