

Understanding the Proposed Amendments to the Russian Constitution:

Power Grab or Institutional
Fortification?

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Introduction

The purpose of this info pack is to compile existing research on official Russian statements and aggregate relevant data on the proposed constitutional amendment. This info-pack explores: (i) the shifts in the distribution of power between the presidential and legislative branches of government, (ii) securing the prevalence of the Russian Constitution over international treaties and decisions of international bodies and (iii), introducing Russian traditional/religious values into the constitution. All data and analysis of the amendments are preliminary, as we continue to learn more about the changes from Russian officials.

On 15 January 2020, at the annual address to the Russian Federal Assembly, President Vladimir Putin [proposed](#) a national constitutional referendum. The outcome of the referendum would reshape the government well into the years beyond the end of Putin's current term in [2024](#). The speech went on to make international headlines and brought with it extreme political upheaval, both domestically and internationally. The first signs of a constitutional amendment occurred in December 2019, when Putin gave a [speech](#) during his annual appeal to the Federal Assembly (the national legislature of the Russian Federation. It consists of the State Duma, which is the lower house, and the Federation Council, which is the

upper house). There he spoke about the strengthening of the role of parliament and the cancellation of the phrase '[consecutive](#)' from the article banning any person from serving as president of the Russian Federation for more than two consecutive terms. This step would ensure that Russia's presidents in the future would face more institutional constraints than does Putin himself. In addition to the amendments mentioned above, Putin proposed a number of changes to shift social policy and public administration. However, at the last moment, lawmakers introduced a radical change into the proposed amendments to ["zero out"](#) the presidential term clocks of Russia's current and former presidents. Amid several speculations that he would attempt to extend his time in office, the proposal was swiftly followed by the [resignation](#) of Russian Prime Minister Dmitry Medvedev, as well as the entire cabinet. The package of bills is referred to as an "all-Russian vote", in which citizens will be asked whether they approve the entire revised constitution as a whole, rather than supporting each amendment separately. These amendments will be adopted if they are supported by more than half of the voters. Russia's Constitutional Court and a nationwide referendum must approve the legislation. This process was initially scheduled for 22 April. However, due to the [coronavirus pandemic](#), the Kremlin postponed the referendum to a later date "[ensuring public safety and health was a top priority](#)".

Background

After the dissolution of the Soviet Union, Russia's Constitution was adopted in a referendum on 12 December 1993. 54.8 per cent of the registered voters took part in the referendum on the new draft constitution, marking the beginning of a new era in the history of Russian statehood. The constitution forms the country's legal foundation, declares the president of the Russian Federation the head of state, and lays upon him the obligation safeguarding Russia's constitution, sovereignty, independence and territorial integrity, and ensuring

the coordinated functioning and cooperation of state bodies. Several amendments have been added over the past 25 years; the presidential term of office was extended from four years to six and that of State Duma (the lower house of the Federal Assembly of Russia), members from four years to five, the Supreme Court and the Court of Arbitration joined, presidential senators began to be appointed, and the list of Russia's electoral territories was specified.



Russian President Vladimir Putin delivers an annual address to the Federal Assembly of the Russian Federation, at Moscow's Manezh Central Exhibition Hall; the Federal Assembly of Russia consists of the Russian State Duma and the Russian Federation Council, in Moscow, Russia on January 15, 2020. (Kremlin Press Office / Handout - Anadolu Agency)

Putin's proposed constitutional amendments

The modifications aim to entrench the following features into the new constitution: the superiority of the constitution over international law, the introduction of new requirements to be president, securing the role of the State Council, securing social support measures, the verification of the constitutionality of laws, strengthening the position of the Federal Assembly, and empowering the Constitutional Court by changing the number of its judges. The details of the change include:

1. To limit the presidency to two terms.

2. More stringent requirements are proposed for governmental bodies and individuals exercising public authority whose powers are directly related to providing the country's security and state sovereignty. This includes tightening restrictions on presidential candidates, such as banning them from holding second citizenship or permanent residency abroad, requiring them to have lived in Russia for 25 years. Also banning lawmakers, cabinet ministers, judges, and other federal-level officials from carrying second citizenship or permanent residency abroad. The head of the State Building and Legislation Committee Pavel Krashenninnikov explains that "having foreign citizenship and a residence permit of another country will be prohibited for them at the constitutional level."

3. Prioritise the Russian Constitution over international laws and other treaties.

4. The president forms the State Council of the Russian Federation to "ensure coordinated cooperation between state authorities" and arrange the main directions of domestic and foreign policy. Therefore, the new amendment aims to make the State Council an official governing body.

5. Enhancing the role of the State Duma (lower house of parliament) and the granting of power to appoint the PM, their deputies, and cabinet ministers. The president will appoint the approved candidate and is barred from rejecting these nominations.

6. Enhance the role of the Federation Council by granting senators the authority to advise the president to appoint the heads of all security agencies and remove 'dishonourable' Constitutional and Supreme Court judges based on the president's proposal.

7. Changes in the number of Constitutional Court judges. This amendment will grant Constitutional Court judges the authority to examine and review draft laws at the president's request before they are signed into law.

8. Set Russia's minimum wage and adjust pensions to inflation every year. The minimum wage cannot be lower than the cost of living.

9. Include amendments which cover religious, historical, and social changes

What does the process for passing the proposed amendments entail?

- President introduces a bill with the amendments into the State Duma (Russian Duma, lower house)
- The Duma passes first reading
- The Duma revises the bill and passes it for the second reading
- At least ⅔ of Duma deputies vote for the bill in a third reading
- At least ⅔ of the Federation Council approves the law
- At least ⅔ of regional parliaments pass the law
- The Constitutional Court rules that the constitutional amendments and the procedure for their acceptance are legal under the current constitution.



Russian President Vladimir Putin (C) and Russian Prime Minister Dmitriy Medvedev (2nd L) are seen at government meeting, following Putin's address to the Federal Assembly, in Moscow, Russia on January 15, 2020. The Russian government resigned on after the Putin proposed constitutional changes and said he needed "to organize the work".
(KREMLIN PRESS OFFICE / HANDOUT - Anadolu Agency)

Resignation of the government

Hours after Vladimir Putin proposed a constitutional amendment that could extend his stay in power beyond 2024, the Russian government and Prime Minister Dmitry Medvedev resigned. The process of changing the constitution and formation of a new government came simultaneously. Within this context, the 'urgent' new creation of the cabinet took place on 22 January. Medvedev [explained](#) his resignation by stating that with the proposed new constitutional changes, "we as the government should allow our

country's president to make all necessary decisions before the amendments." The resignation of the Russian government was a diverting moment that shifted public attention from the constitutional amendments

According to experts, one of the most interrelated causes of so-called urgent decision is that Medvedev is quite [unpopular](#) both among the Russian elite and the population. Medvedev's Prime ministry in the office began with high

expectations for reform and liberalisation. A [debate](#) on the most critical aspects of Russian economic development stirred by President Medvedev himself in September 2009, who laid the ground for a number of reforms that should have helped change and increase the Russian economy. However, by the end of Medvedev's mandate a number of structural reforms [failed](#) to be implemented and results looked disordered. He ended up achieving [little](#), and his reputation never recovered after he became the [hand-picked successor](#) and stood aside to allow Putin to return to the Kremlin. Prominent opposition figures have long targeted Medvedev because of his actions and non-actions. As prime minister, he is perceived to have failed to manage a period of [economic stagnation](#) and the breakdown of multiple government initiatives. While Putin's approval ratings remain reasonably high, much of the responsibility for the deterioration in living standards and overall stagnation afflicting Russia in recent years was put on him. Hence, his resignation from office would relieve the public and strengthen Putin's credibility.

Putin [clarified](#) that Medvedev would take up a new position as a deputy head of the presidential Security Council; a consultative body within the presidential administration. Putin nominated Mikhail Mishustin (a 53-year-old politician who headed the Federal Tax Service) as his new

prime minister. Political analyst Konstantin Kalachev [believes](#) that Vladimir Putin's decision to assign Mishustin as the new Prime Minister is related to his political neutrality. He is also well-known in the business and corporate community. Many Kremlin officials have described the choice as a surprise, but also a satisfying one.

Taxation is considered the only sector that has shown a breakthrough in Russia's state agency. The Russian Tax Service is one of the most substantial institutions in Russia in terms of developing technologies, which also an official linked to the financial system. One of the high-ranking officials said that Mishustin is known in the government as a [good](#) administrator, and his assistance was a [lifesaver during the crisis](#). Now Mishustin will be assigned with fulfilling Putin's economic programme, namely the [National Projects to the tune of \\$424 billion by 2024](#). The agenda's slow implementation and weak economic growth were among the reasons Medvedev's government came under fire. Mishustin's significant achievement is turning the tax-collecting agency into a service tool. He reformed the administration of substantial taxpayers and businesses can regulate contracts in exchange for the Tax Service's access to companies' accounting systems. Therefore, these approaches are [expected](#) to be extended to other services.



Russian President Vladimir Putin (L) meets the head of Russia's Federal Tax Service Mikhail Mishustin (R) in Moscow, Russia on January 15, 2020, where Putin offered him the position of PM. (Kremlin Press Office - Anadolu Agency)

Constitutional reform as a safeguard for Putin's hold on power

The declaration of constitutional amendments created a debate among political experts over the impact of these changes on the future of both Russia. It is often argued by the [proponents of the amendments](#) that these amendments are designed to safeguard the future of the country. Putin claims that the modifications will adapt the constitution to changing circumstances, strengthen the rule of law, protect Russian sovereignty, give regional governors more power in decision-making, and grant more responsibility to parliament. The main foundational changes suggested in these constitutional amendments is to limit of the presidential power and the extend the power the legislative body of the Russian Federation. This forms a significant shift in power sharing between the two branches over a formation of the executive branch. Consequently, as part of the amendments the president will be able to appoint the prime minister, the deputy prime minister, and the executive ministers only after the Duma's approval. Moreover, it is considered that the judiciary will become more influential and productive. Besides, various restrictions on the terms of being elected president are accepted as a guarantee of good governance. In a nutshell, some experts claim that Putin will step back in 2024 and hence he wants to make sure that the next president will serve Russia's national interest and prevent any chances of someone who might act against it. On the other hand, behind the amendments, there seems to be a different scenario which will end up with the continuation of Putin's power. Western media dubbed the constitutional changes as "[a constitutional coup](#)" as they come at a time when Putin is closing out his final term as president of the Russian Federation.

Due to the constitutional limit of two consecutive terms, Putin is obliged to step down. The most significant among proposed amendments is the shifting of power from the Presidency to Parliament. Currently, Russia's constitution provides for a strong executive. Since the constitution currently bars Vladimir Putin from competing for president again in 2024, it was widely expected by [local](#) and the [international](#) experts that he would eventually shift to some other office, while keeping a tight grip on the reins of power. Some experts see a reason behind such amendments as the Kremlin seeks to avoid the 2011 scenario when he announced job swap with Medvedev. This subsequently propelled the largest protests in Russia since the fall of the Soviet Union. Therefore, Putin aims for a gradual transition accompanied by constitutional reformation and by a ref-

erendum to provide democratic legitimacy. A nationwide referendum has been [viewed](#) as a mechanism on prolonging Putin's hold on power.

With the help of the constitutional amendments, the State Council will have a legal, constitutionally designated authority. Its rights and privileges will be specified in the constitution. Some [observers](#) have suggested that in 2024, Putin could move to become head of the enhanced State Council, allowing him to retain a kind of supervisory role over the entire political system. It is not clear yet with which status and authority the Russian State Council will be included in the constitution. An enhanced role for governors in the implementation and development of policies at the federal level is opened for consideration within the State Council. Putin is seen by Western [media](#) as applying the methodologies of authoritarian post-Soviet presidents who have prolonged their office and power through constitutional changes, and other informal mechanisms. The idea of Putin transitioning into the '[father of the nation](#)' role had been floating around the Kremlin for some time. Within the context of other post-Soviet states, the predecessor of the current president of Uzbekistan [called](#) on its citizens to decide to extend his position beyond a second term. While in Kazakhstan, President Nursultan Nazarbayev held a referendum to be granted the title '[Leader of the Nation](#)' and in 2019, [moving](#) from the presidential office to the position of chair of the now strengthened Security Council. Also, the predecessor of the current president of [Turkmenistan](#) and the acting president of [Tajikistan](#) utilised referenda to legitimate themselves as 'presidents for life'. In addition to the efforts to reform the constitution and the use of referenda, few regimes also experiment with partially competitive elections.

The shifts in the distribution of power between the presidential and legislative branches of government is another main change of the proposed constitutional amendments. Currently, the executive branch is outlined by Articles 111 and 112 of the constitution. According to these articles, the head of the state appoints the chairman of the government of Russia (prime minister) by getting approval from the State Duma. After the prime minister forms his cabinet, he then requests the president's signature for the decrees on the appointment of ministers. This mechanism and approach to government formation demonstrate the centralised nature of the system. This paves the way for an in-

crease of presidential power by almost entirely bypassing parliamentary participation in the process. Putin outlined the need for amendments to Articles 111 and 112 by proposing a number of changes. After the constitutional reforms, the parliament and prime minister would possess relatively more prominent powers. Since the current proposed amendments to the parliament are formed to change the system, they started an argument about whether Putin would like to continue as a prime minister or not.

However, Putin also strongly emphasised that Russia is a strong presidential republic and must remain as such. Therefore, an overall transformation of the Russian system of governance from the current president to a presidential-parliamentary republic is out of the question. Nevertheless, the constitutional amendments still give Putin several options to exert political power, formal or informal, even without the presidency.

After the second reading in the Duma on 10 March, there is now a clear limit to two presidential terms. Paragraph 3 of Article 81 of the Russian Constitution states: "The same person may not hold the office of president for more than two consecutive terms". The word 'consecutive' provided the technicality that allowed Putin to serve two terms between 2000 and 2004, and then run twice more in 2012. The State Duma nonetheless made it immediately clear that with the newly approved constitution, time will be reset to zero, thereby opening the way for Putin to stay in office. As part of the changes, the president will be able to appoint the prime minister, the deputy prime minister, and the executive ministers only after the State Duma approves it.

At the last moment, however, legislators proposed a radical amendment to 'zero out' the presidential term clocks of Russia's current and former presidents, adding a clause to the constitutional reform legislation that this only takes effect with the next presidential election. Putin personally visited the State Duma and delivered a [speech](#) where he endorsed the idea of zeroing out his term clock. Addressing the State Duma lower parliament house, Putin noted the possibility to be re-elected in the future: "As a matter of fact means that there will be no limits for any citizen, including the incumbent president, to run for president [...], only in case the citizens support such an amendment, say 'yes' at the nationwide voting". If the first draft law had passed without this revision, Putin would have been unable to run for re-election in the future. However now he would be able to serve another two six-year terms after 2024 when his current (fourth) term ends. In other words, Vladimir Putin could very well remain in office until 2036 (if he is re-elected in 2024 and 2030). Changing the term limit and allowing him to run in the next election "would in principle be possible if citizens support this amendment in the vote on 22 April, but under one condition, that the Constitutional Court rules that this amendment will not violate the country's main law, the constitution", Putin said. He also mentioned to change [Article 81\(3\)](#) and remove the term 'consecutive' from the phrase which implies that 'one and the same person cannot hold the post of head of state for more than two consecutive terms.' In this case, the next president will not be able to run for a third and subsequent term, as Putin himself has already done.

On the 'supremacy' of the Russian constitution

The emphasis put on the need for the recognition of the superiority of the Russian constitution over international law and treaties is among the fundamental changes proposed by Putin. "The time has come to make some changes to the nation's fundamental law that would directly guarantee the priority of the Russian constitution in our legal space", [said](#) Putin. He further [emphasised](#) that "the requirements of international law and decisions of international bodies can only be enforced in Russia to such an extent that does not violate human and civil rights and freedoms and does not violate our constitution". [Article 15\(1\)](#) of the constitution states that "the constitution of the Russian Federation has the highest legal force". It also specifies that the laws and other legal regulations must not contradict

the constitution. Article 125(2) introduces the power on the Constitutional Court to verify international regulations, which are not in force, by comparing it with the constitution.

Consequently, the various international laws and treaties that are deemed to be incompatible with the Russian constitution cannot be ratified and signed by the government. The Acting Minister of Foreign [Affairs stated](#) that "the provisions of the Russian Constitution prevail over everything else". According to this amendment, the Constitutional Court may simply allow for individual decisions made by international bodies or courts not to be enforced.



Russian President Vladimir Putin (R) attends Easter services at the Cathedral of Christ the Saviour in Moscow, Russia on April 27, 2019. The Russian Orthodox Church celebrates feasts according to the Julian calendar. (Sefa Karacan - Anadolu Agency)

On Russian values and religion

In addition to significantly restructuring executive powers, the amendments will also focus on the religious and social foundations of the country. Putin has [said](#) that he considers the Russian language a core value and an essential element of forming Russia as a nation-state. "The Russian language is a core value of our country, a key element of forming the nation-state and, of course, the language of interethnic communication," he added at a meeting with the committee for drafting proposals for amendments to the constitution.

Another amendment proposes to include the word 'God' in Russia's legal document. According to [new changes](#), religion has been passed on to 'us from our ancestors', and this should not be implying any rejection of secular governance or freedom of conscience. Therefore, it will now be necessary to consider "the [historically](#) significant sociocultural role" of religion in the implementation of government policy. "They are necessary and, I believe, will be useful for Russia, for society and our people, [because they are aimed](#) at strengthening our sovereignty, our traditions and our values", Putin further added. Another proposal was introduced regarding the concept of marriage. Vice Speaker [Pyotr Tolstoy](#) said that the amendments include a constitutional measure defining marriage as a union between a man and a woman.

The package consists of a proclamation referencing World War II, known in Russia as the Patriotic War, and its histor-

ical importance for Russia. An initiative to this effect was proposed by the chairman of the Federation Council's temporary commission for information policies and cooperation with the mass media Alexei Pushkov. He recalled that in the constitutions of many countries, the preamble is used for proclaiming many fundamental values and benchmarks of the state and the nation. "I believe it is important to have Russia's status of a winner in World War II enshrined in the preamble," he [suggested](#).

According to the Dossier Center, an investigative journalism project led by [Mikhail Khodorkovsky](#), the Kremlin has divided the Russian populace into six groups to promote Putin's reforms. These groups are: (i) elderly voters- constitutional reform agitators to win over pensioners, (ii) patriots- usage of patriotic motifs such as the supremacy of the Russian Constitution over international law, (iii) loyalists- the amendments represent a new era of change for Russia, (iv) young voters- constitutional changes affecting youth make up the most significant section of the Kremlin's guidelines, (v) low-income voters- legal changes will provide social welfare guarantees and improve everyday life in Russia, (vi) Putin's critics- constitutional amendments would guarantee checks and balance to the system, protect the government from the errors that accompany individual autocratic rule; The [document](#) gives points for each group, including examples of rhetoric used for campaigning or adapted for media headlines.

Timetable of the Constitutional Amendments

■ **15 January** During the annual State of the Nation Address to the Federal Assembly, Putin suggests plebiscite on a proposed package of constitutional amendments. He later signed a decree on putting constitutional amendments to the vote.

- Russia's Prime Minister Dmitry Medvedev states that it is right to resign in the wake of pro-posals to amend the constitution.
- Putin nominated Mikhail Mishustin, the little-known head of the Tax Service, as the country's Prime Minister.

■ **16 January** Vladimir Putin signs a decree to establish a working group to prepare proposals on amending the Russian constitution.

- The group consists of three co-chairs: Andrey Klishas and Pavel Krasheninnikov. They lead committees on legislation and state-building at the upper and lower chambers of the Russian parliament, respectively. Taliya Khabriyeva leads the head of the Institute of Legislation and Comparative Law. The organisation would comprise 75 politicians, scientists, legislators and public figures.

■ **20 January** Putin submits a bill on constitutional amendments to the State Duma (the lower house of parliament)

■ **21 January** The head of the Russian Federation Council's Committee on Constitutional Legislation and State Building Andrey Klishas announced that the public vote on the draft law on amending the Russian constitution would be held on the bill as a whole, not on its separate articles.

■ **23 January** State Duma adopts bill on amendments to the constitution in the first reading.

■ **31 January** Russian Orthodox Church makes a statement supporting the proposal to cement the marriage as a union between a man and a woman in the Russian constitution.

■ **3 February** Russian Presidential Spokesman Dmitry Peskov stated that adding a reference to God in Russia's constitution will be discussed.

■ **11 February** the press service of the State Duma Committee announces that former presidents of the Russian Federation will get the right to become life members of the Federation Council (upper house) after the term of their office ends, under the amendments suggested by a group of parliamentarians from the upper and lower houses of the parliament.

■ **13 February** Putin has welcomed the idea of enshrining Russia's status of a winner in World War II in the constitution.

■ **19 February** The State Duma accepts the amendment to the constitution in making former presidents of the Russian Federation immune from prosecution.

■ **26 February** Putin supports the idea of organising a nationwide vote on the constitutional amend-ments on 22 April, 2020.

■ **2 March** Putin submits constitutional amendments to the State Duma for the second reading.

- Putin has submitted an amendment on recognising marriage as a union between a man and a woman to Russia's State Duma.

■ **10 March** Putin says zeroing out previous office terms possible if approved by the Constitutional Court.

- State Duma passes bill on constitutional amendments in the second reading.
- State Duma supported the constitutional amendment mentioning God and calling children a priority of Russian state policy.
- Duma approves procedure for a nationwide vote on constitutional amendments.

■ **11 March** State Duma passes the third and final reading of a bill amending the country's constitution.

- Russia's Federation Council has approved a bill amending the country's Constitution

■ **14 March** The law on amendments to the Constitution of the Russian Federation submitted to Consti-tutional Court.

■ **17 March** Putin signed a decree on holding the nationwide voting on constitutional amendments on 22 April 2020.

■ **23 March** The Moscow City Electoral Commission has approved the procedure of online voting on constitutional amendments.

■ **26 March** Vladimir Putin proposed to postpone the nationwide vote on the amendments to Russia's constitution due to the coronavirus situation in the country.

Conclusion

One of the primary purposes of constitutional amendments in Russia is to grant the judicial and legislative branches relatively more power than the executive. In other words, the Constitutional and Supreme Courts, and the Prime Minister's office are gaining more control. In brief, along with these modifications, the policy of separation of powers is at the centre of Putin's proposal. The proposed amendments inevitably have revived speculation about Putin's plans after 2024, as it grants him several options

to exert political power, formal or informal. He thus aims to position his leadership over certain government institutions and to create his governing model by changing the political system and the constitution. In this context, it is expected that Putin will continue to rule the country, yet the question here is, how this can be actualised? There seem to be three possible scenarios: as supra-institutional president of the State Council, an influential prime minister, or an eternal president of the Security Council.

