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**A NEW CONSTITUTION FOR
A NEW RUSSIA?**

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ABOUT THE AUTHOR

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I. INTRODUCTION

Putin doesn't like referendums. This is the first popular vote outside an electoral campaign, and he has been insistent on it not being called a referendum. The vote has been implemented outside the regulations on referendums to avoid the restrictions placed on them. The amendments, the procedure for voting for the amendments were invented together. The main goal of the vote for Putin was to go directly to the people for an extension of his legitimacy. Although Russia is authoritarian, everybody even among the elite and Putin's supporters feels a lack of legitimacy in his move.

Putin was nervous on March 10th when presenting the main amendment about the reset of the terms count in the Duma, it was something unprecedented even for Russia and took by surprise even his supporters. It was something he had openly denied preparing to do in the past. It was clear for himself and everybody that he was crossing a red line he has been reluctant to cross before. It was likewise clear that he is violating both the letter and the spirit of the existing law.

Beyond this red line was a vacuum of legitimacy, and he needed a popular vote to confirm his legitimacy of this unprecedented, even by Russian standards, move.

II. CHALLENGES

One of the reasons why Putin needed a popular vote was the increasing set of challenges he faces. One of these is that a big portion of the Russian elite is no longer convinced that Putin is the best guarantee of their political and economic survival.

There is a split over this issue inside the Russian elite, and by going directly to the Russian people to back his move, Putin proves to this dubious portion of the elite that he maintains popular support. The Russian people form a foundation of support for his rule, not anybody else.

The peculiarity of the moment is shown in the split even among the loyalists. The critics, as always, either voted against or abstained from voting. But a portion of Putin's loyalists is not convinced that his continued reign is critical for the stability and survival of the state as well as for the preservations of their leading positions in the bureaucracy and the economy.

III. DISGUISE

Everything was done in the form of a special operation. Putin first mooted the possibility of constitutional reform in December 2019 at his annual press conference. It sounded as though he would renounce the power, and would change the constitution so that any future president would be limited to two terms in total. To eliminate exactly the loophole that he exploited when replacing Medvedev in 2012.

All of a sudden, in January, he simultaneously dismissed the government and changed the prime minister from Medvedev to Mishustin, and proposed the new amendments in his address to the parliament intentionally moved from March to an earlier date. All this seemed to be the start of an early transition. This convinced not only the critics but even the loyalists, that he was doing this to smooth the transition and take the opposition and the West by surprise to deny them the chance to prepare and to interfere.

The thoughtful loyalists were preparing themselves for a transition and began to explain its benefits to the general public, when, all of a sudden, Putin went to the Duma on March 10th for a second reading of the amendments and one of the deputies, Valentina Tereshkova, the first woman in the space in early 60-s and afterward a soviet functionary, proposed the main amendment to extend presidential power and the president himself proposed a referendum to pass it. This shocked even his loyalists, who had been preparing themselves for a reconfiguration of the power inside the regime. Not all of them agreed with Putin's remaining in power in this direct way. And the other loyalists suffered from the perceived distrust shown to them by this act of deception: they have not been even hinted about the real plans of their leader and have been deceived together with the opposition.

Putin's approval rating has reached its lowest point since at least 2011. The pandemic has certainly contributed to this. The big surprise for so many, that he wasn't the leading figure in the fight against the virus, conceding many powers to the local authorities, made it seem that he didn't want to be responsible for the strict measures required to combat the virus, as well as the economic losses they entailed. For himself, he has chosen simply the role of the “central banker”, who distributes financial help, splitting the responsibilities, and retaining only the positive ones. This hasn't worked as planned, as people could clearly see through this charade. Secondly, this help hasn't been seen as sufficient, let alone generous.

IV. PROCEDURE

The polls showed that Putin would win, but the real result would have been less predictable than usual. To win, he had had to resort to a strange and unprecedented procedure.

Voting has been extended for almost a week. New and unusual forms of polling stations have been established in public spaces and parks, rather than in schools as is tradition. A massive expansion of voting at home was made. A tremendous campaign to call in as many voters as possible was initiated. Even open bribery of the voters, in the form of a lottery for those who vote, was applied. They've even added online voting in Moscow and Nizhny Novgorod.

Another thing that helped him to win is that he's packaged together 206 different amendments into a single vote. Polls show that if he'd just presented the amendment to reset presidential term limits, he would have faced a real possibility of losing the vote. But by tying it to so many other, more popular changes he has dramatically increased the popularity of the package as a whole. An amendment to increase pensions. An amendment for the supremacy of national laws and to protect the integrity of the borders. An amendment to preserve "traditional marriage", social amendments about the mandatory indexations of salaries and pensions were very popular. These all were successfully disguising the fundamental nature of the reform which is to grant Putin two more full terms in office.

V. NEW STATE

The whole enterprise of amending the constitution in 206 places may seem like a disguise for the only amendment that really matters — the reset of the presidential terms count. In many ways, it is the case, but it's not the only goal. There are many new articles that are important for Putin, among them the amendment about the historical truth (that has become in recent years a personal obsession for the Russian president) or the addition about the superiority of national law, or the conservative definition of the family.

The other main goal of this constitutional reform is to establish Putin as the founder of the new Russian state. Putin rules, at present, under the constitution promulgated by Yeltsin and as his successor. By changing this constitution in 206 places, he wants to show that he is breaking with his predecessor. The whole procedure means that not only does Putin receive a possibility of renewing his mandate but the whole of Russian statehood is refunded: it's not anymore de jure Yeltsin's Russia that Putin inherited and manages according to his wishes. From now on it is Putin's Russia both de facto and de jure. The adoption of the renewed constitution by the plebiscite symbolizes the new foundation of the Russian state.

In quasi-religious terms, it can be seen as the conclusion of a New Testament between the omnipotent ruler and his people that is more important and more powerful than any particular bargain or arrangement. Now Russia authorities may even move the national day celebration to the new constitution day to replace – first informal – the now Russia Day on June 12th. One of the goals was to show that we live now in a new Russian state whose Putin not Yeltsin is the founder.

VI. CONCENTRATING, NOT DISTRIBUTING THE LOYALTY

The above mentioned helps us to understand several rude and tough actions undertaken by the authorities immediately after the referendum. Ivan Safronov, an adviser to the head of Roskosmos Dmitri Rogozin and of late a Kommersant reporter specialized in Russia's weapon industry, has been accused of spying for Czech intelligence and arrested. Khabarovsk Governor Sergei Furgal who was elected last year on a wave of the protest vote has been accused of ordering murders when a businessman in the early 2000-s.

The vote about the amendments has been perceived by the conservative patriots inside the ruling elite and by the representatives of the siloviki with great relief. They see the postponement or even the cancellation of the power transition. The change of personality in the presidential post was the main concern of this group.

The start of the constitutional process in January looked very much like the beginning of the transition, which made the hardliners more cautious. They waited for Putin's choice of successor and decided how to act so that their behavior wouldn't tarnish a smooth succession process. The hardliners at that moment were distributing their loyalty among different groups of the elite because each of these groups could have become stronger after the succession.

But the very fact of the succession would have enhanced the liberal group inside the Russian leadership because the act of ceding the highest post to somebody else would have been seen as a liberal step. Hence the suspended sentence for the theater director Kirill Serebrennikov and his associates.

After this liberal step has been canceled or postponed indefinitely the way is open for the hardliners to tighten their control over the society and to attack the “subversive elements” more directly. For them, as for Putin himself, the popular vote for the constitution is a base for the decisive action and fulfilling their plans to reshape Russia.

VII. IMPLEMENTATION

The amendment of the constitution is not the end but the beginning of a series of events. More than 50 constitutional bills will clarify the amendments and specify their implementation. The amendments have somewhat vague and general wording so their real content and the real intentions of the Kremlin will become clear only from these bills.

We can get a taste of this from the bill by MP Elena Mizulina elaborating the amendment about the adoption and patronage family. The bill, if adopted in its present form, will seriously hamper the life of transgender people, the work of juvenile justice, and the actions of guardianship authorities but will enlarge the rights of the “big family” – grandparents and other relatives towards the child.

We have to carefully watch the possible bill that will explain the amendment about the superiority of national legislation over the international. It’s especially important in relation to the International investigation about the downing of the Malaysian Boeing over the Donbas in May 2014.

In the near future, from these constitutional laws, we will know the real role of the State Council that in January was largely perceived as the future workplace of Putin. We will see how exactly Putin does plan to protect the historical truth or what does the mysterious “federal territory” means.

VIII. NEW FEDERALISM

We may expect to see another wave of redistributing powers between the center and the regions in favor of the federal government. Putin has never been a fan of real federalism and the new Constitution is a great excuse to tighten the control over both the regional and the municipal levels of government.

The large protests in Khabarovsk may accelerate this process. The citizens and the authorities are drawing the opposite conclusions from them. The locals see the main reason for the protest in a brutal interference of Moscow in regional affairs and in overturning their choice of governor. For the president himself, this is the consequence of the lack of control. Just imagine what would have happened if the same situation had developed not in the Far East but in Moscow itself. The solution may be seen in stripping the elected governors of their real powers and transferring them to the heads of “federal territories” mentioned but not explained in one of the amendments. This will mean the full-scale reshaping of the Russian federal structure.

One of the tools to avoid the risks related to elections on all levels is the new voting procedure invented especially for this referendum. There are more and more signs that it will become the new norm for all future elections. Many days of voting in a variety of places including outdoor poll stations together with enlarged voting at home will hamper the monitoring by observers and journalists. All this means the erosion of electoral procedure that the young Russian democracy has copied in the 90-s from the West and has followed at least by letter till now. The change of the procedure intended to show that modern Russia doesn't need to follow the western examples and is setting examples for itself.

IX. OLD DUMA

These new procedures will be of great use for the authorities during the Duma election of 2021 and during the unified voting day in September 2020 because this very day last year a number of regions registered the protest vote.

For the Duma election, the very fact of the prolongation of Putin's presidential power means that it's very improbable to see new parties or even new faces at the head of old parties. In time, when the changes are desired even by loyalists but postponed, it's clear that the Kremlin won't yield the advantage of being the initiators of changes to the Duma politicians.

Precisely because in the Kremlin the constitutional vote is perceived as a mandate for the recreation of the Russian state we may see a full-scale reshaping of the party of power "United Russia" – from the change of the leaders to the attempts of replacing the party with a larger pro-Putin movement.

X. THE DAY AFTER

The main thing to do on the day after is to try to re-establish economic growth. The mass of voters has been assured of Russia's reemergence and place on the world stage. So, more and more the focus has shifted to domestic issues that Putin has never been particularly interested in or focused on.

It seems like Putin will preside over this attempt to relaunch economic growth, but will cede most of the practical control over this to other figures in his government. The new prime minister Mishustin lost in the background during the pandemic is now back in the game.

The international environment isn't particularly favorable for this, so it's unclear how successful he will be in promoting economic growth in the face of a global recession. We don't see any global economic wave that will offer the possibility of lifting Russia economically. If we don't have economic growth, or at least optimism among the voters, before 2024, what direction will he pursue?

The Khabarovsk protests highlighted another important feature of the Russian regime. It is largely thought to be repressive, and it's true when it comes to liberal pro-western minorities. They are suppressed without a second thought because they represent the geopolitical adversary. But Putin's regime has very limited experience in suppressing the masses of average Russians, who normally compose Putin's majority. It is not clear how the regime will behave when this kind of average citizen turns their anger against Putin himself.

The experience of the leader and stability of the country are values for them but age matters in the eyes of ordinary Russians too. Putin gradually becomes too old not only for the young

urban middle class which sometimes is less ageist but also for the common people in the provinces. In their eyes, 65 is already a retirement age after which a man lives in his dacha and cares for his grandchildren.

The older Putin gets, the more pressure he will be under to transfer his power, both from ordinary people and members of the elite, who will see him as a weaker guarantor of their survival.

The signs of destabilization will mean to others that Putin should go, but for himself, they may be the signals he must stay. How can he leave when there is less and not more stability? Thus the authorities will be trapped waiting for the absolute tranquility before starting changes but this tranquility will be increasingly elusive.