

PRESIDENT PUTIN'S CONSTITUTIONAL AMENDMENTS OF 2020 AND ITS IMPACT ON RUSSIA'S POWER VERTICAL: A CRITICAL ASSESSMENT

NEHA CHAUDHARY¹

¹Research Scholar, Center for Russian and Central Asian Studies, School of International Studies, Jawaharlal Nehru University, New Delhi, India

ABSTRACT

In his Annual State of the Nation Address of 2020, while addressing the Federal Assembly, President Putin announced many constitutional amendments which he stated, should be put to a nationwide vote. President Putin's announcement astonished most of the scholars, researchers, and world leaders that put them into deep thinking to search for the reasons behind these proposed constitutional amendments. The popular perception claims that president Putin proposed all these constitutional amendments as he wants to stay in power even after 2024. Because constitutionally President Putin has barred from running in as a candidate the next presidential election. The Russian President, on the other hand, denied these presumptions and claimed that these constitutional amendments are essential for broadening the responsibilities of the Federal Assembly, giving more decision-making power to the Regional Governors, and consolidating democracy. In short, these constitutional changes will be instrumental in bringing more checks and balances in the functioning of the three main organs of the government. Thus, keeping this background in mind, this work intends to focus on a critical analysis of President Putin's constitutional amendments. The work will try to find answers to these two questions: first, what can be the reason behind these constitutional amendments, and second, how much these constitutional amendments will affect Russia's power-vertical?

KEYWORDS: Russia, President Putin, Constitutional Amendments, and Power-Vertical.

INTRODUCTION

After the disintegration of the Soviet Union, the newly emerged Russian Federation was determined to establish itself as a democratic country. But this transition for Russia was not an easy task. And as a consequence of this, Russia had to experience social and economic chaos during the 1990s. Hence, when President Putin came to power in 2000, his government undertook various legislative changes for centralizing the state power to bring stabilization back to their country. For that, the term "power-vertical" has frequently been used by President Putin in his speeches and media (Shirayev, 2010) since 2000, which means strengthening the power-vertical chain of executive authority running from the president down to the lowest level of government (Danks, 2009). This power-vertical concept of the Putin government has widely been criticised by many scholars and researchers while arguing that this stands for weakening Russian regional authorities.

Although the Russian Constitution of 1993, itself has given excessive powers to the President and made the executive branch more dominant over the legislative one. The following underlined legislative measures, taken by the Putin government, made the President and the executive branch, even more, strengthened in its authority (See Box.1).

Box. 1. List of Legislative Measures taken by the Putin Government since 2000

- In 2000, the Putin government divided the Russian Federation into Seven Federal Districts: the North-Western, Central, Southern, Near Volga, Ural, Siberian, and Far-Eastern. This list further included the North-Caucasian region in 2010, and then Crimea in 2014 (though Crimea is not internationally recognized part of the Russian Federation). Besides, the government also appointed Presidential Representatives (PRs) or, Presidential Plenipotentiary for each of these Federal Districts for coordinating government policies in their respective regions.
- In 2000, the Putin government changed the electoral procedure for the members of the Federation Council (the Upper Chamber of the Russian Parliament). Earlier, governors and chairs of the local legislatures automatically became members of the Upper Chamber. But this practice was discontinued after President Putin ascended to power in 2000 (Shirayev, 2010). Since then, each of the 85 federal subjects of Russia, sends two members to the council, from which, one is elected by the provisional governor and confirmed by the legislature.
- In 2003, new laws implemented for the Local Self-

Government by which Russia has adopted a two-level model of local government organization (the first level is municipal districts; the second level is urban and rural settlements) which increased the number of municipal entities in the Russian Federation.

- In 2004, the practice of direct Regional Gubernatorial Elections eliminated while giving the excuse of the Beslan Terror Attack. Though the government claimed that this elimination would help Russia to fight against terrorism, but how, not explained (Nichol, 2006). And from 2004, the President of Russia itself elects the Governors of the country.
- In 2005, new laws came into effect for the State Duma elections. This new law adopted the party-list proportional representation system for the Duma elections. Later in 2007, as per another decree issued by the Russian President, Duma members required 7% threshold to qualify for seats, earlier it was 5%. But this rule has changed again in 2013, and the threshold again lower to 5%.
- In 2008, the office tenure of the State Duma members has increased from four to five years.
- In 2008, the office tenure of the President increased from four to six years.
- The Putin government merged many Federal Subunits of the Russian Federation between 2005 to 2008. These mergers have reduced the federal subunits from 89 to 84. The Putin government claimed that they did these mergers for achieving greater administrative and economic efficiencies. On contrary, critics argued that this was a step forward of the government to consolidate the state power only. While there are others who claim that there are political considerations behind these mergers, and that the kremlin's real goal is to effectively dissolve the troublesome ethnic republics in North Caucasus and Volga region (Yasmann, 2006).

Now, here comes two questions, first, when the Putin government itself has executed various legislative changes to consolidate the power vertical, since after coming to power, then what can be the reasons behind these constitutional amendments? And second, how these constitutional amendments will affect the power-vertical of Russia? To find answers to these questions, first, we need to underline the constitutional amendments of 2020.

THE RUSSIAN CONSTITUTIONAL AMENDMENTS OF 2020: AN OVERVIEW

President Putin in his Annual State of the Nation Address of 2020, announced several constitutional amendments which he claimed are necessary as the Russian Society is changing and there is need to balance the separation of power among the three main branches of the government to consolidate democracy in the country. The Box.2 inserted

below underlined the constitutional amendments proposed by President Putin in January 2020 which came into force on 4th July 2020 after the results of the referendum held on 25th June to 1st July of the same year.

Box. 2 The Constitutional Amendments proposed by the President of Russia

- A no to the foreign citizenship or residence permit or any other document that allows- the heads of the constituent entities, members of the Federal Council, State Duma Deputies, the Prime Minister, and his/her deputies, Federal Ministers, Heads of the Federal Agencies, and Judges- to live permanently in a foreign state.
- A presidential candidate will require a permanent residence in Russia for at least 25 years, and no foreign citizenship or residence permit would be allowed to him not only during the election campaign but at any time before it too.
- Holding the presidential office for more than two terms is prohibited (the word "consecutive" has been removed).
- To grant the State Duma the right to appoint the Prime Minister, and then all deputy Prime Ministers and other Federal Ministers at the Prime Minister's recommendation. At the same time, the President will have to appoint them, so he will no right to turn down the candidates approved by the Parliament.
- To increase the role of governors in the decision-making at the federal level.
- The appointments should be done by the President itself. Currently they are appointed in coordination with regional legislative assemblies.
- The minimum wage must not be below the subsistence minimum of the economically active people.
- To strengthen the role of Constitutional Court by authorizing the court to review draft laws adopted by the Federal Assembly before they get signed by the Head of the State.
- To give the right to the Federation Council to dismiss the Judges of Constitutional and Supreme Courts in the event of misconduct that defames a judge's honour and dignity.
- To give constitutional status to the State Council, i.e. making it an official governing body.

Source: "Presidential Address to the Federal Assembly", 15 January 2020. URL: <http://en.kremlin.ru/events/president/news/62582>

Apart from proposing these constitutional amendments, a change has been done in the structure of the Security Council also. A new post of the deputy chairman of the Security Council has been introduced. For that, President Putin signed an executive order *On the Deputy Chairman of the Security Council of the Russian Federation* in January 2020.

Dmitry Medvedev has been appointed Deputy Chairman of the Security Council of the Russian Federation and released from his duties as Prime Minister of the Russian Federation. This Executive Order enters in force on the day of its signing. (President of Russia, 2020).

Moreover, President Putin stated that Russia must remain the Strong Presidential Republic. Therefore, the President must preserve the right to determine the government's tasks and priorities, and the right to dismiss the Prime Minister, his deputies, and Federal Ministers, in case of improper execution of duties or due to loss of trust. He further stated, as the President also exercises direct command over the Armed Forces and the entire law enforcement system. So, to provide a greater balance among the branches of power, the President should appoint Heads of all Security Agencies following consultation with the Security Council (Presidential Address to the Federal Assembly, 2020).

THE RUSSIAN CONSTITUTIONAL AMENDMENTS OF 2020: A CRITICAL ASSESSMENT

The reason behind these constitutional amendments has widely been seen as a step of President Putin to remain in power even after 2024 because constitutionally he has barred from running the next presidential election. One popular perception claim that Putin has followed Kazakhstan's long time President Nursultan Nazarbayev's step. Last year Kazakhstan's President stepped down from his post but got a specially constituted body, the Security Council, to lead for the lifetime (Luxmoore & Eckel, 2020). This step will dismiss President Putin from day-to-day duties but allow him to retain his power (Dobrokhotoy, 2020). This observation has a higher possibility to turn true because, besides these constitutional amendments, changes have been done to the structure of the Security Council also. Moreover, Roth (2020) and some other scholars argue, President Putin, can remain in power by resetting the presidential term count back to zero which wouldn't be a difficult task for him as the majority of the members in the Parliament are his loyalists (Roth, 2020).

Responding to these perceptions on the reason behind Russia's Constitutional Amendments, initially, President Putin denied all these claims and stated these constitutional amendments are essential for bringing more checks and balances in the functioning of the three main organs of the government. But later, in his address to the State Duma in March 2020, he implied that he is indeed interested in continuing his Presidential tenure post-2024. President Putin said that this option would be possible, but on one condition, "if the Russian Constitutional Court gives an official ruling that such an amendment would not contradict the principles and main provisions of the constitution" (Nikolskyi, 2020).

President Putin's wish turned true because the constitutional amendments of 2020 have reset the presidential term from zero

which is, enormously accepted by the citizens of the Russian Federation through a week-long and nation-wide referendum. This means, if President Putin wants to stay in power, he can legally run for the 2024 presidential election. And if this happens, then he will probably serve as the President of the Russian Federation till 2036.

On the contrary to these perceptions, president Putin claims that these constitutional amendments are necessary for bringing more checks and balances in the functioning of the three main organs of the government between the three main organs of the government and for consolidating democracy. But the critical analysis of these constitutional amendments depicts, though these amendments have given more powers to the State Duma and the Governors etc. the President will be the supreme authority of the country.

CONCLUSION

Thus, to sum up, what is the real intention of President Putin behind these constitutional amendments, whether he wants to retain his power or not, is hidden in the future only. If in case, he wishes so then he can remain in power in two ways: first, either again run for the presidential election in 2024 as the constitutional amendments have reset the presidential term from zero. Or, else he can go with another option by heading the Security Council and stay in power for the lifetime. But as far as the impact of these proposed constitutional amendments on Russia's power-vertical is concerned, it will remain the same. As President Putin himself stated that though Russia is ready for providing more powers to the State Duma, Regional Governors, and other institutions, to give more checks and balances to the three main organs of the government, the country must remain the Strong Presidential Republic.

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