

ILLEGALLY ADOPTED CONSTITUTIONAL CHANGES WILL CREATE A VACUUM OF STATE POWER IN RUSSIA

“The upcoming vote on the 22nd of April is not about the minimum wage and school lunches. It’s about turning the country into a tyranny” – Mikhail Khodorkovsky

On April 22nd, unless postponed due to the current COVID-19 pandemic, Russian voters will be asked to participate in a ‘nationwide poll’ to endorse a set of fundamental changes to the Russian Constitution signed into law by President Putin on March 14th. The Russian Constitutional Court had found no objections to the changes adopted by the Duma and backed the “nullification” of Putin’s previous two terms as Russian President allowing him to run again in 2024 with the possibility of re-election in 2030.



There is no legal basis for a ‘nationwide poll’ to endorse constitutional changes.

Over 100,000 Russian citizens, including members of Russian legal expert community, human rights defenders, members of the independent media and political activists, have signed a petition to the Council of Europe to conduct an independent review of these changes. There is still time to act and voice your position against these anti-democratic changes. **As leaders of the free world prepare to visit Russia on May 9 to celebrate the 75th anniversary of Russia’s victory in the WWII, it is essential that they are aware of the context in which Putin is inviting them to Moscow.**

Background

On January 15th, whilst making his annual speech to the Federal Assembly, Putin announced his wish to amend the country’s main law, the Constitution of the Russian Federation.

Immediately after this, a committee was created to prepare amendments. This committee was made up of athletes, artists, public figures, as well as a small number of lawyers, who did not specialise in constitutional law.

The amendments were introduced to the State Duma on 20th January. Only three days of discussions took place before voting began.

During the first reading on January 23rd, the State Duma adopted the amendments.

On March 10, State Duma adopted the changes in the second reading. Valentina Tereshkova, an 83-year-old lawmaker and the world’s first woman to fly into outer space, “unexpectedly” proposed to include in the changes re-setting Putin’s previous presidential terms served back to zero.

As a result, Putin will be eligible to rule until 2036. If he serves until then, Putin will have held the nation's highest office for 32 years, longer than Stalin.

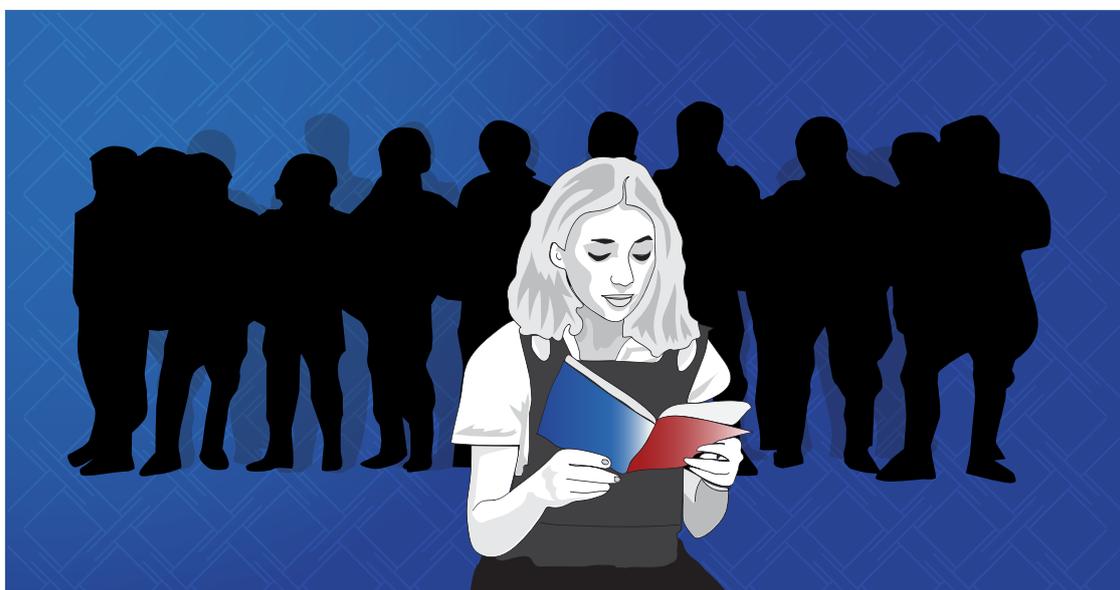
The Federation Council approved the changes on March 13th, Putin formally signed them on March 14th and the Constitutional Court approved the amendments on March 16th.

On April 22nd, a nationwide poll (not a referendum as prescribed by law to approve constitutional changes) is set to be held, to gauge voters' views on these amendments that have already come into force.

"Nationwide poll" – an illegal procedure

The Kremlin is seeking popular endorsement of the constitutional changes. **Yet it is impossible for voters to cancel them because they have already entered into force.**

Beyond elections, Russian law only allows referendums as a procedure to conduct a popular vote. A referendum has a prescribed procedure with definite deadlines, formalities, observer rights, and accountability for voter fraud.



The 'nationwide poll' will present the constitutional changes as a package - meaning people will vote for all the amendments simultaneously. It will not be possible to accept some but not accept others. At the same time, Putin is asking voters to approve two populist measures: the indexation of pensions, and an increase in the minimum wage. These do not relate to the Constitution and are designed to assuage opposition to the package of amendments.

The Russian Constitution has clear rules on changes to the country's fundamental law. They are only possible through the convening of a special body- the Constitutional Assembly. To circumvent this rule, Putin is seeking to change these rules as part of the package of amendments.

Internal contradictions

A consequence of Putin's unwillingness to comply with the legal procedure for amending the Constitution, the revised version will contain a number of contradictions.

For example, one chapter declares the secular nature of the Russian state, while another chapter mentions belief in God as an inherited tradition.

One chapter states the primacy of signed international legislation over Russian legislation, while another indicates that international agreements will not apply if they contradict Russian law.

The Constitution states the equality of all races and people, but the changes refer to people who are part of a 'state-forming' sector.

Far Reaching Consequences

The main political consequence of the amendments is that Putin has subverted the Constitution to strengthen his hold on power.

To preserve his rule, the Russian Constitution now formally defines the possibility to disregard Russia's international legal obligations.

The violation of the legal procedure for adopting amendments to the country's fundamental law will inevitably create a vacuum of legitimate state power in Russia. Strictly speaking, a procedure of this kind amounts to a coup d'etat. All public authorities that participated in such a coup will lose the legal basis to enforce their powers. The problem is that Putin's amendments affect all branches and all levels of government. **This means that all decisions, all the actions of authorities, at all levels, could be challenged and called into question.**